

# Bill as Introduced

HB 284 - AS AMENDED BY THE HOUSE

7Apr2021... 0569h

2021 SESSION

21-0526

11/10

HOUSE BILL            **284**

AN ACT                relative to the restoration of involuntarily merged lots.

SPONSORS:            Rep. McBeath, Rock. 26

COMMITTEE:          Municipal and County Government

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AMENDED ANALYSIS

This bill repeals the deadline for requests for restoration of lots that were involuntarily merged.

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Explanation:        Matter added to current law appears in **bold italics**.  
Matter removed from current law appears [~~in brackets and struck through~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 284 - AS AMENDED BY THE HOUSE

7Apr2021... 0569h

21-0526

11/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the restoration of involuntarily merged lots.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1       1 Repeal. RSA 674:39-aa, II(a), relative to the deadline to submit requests to restore  
2 involuntarily merged lots, is repealed.

3       2 Effective Date. This act shall take effect 60 days after its passage.

HB 284 - AS AMENDED BY THE SENATE

7Apr2021... 0569h  
04/22/2021 1142s

2021 SESSION

21-0526  
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*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the restoration of involuntarily merged lots.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1 1 Restoration of Involuntarily Merged Lots. Amend RSA 674:39-aa, II(a) to read as follows:
- 2 (a) The request is submitted to the governing body [~~prior to December 31, 2021~~].
- 3 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 136  
HB 284 - FINAL VERSION

7Apr2021... 0569h  
04/22/2021 1142s

2021 SESSION

21-0526  
11/10

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CHAPTER 136  
HB 284 - FINAL VERSION

7Apr2021... 0569h  
04/22/2021 1142s

21-0526  
11/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the restoration of involuntarily merged lots.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 136:1 Restoration of Involuntarily Merged Lots. Amend RSA 674:39-aa, II(a) to read as follows:

2 (a) The request is submitted to the governing body [~~prior to December 31, 2021~~].

136:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 23, 2021

Effective Date: September 21, 2021

# Amendments



Sen. Gray, Dist 6  
April 13, 2021  
2021-1124s  
11/05

Amendment to HB 284

1 Amend the bill by replacing section 1 with the following:

2

3 1 Restoration of Involuntarily Merged Lots. Amend RSA 674:39-aa, II(a) to read as follows:

4 (a) The request is submitted to the governing body ~~[prior to December 31, 2021]~~.

APPROVED

Election Law and Municipal Affairs  
April 15, 2021  
2021-1142s  
11/05

Amendment to HB 284

1 Amend the bill by replacing section 1 with the following:

2

3 1 Restoration of Involuntarily Merged Lots. Amend RSA 674:39-aa, II(a) to read as follows:

4 (a) The request is submitted to the governing body [~~prior to December 31, 2021~~].

# Committee Minutes

# SENATE CALENDAR NOTICE

## Election Law and Municipal Affairs

Sen James Gray, Chair  
Sen Regina Birdsell, Vice Chair  
Sen Ruth Ward, Member  
Sen Donna Soucy, Member  
Sen Rebecca Perkins Kwoka, Member

Date: April 7, 2021

### HEARINGS

Monday

04/12/2021

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Election Law and Municipal Affairs	REMOTE	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. <b>HB 64-LOCAL</b>	relative to renewable generation facility property subject to a voluntary payment in lieu of taxes agreement.	
9:15 a.m. <b>HB 79</b>	relative to town health officers.	
9:30 a.m. <b>HB 88</b>	relative to the city of Claremont police commission.	
9:50 a.m. <b>HB 101</b>	relative to the close of a county's books of records.	
10:15 a.m. <b>HB 284</b>	relative to the restoration of involuntarily merged lots.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/93269591456>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: 13126266799, 93269591456# or 16465588656, 93269591456#
4. Webinar ID: [932 6959 1456](https://www.zoom.us/j/93269591456)
5. To view/listen to this hearing on YouTube, use this link:  
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:  
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**HB 64-LOCAL**

Rep. Aron  
Rep. McGhee

Rep. Porter

Rep. Steven Smith

Sen. Ward

**HB 79**

Rep. Marsh  
Rep. Edwards

Rep. Salloway  
Rep. Deshaies

Rep. Merchant  
Sen. Bradley

Rep. Avellani  
Sen. Sherman

**HB 88**

Rep. O'Hearne

Rep. Merchant

Rep. Stapleton

Rep. Cloutier

**HB 101**

Rep. J. MacDonald  
Rep. Avellani

Rep. Marsh  
Rep. Deshaies

Rep. Crawford

Rep. Nelson

**HB 284**

Rep. McBeath

Tricia Melillo 271-3077

James P. Gray  
Chairman

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

**HB 284**, relative to the restoration of involuntarily merged lots.

**Hearing Date:** April 12, 2021

**Members of the Committee Present:** Senators Gray, Birdsell, Ward and Perkins Kwoka

**Members of the Committee Absent :** Senator Soucy

**Bill Analysis:** This bill repeals the deadline for requests for restoration of lots that were involuntarily merged.

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**Sponsors:**  
Rep. McBeath

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**Who supports the bill:** Representative Diane Pauer, Jasen Stock, Dennis McKenney, Tom Christenton, Tom Thomson, Eric Pauer, Gerald Miller, Mark Stevens

**Who opposes the bill:** None

**Who is neutral on the bill:** Natch Greyes

**Summary of testimony presented in support:**

**Senator Regina Birdsell introduced HB 284 for the Prime Sponsor, Representative McBeath**

**Jasen Stock – NH Timberland Association**

- Many times, when lots are involuntarily merged landowners will not realize that until there is an event.
- Such an event could be transfer of land to a child or the sale of a piece of land.
- In the process of legalizing the gift or sale, the landowner realizes that the lot they thought existed was merged into a bigger lot by the town and now it has to be resurveyed.
- The landowner has to bear the cost of having the land divided again.
- They believe that HB 284 is a reasonable approach to resolving this issue.
- The obligation is still on the landowner to prove that the lot was involuntarily merged.
- Originally there was a deadline for which a landowner could file such a petition with the town, but they support the removing of the deadline altogether.
- Senator Birdsell asked what involuntarily merged means.
  - Mr. Stock replied that what they learned in the House hearing was that either through zoning ordinances or for tax purposes the municipality may combine the lots of one landowner into one parcel. He explained that you may own 100 acres in five 20 acre lots and the municipality may decide it is easier to merge them and send you one tax bill for one 100 acre lot. Or there may be times when the town changes the minimum lot size and has to merge an owners lots to conform to the towns zoning laws This happens without the landowners knowing anything about it.
- Senator Birdsell asked if this meant that the town was merging for tax purposes.
  - Mr. Stock replied that it could be for tax or zoning purposes and the key is that the landowners are unaware that the merge has occurred. He continued that there are some public notice requirements but that happens inconsistently. This bill states that the landowner can petition the municipality to have their lots unmerged.

- Senator Birdsell commented that the municipality should be giving notice to the landowners not just a public notice and asked if that was required.
  - Mr. Stock replied that he does not believe that there are requirements in the law that each landowner get a personal notice, only that there is a public notice.
- Senator Ward commented that a few years back there was an effort to combine nonconforming lots and asked if this would affect those.
  - Mr. Stock replied that those can remain merged. This legislation just provides the landowner an opportunity to petition the town to unmerge the involuntarily merged lots.
- Senator Ward asked if this would happen only if unmerging the lot will not go against the town zoning laws.
  - Mr. Stock replied that he is not sure but the NHMA could probably answer that question.

### **Tom Chrisenton**

- He and his wife have a 900 acre tree farm.
- There were many lots on their property that were involuntarily merged.
- The most recent was a 7.7 acre lot was found to be two lots when surveyed.
- The town did not even recognize them. One had a date of 1808 and the other was 1804.
- They were merged initially to make it easier for the town to keep track of for tax purposes.
- He listed 4 other examples of his land being merged for the convenience of the tax collector.
- They do not believe petitioning the town needs a time limit.
- The landowner may not know that their lots have been merged until a surveyor is looking and that could be fifty years later.

### **Dennis McKenney**

- He is a Consulting Forester, a Land Surveyor and Bennington Landowner whose land was merged involuntarily.
- One of his clients had a 40 acre parcel of land whose deed showed two separate lots.
- When she decided to sell, she discovered that the town of Hancock only recognized it as one parcel of land.
- This landowner had to spend in excess of \$7,000 to have both lots recognized so she could sell it.
- He believes that is unfair to landowners.
- Despite the public notice requirement for merging lots, it has been inconsistent, some towns comply, and others do not.
- As the law is written there are adequate municipal protections for zoning and building issues.
- The merging of property by a landowner requires their affirmative action and approval by the planning board.
- The involuntarily merging is imposed on the landowner and significantly affects their rights and property.
- He believes it is improper to place a time limit.
- Senator Gray asked, if instead of repealing that section would he approve of just removing the date prior to December. It would say that a request is submitted to the Governing body.
  - Mr. McKenney replied that he has no problem with the process that involves the governing body of the town. He has done it a number of times over the years. He continued that his real issue is having someone's rights to their property have a sunset date.

### **Tom Thomson**

- He and his wife Sheila own and manage 2400 acres of forest land in NH.
- He gave examples of different parcels of their land that should be made up of multiple lots the town has merged into one for tax purposes.
- Large tracts of land were sold off when the International Paper Mill closed down.
- When looking at town maps they are made up of smaller lots.

- They would like to leave tracts of land to their grandchildren but does not want them to have the hassle of having to have it surveyed for the town to recognize it.
- They have opened their large tracts of land to the State of NH for hunting, fishing, hiking, snowmobiling and other recreation.
- This brings in millions of dollars to the state each year and landowners do not get or ask for anything from that.
- When it comes to this issue of wanting to provide for their families it is appropriate for the town to unmerge the lots if requested.
- The passage of this bill will protect the rights of private landowners in New Hampshire.
- Senator Gray asked if instead of removing the whole of subparagraph A, just removing the date would be okay with him.
  - Mr. Thomson replied that rights on the properties should not ever be taken away because the town did something without the landowner knowing.
- Senator Gray commented that he understands, and this would not take away any of the landowners rights.

#### **Jasen Stock – NH Timberland Association**

- He thinks that Senator Gray's suggestion would be an elegant solution to retaining the ability to still petition but allowing it in perpetuity.
- He will take a closer look and send an email to the Committee.

**Summary of testimony presented in opposition: None**

**Neutral Information Presented:**

#### **Natch Greyes – NH Municipal Association**

- When this bill was in the House they opposed it but now they are proposing an amendment to this bill
- This amendment will eliminate the repealing of the deadline and replace that with a 20 year deadline ending July 21, 2041,
- A merged lot is multiple parcels of land, owned by the same person, which are next to each other and are merged for the purposes of municipal action of zoning, assessing or taxation.
- This only happens at the municipal level and does not affect your rights to your land as per your deed.
- An issue developed where there were a number of lots that were not buildable according to zoning laws and the Legislature allowed the involuntary merging of lots.
- When a zoning ordinance is adopted those lots merge automatically. They are involuntarily merged. The owners are not requesting it.
- After a period of time the Legislature decided that they did not want involuntary merging to occur any longer.
- RSA 674-39:aa, which this bill will modify, barred municipalities from involuntarily merging lots after September 18, 2010.
- In addition, the Legislature required a five year notice period.
- In 2016, the Legislature extended the ability for landowners to apply to municipalities to unmerge their lots. That time period just expired on December 31, 2020.
- Currently, landowners cannot petition the town to unmerge their lots.
- The bill as written will eliminate the requirement so a landowner could petition the town 40 years from now.
- The NHMA believes that there should be a time limit of 20 years to make the law consistent with other property rights laws.
- Senator Birdsell asked if currently towns are not able to involuntarily merge lots.
  - Mr. Greyes stated that was correct.



- Senator Birdsell asked if his amendment is allowing landowners another 15 years to petition the town to have their lots unmerged.
  - Mr. Greyes replied yes, they would have 10 years from this July 24<sup>th</sup> to apply and be unmerged.
- Senator Birdsell asked if there was a problem with landowners voluntarily merging.
  - Mr. Greyes replied no, that is a separate statute. If a landowner wants to merge their lots they can apply and there is a process for that.
- Senator Gray commented that in the statute 674: 39-aa it states that the date is December 21, 2021 and not 2020 and asked if he was wrong.
  - Mr. Greyes stated that Senator Gray is correct it is 12/31/21.

TJM

Date Hearing Report completed: April 14, 2021

# Speakers

## Senate Remote Testify

### Election Law and Municipal Affairs Committee Testify List for Bill HB284 on 2021

Support: 8 Oppose: 0 Neutral: 1 Total to Testify: 5

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>S</u>
Greyes, Natch	ngreyes@nhmunicipal.org	224-7447	A Lobbyist	New Hampshire Municipal Association	Neutral	Yes	4
Stock, Jasen	jstock@nhtoa.org	603.224.9699	A Lobbyist	NH Timberland Owners Association	Support	Yes	4
Chrisenton, Tom	Not Given	Not Given	A Member of the Public	Myself	Support	Yes	4
Thomson, Thomas	Not Given	Not Given	A Member of the Public	Myself	Support	Yes	4
Thomson, Tom	Not Given	Not Given	A Member of the Public	Myself, Tom Thomson	Support	Yes	4
Pauer, Eric	secretary@BrooklineGOP.org	603.732.8489	A Member of the Public	Myself	Support	No	4
Miller, Gerald	ghmiller@rcn.com	603.494.8506	A Member of the Public	Myself	Support	No	4
Pauer, Diane	Diane.Pauer@leg.state.nh.us	603.801.5088	An Elected Official	Myself	Support	No	4
Stevens, Mark	Landrover737@yahoo.com	603.783.4404	A Member of the Public	Myself	Support	No	4

# Testimony

## Tricia Melillo

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**From:** Jasen Stock <jstock@nhtoa.org>  
**Sent:** Monday, April 12, 2021 5:25 PM  
**To:** James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka  
**Cc:** Tom & Ginny; Tom Thomson; Dennis McKenney (dennis\_mckenney@Comcast.net); Tricia Melillo  
**Subject:** HB 284 -- merged lots

Senator Gray and members of the Senate Election Law and Municipal Affairs Committee,

Since today's hearing I had an opportunity to review Section 674:39-aa and the proposed change to paragraph II, line (a) with Tom Thomson, Tom Chrisenton, and Dennis McKenney. Specifically, the Chairman's proposal to remove the sunset date in line (a),

II. 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 ~~prior to December 31, 2021.~~

We all agreed this proposal accomplishes the same objective of HB 284, as passed by the House, and we are supportive.

Again, I want to thank you for your support and willingness to solve this issue.

If you have any questions please feel free to contact me.

Thank you,

Jasen

Jasen Stock  
Executive Director  
New Hampshire Timberland Owners Association  
P: 603-224-9699  
C: 603-674-8148  
F: 603-225-5898  
[www.nhtoa.org](http://www.nhtoa.org)

## Tricia Melillo

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**From:** glp@nhland.com  
**Sent:** Saturday, April 10, 2021 12:51 PM  
**To:** James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo  
**Cc:** Jasen Stock  
**Subject:** HB 284

Senator James Gray, Chairman  
Senate Election Law and Municipal Affairs Committee  
State House, Room 100  
Concord NH 03301

Dear Senator Gray and Committee Members:

I would like to have my voice heard regarding HB 284.

Having been a forester for over 50 years and running my own consultant forestry firm, I have had the opportunity to manage over 200,000 acres of land primarily in New Hampshire and the surrounding states. Most of the land I've managed is located along the Route 16 corridor from Portsmouth to Pittsburg. Over the years, I've seen many changes to laws affecting the ownership of private land.

Most recently I've noticed that towns, either knowingly or unknowingly, have been merging individually deeded lots into larger groupings. This may seem to be of little or no consequence since in most instances it is done without the approval of the landowner, or may have gone unnoticed for a variety of reasons.

In my own experience being a landowner, I've had properties lumped together; since my wife pays the bills the merging of lots went unnoticed by me. Until I started doing some estate planning, it became obvious that I was unable to deed separately deeded lots to my children as they had been consolidated in town records. This becomes more of an issue when you have a turnover of personnel in the town office who were never previously involved in the changes.

Needless to say, I am alerting my landowners to this issue and personally support HB 284.

Thank you for your consideration and all you do,

*Harold Cook, CF*  
MA, ME, NH, VT

Greenleaf Products, Inc.  
PO Box 228  
West Ossipee NH 03890-0228



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# NEW ENGLAND FORESTRY CONSULTANTS, INC.

Dennis D. McKenney and Hunter D. Payeur  
Consulting Foresters and Land Surveyor  
569 North Bennington Road  
Bennington, New Hampshire 03442-4505

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Telephone (603) 588-2638 voice and fax  
E-mail: dmckenney@neforestryconsultants.com

April 9, 2021

To: Chair and members of the New Hampshire Senate Election Law and Municipal Affairs Committee

From: Dennis D. McKenney, Consulting Forester & Land Surveyor; Landowner of Involuntarily Merged Properties---resident/taxpayer of Bennington

Thank you for your service to the citizens of New Hampshire. I offer testimony in strong support of the passage of House Bill 284, as amended.

Here is my reasoning:

In my professional capacity as a land surveyor, I routinely make use of the law's provisions to restore involuntarily merged lots to their pre-merger status. This landowner friendly statute is an efficient manner to do so and, more importantly, eliminates the need of a landowner to formally subdivide existing, clearly described tracts of adjoining land, often at great cost.

During the hearing held in the House earlier this year, the New Hampshire Municipal Association suggested that the public had enjoyed ample time to deal with the restoration of involuntarily merged lots. This is hardly the case as can be seen by inspection of the attached spreadsheet (source: town reports (nh.gov) showing historic compliance regarding the public notice requirement of this RSA has been inconsistent. This fact alone should eliminate the provision entirely for a sunset date and is one of many good reasons the House amended the bill to remove the sunset date.

Further, I would like to respond to comments offered in opposition to this bill by the NH Municipal Association during their testimony before the House:

1. NHMA's testimony is predicated on the assumption that affected landowners have now had the benefit of 10 years of 'notice.' This is patently untrue as my quick research of just 10 NH towns illustrates. Notice has been hit or miss, at best.
2. My land surveying experience shows that the administrative merger of lots by towns often had nothing to do with zoning, non-conformity or any hardship inherent in the land. It often appears to be for the administrative benefit of the town or to simplify the tax mapping process and no other apparent reason.
3. It has been suggested that only small parcels are affected by involuntary merger. My land surveying experience has been contrary to such a suggestion as I have not only dealt with small, less than an acre parcels, to parcels many acres in size.



Involuntarily merged lots affect taxpayers who own land in very rural areas not just the village or 'downtown.'

4. The present law is clear 'the restoration of lots to their pre-merger status shall not be deemed to cure any non-conformity with existing local land use ordinances.' This is adequate protection for the municipality regarding zoning and land use, now and into the distant future, and, in my opinion, fair to a landowner like myself whose separate lots have been involuntarily merged.
5. Why should my rights as a landowner as contemplated in the bill prior to its amendment have any sunset date? So what if 'property owners will have had over ten years to exercise their right to restore lots that were merged before 2010'.
6. Rights with a sunset date are not 'rights' at all.

Again, thank you for serving NH's citizens and your favorable support of House Bill 284 as amended.

Compliance with RSA 674:39-AA publication in annual town reports

Certain New Hampshire Towns

Annual Report	1	2	3	4	5	6	7	8	9	10
Year Ended	Antrim	Bennington	Boscawen	Bradford	Deering	Francestown	Greenfield	Hancock	Hillsborough	Washington
2011	personal	personal	not available**	missing**	pg 103**	not available**	not available**	personal	not available**	not available**
2012	communication	communication	not available**	missing**	missing**	missing**	pg 113**	communication	not available**	missing**
2013	via town clerk	via town clerk	not available**	missing**	missing**	missing**	pg 115**	via town clerk	not available**	missing**
2014	as "published	as "published	not available**	missing**	not available**	missing**	pg 119**	as "published	not available**	missing**
2015	in town report"	in town report"	pg 126**	missing**	pg 106**	missing**	pg 127**	in town report"	missing**	missing**

ddm 2.24.2021 subject to revision

Data Source Full Compliance 4/10  
 \*\* [townreports.nh.gov](http://townreports.nh.gov) Partial Compliance 2/10  
 No Compliance/not available 4/10

Prepared by: Dennis D. McKenney, NEFCo, Consulting Forester/Land Surveyor  
 569 North Bennington Road  
 Bennington, NH 03442-4505  
 603-533-0283  
[dmckenney@neforestryconsultants.com](mailto:dmckenney@neforestryconsultants.com)

not available' = pdf of report not in nh.gov databaxe  
 missing' = not printed in pdf of report in nh.gov database

## Tricia Melillo

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**From:** Tad Lacey <tadlacey799@gmail.com>  
**Sent:** Saturday, April 10, 2021 8:01 AM  
**To:** James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo  
**Subject:** Please support HB284 Merged Lots Bill

Dear Distinguished Members of the Senate Election Law and Municipal Affairs Committee,

As a retired Forester and Real Estate Broker I would occasionally notice separate deeded parcels which had been called "one" lot by a city or town for administrative convenience. I never really thought much about it, until I recently learned that there was actually a statutory deadline for landowners to appeal this involuntary merger.

How can this be! Actions by a town should not alter the base deeded ownership rights of a landowner, and without notice or input to or from the landowner!

This bill, HB284, will resolve this issue, and protect the underlying deeded property rights.

Respectfully submitted,

Thomas C. (Tad) Lacey, Keene

--

Tad Lacey

603-352-7470 Home/Office  
603-762-2391 Cell

241 Daniels Hill Rd  
Keene, NH 03431

[tadlacey799@gmail.com](mailto:tadlacey799@gmail.com) email

# High Ridge Tree Farm

1999 New Hampshire Outstanding Tree Farmers

Tom & Ginny Chrisenton PO Box 121, Lyndeborough, NH 03082 (603) 554-7554

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April 11, 2021

Senator James Gray, Chairman  
Senate Election Law and Municipal Affairs Committee  
State House, Room 100  
Concord, NH 03301

Dear Senator James Gray, Chair, and Committee members

Re: HB 284

We are writing to you in support of HB 284 now before your committee. This is because there are still many 100s if not 1000s of lots that are still involuntarily merged. Also, many of the landowners have no idea that it was done by the towns.

I will give 5 examples that pertain to our Tree Farm with the most recent first. All of these examples required having a costly survey. These lots were involuntarily merged on the Tax Maps of the town because at the time they were owned by one entity and it was simpler to issue one tax bill instead of multiple tax bills.

Examples of our lots, which go back to before 1900, involuntarily merged:

A 7.7 acre lot was surveyed this year in 2021 that did not have separate tax map numbers. 2 lots identified.

A 30.1 acre Tax Map lot that was surveyed in 2007 as being 2 lots.

A 88.4 acre Tax Map lot which was surveyed as being actually 2 lots, in 2006.

A 40.5 acre Tax Map lot which was surveyed as being 2 lots in 2005.

A 227.6 acre Tax Map lot which the survey discovered was actually 4 lots in 2005.

Our town has a "saving" clause in their zoning, that any lot of record, which predated zoning, can be built on, provided they can get approval from DES for a septic system. Many towns have similar language that provides this Constitutional protection for landowners.

This is why this committee voted in favor of the 2005 amendment to RSA 674:41 adding paragraph, II-a., which says:

“Municipalities may except any lot, including island lots for islands served exclusively by boats, from the requirements of paragraphs I and II by an affirmative vote of the local legislative body pursuant to RSA 675, first submitted to the planning board for its approval and:

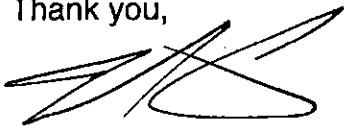
- (a) If approved by the board, approved by a majority of those present and voting at a regular or special meeting of the local legislative body; or
- (b) If disapproved by the planning board, approved by not less than 2/3 of those present and voting at a regular or special meeting of the local legislative body.”

This was, and is, good legislation which provides that the value of lots, which have recorded deeds at the registry, be preserved, not destroyed just because it was simpler for someone at the town level to combine them.

Both of these laws are important, so that the landowners are protected from unnecessary and costly “regulatory creep” and loss of property value. The current law enhances the tax base of the community.

We would also like to mention that many towns failed to do any or all of the notice requirements from 2011-2016. For example, in the case of Lyndeborough we could find no notice requirements of RSA 674:39-aa in the 2011-2016 Town Reports. We also looked at the abutting town of Mont Vernon which had the same result of **nothing**.

Thank you,



Tom and Ginny Chrisenton



## Tricia Melillo

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**From:** Tom Thomson <thomsontreefarm@yahoo.com>  
**Sent:** Monday, April 12, 2021 9:01 AM  
**To:** Tricia Melillo  
**Cc:** Tom Thomson  
**Subject:** Fw: HB - 284

Hi Tricia,

Would you please share my letter on HB - 284 with the Chairman and Committee members of the Senate Election Law and Municipal Affairs Committee. Thank you for your help. Tom Thomson

April 12, 2021

Senator James Gray, Chairman  
Senate Election Law and Municipal Affairs Committee  
State House, Room 100  
Concord, NH 03301

Dear Senator James Gray and Committee Members,

My name is Tom Thomson and with my wife Sheila we manage the Thomson Family Tree Farm in Orford. We own 2400 acres of forest land in NH and support HB - 284 with the House Amendment to completely remove the sunset provision in the law. Any time in the future this would allow landowners who can show the towns merged their lots in the past to request the town to restore the lots that were merged involuntarily.

My family, like many NH forest landowners, own larger tracts that were previously owned by large paper companies which held the land for many years, some dating back into the 1800's. In our small town International Paper Company at one time owned nearly half the town and our town, like many in NH, originally laid the tracts of land out in 100 acre lots except along the Connecticut River where the lots sizes were smaller as this is where the first settlers cleared land and built their homes.

Over the years many of the lots within the large tracts were merged by the towns because it simplified book work for the town. At the time woodlots were selling for 50 cents to \$2.00 per acre. Fast forward 100 plus years and I think we all can agree that times have changed where the value of raw land in our area may be worth thousands of dollars per acre and in the southern parts of NH you may be talking tens of thousands per acre. Because of the increase in land values now even small lots are very valuable.

I have reviewed some of the testimony from the House hearing and wanted to add my thoughts on this important Bill. I am sure there are hundreds if not thousands of NH landowners who own land where the lots have been merged but they have no idea this has happened. Unfortunately, this lot merger will not be discovered until the landowner wants to do something with the property (i.e. build on it) or transfer it (i.e. sell or give it to a child). Because the involuntary merger will be discovered sometime in the future, if the time limit on this law is not extended the landowner will be stuck with having to hire a land surveyor and seek a subdivision, this is why it is important to pass HB - 284 with the House Amendment. To me, if the town merged the lots without the landowner's knowledge and now they can't build on it or subdivide it, that's a taking and reduces the value of ones property.

In the House testimony from the NH Municipal Association (NHMA), Attorney (Lobbyist) list many reasons why you should not extend the Restoration of Involuntarily Merged Lots and his main reason was that since "2011, Municipalities were required to publish a notice of the right of restoration continuously in a public place and in the annual reports" therefore landowners have had enough time. I have looked through a number of town reports, starting with 2011 and have found no notice as noted by NHMA nor did I ever see a notice at the town office or on the bulletin board at the local Post Office. I'm sure they will be at your Senate Hearing making similar statements.

For the many NH Landowners this will impact, I ask that you pass the House version of HB - 284 with the House Amendment that will remove the sunset provision in the law and protect the rights of NH Landowners.

Thank you for your time and consideration.

Sincerely yours,

Tom Thomson  
Sheila Thomson

# Voting Sheets



**Senate Election Law  
& Municipal Affairs Committee  
EXECUTIVE SESSION RECORD  
2021 Session**

Bill HB 284

Hearing date: 4-12-2021

Executive Session date: 4-15-2021

Motion of: OTP Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: 1124s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP/A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consent Ward Birdsell 5-0

Reported out by: Sen. Gray

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Thursday, April 15, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 284**

AN ACT

relative to the restoration of involuntarily merged  
lots.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1142s

Senator James Gray  
For the Committee

This bill repeals the sunset provision to request restoration of lots that were involuntarily merged by the municipality. Currently, landowners may not be aware that the town has merged their lots for tax or zoning purposes. Having a deadline with which to petition the town, for recognition of the original plot lines, infringes on the rights of the property owner who did not request the merge. Removing the sunset date simply allows reasonable action to be take by the landowner in cases of involuntarily merged lots.

Tricia Melillo 271-3077

## General Court of New Hampshire - Bill Status System

**Docket of HB284**

Docket Abbreviations

**Bill Title:** relative to the restoration of involuntarily merged lots.**Official Docket of HB284.:**

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/9/2021	H	<b>Introduced</b> (in recess of) 01/06/2021 and referred to Municipal and County Government <b>HJ 2</b> P. 42
2/8/2021	H	Public Hearing: 02/18/2021 10:30 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/94522837794">https://www.zoom.us/j/94522837794</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/15/2021	H	Committee Report: Ought to Pass with Amendment <b>#2021-0569h</b> (Vote 19-0; CC) <b>HC 18</b> P. 20
4/7/2021	H	Amendment <b>#2021-0569h</b> : AA VV 04/07/2021 <b>HJ 5</b> P. 44
4/7/2021	H	<b>Ought to Pass with Amendment</b> 2021-0569h: MA VV 04/07/2021 <b>HJ 5</b> P. 44
4/7/2021	H	Reconsider (Rep. Osborne): MF VV 04/07/2021 <b>HJ 5</b> P. 50
4/7/2021	S	Introduced 04/01/2021 and Referred to Election Law and Municipal Affairs; <b>SJ 11</b>
4/7/2021	S	Remote <b>Hearing</b> : 04/12/2021, 10:15 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 19</b>
4/15/2021	S	Committee Report: Ought to Pass with Amendment <b>#2021-1142s</b> , 04/22/2021; Vote 5-0; CC; <b>SC 20</b>
4/22/2021	S	Committee Amendment <b>#2021-1142s</b> , RC 23Y-1N, AA; 04/22/2021; <b>SJ 12</b>
4/22/2021	S	<b>Ought to Pass with Amendment</b> 2021-1142s, RC 23Y-1N, MA; OT3rdg; 04/22/2021; <b>SJ 12</b>
6/10/2021	H	House Concurs with Senate Amendment 2021-1142s (Rep. Dolan): MA VV 06/10/2021 <b>HJ 10</b> P. 15
7/12/2021	S	Enrolled Adopted, VV, (In-recess 06/24/2021); <b>SJ 20</b>
7/12/2021	H	Enrolled (in recess of) 06/24/2021
7/26/2021	H	Signed by Governor Sununu 07/23/2021; Chapter 136; Eff: 09/21/2021

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB 284

Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

- amendment # 11245       - amendment # 11425  
 \_\_\_\_\_ - amendment # \_\_\_\_\_      \_\_\_\_\_ - amendment # \_\_\_\_\_

- Executive Session Sheet
- Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_\_\_ - amendment # \_\_\_\_\_      \_\_\_\_\_ - amendment # \_\_\_\_\_  
 \_\_\_\_\_ - amendment # \_\_\_\_\_      \_\_\_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

- \_\_\_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- \_\_\_\_\_ Enrolled Bill Amendment(s)
- \_\_\_\_\_ Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

as amended by the senate      \_\_\_\_\_ as amended by the house  
 final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office 