

While researching a question in the zoning book, Bruce came across a place that might need cleaning next time the PB spruces up.

Article XIII

Nonconforming Uses, Structures and Lots

Section 3. Nonconforming Lots

B. Deleted. footnote 1

Footnote1. Requirement for involuntary merger voided by RSA 674:39-a, in 2010.

Article IV

General Provisions

Section 1. Lot of Record

Any building or use otherwise permitted in the district in which it is located shall be permitted on a lot of record regardless of frontage and area requirements, providing, however, that adjoining lots in common ownership shall be joined in such manner as to meet, or most nearly meet, such frontage and/or area requirements.

He thinks the town cannot require the joining of lots in the second reference for the same reason for Footnote 1 in the first reference.

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Hi Fritz,

Had some free time this am and checked out your question. I believe the change to the RSA in 2010 was to allow a merger w/o a public hearing. See text below. This RSA does not address whether or not a town can still regulate non-conforming lots to restrict development if it does not meet minimum lot size. So communities have the flexibility to address on their own through zoning standards. Some communities do not allow development at all, others allow with certain conditions, primarily whether or not an owner can get a DES septic permit.

This issue might be worth PB discussion, but at present I believe Section 1 of General Provisions is ok. I think Section B of Article VIII should be eliminated to avoid confusion.

Hope this helps. Please call if you have further questions.

Jack

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