



ZONING BOARD OF ADJUSTMENT
TELEPHONE (603) 363-4624



**TOWN OF CHESTERFIELD, NH
NOTICE OF DECISION
ZONING BOARD OF ADJUSTMENT**

You are hereby notified that at its Thursday, October, 2022, Zoning Board of Adjustment meeting the Board reheard the application of **River Realty and MTG Holdings, LLC** requesting a variance under Article II, Section 204.4A Area Frontage and Coverage Requirements. The Properties are located at 182 and 214 Mountain Road, West Chesterfield, NH 03446 (Tax Map 25A, Lots A1-A2).

Based on the variance application and plan submitted on June 29, 2022, the Zoning Board of Adjustment grants the variance request of River Realty and MTG Holdings, LLC, for a lot line adjustment to make 182 Mountain Rd. a 2.93 acres lot. The lot lines are identified on the submitted plan dated July 6, 2022. The motion to approve the variance include the following conditions:


- 1. Since only one water well is identified on the plan submitted, which will now become part of the 214 Mountain Rd. lot, an additional well must be added to the 182 Mountain Rd. lot so that there is no shared water between 182 and 214 Mountain Rd.*
- 2. Since the submitted plan does not identify the locations of any septic systems, it is a requirement that each lot (182 and 214 Mountain Rd.) establish their own properly sized and approved septic systems.*

Further the Chesterfield ZBA offers, for guidance only, that any proposed modifications to the buildings on 214 Mountain Rd. be done by taking the establish steps to obtain appropriate building permit(s) via the Chesterfield Code Enforcement Officer (CCEO).

Additionally, the Chesterfield ZBA offers the following for the applicant's awareness and consideration:

- 1. Section 502.1 and 503.1 of the Zoning Ordinance may allow 25% expansion of Non-Conforming building(s) taken as a holistic view.*
- 2. The new proposed lot at 214 Mountain Rd. would contain 7589 Square Feet of buildings which may allow 1897 square feet of expansion of which 500 square feet has been used when the following is considered:*
 - a. The applicant has provided previous Notice of Decisions for 214 Mountain Rd:*
 - i. October 13, 2000- Granted enclosing a porch to be used as living area.*
 - ii. June 13, 2022 – The ZBA confirmed that 214 Mountain Rd. is governed by the 25% expansion rule which stated from when the ordinance began.*
 - iii. July 10, 2022- Granted expansion of 500 square feet (to be confirmed by the CCEO) of a deck of allowable, at that time, 956 square feet.*
 - iv. June 17, 2002 – An additional 576 square feet for permit 08-016.*

v. *In conclusion, this allows for approximately 821 square feet of the allowable 25% nonconformance expansion going forward.*
The motion to approve the application was approved by majority vote.



Kristin McKeon
Chairman
Zoning Board of Adjustment
Date: 11/21/17

NOTE: Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty days of the date of this decision. The necessary first step, before any appeal may be taken to the courts, is to apply to the Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds on which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677

NOTE: Variance is based on oral and written intentions (including maps, plans, and written statements) and assurances of applicant and/or its representative and must be implemented in a way which adheres to those intentions and assurances. "The scope of a variance is dependent upon the representations of the applicant and the intent of the language of the variance at the time it is issued".

Town of Rye v. Ciborowski, III N.H. 77 (1971)

A site plan review may be required of the Chesterfield Planning Board, as a result of this decision.