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**TOWN OF CHESTERFIELD, NH
ZONING BOARD OF ADJUSTMENT
June 19, 2025**

Notice of Decision

You are hereby notified that at its Thursday June 19, 2025 Zoning Board of Adjustment meeting, the Board discussed the application of Angela Damiano & Sam Hoisington requesting an Equitable Waiver from the Chesterfield Zoning Ordinance Article II, Section 203.5 to permit a 121sq ft shed within the 20-foot side setback on an existing nonconforming lot. The property is located at 132 North Shore Road Spofford, NH 03462. (Tax Map 5D, Block B, Lot 10). The applicant agreed to waive their right to be heard by a (5) five-member board.

A motion was made to deny the equitable waiver request for 132 North Shore Road on the grounds it does not meet the criteria or requirements of RSA 674:33 and there was no ignorance of the facts constituting the violation.

The criteria for denial:

They do not meet criteria (a) the owner was notified, months before the shed was complete, and the shed was not in compliance.

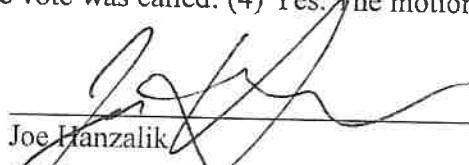
They do not meet criteria (b) because based on the variance from 2022, issues of setbacks and impermeable coverage, amount of buildings that were to be removed that were discussed at that time, the applicant had ample opportunity to be fully aware of what the ordinance required and what they were allowed to do.

They do not meet criteria (c). It has not been verified. There was a clear view and now this shed sits right in the view area. It is not clear if this could be a public nuisance.

They do not meet criteria (d). Yes, there is a cost involved with taking a shed down, but it is a stick built shed, and the cost is not overly expensive.

The motion was seconded.

The vote was called: (4) Yes. The motion passed.


Joe Hanzalik
Chairman
Zoning Board

Date: 6/26/2025

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 applicants 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