



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, January 14, 2021 Zoning Board of Adjustment meeting the Board heard the application of **Lyle Foley and William Manter represented by Jim Phippard** requesting a variance from Article V: Nonconformities, subsection 503.1 – Expansion of the Zoning ordinance to permit construction of a new house in place of the existing house. The applicants are also requesting a variance from Article II, Use Districts, Section 203.6b, Setbacks to allow a single-family residence and three drainage structures within the front, side, and road setbacks. The property is located at 873 Route 63 Spofford, NH 03462. (Tax Map 5B, Block A, Lot 5)

After discussing the five criteria necessary in Zoning Board of Adjustment decisions, a motion was moved and seconded to deny the application based on the applicants inability to meet the first and second criteria as the plans alter the historic neighborhood "Brattleboro Row" by having a large hole in the line of artisan cottages currently in place, along with the fifth criteria because the plans would alter the current character of the neighborhood, as well as the alternative to the fifth criteria as there is a current use in existence.

Kristin McKeon
Chairman
Zoning Board of Adjustment

Date: January 20, 2021

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 it's 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.