



## ZONING BOARD OF ADJUSTMENT FINDINGS OF FACT

In accordance with NH RSA 676:6

For: Appeal of Selectboard Decision: Denial of Sign Permit Application on Map 4 Lot 82

The ZBA's role in an appeal under RSA 676:5 is limited to determining whether the Selectboard's decision was made in error, was unreasonable, or was unlawful, and not to substitute its own judgment for that of the Selectboard.

**Hearing held at:** Hart's Location Town Hall – 979 US Route 302 Hart's Location, NH

**Date:** Monday February 2, 2026 at 5:00pm

**Applicant/s:** Diana Dwyer-Bergeron (Owner) Gary Bergeron (Agent)

**Property:** 765 US Route 302

**Map:** 04, **Lot:** 082

**Request:** The appellants are appealing the Selectboard's decision to deny a sign permit application.

### **FINDINGS OF FACT**

1. The Zoning Board of Adjustment finds that the appeal was filed in a timely manner in accordance with RSA 676:5 and that the ZBA has jurisdiction to hear the appeal pursuant to RSA 676:5.
2. The ZBA finds that Article II, Section 3 of the Hart's Location Zoning Ordinance permits signs only on commercial properties or lawful home businesses and requires that such signs be placed only at the site of the enterprise.
3. The ZBA finds that Article I, Section 2 of the Zoning Ordinance identifies the Town's only lawful pre-existing nonconforming commercial uses, which are limited to the specific properties listed therein, and allows expansion of such uses only onto existing lots that directly abut the lot upon which the nonconforming use exists, provided the lots were owned in common as of March 11, 2003 and have remained in uninterrupted common ownership.
4. The ZBA finds that the subject property, Tax Map 04, Lot 082, located at 765 US Route 302, is located in the Residential zoning district and is not a commercial property or a lawful pre-existing nonconforming commercial use under Article I, Section 2 of the Zoning Ordinance.

5. The ZBA finds that, as part of its review of the sign permit application, the Selectboard requested documentation demonstrating that a hospitality-related commercial enterprise had operated on the subject property within the previous six (6) years of February 2, 2026. The ZBA further finds that no such documentation was provided and that the subject property does not directly abut the Notchland Inn or any other property identified as a lawful pre-existing nonconforming commercial use, was not owned in common with any such property as of March 11, 2003, and has not remained in uninterrupted common ownership since that date.
6. The ZBA finds that the proposed sign was not to be located on the same parcel as a commercial enterprise and therefore did not meet the requirements of Article II, Section 3 of the Zoning Ordinance.
7. The ZBA finds that the Selectboard, acting as the administrative authority responsible for enforcement of the Zoning Ordinance pursuant to Article II, Section 3 and RSA 41:8, had the authority to review and deny the sign permit application.
8. The ZBA finds that, based on the application materials, the Selectboard denied the sign permit application because the subject property does not qualify as a commercial property, a lawful pre-existing nonconforming commercial use, or a lawful extension of such use under the Zoning Ordinance.
9. The ZBA finds that notice of the public hearing was provided in accordance with RSA 676:7 and that a duly noticed public hearing was held at which testimony and evidence were considered prior to deliberation and voting.
10. The ZBA reviewed the following materials in reaching its decision:
  - a. The sign permit application and supporting documentation
  - b. The written decision of the Selectboard
  - c. Relevant provisions of the Zoning Ordinance and applicable state law
  - d. The written appeal and supporting arguments
11. The ZBA finds that the Selectboard's decision was reasonable, lawful, and in compliance with the Zoning Ordinance and applicable state law because it correctly applied the ordinance requirements to the facts presented.
12. The ZBA's review of this appeal was limited to determining whether the Selectboard's decision was made in error, was unreasonable, or was unlawful, and the ZBA did not substitute its judgment for that of the Selectboard.



**ZONING BOARD OF ADJUSTMENT NOTICE OF DECISION**

For: Appeal of Selectboard Decision: Denial of Sign Permit Application for Map 4 Lot 82.

On February 2, 2026 after a duly noticed public hearing, the Zoning Board of Adjustment voted to deny the appeal as presented of the Selectboard's decision to deny the sign permit application for the property listed above.  
(Date)  
(Approve, Deny or Modify)

The Zoning Board of Adjustment hereby uphold the decision of the Selectboard and finds the decision was reasonable, lawful and in compliance with the Zoning Ordinance and State laws.  
(Upholds, Overturns, or Modifies)  
(Reasonable or Unreasonable) (Lawful or Unlawful) (In or Not In)

Any person aggrieved by this decision may appeal to the Superior Court within 30 days of the date this decision is placed on file with the Town, pursuant to RSA 677:4.

  
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Zoning Board Chair or Acting Chair

2/2/2026  
\_\_\_\_\_  
Date of Decision