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Date: September 14, 2026

To: Beth Margeson, Chair, Zoning Board of Adjustment
Members of the Zoning Board of Adjustment

From: Trevor P. McCourt, Deputy City Attorney

Re: Snover Trust v. Portsmouth ZBA & St. Jean v. City of Portsmouth - Superior Court Order
on Consolidated Land Use Appeals
Remand of Rear Lot Line Determination (58 Humphrey's Court)

On August 7, 2026, the Superior Court (Klass, P.J.) issued its order on the consolidated appeals arising from the Board's December 16, 2025 decisions concerning the Robert M. Snover Revocable Trust's property at 58 Humphrey's Court (the "Property"). The Clerk's notice of decision was sent to the parties on August 11, 2026. The Court's Order is attached.

I have deliberately held this report to the Board until the period for a further appeal to the New Hampshire Supreme Court had run. A party had thirty days from the Clerk's August 11 notice to appeal the Superior Court's order; that period has now passed. Waiting to advise the Board until the appeal window closed avoids the Board acting on a decision that could still have been altered on appeal, and confirms that the remand described below is now ripe for the Board to take up.

In its Order, the Court affirmed the Board's decision regarding lot area, and its denial of the request for a variance. However, the Court has remanded the issue of the rear setback to the Board for further findings. This memo summarizes the decision and explains what the Board is now required to do on remand.

II. Background

The Snovers sought to subdivide the Property into two lots. Before applying for subdivision approval, they obtained administrative determinations from the Director of Planning and Sustainability, Peter Britz regarding the Property's dimensional compliance. Director Britz concluded (1) that the roughly 163 square feet of the Property's northwest corner overlapped by the traveled way of Humphrey's Court was not part of the Property's "Lot Area," and (2) that the

rear lot line was a 10-foot line drawn from the rear corner, with the remaining boundaries treated as side lot lines.

Both the Snovers and a group of neighbors appealed those determinations to this Board, and the Snovers separately filed a variance application seeking relief from the frontage and lot-area minimums for the two proposed lots. At its December 16, 2025 meeting, the Board issued three decisions: it granted the Snover's appeal on lot size and found the Property to contain 10,005 square feet based on the deeds and surveys; it granted the neighbors' appeal insofar as it rejected Director Britz's rear-lot-line classification, but declined to determine what the correct rear (or side) lot lines were; and it denied the Trust's variance application, finding the Trust had not established unnecessary hardship. The Board denied both sides' motions for rehearing (also attached), and these appeals followed.

III. The Court's Decision

The Court's rulings break down as follows.

1. **Threshold motions (no effect on the Board).** The Court denied the neighbors' motion to add the Ferraris, Sullivans, and Bakers as plaintiffs, holding it had no jurisdiction over parties who did not file within RSA 677:4's thirty-day window. It also denied the City's and Trust's motion to dismiss the Gunnings, reasoning that although the Gunnings are not abutters, they were parties to the administrative appeal and therefore had standing under RSA 677:2 to seek rehearing and to appeal. The Court expressly noted these rulings do not affect the merits.
2. **Lot area definition - AFFIRMED.** The Court upheld the Board's determination that the Property contains 10,005 square feet, agreeing that lot area is measured by the deeded metes and bounds. It rejected the neighbors' argument that the paved corner should be excluded, reasoning that the paved portion is not a "public place" under the Ordinance.
3. **Variance denial - AFFIRMED.** The Court held the Board acted reasonably in finding no unnecessary hardship. It concluded the Property's frontage is not unique compared to other lots in the immediate area, and it declined to find that the Board gave improper weight to neighborhood opposition, reading the Board's discussion instead as concern for maintaining consistency with the neighborhood's conforming lots consistent with Ordinance Section 10.233.50.
4. **Rear lot line - REMANDED.** This is the only issue returned to the Board. The Court held that the Board erred by rejecting Director Britz's rear-lot-line interpretation while simultaneously declining to decide what the rear lot line actually is. The Court reasoned that leaving the question unanswered puts the Snovers in an untenable position, unable to determine its building envelope and setbacks, and that resolving such questions is the Board's statutory function under RSA 674:33, I(a)(1). The Court did not dictate a particular answer, it merely directed the Board to render a decision.

IV. The Remand

The Court has ordered that the Board must make an affirmative determination establishing the Property's rear lot line (and, by extension, the resulting side lot lines), supported by reasoning tied to the Ordinance's definitions.

V. Recommended Next Steps

With the appeal period now closed, the Superior Court's order is final as to every issue except the remanded rear-lot-line question, and the matter is ready for the Board to take up. I recommend City staff place it on an upcoming agenda as a remand for decision, with proper notice, and that the Board be prepared to adopt written findings identifying the front lot lines, the rear lot line, and the resulting side lot lines, with the supporting rationale. I have requested that Planning Staff include relevant documentation previously submitted to the Board and to the Court regarding the rear lot line definition.

The Board has closed the public hearing on this matter, and therefore I would recommend the Board not accept new information unless it schedules a new public hearing on the matter with appropriate notice.

cc: Peter Britz, Director of Planning and Sustainability
Stefanie Casella, Planner

THE STATE OF NEW HAMPSHIRE

**HILLSBOROUGH, SS.
NORTHERN DISTRICT**

SUPERIOR COURT

Robert M. Snover, Trustee, et al.

v.

City of Portsmouth Zoning Board of Adjustment

Docket No. 218-2026-CV-00239 and 218-2026-CV-00240

&

Benoit St. Jean, et al.

v.

City of Portsmouth

Docket No. 218-2026-CV-00241

ORDER

These consolidated land use appeals arise from a series of decisions made by the City of Portsmouth (“City”) Zoning Board of Adjustment (“ZBA”) relating to property owned by the Robert M. Snover Revocable Trust (“Trust”). (Doc. 1 (Compl.); Doc. 5 (Assented Mot. Consolidate).)¹ The Court held a hearing on the consolidated appeals on June 8, 2026. Upon consideration of the record, the parties’ arguments, and the applicable law, the Court finds and rules as follows.

Factual Background

The following facts are drawn from the certified record (“CR”) that was filed in the case. (Doc. 8.) The Trust owns certain property located at 58 Humphrey’s Court in

¹ The Court cites to Docket No. 00239 unless otherwise noted.

Portsmouth ("Property"). CR 45. Presently, a single-family structure exists on the Property. The Property's frontage is bounded on two sides by Humphrey's Court, paved as a curve along the Property's front lot line. CR 103. This results in the traveled portion of Humphrey's Court overlapping with approximately 163 square feet of the Property's northwest corner. See CR 103, 108.

In 2025, the Trust sought to subdivide the Property into two parcels. See CR 103; see also Figure 1.

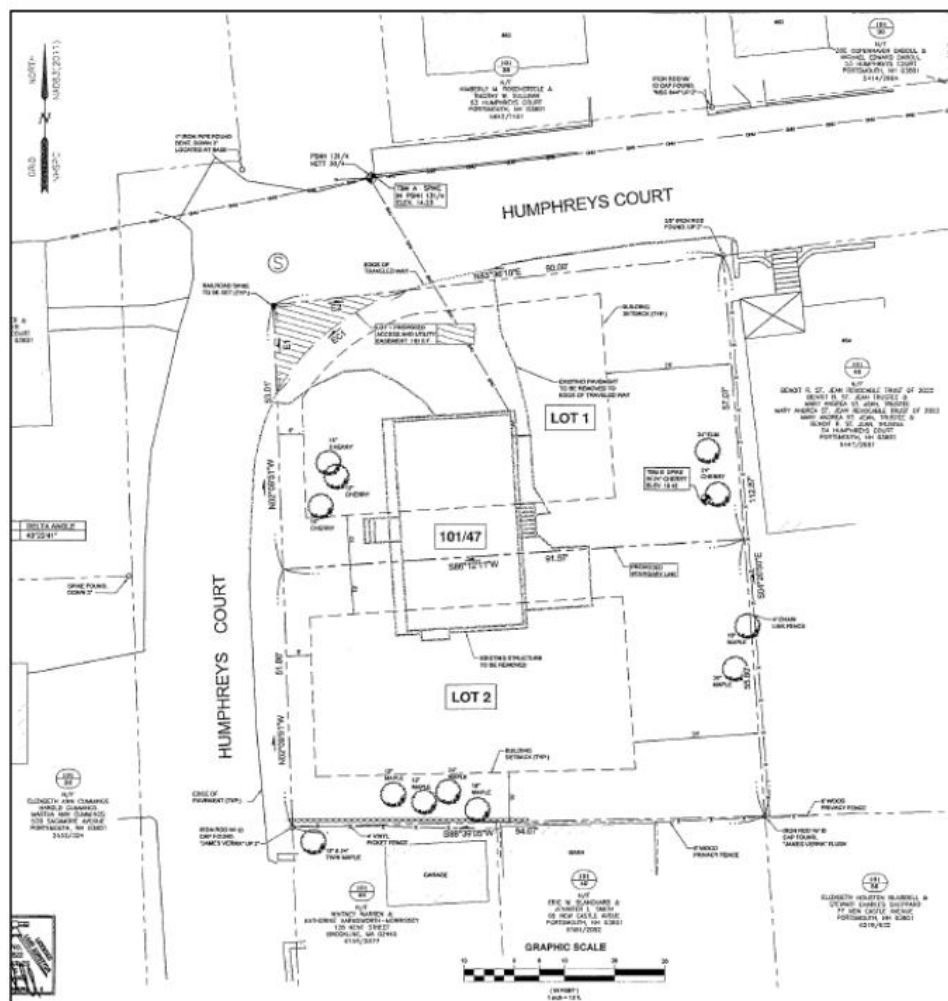


Figure 1: the Trust's proposed subdivision plan (from CR 121)

Prior to seeking subdivision approval, the Trust requested an administrative determination from the City's Planning Director, Peter Britz, related to the Property's

dimensional compliance. See CR 103-104. Director Britz determined that the area of the Property covered by the traveled way of Humphrey's Court was not part of the Property's "Lot Area" as defined by the City's zoning ordinance ("Ordinance"), "because it is not part of the useable lot for this parcel as defined by the zoning ordinance." CR 103. Director Britz reached this conclusion based on his interpretation of the Ordinance's definition of a rear lot line, with the following articulated rationale:

In this case, the rear lot line is the area that comes to a point at the opposite side of the lot from the curve. (The area shown on the Haley ward plan as EC1). Using the Zoning Ordinance interpretation of rear lot lines in the case of a lot which comes to a point for the rear lot line, a line 10 feet in length drawn from the rear corner shall serve as the rear lot line. All other portions of the lot (not fronting Humphreys Ct) are determined to be side yards.

CR 103-104.

The Trust appealed Director Britz's decision to the ZBA pursuant to RSA 676:5 and Section 10.629.10 of the Ordinance. The Trust requested the ZBA to determine that the Property had 10,005 square feet of lot area as described by the Property's deed. CR 100-102. The Trust also filed a Variance Application ("Application") with the ZBA to allow (1) approximately 51.8 feet of continuous street frontage where 80 feet is required for the proposed Lot 2; and (2) a lot area of 4,840 square feet where 5,000 square feet is required for the proposed Lot 1. CR 112, 109-133.

Neighbors of the Property also appealed Director Britz's determination.² The neighbors agreed with Director Britz's decision that the Property lacked sufficient land area to create two conforming house lots. The neighbors took issue, however, with Director Britz's classification of the side and rear lot lines. CR 160. The neighbors also disagreed with Director Britz's determination that the rear lot line was a 10-foot line drawn from the rear corner, and that the remaining lines are side lot lines. Instead, the neighbors contend that under the Ordinance's definition, the rear lot lines are those "opposite and most distant from the front lot line," as highlighted in red on Figure 3. See CR 161.

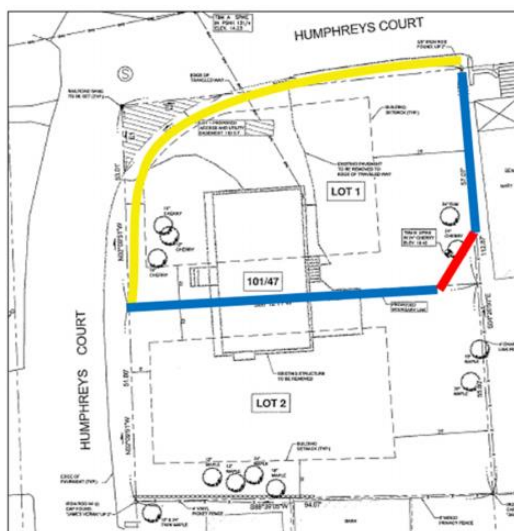


Figure 2: Director Britz's lot line classification (from CR 160). The rear lot line is highlighted red; the side lot lines are highlighted blue.

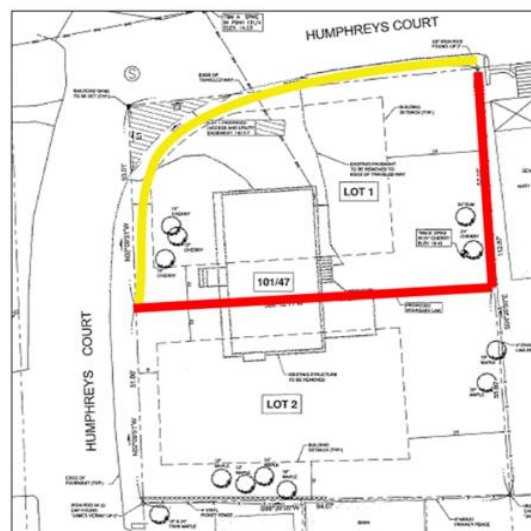


Figure 3: The neighbors' interpretation of the ordinance (from CR 160). The rear lot lines are highlighted red.

The ZBA considered the parties' appeals at its December 16, 2025 meeting.

² The appealing neighbors included Benoit and Andrea St. Jean (abutters), Robert and Laura Gunning, Braden and Robyn Ferrari, Tim and Kim Sullivan, and Jamie and Amy Baker (collectively, the "neighbors"). CR 159-63. Only the St. Jeans and the Gunnings filed the complaint in Docket 241, and they now move to add the other neighbors as plaintiffs in Docket 241. (See Doc. 3 in Docket 241 (Mot. Amend).) The City moves to dismiss the Gunnings, (see Doc. 6 in Docket 241), and objects to the St. Jeans' and Gunnings' motion to amend to include the additional neighbors, (see Doc. 7 in Docket 241.) The Trust joins the City in its motions and objections. (Doc. 7.)

There, the ZBA accounted for the following definitions within the Ordinance:

Lot area[:] The total horizontal area included within the property lines.

Lot line[:] A property line bounding a lot[.]

Lot line, front[:] A boundary of lot that separates the lot from a public place. A corner lot, through lot or a waterfront lot shall have multiple front lot lines. In the case of a corner lot, through lot or a waterfront lot, the principal front yard shall be the line bordering a public place on which the lot has its address as defined by the City.

...

Lot line, rear[:] A boundary of a lot that is opposite and most distant from the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot line, side[:] Any boundary of a lot that is not a front lot line or a rear lot line.

CR 216, 220. The ZBA granted the neighbors' appeal regarding Director Britz's classification of the rear lot line for the Property's proposed subdivision but ultimately made no determination on the classification of the side or rear lot lines. CR 241-42.

At the same time, the ZBA granted the Trust's appeal of Director Britz's lot-size finding and determined that, based on the Property's deeds and the surveys, the Property's lot size was 10,005 square feet. CR 265. The ZBA denied, however, the Trust's Application after concluding that the Trust failed to establish the unnecessary-hardship criterion in its variance request. CR 244, 268-69. In reaching this decision, the ZBA also considered Ordinance section 10.233.50, which provides

[w]here this Ordinance contains a more stringent requirement or higher standard than is reflected by existing conditions, it shall be deemed that the intent of the Ordinance is to promote compliance with such requirement or conformance to such standard rather than a continuation of existing conditions.

The Trust and the neighbors both moved for rehearing. The Trust requested a

rehearing regarding the ZBA's denial of the Application and the ZBA's rear lot line determination. CR 35. The neighbors moved for a rehearing for the ZBA to reconsider the Property's lot-size. CR 2-5. The ZBA denied the parties' rehearing requests. CR 81-83. These appeals followed.

Standard of Review

"The superior court's review in zoning cases is limited." Kalil v. Town of Dummer Zoning Bd. of Adjustment, 155 N.H. 307, 309 (2007). When evaluating an appeal to the superior court, "the burden of proof shall be upon the party seeking to set aside any order or decision of the zoning board of adjustment . . . to show that the order or decision is unlawful or unreasonable." RSA 677:6. Upon review, "the trial court must treat all factual findings . . . as *prima facie* lawful and reasonable, and may not set them aside, absent errors of law, unless it is persuaded by a balance of probabilities on the evidence before it that the ZBA decision is unreasonable." 1808 Corp. v. Town of New Ipswich, 161 N.H. 772, 775 (2011). This review "is not to determine whether [the Court] agrees with the [ZBA]'s findings, but to determine whether there is evidence upon which they could have been reasonably based." Dietz v. Town of Tuftonboro, 171 N.H. 614, 618 (2019) (quotation omitted).

Analysis

Before reaching the merits of the parties' land use appeals, the Court addresses two outstanding motions: the St. Jeans' and Gunnings' motion to amend their complaint by adding additional neighbors as plaintiffs, and the City's motion to dismiss the Gunnings.

The St. Jeans and the Gunnings move to add Braden and Robyn Ferrari, Tim and Kim Sullivan, and Jamie and Amy Baker to their complaint. (See Doc. 3 (Mot. Amend) in Docket 241; Doc. 4 (Proposed Am. Compl.) in Docket 241.) The City and the Trust object, asserting that RSA 677:4's strict filing deadlines divest the Court of subject matter jurisdiction over any new plaintiffs. (Doc. 7 (Obj. to Mot. to Amend) ¶¶ 4-5 in Docket 241; Doc. 7 (Trust's Concurrence to Mot. Dismiss & Concurrence to Obj. to Mot. Amend).) The City also contends that the Ferraris are not a "person aggrieved" under RSA 677:4. (Doc. 7 ¶¶ 6-13 in Docket 241.) The City similarly asserts that the Gunnings are neither "abutters" under RSA 672:3, nor were they parties to the ZBA proceedings, and should thus be dismissed for lack of standing. (See Doc. 6 in Docket 241; see also Doc. 7.)

In 2024, the Legislature amended RSA 677:2. The statute previously permitted "any person directly affected" to move for rehearing of a ZBA's decision. See RSA 677:2 (2009). The statute now limits motions for rehearing to "any party to the action or proceedings, or an abutter," defined as "any person whose property . . . adjoins or is directly across the street or stream of the applicant" See RSA 677:2 (2024); see also RSA 672:3 (defining "Abutter").

As it concerns the City's and the Trust's motion to dismiss, the record supports the finding that the Gunnings are not abutters to the Property. Compare CR 194 (Abutter Spreadsheet) with CR 208-209 (Certified Routing Card). That said, however, the Gunnings were technically parties to the neighbors' administrative appeal of Director Britz's decision. See CR 159 (listing Bob and Laura Gunning as appellants to Director Britz's zoning determination). Under the plain language of RSA 677:2, the Gunnings had

standing to move for a rehearing following the ZBA's December 16, 2025 meeting.

Because the Gunnings had standing to move for a rehearing, they likewise have standing to appeal the ZBA's opinion to the superior court. See RSA 677:4 (permitting a party entitled to request a rehearing under RSA 677:2 to appeal a ZBA's decision to the superior court).

As to the pending motion to add additional neighbors as plaintiffs, the Court concludes that those individuals did not timely appeal the ZBA's decisions and, thus, the Court has no jurisdiction over their claims. As articulated by the City, RSA 677:4 imposes a strict thirty-day appeal window. Failure to appeal within those thirty days divests the Court of subject matter jurisdiction. See Radziewicz v. Town of Hudson, 159 N.H. 313, 317 (2009) ("Compliance with [RSA 677:4's] thirty-day filing deadline was a necessary prerequisite to establishing jurisdiction in the superior court. Because the petitioners' appeal was not filed within thirty days, the superior court never had jurisdiction, and could not rely upon [a court rule defining filing timelines] to establish jurisdiction that did not exist in the first instance.") As such, the Court must reject the effort to add neighbors as parties to the appeal, after-the-fact.

Accordingly, the Court DENIES the St. Jeans' and the Gunnings' motion to amend, (see Doc.3 in Docket 241), and DENIES the City's and Trust's motion to dismiss, (see Doc. 6 in Docket 241, Doc. 7 in Docket 239.) As a practical matter, the Court notes that its ultimate determination to the merits of these appeals is unaffected by these threshold motions.

I. The Administrative Appeals

Beginning with the administrative appeals, the neighbors appeal the ZBA's

interpretation of the term “lot area” and argue that the ZBA erred when it included the paved northwest corner of the Property as part of such term. (See Doc. 4 in Docket 241.) For its part, the Trust appeals the ZBA's decision to overturn Director Britz's rear lot line determination and asserts that the ZBA's decision to decline to decide what constitutes the Property's rear lot line was unreasonable and unlawful. (See Doc. 1.)

The interpretation of a zoning ordinance is a question of law that the court reviews *de novo*. Harrington v. Town of Warner, 152 N.H. 632, 634 (2008). Because the traditional rules of statutory construction generally govern the Court's review of a zoning ordinance, the Court's interpretation of the words and phrases of the Ordinance will be construed according to the common and approved usage of the language. See Duffy v. City of Dover, 149 N.H. 178, 181 (2003). The Court, thus, looks to the Ordinance's definitions in its review of the ZBA's interpretation of “Lot Area” and “Rear Lot Line.”

First, the Court determines that the ZBA correctly interpreted “Lot Area” under the Ordinance. The Ordinance defines lot area as “[t]he total horizontal area included within the property lines[.]” Ordinance § 10.1530. Although the Ordinance does not define “property lines,” the Ordinance defines a “lot” as a “single parcel of land in the same ownership throughout as shown or defined on a recorded instrument or defined by metes and bounds.” Id. In reaching its decision, the ZBA calculated the Property's lot area according to the Property's deeded boundaries. Taking this latter definition into account, the Court determines that the ZBA properly considered the Property's metes and bounds to determine the lot area.

Moreover, the Court is not persuaded by the neighbors' argument that the Ordinance's definition of “Lot Line, Front” precludes the inclusion of the Property's

metes and bounds in determining its lot area. The Ordinance defines a front lot line as a “boundary of a lot that separates the lot from a public place.” Ordinance § 10.1530. The Ordinance defines a “public place” as a “streetway, park, pedestrian alleyway, or community space that provides public access.” Id. Of these, the most fitting description for the Property’s paved corner is a streetway; the Ordinance defines “street” as a “thoroughfare or roadway which is either . . . formally accepted by the City” or “shown on a subdivision plan approved by the Planning Board[.]” Id. Neither definition is applicable here. Although the Property’s northwest corner is paved under Humphrey’s Court, the record reflects that the City does not own this paved portion. CR 261-265. The Property’s paved corner is thus not best considered to be a “public place” under the Ordinance in this context. The ZBA therefore appropriately determined that the Property’s deed description established the lot’s area. Accordingly, the Court AFFIRMS the ZBA’s decision as to the Property’s lot size.

The Court next considers the ZBA’s decision concerning the Property’s rear lot line. As explained above, the ZBA determined that Director Britz’s determination was incorrect but declined to reach a decision establishing the Property’s rear lot line. In failing to reach a decision, the Court determines that the ZBA erred. Although the ZBA did not believe it was necessary to reach the issue because it denied the Trust’s Application, the Court disagrees. As the Trust points out, it is now in a position of not knowing the scope of their building envelope or building setback. Practically, this leaves the Trust in an exceptionally untenable position. It is the ZBA’s role to “[h]ear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance[.]” RSA

674:33, I(a)(1) (emphasis added). See also Ordinance, § 10.230 (powers of the ZBA). Moreover, at a general level, it is the function of a municipality to assist its citizens in interpreting the Ordinance. See Carbonneau v. Town of Rye, 120 N.H. 96, 99 (citing N.H. Const. pt. I, art. 1). Thus, the Court concludes that the ZBA acted unreasonably by rejecting Director Britz’s interpretation while at the same time refusing to make a decision on the question. The Court therefore REMANDS this issue to the ZBA with instructions to render a decision.

II. The Trust’s Variance Application

Finally, the Court addresses whether the ZBA erred in denying the Trust’s request for variances. In order for a ZBA to approve a variance application, an applicant must meet five statutory criteria: (1) “[t]he variance will not be contrary to the public interest”; (2) “[t]he spirit of the ordinance is observed”; (3) “[s]ubstantial justice is done”; (4) “[t]he values of surrounding properties are not diminished”; and (5) “[l]iteral enforcement of the provisions of the ordinance would result in an unnecessary hardship.” RSA 674:33, I(a)(2).

Here, the ZBA found that the Trust failed to establish the unnecessary-hardship criterion. CR 244. The ZBA did not reach the other statutory criteria.

“[U]nnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area: (A) [n]o fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (B) [t]he proposed use is a reasonable one.

RSA 674:33, I(b)(1). “This factor requires that the property be burdened by the zoning restriction in a manner that is distinct from other similarly situated property.” Harrington v. Town of Warner, 152 N.H. 74, 81 (2005). That burden must be “a result of specific

conditions of the property and not the area in general” and cannot “arise as a result of the zoning ordinance’s equal burden on all property in the district.” Garrison v. Town of Henniker, 154 N.H. 26, 32-33 (2006). “In addition, the burden must arise from the property and not from the individual plight of the landowner.” Harrington, 152 N.H. at 81.

Here, the ZBA found that there was nothing “unique about the [P]roperty that differentiates it from the other properties in the immediate area surrounding it[.]” CR 269. The ZBA therefore did “not get to the other aspects of hardship that mostly revolve around reasonable use.” CR 269. Although the Trust pointed to other lots with preexisting nonconforming frontages, the ZBA reasoned that the Ordinance specifically speaks to when there is “a requirement that is more stringent than existing condition, the goal is to . . . move toward those more stringent conditions.” CR 269.

Based on the record before it, the Court does not find that the ZBA acted unreasonably or unlawfully when it determined that the Trust failed to establish an unnecessary hardship. The general purposes for minimum frontage requirements are to prevent overcrowding and to provide safe access for emergency vehicles. See Hannigan v. City of Concord, 144 N.H. 68, 76 (1999). The record supports a finding that a fair and substantial relationship exists between preventing overcrowding and subdividing the Property, as a subdivision would result in another house and driveway on Humphrey’s Court. See RSA 674:33, I(b)(1); CR 266-268. For example, at the December 16th meeting, Mr. St. Jean said that “the proposed two houses would box his house in.” CR 266. Additionally, other neighbors expressed concerns of decreased visibility resulting from the proposed construction of two houses closer to the front property line. CR 267.

The Trust argues that the Property's 194.81 feet of continuous frontage which binds the Property's two sides is especially unique. They contend that the conflict between the Ordinance, which permits subdivision if a Property is 10,000 square feet or larger, and Section VI.2.A of the Subdivision Regulations, which requires a property's side lines to be "at right angles to straight street lines or radial to curved street lines" where practicable, "creates the most prominent special condition of the Property . . . such that there is no fair and substantial relationship between the general purposes of frontage restriction and its application to the [P]roperty." See Doc. 1 ¶¶ 24–37. The Court, however, disagrees and determines that this asserted hardship arises "as a result of the zoning ordinance's equal burden on all property in the district." See Garrison, 154 N.H. at 32-33. Maps of the neighborhood in the record support the ZBA's position that the Property is not unique in its size. See CR 210-211. Specifically, Lots 101-36, 101-37, and 101-45, all on Humphrey's Court, show similar or larger square footage and similar frontage. See CR 210-211. Lot 101-36—located kitty-corner to the Property—is also bound by streets on two sides and has over 200 feet of frontage. CR 210-211. The record therefore supports the ZBA's finding that the Property's frontage is not unique from other properties in the immediate area. See CR 244.

The Court also disagrees with the Trust's assertion that the deliberations reveal that the ZBA's denial turned on the improper weight given to neighborhood opposition. The Trust points to a ZBA member's explanation that, "given the choice between a conforming lot being subdivided into two nonconforming lots against the neighborhood, he would go with the neighborhood." Doc. 11 ¶ 85–97; CR 269. The Court does not construe this statement as giving undue weight to neighborhood opposition, but instead,

giving weight to the neighborhood's composition, that is, the intent to maintain the neighborhood's conforming lots. In denying the variance, the ZBA correctly observed the Ordinance's intent "to promote compliance" with more stringent requirements than what is reflected by existing conditions. Ordinance § 10.233.50. Furthermore, the Court finds it difficult to reconcile this section of the Ordinance with the Trust's argument that the length of the Property's street frontage creates a hardship necessitating a variance to permit lots with less street frontage. See Doc. 11 ¶ 78.

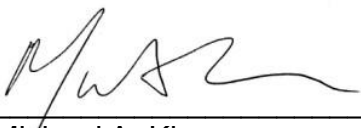
Accordingly, the Court concludes that the Trust has failed to establish that the ZBA acted unreasonably or unlawfully when it denied the Application. See RSA 677:6. The Court therefore AFFIRMS that decision by the ZBA.

Conclusion

For the above reasons, the Court DENIES the neighbors' Motion to Amend and DENIES the City's motion to dismiss. The Court AFFIRMS the ZBA's decision as to the Property's lot size. The Court AFFIRMS the ZBA's decision to deny the Trust's Application. Finally, the Court REMANDS the issue of the Property's rear lot line to the ZBA for consideration consistent with this decision.

SO ORDERED.

Date: August 7, 2026



Michael A. Klass
Presiding Justice

Clerk's Notice of Decision
Document Sent to Parties
on 08/11/2026