

Members of the Board and Commission, however, made such assessments based on what the court has already determined was an incomplete application. Indeed, the missing requirement relates directly to the very issues Kelley points out—namely, the identification of wetland areas in the HISS and corresponding maps influenced the data upon which these entities made their decisions. (See C.R. 722-23, 736-37). Accordingly, ultimate findings based on an incomplete application—especially considering the deficiencies of this application in particular—are inherently unreasonable. See Girard, 172 N.H. at 588 (“Thus, a trial court's task is limited to determining whether the record contains evidence that reasonably supports the board's findings.”); Batakis v. Belmont, 135 N.H. 595, 598 (1992) (“[T]he court could decide that the board's decision was unreasonable by considering the evidence as a whole, including evidence arising before the board formally invoked its jurisdiction pursuant to local regulations...”); Victorian Realty Group v. Nashua, 130 N.H. 60, 62 (1987) (finding board, in exercising its discretion to grant or deny an application, must consider the proposal “in a depth consistent with its duties under all relevant statutes, ordinances, and regulations.”).

As such, the court finds that Kelley has demonstrated by a balance of probabilities that the Board’s decision was unreasonable.

Conclusion

For the foregoing reasons, the court finds and rules that the Board improperly accepted the application as complete, and made unreasonable findings based on an insufficient application. Accordingly, the Board’s decision is REVERSED and the matter is remanded to the Board for further proceedings consistent with this order.