

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: Belknap - Superior Court
Case Name: Erin Stone, et al. v. Town of Barnstead
Case Number: 211-2026-CV-00050
(if known)

COMPLAINT

Requested: ☐ Jury Trial (as allowed by law) ☒ Bench Trial

1. Plaintiff's Name Erin Stone
Residence Address 948 Province Road, Barnstead, NH 03218
Mailing Address (if different) _____
Telephone Number (Home) (603) 892-4575 (Mobile) _____
[See Attachment(s), item 'Additional Plaintiff(s)']

2. Defendant's Name Town of Barnstead
Residence Address 108 South Barnstead Road, Barnstead, NH 03225
Mailing Address (if different) _____
Officer or Authorized Agent: Karen Montgomery

3. First thing that happened (in one sentence):
Claim amount: \$10,410.00. On October 23, 2024, Petitioners submitted a building
permit application to the Town of Barnstead for the structure known as the Windfall
Cabin.

4. Second thing that happened (in one sentence):
The Town of Barnstead acknowledged receipt of the permit application and did not
issue an approval, denial, or request for additional information.

5. Third thing that happened (in one sentence):
After failing to act on the pending permit application, the Town issued enforcement
correspondence, including a cease-and-desist order, without first approving or
denying the application.

Continue on using separately numbered paragraphs (attach additional sheets if necessary).

Case Name: Erin Stone, et al. v. Town of Barnstead

Case Number:

COMPLAINT

For the reasons stated in this Complaint, I request that the Court issue the following orders:
A. Describe the orders you want the Court to make:

Issue a writ of mandamus compelling the Town of Barnstead to perform its ministerial duty to act on Petitioners' building permit application by approving and issuing the permit for the Windfall Cabin, which was submitted on October 23, 2024 and has not been acted upon.

B. All other relief the Court deems fair and just. [See Attachment(s), 'Item A' (continued)]

Erin Stone
Name of Filer

/s/ Erin Stone 2/5/26
Signature of Filer Date
(603) 892-4575

Law Firm, if applicable Bar ID # of attorney
948 Province Road
Address
Barnstead, NH 03218
City State Zip code

Telephone
thefoxandcrowfarm@gmail.com
E-mail

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Signature page for: **COMPLAINT** _____ (document)

Jared Hanselman
Name of Filer

/s/ Erin Stone with permission of Jared
Hanselman 2/5/26
Signature of Filer Date

Law Firm, if applicable Bar ID # of attorney

(603) 490-8752
Telephone

948 Province Rd
Address

E-mail

Barnstead, NH 03218
City State Zip code

Name of Filer

Signature of Filer Date

Law Firm, if applicable Bar ID # of attorney

Telephone

Address

E-mail

City State Zip code

Name of Filer

Signature of Filer Date

Law Firm, if applicable Bar ID # of attorney

Telephone

Address

E-mail

City State Zip code

Name of Filer

Signature of Filer Date

Law Firm, if applicable Bar ID # of attorney

Telephone

Address

E-mail

City State Zip code

To Complaint

Additional Plaintiff(s)

Plaintiff #2

Name: Jared Hanselman

Residence Address: 948 Province Rd, Barnstead, NH 03218

Telephone Number (Home): (603) 490-8752

Item A (continued)

In the alternative, order the Town of Barnstead to issue a written approval or denial of the Windfall Cabin building permit application, in compliance with applicable statutes, within a time certain set by the Court.

Declare that the enforcement actions, including the cease-and-desist order issued while the permit application remained pending, were issued without lawful authority and order the Town of Barnstead to withdraw and vacate those enforcement actions.

Order the Town of Barnstead to reimburse Petitioners for all Zoning Board of Adjustment appeal filing fees incurred as a direct result of the Town's failure to act on the Windfall Cabin permit application.

Award Petitioners reasonable attorneys' fees and costs incurred as a result of the Town of Barnstead's failure to perform its ministerial duties, including fees associated with responding to enforcement actions and pursuing administrative and judicial relief.