

Bond Case Briefs

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EASEMENTS - NEW HAMPSHIRE

Shearer v. Raymond

Supreme Court of New Hampshire - January 13, 2021 - A.3d - 2021 WL 117758

Landowner brought action against neighbors seeking to establish easement over neighbors' property to access his landlocked property that abutted a discontinued public highway.

After a bench trial, the Superior Court found that landowner had an easement. Landowner appealed and neighbors cross-appealed.

The Supreme Court held that:

- As matter of first impression, an easement exists over a discontinued highway if abutting landowner demonstrates that easement is reasonably necessary for ingress and egress;
- Width of any private easement for landowner was not controlled by handwritten notes of selectboard's decision 250 years earlier to lay out highway;
- Trial court was not bound by contemporary design standards for rural subdivision streets in determining width of any easement;
- Court's limitation of easement to residential and agricultural purposes was reasonable; and
- Highway was not subject to gates and bars via town vote after highway was discontinued.