

Bond Case Briefs

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ZONING - NEW HAMPSHIRE

Town of Bartlett Bd. of Selectmen v. Town of Bartlett Zoning Bd. of Adjustment

Supreme Court of New Hampshire - April 12, 2013 - A.3d - 2013 WL 1497323

The Supreme Court of New Hampshire holds that the word “premises” in town zoning ordinance prohibiting off-premise signs included buildings and grounds associated with resort’s general area, including ownership units and registration office, rather than a single lot of land.

Town board of selectmen appealed order of the superior court upholding a decision of town zoning board of adjustment (ZBA) finding that a sign erected by applicant, giving directions to registration office of resort, was permitted under town’s zoning ordinance.

Selectboard approved landowner’s application to place a sign on Route 302. The sign was erected at the westerly entrance to the resort area. At some point, an additional, smaller sign was affixed underneath the approved sign, reading “REGISTRATION .3 MILES BACK ON LEFT.” The registration office to which the sign refers is the office at which patrons register for the resort. The office is located on a lot within the resort, separate from the lot on which the sign is located.

The Selectboard denied the resort’s application to approve the second sign, citing the town ordinance that prohibits the erection of an outdoor sign “on any premises other than on the premises where the activity to which the sign pertains is located,” and Section D, which prohibits off-premise signs “in all districts except as provided elsewhere in [the] Ordinance.”

The Supreme Court disagreed, ruling that the word “premises” in town zoning ordinance prohibiting off-premise signs included buildings and grounds associated with resort’s place, including ownership units and registration office, rather than a single lot of land. Although ordinance did not define “premises,” it defined “lot” as tract, parcel, or plot of land, and, had it been intent of drafters of ordinance to interpret word “premises” as a single lot of land, they could have done so by using the word “lot.”