

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **LICENSES - NEW HAMPSHIRE**

### **Boyle v. City of Portsmouth**

**Supreme Court of New Hampshire - January 24, 2020 - A.3d - 2020 WL 407807**

Landowner brought action against city, alleging trespass and nuisance arising from city's sewer line on property.

The Superior Court entered judgment in favor of landowner and awarded damages. Landowner appealed as to damages, and city cross-appealed.

The Supreme Court held that:

- Landowner's attorney's letter to city's attorney constituted a revocation of city's license to keep sewer line on landowner's property, and
- Landowner's claim of inability to develop additional automobile dealership on property was too speculative to support award of lost profit damages.

Landowner's attorney's letter to city's attorney constituted a revocation of city's license to keep sewer line on landowner's property, even though letter did not expressly use word "revoke," where letter expressed attorney's belief that there was "no justification for continued presence" of line and that city had no permission from current owner as it had in the past.

Landowner's claim of inability to develop additional automobile dealership on property which contained one dealership was too speculative to support award of lost profit damages, in landowner's action against city for trespass and nuisance arising out of city's use of sewer line on property after revocation of license to do so; landowner's expert offered no assessment of probability that landowner would obtain necessary regulatory approvals, and landowner's own testimony highlighted uncertainty of obtaining a dealer franchise and securing financing to build a second building.