
ZONING & PLANNING - NEW HAMPSHIRE

Raymond, Trustee of J&R Realty Trust v. Town of Plaistow

Supreme Court of New Hampshire - July 28, 2023 - A.3d - 2023 WL 4831447

Real property owner appealed decision of the zoning board of adjustment denying variance request to convert property from non-conforming residential use to commercial use to house home improvement business engaged in the sale, service, and installation of windows, siding, roofing, decks, and gutters.

The Superior Court upheld the denial, and property owner appealed. The Supreme Court remanded for articulation, and the Superior Court issue order determining that the decision was reasonable.

The Supreme Court held that proposed use of property fell with definition of a “trade business” permitted in commercial zone.

Proposed use of property fell with definition of a “trade business” permitted in commercial zone, rather than a contractor’s storage yard; primary purpose of building would be to house home improvement business engaged in the sale, service, and installation of windows, siding, roofing, decks, and gutters, and allow business to operate a retail showroom to provide trade services directly to the public, ordinance expressly provided examples of a trade business that included “electricians, plumbers, and HVAC contractors,” and company intended to store all materials inside a 3,400 square foot warehouse building.

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