

# **Bond Case Briefs**

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## **ZONING & PLANNING - NEW HAMPSHIRE**

### **Harvey v. Town of Barrington**

**Supreme Court of New Hampshire - February 27, 2024 - A.3d - 2024 N.H. 10 - 2024 WL 791539**

Property owner sought judicial review of decision by town's planning board that affirmed the zoning board of adjustment's (ZBA) grant of a variance allowing adjoining lot to be subdivided into two residential lots, each with access via an easement over property owner's lot.

The Superior Court affirmed planning board.

The Supreme Court held that:

- Town's ZBA lacked the authority to modify limited easement over property owner's lot to allow access to two residential lots, and
- Town planning board was precluded from approving the subdivision of single lot into two residential lots absent legal street access to the lots.