

Bond Case Briefs

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ZONING & PLANNING - NEW HAMPSHIRE

Newfound Serenity, LLC v. Town of Hebron

Supreme Court of New Hampshire - April 3, 2024 - A.3d - 2024 WL 1423559

Site plan applicant petitioned for judicial review of decisions of town planning board and town zoning board of adjustment (ZBA) relating to planning board's denial of application for site plan approval for seasonal recreational vehicle park, after town housing appeals board (HAB) dismissed applicant's initial appeal as untimely and ZBA then ruled on applicant's appeal to ZBA.

The Superior Court dismissed. Applicant appealed.

The Supreme Court held that:

- Applicant's complaint seeking judicial review two weeks after ZBA finally resolved appeal was timely, and
- HAB's dismissal of premature appeal did not have preclusive effect as to appeals to superior court from planning board and ZBA decisions.

Site plan applicant's complaint seeking judicial review of decisions of town planning board and town zoning board of adjustment (ZBA) relating to planning board's denial of application for site plan approval for seasonal recreational vehicle park was timely, where applicant filed complaint approximately two weeks after ZBA finally resolved applicant's appeal via dismissal of applicant's motion for rehearing.

Town housing appeals board's (HAB) dismissal of site plan applicant's premature appeal of town planning board's adverse decision, while applicant's appeal of planning board's decision to town zoning board of adjustment (ZBA) was pending, did not foreclose applicant from pursuing its complaint in superior court seeking review of both the planning board and ZBA decisions, which related to applicant's proposed seasonal recreational vehicle park, since the applicable statutes contemplated final resolution of zoning-related issues by ZBA before an appeal of a planning board decision to the superior court or the HAB became timely.