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**ZONING & PLANNING - NEW HAMPSHIRE**

## Rod v. Town of Peterborough

**Supreme Court of New Hampshire - October 25, 2024 - A.3d - 2024 N.H. 61 - 2024 WL 4575912**

Gun club, which had reoriented outdoor shooting range from east-west to north-south, appealed zoning board of adjustment's affirmance of examining officer's decision that the club did not have a lawful nonconforming use, the board's denial of club's special exception application, and the planning board's denial of the club's site plan application.

The Superior Court affirmed and denied club's motion for reconsideration. Club appealed.

The Supreme Court held that:

- Gun club's reoriented outdoor shooting range was not a continuation of its lawful, existing nonconforming use;
- Zoning board of adjustment did not act unlawfully or unreasonably in denying shooting club's request for a special exception for a nonconforming use; and
- Statute prohibiting application of an ordinance limiting shooting range activities to a range "in operation" prior to the date of the ordinance required lawful operation, and thus did not prevent application of town's ordinance requiring shooting ranges to be indoors to gun club's reoriented shooting range.

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