

STATE OF NEW HAMPSHIRE

SUPERIOR COURT OF NEW HAMPSHIRE

ADMINISTRATIVE ORDER #2023-06  
RELATIVE TO LAND USE REVIEW DOCKET

Pursuant to RSA 491:7-b (eff. July 1, 2023), and the corresponding Order of the Supreme Court of New Hampshire establishing the Land Use Review Docket dated December 18, 2023, the following procedures are established in the Superior Court to effectuate the purposes of RSA 491:7-b.

I. Jurisdiction of the Land Use Review Docket.

The Land Use Review Docket shall have jurisdiction to hear all appeals to the Superior Court from decisions of municipal planning boards, zoning boards, historic district commissions, and conservation commissions. The Land Use Review Docket may include the decisions of other local land use boards in accordance with any Supplemental Administrative Order of the Chief Justice of the Superior Court. The Land Use Review Docket shall not include appeals of decisions by State agencies, and shall not include property disputes between private parties, such as quiet title actions, boundary line disputes, determination of easements or rights of way, or other similar private disputes involving interests in land.

II. Location of Land Use Review Docket.

The presiding justice of the Land Use Review Docket shall be located in the Hillsborough County Superior Court North, and

the case docket shall be administered by the Clerk of said court.

III. Transfer of Existing Land Use Cases.

On or before January 5, 2024, the Chief Justice of the Superior Court, in consultation with the Superior Court Administrator and the Clerks of the Superior Courts, shall identify all existing local land use cases and the status of the litigation in each case. The following categories of cases shall remain in the local Superior Court for decision: all existing cases that have had a hearing on the merits or a hearing is currently scheduled to occur on or before January 31, 2024; and all cases subject to a pending dispositive motion ripe for decision. The Chief Justice in his discretion may transfer to the Land Use Review Docket any case that is currently stayed. All other pending land use cases shall be transferred to the Land Use Review Docket on or before January 16, 2024. (See attachment for list of pending cases and their transfer designation).

All new Land Use Review cases filed on or after January 2, 2024, shall be automatically transferred to the Land Use Review Docket in Hillsborough Superior Court North without the need for a separate transfer order.

In all pending cases transferred to the Land Use Review Docket, the presiding justice of the Land Use Review Docket, in consultation with the Clerk of Court, shall schedule and conduct as soon as practicable a status and scheduling conference with

the parties. The presiding justice shall determine the status of the case and shall schedule the matter for a hearing on the merits, or dispositive motions if appropriate, within 60 days of the status and scheduling conference, unless the parties agree to a later date or for good cause shown under the circumstances of the case. The court shall issue a decision on the merits or dispositive motions within 60 days of the hearing.

#### IV. Procedures in Land Use Cases.

For all cases filed on or after January 2, 2024, the case shall be filed initially in the local Superior Court with venue over the matter and assigned a docket number associated with the local Superior Court. The case shall then be transferred automatically to the Land Use Docket. The court shall hold a structuring conference within 30 days of the filing of the notice of appeal. At the structuring conference, the court shall set a deadline for the filing of the certified record, if it has not already been received. The court shall schedule a merits hearing to be held within 60 days of receipt of the certified record. The court shall issue a decision within 60 days of the hearing on the merits. The court may extend the deadlines established herein by agreement of the parties or for good cause shown.

In addition to decisions on the merits, the presiding justice of the Land Use Review Docket shall hear or determine all proceedings relating to land use appeals, including but not limited to motion practice, discovery disputes, and requests for

injunctive relief. The presiding justice may, where appropriate, issue orders relative to alternative dispute resolution.

The presiding justice, where appropriate, may conduct status conferences, preliminary proceedings, and arguments on motions via Webex or similar virtual technology. Hearings on the merits, except for good cause shown, shall be conducted in person. The presiding justice may, in consultation with the Chief Justice of the Superior Court, hold hearings on the merits in the originating local Superior Court for good cause shown.

V. Assignment of Presiding Justice to Other Matters.

The primary purpose of RSA 491:7-a is to provide a forum for the prompt resolution of land use appeals by a judge with knowledge and experience in land use matters. As such, the presiding justice shall at all times give priority to the Land Use Review Docket. The presiding justice, to the extent not inconsistent with the judge's responsibilities to the Land Use Review Docket, may be assigned to any other matter within the jurisdiction of the Superior Court or sit by designation on any other courts in the same manner as any other associate justice of the Superior Court as determined to be necessary by the Chief Justices of the Superior and Supreme Courts.

In addition, the Chief Justice of the Superior Court may assign additional judges to preside over cases assigned to the Land Use Review Docket, as necessary, based upon caseload,

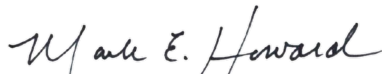
disqualification of the presiding justice, or the efficient allocation of judicial resources.

VI. Supplemental Administrative Orders.

The Chief Justice of the Superior Court may issue such Supplemental Administrative Orders as may be necessary to carry out the purposes of RSA 491:7-b.

December 27, 2023

Date



Mark E. Howard

Chief Justice