

# THE STATE OF NEW HAMPSHIRE

## SUPREME COURT

**In Case No. 2013-0666, CBDA Development, LLC v. Town of Thornton & a.; CBDA Development, LLC v. Town of Thornton, the court on November 7, 2014, issued the following order:**

Having considered the briefs and oral arguments of the parties, the court concludes that a formal written opinion is unnecessary in this case. The petitioner, CBDA Development, LLC, appeals an order of the Superior Court (Vaughan, J.) affirming a decision of the Planning Board of the respondent, the Town of Thornton (Town), not to approve the petitioner's site plan application, and also a decision of the Town's Zoning Board of Adjustment (ZBA) affirming the Planning Board's decision. We affirm.

With respect to the Planning Board's decision, the petitioner argues that the trial court erred by: (1) rejecting the petitioner's claim that a Planning Board member should have been disqualified; (2) finding that the petitioner was provided meaningful opportunities to address its application with the Planning Board and, therefore, the Planning Board did not fail to reasonably assist it with the application; and (3) concluding that the petitioner failed to demonstrate that the Planning Board lacked authority to enact the challenged campground regulations. The petitioner further argues that the trial court erred, with respect to the ZBA decision, by finding that: (1) the ZBA's written decision, in conjunction with its meeting minutes, provided the petitioner with written reasons for the ZBA's disapproval of the application; and (2) the ZBA did not employ an improper standard of review, and, even if it had, the correct legal standard was met as a matter of law. The petitioner also asserts that the trial court erroneously concluded that the petitioner failed to establish that the Planning Board and ZBA erred in determining that the petitioner's proposed campground was not a permitted use of the property. Finally, the petitioner argues that the trial court employed an incorrect standard when it reviewed the petitioner's request for attorney's fees.

As the appealing party, the petitioner has the burden of demonstrating reversible error. Gallo v. Traina, 166 N.H. \_\_\_, \_\_\_ (decided Sept. 12, 2014). Based upon our review of the trial court's well-reasoned order, the petitioner's challenges to it, the relevant law, and the record submitted on appeal, which

includes the photographs submitted to the Planning Board, we conclude that the petitioner has not demonstrated reversible error. See id.

Affirmed.

DALIANIS, C.J., and HICKS, CONBOY, LYNN, and BASSETT, JJ., concurred.

**Eileen Fox,  
Clerk**

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