

**Town of Henniker**  
**Zoning Board of Adjustment**  
**Notice of Decision**  
**March 17, 2010**

**Case 2010-01:** William Russell, Applicant (William Russell – Russell Forest Management, LLC-owner). The Applicant had submitted a Motion for Rehearing relative to the Zoning Board of Adjustment's decision of January 21, 2010 regarding an appeal from An Administrative Decision, pursuant to RSA 674:33, made by the Board of Selectman dated November 17, 2009, in which the Selectman denied your application for a building permit. After a hearing, the Zoning Board of Adjustment voted 5-0 to uphold the administrative decision of the Board of Selectmen to deny an application for a building permit for Map 1 Lot 741. The Board found no error in the Selectmen's decision because this lot has no road frontage and is accessible only by private easement. This property is located off of Bower Road (Class VI) and accessed via a private easement. The property is Zoned RR Rural Residential.

On March 17, 2010 the ZBA discussed you Motion for Rehearing relative to the Board's decision of January 21, 2010. After review of the information submitted, the Zoning Board voted to **Deny** your request for the following reasons:

- 1) The Board believes that they previously made the correct decision;
- 2) The Board acknowledged that the NH Merrimack Superior Court previously found that the applicant's property access exists by right of private easement not private road. See Hanson v. Richard, 06-E-75 (May 2008).
- 3) The Board further found that the applicant's easement access is not the equivalent of a private road as the applicant has no ownership interest in the land he must traverse to reach his property.
- 4) Finally the Board concluded a building permit could not be issued as the applicant has no road frontage on a class VI roadway.

Doreen Connor, Chair  
Zoning Board of Adjustment  
March 18, 2010