

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2007-0534, Harborsquare Corporation v. City of Portsmouth & a., the court on March 7, 2008, issued the following order:

The petitioner, Harborsquare Corporation, appeals an order of the trial court dismissing its appeal from a decision of the Portsmouth Zoning Board of Adjustment for lack of standing. Based upon the record before us and the oral argument of the parties, we find no error. For the reasons set forth in the trial court's order, we affirm. See RSA 677:4 (Supp. 2007); Thomas v. Town of Hooksett, 153 N.H. 717, 720 (2006) (whether party has standing to challenge zoning board decision is factual determination to be undertaken on case by case basis); Goldstein v. Town of Bedford, 154 N.H. 393, 395 (2006) (where motion to dismiss challenges party's standing to sue, trial court must look beyond petitioner's unsubstantiated allegations and determine based upon the facts whether petitioner has sufficiently demonstrated his right to claim relief); Stewart v. Bader, 154 N.H. 75, 80-81 (2006) (setting forth principles of collateral estoppel).

Affirmed.

DALIANIS, GALWAY and HICKS, JJ., concurred.

**Eileen Fox,
Clerk**

File