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**TOWN OF LONDONDERRY  
ZONING BOARD OF ADJUSTMENT  
MOOSE HILL COUNCIL CHAMBERS  
268B MAMMOTH ROAD  
LONDONDERRY, NH 03053**

**January 17, 2024 MEETING  
7:00 P.M.**

**I. CALL TO ORDER**

**Members Present:** Jacqueline Benard, Chair; Suzanne Brunelle, Vice Chair; Brendan O'Brien, Clerk; Mitchell Feig, Full Member; Irene Macarelli, Full Member; Chris Moore, Alternate Member

**Also Present:** Kellie Caron, Assistant Town Manager/Director of Economic Development; Nick Codner, Chief Building Inspector

Chair Benard called the meeting to order at 7:00 p.m. and described the meeting procedure.

**II. APPROVAL OF DRAFT MINUTES – DECEMBER 20, 2023**

**Vice Chair Brunelle moved to accept the minutes of the December 20, 2023, meeting as written. C. Moore seconded the motion. A vote was taken, all were in favor except M. Feig, who abstained. The motion passed 4-0-1.**

**III. REPORT BY TOWN COUNCIL LIAISON**

There was no report by the Town Council Liaison.

**IV. REGIONAL IMPACT DETERMINATIONS**

K. Caron said the Staff is recommending the three cases before the Board are not of regional impact.

**C. Moore moved to accept the regional impact determination. I. Macarelli seconded the motion. A vote was taken, all were in favor. The motion passed 5-0-0.**

**V. ROLL CALL**

Each member of the Board and Staff present introduced themselves.

**VI. PUBLIC HEARING OF CASES**

49                   **A. CASE NO. 01/17/2024-1: Request for a special exception from**  
50                   **LZO section 5.12 to allow a home occupation for home office**  
51                   **with company vehicles on site. The parcel is located at 56**  
52                   **South Road in the Agricultural-Residential (AR-1) zoning**  
53                   **district. Tax Map 4, Lot 3-2. Mark & Mari-Ann Thibodeau**  
54                   **(Owners & Applicants).**

55  
56 B. O'Brien read the case into the record.

57  
58 Mark and Mari-Ann Thibodeau appeared before the Board and presented their  
59 request to park a small pickup truck and a van with logos at their home for their  
60 business, Tibs Taps.

61  
62 Chair Benard asked for Board input. The Board clarified that no work is done at the  
63 home and the vehicles will be parked at this location outside of business hours,  
64 when they return home. M. Feig asked if the outbuildings are associated with the  
65 business and M. Thibodeau said they are not. Vice Chair Brunelle noted these  
66 structures are recorded and taxed accordingly.

67  
68 Chair Benard asked for public input; there was none. B. O'Brien read a letter from  
69 abutters in opposition of this request.

70  
71 The Board closed public input and began deliberation.

72  
73 1. The activities associated with home occupation shall not detract from the rural  
74 character of the residential neighborhood nor shall they create traffic,  
75 environmental, or aesthetic impacts substantially different than the impacts  
76 created by other permitted uses in the neighborhood.

77  
78 The applicant responded no.

79  
80 Vice Chair Brunelle noted the business does not operate at this location. The Board  
81 agreed these are the types of vehicles that would be at the home regardless.

82  
83 2. The home occupation shall be incidental and secondary to the use of the  
84 property as a residential dwelling.

85  
86 The applicant responded yes.

87  
88 The Board agreed this is not a home occupation, as the business portion is  
89 conducted elsewhere, although administrative work is done onsite. K. Caron  
90 clarified the home office work being done is directly related to the business. The  
91 vehicles are also part of the business. The Town allows one vehicle; since there are  
92 two, this is the reason for the special exception request.

93  
94 3. Home occupation shall be permitted only in single-family or two-family dwelling  
95 units and are not permitted in multi-family dwelling units.

96

97 The applicant clarified that he should have responded "yes" to this question but  
98 mismarked his application "no."  
99

100 4. The home occupation shall occupy no more than 25% of the existing normal  
101 living area of the primary residence or, if the home occupation is conducted in  
102 an accessory building, no more than 50% of the existing normal living area of  
103 the primary residence (up to a maximum of 1,000 square feet may be dedicated  
104 to the home occupation).  
105

106 B. O'Brien questioned the applicant's calculations and M. Thibodeau provided a  
107 illustration that clarified and corrected his response.  
108

109 5. Only members of the occupant's immediate family residing on the property may  
110 be employed.  
111

112 The applicant responded yes. There are eight people employed by the company,  
113 including Mr. and Mrs. Thibodeau. The other employees do not live on the property.  
114

115 6. No exterior renovations or construction shall be permitted as part of a home  
116 occupation.  
117

118 The applicant responded there are none. The Board agreed.  
119

120 7. Exterior storage of any products, equipment, machinery, or materials associated  
121 with the home occupation is prohibited.  
122

123 The applicant responded no. The Board clarified the vehicles are considered  
124 equipment, so the answer should be yes. The applicant asked to change his  
125 response to yes, as he misunderstood the question.  
126

127 8. Traffic generated by the home occupation shall not create safety hazards or be  
128 substantially greater in volume than would normally be expected in the  
129 neighborhood.  
130

131 The applicant responded no. The Board agreed.  
132

133 9. The off-street parking shall be adequate for anticipated customers, although no  
134 parking areas in excess of those necessary for normal residential purposes will  
135 be allowed.  
136

137 The applicant responded there are two and the Board agreed.  
138

139 10. All home occupation shall be conducted in accordance with all Town regulations,  
140 state laws and licensing requirements.  
141

142 The applicant responded yes. The Board agreed.  
143

144 11. There is no sign.

145  
146 12. Hours of operation are 8:00 a.m. to 3:00 p.m. Monday through Friday.  
147  
148 **B. O'Brien moved to deny the request for a special exception in CASE NO.**  
149 **01/17/2024-1. Vice Chair Brunelle seconded the motion. A vote was taken.**  
150 **The motion carried. The applicant's request for a special exception was**  
151 **DENIED.**  
152  
153 K. Caron explained the 30-day appeal process and that if the applicant chooses not  
154 to appeal, two vehicles relating to the business cannot be parked at this location.  
155  
156 **B. CASE NO. 01/17/2024-2: Request for a special exception from**  
157 **LZO section 5.12 to allow a home occupation for esthetician**  
158 **services. The parcel is located at 6 Autumn Lane in the**  
159 **Agricultural-Residential (AR-1) zoning district. Tax Map 13, Lot**  
160 **71-23. Ashley & Kevin Swenson (Owners & Applicants).**  
161  
162 B. O'Brien read the case into the record.  
163  
164 C. Moore recused himself from this discussion.  
165  
166 Ashley and Kevin Swenson appeared before the Board to request a special  
167 exception for a home esthetician business. There will only be one client at a time,  
168 so there will be only one vehicle at a time on the property.  
169  
170 M. Feig asked if regulated or hazardous substances will be used as part of the  
171 business. A. Swenson said an enzyme cleaner for the tools will be used. She also  
172 noted a sharps container will be onsite and that she is aware of the regulations for  
173 sharps disposal.  
174  
175 Chair Benard asked if operating hours will be seven days a week. A. Swenson  
176 clarified it is by appointment only and these hours are set to provide flexibility.  
177  
178 Chair Benard asked for public input.  
179  
180 Sarah Colby (sp), 30 Seasons Lane, expressed her support for this request.  
181  
182 Ann Snediker, 39 Seasons Lane, expressed her support for this request.  
183  
184 Alexandria Peary, 32 Seasons Lane, expressed her support for this request.  
185  
186 Mike Miller, 32 Seasons Lane, expressed his support for this request.  
187  
188 The Board closed public input and began deliberation.  
189  
190 1. The activities associated with home occupation shall not detract from the rural  
191 character of the residential neighborhood nor shall they create traffic,

192 environmental, or aesthetic impacts substantially different than the impacts  
193 created by other permitted uses in the neighborhood.

194  
195 The applicant responded no. The Board agreed.

196  
197 2. The home occupation shall be incidental and secondary to the use of the  
198 property as a residential dwelling.

199  
200 The applicant responded yes. The Board agreed.

201  
202 3. Home occupation shall be permitted only in single-family or two-family dwelling  
203 units and are not permitted in multi-family dwelling units.

204  
205 The applicant responded yes. The Board agreed.

206  
207 4. The home occupation shall occupy no more than 25% of the existing normal  
208 living area of the primary residence or, if the home occupation is conducted in  
209 an accessory building, no more than 50% of the existing normal living area of  
210 the primary residence (up to a maximum of 1,000 square feet may be dedicated  
211 to the home occupation).

212  
213 The applicant responded yes. The Board agreed.

214  
215 5. Only members of the occupant's immediate family residing on the property may  
216 be employed.

217  
218 The applicant responded yes. The Board agreed.

219  
220 6. No exterior renovations or construction shall be permitted as part of a home  
221 occupation.

222  
223 The applicant responded no. The Board agreed.

224  
225 7. Exterior storage of any products, equipment, machinery, or materials associated  
226 with the home occupation is prohibited.

227  
228 The applicant responded no. The Board agreed.

229  
230 8. Traffic generated by the home occupation shall not create safety hazards or be  
231 substantially greater in volume than would normally be expected in the  
232 neighborhood.

233  
234 The applicant responded no. The Board agreed.

235  
236 9. The off-street parking shall be adequate for anticipated customers, although no  
237 parking areas in excess of those necessary for normal residential purposes will  
238 be allowed.

239

240 The applicant responded yes. The Board agreed.  
241

242 10.All home occupation shall be conducted in accordance with all Town regulations,  
243 state laws and licensing requirements.  
244

245 The applicant responded yes. The Board agreed.  
246

247 11. Sign.  
248

249 The applicant responded she would like a freestanding sign, according to what is  
250 allowed. Chair Benard reviewed the requirements.  
251

252 12.Hours of operation are 9:00 a.m. to 6:00 p.m. seven days a week.  
253

254 **B. O'Brien moved to grant the request for a special exception in CASE NO.**  
255 **01/17/2024-2. I. Macarelli seconded the motion. A vote was taken. The**  
256 **motion was granted 5-0-0. The applicant's request for a special exception**  
257 **was GRANTED.**  
258

259 **C. CASE NO. 01/17/2024-3: Request for a variance from LZO**  
260 **section 4.2.1.3.C.1 to allow an encroachment of nine feet in to**  
261 **the forty foot right of way setback. The parcel is located at 8**  
262 **Walton Circle in the Agricultural-Residential (AR-1) zoning**  
263 **district. Tax Map 18, Lot 15-3. Isaac Abotsi & Lauren McAdam**  
264 **(Owners) and Douglas Standbridge (Applicant).**  
265

266 C. Moore returned to the discussion.  
267

268 B. O'Brien read the case into the record.  
269

270 Douglas Standbridge, a contractor representing the applicant, appeared before the  
271 Board. He explained this project is a 24 x 24 two-car garage addition, with a living  
272 space above and an attached ADU for the applicant's family. As it is on a corner lot,  
273 the setbacks and the location of the existing home, including the septic and well,  
274 limit where this structure can be located.  
275

276 D. Standridge reviewed the five points:  
277

278 1) Granting the variance will not alter the character of the neighborhood as the  
279 structure is residential in nature and located in a residential neighborhood. It will  
280 resemble the existing home and nearby structures. There is no threat to public  
281 safety, health, or welfare.  
282

283 2) The spirit of the ordinance would be observed as the variance allowance will still  
284 provide significant distance from the right-of-way.  
285

286 3) Granting the variance would do substantial justice because there is no gain to  
287 the general public by denying this variance. There is a dire need for housing in New

288 Hampshire, and this addition and ADU provide more space for the owners' family.  
289 The ADU will provide daycare services for the family, relieving the burden on the  
290 childcare shortage.

291  
292 4) The values of the surrounding properties would not be diminished, as the  
293 structure is likely to improve the neighborhood and property values.

294  
295 5) Owing to special conditions of the property that distinguish it from other  
296 properties in the area, denial of the variance would result in unnecessary hardship  
297 because there is not a fair and substantial relationship between the general public  
298 purpose of the ordinance provision and the specific application of that provision to  
299 the property. Due to the property being a corner lot and subject to two 40-foot  
300 setbacks, the owners are deprived of the permitted use of their property. As a  
301 result of the location of the well and septic, a variance is required.

302  
303 The proposed use is reasonable because the property yields little beneficial use  
304 without the variance. The encroachment is not substantial and this is the most  
305 feasible option for the family, due to the tight housing market.

306  
307 Vice Chair Brunelle asked for Board questions. M. Feig asked why the original  
308 location of the garage, which did not require a variance, was changed. D.  
309 Standbridge explained the location ended up closer to the well than expected. The  
310 foundation has already been poured.

311  
312 Vice Chair Brunelle asked for public input; there was none. B. O'Brien read two  
313 Petitions to Approve Variance supporting the request.

314  
315 The Board closed public input and began deliberation.

316  
317 1) Granting the variance would not be contrary to the public interest because there  
318 is no threat to public health, safety, or welfare.

319  
320 2) The spirit of the ordinance would be observed because it does not change the  
321 essential character of the neighborhood.

322  
323 3) Granting the variance would do substantial justice because the loss to the  
324 applicant is greater than any gain to the public.

325  
326 4) The values of the surrounding properties would not be diminished as this does  
327 not change the character of the neighborhood.

328  
329 5) Owing to special conditions of the property that distinguish it from other  
330 properties in the area, denial of the variance would result in unnecessary hardship  
331 because there is not a fair and substantial relationship between the general public  
332 purpose of the ordinance provision and the specific application of that provision to  
333 the property because of the structure being on a corner lot, and the location of the  
334 well.

335

336  
337 The proposed use is a reasonable one because a garage and an ADU are  
338 reasonable.

339  
340 **B. O'Brien moved to grant the request for a variance in CASE NO.**  
341 **01/17/2024-3 from LZO section 4.2.1.3.C.1 to allow an encroachment of**  
342 **nine feet in to the forty foot right of way setback. I. Macarelli seconded the**  
343 **motion. A vote was taken. The motion was granted 5-0-0. The applicant's**  
344 **request for a variance was GRANTED.**

345  
346 **VII. ELECTION OF OFFICERS**

347  
348 **S. Brunelle moved that Jacqueline Benard continue as Chair. M. Feig**  
349 **seconded the motion. A vote was taken. The motion was granted 5-0-0.**

350  
351 **J. Benard moved that Suzanne Brunelle continue as Vice Chair. I. Macarelli**  
352 **seconded the motion. A vote was taken. The motion was granted 5-0-0.**

353  
354 **J. Benard moved that Brandon Benard continue as Clerk. I. Macarelli**  
355 **seconded the motion. A vote was taken. The motion was granted 5-0-0.**

356  
357 **VIII. OTHER BUSINESS**

358  
359 **IX. ADJOURN**

360  
361 **Vice Chair Brunelle moved to adjourn. M. Feig seconded the motion. A vote**  
362 **was taken; all were in favor. The motion passed 5-0-0. The meeting was**  
363 **adjourned at 8:00 p.m.**

364  
365 Respectfully submitted,

366  
367 Beth Haggeli  
368 Recording Secretary