



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

268B Mammoth Road, Londonderry, New Hampshire 03053
Phone: 432-1100, ext.134 Fax: 432-1142

February 22, 2023

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, February 15, 2023:

Case No.: 02/15/2023-1

Applicant: Michaela Waldron and John Thompson
83 Litchfield Road
Londonderry, NH 03053

Location of Property: 83 Litchfield Road, Map 11 Lot 85, Zoned AR-1

Request: Request for a variance from LZO 4.12 Use Table to allow a manufacturing use in the AR-1 zone which is otherwise prohibited.

Result: Member B. O'Brien made a motion in CASE NO. 02/15/2023-1 to **deny** the applicant's request for a variance from LZO 4.12 to allow a manufacturing use in the AR-1 zone which is otherwise prohibited, 83 Litchfield Road (Map 11 Lot 85, Zoned AR-1), Michaela Waldron (Owner) and John Thompson (Applicant).

Member I. Macarelli seconded the motion.

The motion passed, 5-0-0. The applicant's request for a variance was **denied** for the following reasons:

The variance would be contrary to the public interest: because it would alter the essential character of the neighborhood by allowing manufacturing in the AR-I zone.

The spirit of the ordinance would not be observed: because manufacturing would have potential safety issues including fire, byproducts and impact on ground water.

Substantial justice would not be done: because the possible loss to the general public would outweigh any gain to the general public.

Values of the surrounding properties would be diminished: because the introduction of manufacturing could create a loss in value of the surrounding properties.

There is a fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property is not unique to allow it to be used for the purpose of manufacturing. The proposed use is not a reasonable one, as manufacturing is not allowed in the AR-I zone.



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NOTE: Actions of the ZBA, granted or denied, are subject to the rights of any party to the proceedings or person directly affected thereby to request a rehearing within thirty calendar days following a hearing and to the Superior Court in accordance with RSA 677:1-14. Variance shall be valid if exercised within two years from the date of final approval. See RSA 674:33, I-a (a) for further explanation and conditions.



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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, February 15, 2023:

Case No.: 02/15/2023-2

Applicant: Patricia & David Robbins
532 Mammoth Road
Londonderry, NH 03053

Location of Property: 532 Mammoth Road, Map 15 Lot 222, Zoned AR-1

Request: Request for a variance from LZO 4.2.1.3.A.1 to allow a duplex on a lot with only 100 feet of frontage where 150 feet are required.

Result: Member B. O'Brien made a motion in CASE NO. 02/15/2023-2 to **grant** the applicant's request for a variance from LZO 4.2.1.3.A.1 to allow a duplex on a lot with only 100 feet of frontage where 150 feet are required in the AR-1 Zoning District, 532 Mammoth Road (Map 15 Lot 222, Zoned AR-1), Patricia and David Robbins (Owners & Applicants).

Member I. Macarelli seconded the motion.

The motion passed, 5-0-0. The applicant's request for a variance was **granted**.

NOTE: Actions of the ZBA, granted or denied, are subject to the rights of any party to the proceedings or person directly affected thereby to request a rehearing within thirty calendar days following a hearing and to the Superior Court in accordance with RSA 677:1-14. Variance shall be valid if exercised within two years from the date of final approval. See RSA 674:33, I-a (a) for further explanation and conditions.



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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, February 15, 2023:

Case No.: 02/15/2023-3

Applicant: Rahul Talwar
72 Roosevelt Drive
Northbridge, MA 01534

Location of Property: 184 Mammoth Road Unit 3, Map 6 Lot 72C, Zoned C-I

Request: Request for a variance from LZO 4.1.2 Use Table to allow vehicle sales (wholesale) in the C-I zone which is otherwise prohibited.

Result: Member B. O'Brien made a motion in CASE NO. 02/15/2023-3 to **deny** the applicant's request for a variance from LZO 4.1.2 Use Table to allow vehicle sales (wholesale) in the C-I zone which is otherwise prohibited in the C-I district, 184 Mammoth Road Unit 3 (Map 6 Lot 72C, Zoned C-I), MKZ Auto, LLC (Owner) and Rahul Talwar (Applicant).

Member I. Macarelli seconded the motion.

The motion passed, 4-1-0. The applicant's request for a variance was **denied** for the following reasons:

The variance would not be contrary to the public interest: because it does not alter the essential character of the neighborhood.

The spirit of the ordinance would be observed: because it does not pose any risk to the health, safety or welfare of the general public.

Substantial justice would be done: because the loss to the applicant outweighs any gain to the general public.

Values of the surrounding properties would not be diminished: because it is already a commercial area.

There is a fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property does not have special conditions that distinguish it from other properties in the area. The proposed use is a reasonable one.

NOTE: Actions of the ZBA, granted or denied, are subject to the rights of any party to the proceedings or person directly affected thereby to request a rehearing within thirty calendar days following a hearing and to the Superior Court in accordance with RSA 677:1-14. Variance shall be valid if exercised within two years from the date of final approval. See RSA 674:33, I-a (a) for further explanation and conditions.



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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, February 15, 2023:

Case No.: 02/15/2023-4

Applicant: Audrey and Jason Withee, When I Grow Up LLC
321 Joppa Hill Road
Bedford, NH 03110

Location of Property: 298 Rockingham Road Building J, Map 17 Lot 24, Zoned C-II

Request: Request for Re-Hearing regarding CASE NO. 12/21/2022-2 in which the Board denied a variance from LZO 4.1.2 to allow the use of a group child care facility in the C-II zone which is otherwise prohibited.

Result: Member C. Moore made a motion in CASE NO. 02/15/2023-4 to **grant** the applicant's request for Re-Hearing regarding CASE NO. 12/21/2022-2 in which the Board denied a variance from LZO 4.1.2 to allow the use of a group child care facility in the C-II zone which is otherwise prohibited, 298 Rockingham Road Building J (Map 17 Lot 24, Zoned C-II), Remi Fortin Realty Company (Owner) and Audrey & Jason Withee and When I Grow Up, LLC (Applicants).

Member B. O'Brien seconded the motion.

The motion passed, 5-0-0. The applicant's request for rehearing was **granted**.

NOTE: Actions of the ZBA, granted or denied, are subject to the rights of any party to the proceedings or person directly affected thereby to request a rehearing within thirty calendar days following a hearing and to the Superior Court in accordance with RSA 677:1-14. Variance shall be valid if exercised within two years from the date of final approval. See RSA 674:33, I-a (a) for further explanation and conditions.