



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

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

April 23, 2020

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, April 15, 2020:

Case No.: 02/19/2020-1

Applicant: Doug Fuller
Two Mont Vernon Drive
Londonderry, NH 03053

Location of Property: Two Mont Vernon Drive, Map 5 Lot 73-12, Zoned AR-1

Request: Request for a variance from LZO 4.2.1.3.C.1 to encroach 25 feet into the 40 feet front setback for the construction of a garage

Result: Member J. Benard made a motion to **DENY** the applicant's request for a variance in **CASE NO. 02/19/2020-1**: Request for a variance from LZO 4.2.1.3.C.1 to encroach 25 feet into the 40 feet front setback for the construction of a garage, Two Mont Vernon Drive, Map 5 Lot 73-12, Zoned AR-1, Douglas Fuller (Owner & Applicant)

Member S. Brunelle seconded the motion.

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

Granting of the variance would be contrary to be the public interest and the spirit of the ordinance would not be observed because the request would alter the essential character of the neighborhood and the applicant has other options to locate the garage without encroaching into the setback. Granting the variance would not do substantial justice as the loss to the public is outweighed by any gain to the applicant. The applicant is not at a loss as he has other options in which to locate the garage and the loss to the public by not keeping zoning setbacks in place is greater than any loss to the applicant. The value of surrounding properties would be diminished given the size and proposed location of the garage which would encroach 25 feet into the setback. A direct abutter addressed concerns over the size and location. There is a fair and substantial relationship between the general purpose of the ordinance and the specific application of that provision on the property because the purpose of the ordinance by of keeping structures a certain distance from the road has a direct



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relationship on this particular property which has two front setbacks. The proposed use is not a reasonable one given the size of the garage and the availability of other locations on the property in which to locate the garage.

Jim Tirabassi

Jim Tirabassi, Clerk

NOTE: Actions of the ZBA, granted or denied, are subject to the right of interested parties 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, April 15, 2020:

Case No.: 03/18/2020-2

Applicant: Pipe Dream Brewing, LLC
49 Harvey Road
Londonderry, NH 03053

Location of Property: 49 Harvey Road, Map 14 Lot 44-5, Zoned IND-II

Request: Request for a variance from LZO 4.1.2 to allow a restaurant use in the Industrial II (IND-II) district which is otherwise prohibited

Result: Member J. Benard made to ***DENY*** the applicant's request for a variance in **CASE NO. 03/18/2020-2**: Request for a variance from LZO 4.1.2 to allow a restaurant use in the Industrial II (IND-II) district which is otherwise prohibited, 49 Harvey Road, Map 14 Lot 44-5, Zoned IND-II, Pipe Dream Brewing, LLC (Applicant) and Lexor Realty, LLC (Owner)

Member S. Brunelle seconded the motion.

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

Granting the variance would be contrary to the public interest and the spirit of the ordinance would not be observed because of public safety concerns due to increased traffic volume in an industrial neighborhood, especially during the morning hours, and due to the existing concerns and challenges with parking in the area and foot traffic from customers parking on nearby properties. Additionally, the parcel is zoned IND-II and restaurant uses are not allowed. Having a restaurant in this particular area which abuts some residential homes would alter the essential character of the neighborhood. Granting the variance would not do substantial justice as the loss to the public by having a restaurant in an industrial zone is far outweighed by any loss to the applicant who can operate his business in accordance with the existing regulations/ordinance. The applicant's request seeks a use which is prohibited in that area. The value of



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surrounding properties would be diminished. The area in question abuts residential homes and industrial businesses. Having a restaurant with increased traffic would diminish the values of the surrounding properties. There is a fair and substantial relationship between the general public purpose of the ordinance and the specific application on the property because the purpose of the zoning ordinance to keep certain uses together is directly related to other uses allowed on the property. The proposed use is not a reasonable one. Having a restaurant in an industrial zone where customers may impede freight truck traffic is not reasonable and is dangerous.

Jim Tirabassi

Jim Tirabassi, Clerk

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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, April 15 , 2020:

Case No.: 03/18/2020-3

Applicant: Kevin & Katlyn McKenzie
Six Coin Street
Londonderry, NH 03053

Location of Property: Six Coin Street, Map 15 Lot 210, Zoned AR-1

Request: Request for a variance from LZO 4.2.1.2.C.2 to encroach seven feet into the side setback from the construction of a second-floor addition

Result: Member J. Benard made to **GRANT** the applicant's request for a variance in **CASE NO. 03/18/2020-3**: Request for a variance from LZO 4.2.1.2.C.2 to encroach seven feet into the side setback from the construction of a second-floor addition, Six Coin Street, Map 15 Lot 210, Zoned AR-1, Kevin & Katlyn McKenzie (Owners & Applicants) with the condition that the second-floor addition stay within the original footprint of the house.

Member S. Brunelle seconded the motion.

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

Jim Tirabassi

Jim Tirabassi, Clerk

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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, April 15, 2020:

Case No.: 03/18/2020-4

Applicant: Timothy & Wilda Hood
143 Litchfield Road
Londonderry, NH 03053

Location of Property: 143 Litchfield Road, Map 11 Lot 20-16, Zoned AR-1

Request: Request for a special exception pursuant to LZO 5.12 for a home occupation for a food trailer service operation

Result: Member J. Benard made to **DENY** the applicant's request for a special exception in **CASE NO. 03/18/2020-4**: Request for a special exception pursuant to LZO 5.12 for a home occupation for a food trailer service operation, 143 Litchfield Road, Map 11 Lot 20-6, Zoned AR-1, Timothy & Wilda Hood (Owners & Applicants)

Member S. Brunelle seconded the motion.

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

The applicant failed to satisfy the following special exception criteria as explained below:

The activities associated with the home occupation will detract from the rural character of the neighborhood. Having a food trailer located on the property with a generator attached to it will detract from the character of the neighborhood.

The home occupation is not being carried on within the dwelling and/or an accessory structure. The home occupation is being conducted in a food trailer located on the property.

There is exterior storage of products, equipment and machinery associated with



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the home occupation. The trailer and its generator are exterior storage.

Traffic generated by the home occupation will create safety hazards and/or be substantially greater in volume than what would be normally expected in the neighborhood. The anticipated amount of traffic from on-line food sales will create safety hazards and is greater in volume than what would be normally expected in the neighborhood.

The off-street parking is not adequate for anticipated customers. The off-street parking is not adequate for the anticipated amount of on-line food sales.

Jim Tirabassi

Jim Tirabassi, Clerk

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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, April 15, 2020:

Case No.: 04/15/2020-1

Applicant: Vencor Incorporated
One Mohawk Drive
Londonderry, NH 03053

Location of Property: One Mohawk Drive, Map 6 Lot 36, Zoned C-I & RTE 102 POD

Request: Request for variance from LZO 7.7.E.3 to allow changeable electronic message board that is otherwise prohibited

Result: Member J. Benard made to **GRANT** the applicant's request for a variance in **CASE NO. 04/15/2020-1**: Request for variance from LZO 7.7.E.3 to allow changeable electronic message board that is otherwise prohibited, One Mohawk Drive, Map 6 Lot 36, Zoned C-I & RTE 102 POD, Vencor Incorporated (Applicant) and Correia Realty, LLC (Owner) with the condition that the sign panels be no more than 85 inches in width and the height not to exceed 10 feet.

Member S. Brunelle seconded the motion.

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

Jim Tirabassi

Jim Tirabassi, Clerk

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Case No.: 04/15/2020-2

Applicant: Pillsbury Realty Development, LLC
15 Pillsbury Road
Londonderry, NH 03053

Location of Property: 34 Nashua Road, Map 10 Lot 52, Zoned C-I

Request: Request for a special exception for an off-premise sign pursuant to LZO 7.6.C.6

Result: Member J. Benard made to **GRANT** the applicant's request for a special exception in **CASE NO. 04/15/2020-2**: Request for a special exception for an off-premise sign pursuant to LZO 7.6.C.6, 34 Nashua Road, Map 10 Lot 52, Zoned C-I, Pillsbury Realty Development, LLC (Applicant) & Demoulas Super Markets, Inc. successor by merger to 231 Realty Associates (Owners)

Member S. Brunelle seconded the motion.

The motion passed, 4-1-0. The applicant's request for a special exception was **GRANTED**.

Jim Tirabassi

Jim Tirabassi, Clerk

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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, April 15, 2020:

Case No.: 04/15/2020-3

Applicant: Vernco Apple, LLC
70 Washington Street
Salem, MA 01970

Location of Property: Four Orchard View Drive, Map 7 Lot 40-2, Zoned C-I

Request: Request for a variance from LZO 7.6.B.3 to allow 24 banner signs which are prohibited

Result: Member J. Benard made a motion to **GRANT** the applicant's request for a continuance to May 20, 2020 in **CASE NO. 04/15/2020-3**: Request for a variance from LZO 7.6.B.3 to allow 24 banner signs which are prohibited, Four Orchard View Drive, Map 7 Lot 40-2, Zoned C-I, Vernco Apple, LLC (Owner & Applicant)

Member S. Brunelle seconded the motion.

The motion passed, 5-0-0. The applicant's request for a continuance to May 20, 2020 was **GRANTED**.

Jim Tirabassi

Jim Tirabassi, Clerk

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