



TOWN OF LONDONDERRY  
**ZONING BOARD OF ADJUSTMENT**

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

November 22, 2019

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, November 20, 2019:

**Case No.:** 11/20/19-1

**Applicant:** Justine & Eric Pepper  
Two Windsor Boulevard  
Londonderry, NH 03053

**Location of Property:** Two Windsor Boulevard, Map 3 Lot 45-5, Zoned AR-1

**Request:** Request for a variance from LZO 4.2.1.3.C.1 to encroach 38 feet into the 40 feet front setback for the construction of bus stop shelter

**Result:** Member B. O'Brien made a motion to **DENY** the applicant's request for a variance from LZO 4.2.1.3.C.1 to encroach 38 feet into the 40 feet front setback for the construction of bus stop shelter, Two Windsor Boulevard, Map 3 Lot 45-5, Zoned AR-1, Justine & Eric Pepper (Owners & Applicants)

Member J. Benard seconded the motion.

The motion passed, 5-0-0. The applicants' request for a variance was **DENIED** for the following reasons: (1) the granting of the variance would be contrary to the public interest as it would affect the essential character of the neighborhood (having a 7-8 foot structure at the end of the road would alter the character of the neighborhood); (2) the spirit of the ordinance would not be observed (having a structure so close to the road poses safety concerns and particular safety concerns for the children who may be using the shelter); and there is nothing unique about the property that distinguishes it from other properties in the area and there is a fair and substantial relationship between the general public purpose of the ordinance and the specific restriction on the property (the ordinance exists to keep structures away from the road to promote and protect safety)



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*Jim Tirabassi*

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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, November 20, 2019:

**Case No.:** 11/20/19-2

**Applicant:** McDonald's Corporation  
110 N. Carpenter Street  
Chicago, IL 60607

**Location of Property:** 39 Nashua Road, Map 7 Lot 119-1, Zoned C-I

**Request:** Request for a variance from LZO 7.7.E.3 to allow a changeable electronic message board sign (menu board) which is prohibited

**Result:** Member J. Benard made a motion to **GRANT** the applicant's request for a variance from LZO 7.7.E.3 to allow a changeable electronic message board sign (menu board) which is prohibited, 39 Nashua Road, Map 7 Lot 119-1, Zoned C-I, Firetree Realty Trust (Owner) and McDonald's Corporation (Applicant) with the following conditions:

- (1) The signs be as submitted;
- (2) The changeable copy shall not be changes more than three times per day;
- (3) Images are not visible from RTE 102 and Gilcreast Road;
- (4) Digital menu board shall not exceed 17.6 SF;
- (5) Pre-Browse board shall not exceed 8.8 SF;
- (6) There shall be no more than three panels per drive-thru lane; and
- (7) Signs shall not emit any noise.

Member M. Feig seconded the motion.

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

*Jim Tirabassi*

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Jim Tirabassi, Clerk



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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, November 20, 2019:

**Case No.:** 11/20/19-3

**Applicant:** Buttrick Ventures, LLC  
27 Buttrick Road  
Londonderry, NH 03053

**Location of Property:** 27 Buttrick Road, Map 6 Lot 30, Zoned C-I & RTE 28 POD

**Request:** Request for a variance from LZO 4.3.3.A.2 to encroach 29 feet into the 30 feet side setback for the installation of an outside refrigeration unit, fence and retaining wall

**Result:** Member J. Benard made a motion to **GRANT** the applicant's request for a variance from LZO 4.3.3.A.2 to encroach 29 feet into the 30 feet side setback and for the installation of an outside refrigeration unit, fence and retaining wall, 27 Buttrick Road, Map 6 Lot 30, Zoned C-I and RTE 102 POD, Buttrick Ventures, LLC (Owner & Applicant) with the condition that the refrigeration unit be no larger than 20x20 with a 8 FT high fence

Member B. O'Brien seconded the motion.

The motion passed, 3-2-0. The applicant's request for a variance was **GRANTED** with conditions.

**Request:** Request for a variance from LZO 4.3.3.B.1 to encroach 14 feet into the 15 feet green space area for the installation of an outside refrigeration unit, fence and retaining wall

**Result:** Member J. Benard made a motion to grant the applicant's request for a from LZO 4.3.3.B.1 to encroach 14 feet into the 15 feet green space area for the installation of an outside refrigeration unit, fence and retaining wall, 27 Buttrick Road, Map 6 Lot 30, Zoned C-I and RTE 102 POD, Buttrick Ventures, LLC (Owner & Applicant) with the condition that the refrigeration unit be no larger than 20x20 with a 8 FT



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high fence

The motion passed, 3-2-0. The applicant's request for a variance was **GRANTED** with conditions.

*Jim Tirabassi*

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Jim Tirabassi, Clerk

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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, November 20, 2019:

**Case No.:** 8/21/19-3

**Applicant:** Pennichuck East Utility, Inc.  
25 Manchester Street, P.O. Box 1947  
Merrimack, NH 03054-5191

**Location of Property:** Seven Rear Gordon Drive, Map 10 Lot 142, Zoned AR-1

**Request:** Request for rehearing on the September 18, 2019 denial of a variance from LZO section 4.2.1.3.4.D to allow a water tank 156 feet in height, where only 35 feet in height is allowed

**Result:** Member S. Brunelle made a motion to **DENY** the applicant's request for rehearing on the September 18, 2019 denial of a variance from LZO section 4.2.1.3.4.D to allow a water tank 156 feet in height, where only 35 feet in height is allowed, Seven Rear Gordon Drive, Map 10, Lot 142, Zoned AR-1, Pennichuck East Utility, Inc. (Owner & Applicant)

Member M. Feig seconded the motion.

The motion passed, 3-0-0. The applicant's request for a rehearing was **DENIED** because the application was not timely filed.

*Jim Tirabassi*

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Jim Tirabassi, Clerk

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