



TOWN OF LONDONDERRY  
**ZONING BOARD OF ADJUSTMENT**  
268B Mammoth Road, Londonderry, New Hampshire 03053  
Phone: 432-1100, ext.134 Fax: 432-1142

April 21, 2022

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, April 20, 2022:

**Case No.:** 11/17/2021-3

**Applicant:** Cedar Crest Development, LLC  
25 Buttrick Road – Unit A1  
Londonderry, NH 03053

**Location of Property:** 22 Young Road, Map 6 Lot 53, Zoned R-III

**Request:** Request for a variance from LZO 4.2.2.3.B.1.b to allow 45 residential 3 bedroom units where only 20.66 are permitted

**Result:** Member B. O'Brien made a motion in **CASE NO. 11/17/2021-3** to **DENY** the applicant's request for from LZO 4.2.2.3.B.1.b to allow 45 residential 3 bedroom units where only 20.66 are permitted, 22 Young Road, Map 6 Lot 53, Zoned R-III, Cedar Crest Development, LLC (Applicant) and Edgar L. Pitts and Winnifred L. Pitts Revocable Trust (Owner)

Member M. Feig seconded the motion.

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

1. Granting the variance would be contrary to the public interest because having 45 units on an approximately 24 acre parcel where only 20.66 units are allowed would alter the character of the neighborhood by way of crowding/overcrowding, increase traffic, detrimental effects to the neighbors and to the overall development of the Town. Also, there are safety concerns due increased traffic, the location of the fire station directly across from the proposed development and the resulting impacts therefrom as well as access out of the development onto Young Road and Route 102.
2. The spirit of the ordinance would not be observed because of the concerns expressed in #1 (traffic, fire truck access, etc.). Additionally, the zoning ordinance limits the number of units based on soil types and to allow more the double the number of units frustrates the spirit of the ordinance which is to protect water/groundwater issues among others. There were also concerns for pedestrians.



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3. Granting the variance would not do substantial justice because the loss/harm to the general public far outweighs any loss to the applicant. The public loses due to the way the development would alter the character of the neighborhood, negatively affect safety, groundwater, etc. and would result in overcrowding as the number of units requested is more than double what is allowed. The harm to the neighborhood/abutters far outweighs any loss to the applicant. The applicant is able to develop the property in accordance with the Town's zoning.
4. There is a fair and substantial relationship between the general public purpose of the ordinance and the specific application of that provision to the property because the applicant failed to demonstrate that the property is unique insofar as it would be unfair to apply the specific restriction (density limitation) or exempt itself from the application of the zoning ordinance. The purpose of the ordinance would be frustrated by allowing 45 units where only 20.66 units are permitted. The property has numerous uses of which the applicant could avail itself.
5. The proposed use of allowing 45 units on the parcel where only 20.66 (based on soil type) is not a reasonable one as the amount requested is more than double of which is allowed by the ordinance and can be supported by the Town's zoning.
6. The property can be used reasonably in strict conformance with the ordinance as there are other viable uses available to the applicant in the R-II zone (other uses allowed by the zoning ordinance) of which the applicant could avail itself.

**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 20, 2022:

**Case No.:** 11/17/2021-4

**Applicant:** Cedar Crest Development, LLC  
25 Buttrick Road – Unit A1  
Londonderry, NH 03053

**Location of Property:** 20 Young Road, Map 6 Lot 58-2, Zoned R-III

**Request:** Request for a variance from LZO 4.2.2.3.B.1.b to allow 45 residential 3 bedroom units where only 20.66 are permitted.

**Result:** Member B. O'Brien made a motion in **CASE NO. 11/17/2021-4** to **DENY** the applicant's request for from LZO 4.2.2.3.B.1.b to allow 45 residential 3 bedroom units where only 20.66 are permitted, 22 Young Road, Map 6 Lot 53, Zoned R-III, Cedar Crest Development, LLC (Applicant) and Tony & Heidi Bennett (Owners)

Member M. Feig seconded the motion.

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

1. Granting the variance would be contrary to the public interest because having 45 units on an approximately 24 acre parcel where only 20.66 units are allowed would alter the character of the neighborhood by way of crowding/overcrowding, increase traffic, detrimental effects to the neighbors and to the overall development of the Town. Also, there are safety concerns due increased traffic, the location of the fire station directly across from the proposed development and the resulting impacts therefrom as well as access out of the development onto Young Road and Route 102.
2. The spirit of the ordinance would not be observed because of the concerns expressed in #1 (traffic, fire truck access, etc.). Additionally, the zoning ordinance limits the number of units based on soil types and to allow more the double the number of units frustrates the spirit of the ordinance which is to protect water/groundwater issues among others. There were also concerns for pedestrians.



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3. Granting the variance would not do substantial justice because the loss/harm to the general public far outweighs any loss to the applicant. The public loses due to the way the development would alter the character of the neighborhood, negatively affect safety, groundwater, etc. and would result in overcrowding as the number of units requested is more than double what is allowed. The harm to the neighborhood/abutters far outweighs any loss to the applicant. The applicant is able to develop the property in accordance with the Town's zoning.

4. There is a fair and substantial relationship between the general public purpose of the ordinance and the specific application of that provision to the property because the applicant failed to demonstrate that the property is unique insofar as it would be unfair to apply the specific restriction (density limitation) or exempt itself from the application of the zoning ordinance. The purpose of the ordinance would be frustrated by allowing 45 units where only 20.66 units are permitted. The property has numerous uses of which the applicant could avail itself.

5. The proposed use of allowing 45 units on the parcel where only 20.66 (based on soil type) is not a reasonable one as the amount requested is more than double of which is allowed by the ordinance and can be supported by the Town's zoning.

6. The property can be used reasonably in strict conformance with the ordinance as there are other viable uses available to the applicant in the R-II zone (other uses allowed by the zoning ordinance) of which the applicant could avail itself.

**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, April 20, 2022:

**Case No.:** 12/15/2021-8

**Applicant:** Belize Real Estate Holdings, LLC  
74 Page Road  
Londonderry, NH 03053

**Location of Property:** Eight Wiley Hill Road, Map 5 Lot 28, Zoned AR-1

**Request:** Request for a variance from LZO 4.2.1.3.B.1 to allow a lot with 100.58 feet of frontage where 150 feet are required

**Result:** Member B. O'Brien made a motion in **CASE NO. 12/15/2021-8** to **continue** the applicant's request for a variance from LZO 4.2.1.3.B.1 to allow a lot with 100.58 feet of frontage where 150 feet are required, Eight Wiley Hill Road, Map 5 Lot 28, Zoned AR-I, Belize Real Estate Holding, LLC (Owner & Applicant) to May 18, 2022 to allow time for the applicant to research the right-of-way located in front of 82 High Range.

Member M. Feig seconded the motion.

The motion passed, 5-0-0. The applicant's request for a variance was **continued** to May 18, 2022.

**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, April 20, 2022:

**Case No.:** 04/20/2022-1

**Applicant:** Harmony Bourassa and Eric Paris  
13 Thornton Road  
Londonderry, NH 03053

**Location of Property:** 13 Thornton Road, Map 6 Lot 99-79, Zoned AR-1

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

**Result:** Member B. O'Brien made a motion in **CASE NO. 11/17/2021-4** to **GRANT** the applicant's request for a variance from LZO 4.2.1.3.C.1 to encroach 25 feet into the 40 foot front setback for the construction of a shed, 13 Thornton Road, Map 6 Lot 99-79, Zoned AR-1, Harmony Bourassa and Eric Paris (Owners & Applicants) with the conditions that the shed be no larger than 10'x12' and not be located in the slope easement.

Member B. Berardino seconded the motion.

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

**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 20, 2022:

**Case No.:** 04/20/2022-2

**Applicant:** Moose Hill Orchard, LLC/Kyle Chrestensen  
230 Mammoth Road  
Londonderry, NH 03053

**Location of Property:** 230 Mammoth Road, Map 6 Lot 21, Zoned AR-1

**Request:** Request for a special exception pursuant to LZO 5.13 for the farm sale of consumable non-farm products

**Result:** Member S. Brunelle made a motion in **CASE NO. 04/20/2022-2** to **GRANT** the applicants' request for a special exception pursuant to LZO 5.13 for the farm sale of consumable non-farm products to build an "in kind" ice cream stand to replace the existing ice cream stand by adding 2 feet in one direction and 1 foot in the other as presented, 230 Mammoth Road, Map 6 Lot 21, Zoned AR-1, Kyle Chrestensen & Moose Hill Orchard, LLC (Owner & Applicant) with the condition that the patrons of the ice cream stand shall be segregated from the parking areas in an effort to maintain safety, which shall include but not be limited to, the use of the arcade area to route customers through the arcade area to avoid the parking lots.

Member M. Feig seconded the motion.

The motion passed, 5-0-0. The applicants' request for a special exception was **granted** with conditions.

**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 20, 2022:

**Case No.:** 04/20/2022-3

**Applicant:** Craig & Karyn Farnsworth  
188 High Range Road  
Londonderry, NH 03053

**Location of Property:** 188 High Range Road, Map 9 Lot 007-3, Zoned AR-1

**Request:** Request for a variance from LZO 4.2.1.3.C.1 to encroach 20 feet into the 40 foot front setback for the construction of a garage

**Result:** Member B. O'Brien made a motion in **CASE NO. 04/20/2022-3** to **GRANT** the applicants' request for a variance from LZO 4.2.1.3.C.1 to encroach 20 feet into the 40 foot front setback for the construction of a garage, 188 High Range Road, Map 9 Lot 007-3, Zoned AR-1, Craig & Karyn Farnsworth (Owners & Applicants) with the condition that the shed not be larger than 20' X30'.

Member B. Berardino seconded the motion.

The motion passed, 5-0-0. The applicants' request for a variance was **granted** with conditions.

**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.