



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

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

September 23, 2019

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, September 18, 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 a variance from LZO section 4.2.1.3.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 in **CASE NO. 8/21/19-3** to DENY the applicant's request for a variance from LZO section 4.2.1.3.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 B. O'Brien seconded the motion.

The motion was granted, 4-0-1. The applicant's request for a variance was DENIED. The reasons for the denial are as follows:

The granting of the variance would be contrary to the public interest because it would alter the essential character of the neighborhood and is not consistent with the uses allowed in the AR-I district. The granting of the variance would violate the spirit and intent of the ordinance. The 35 feet height limitation is there to protect the character of residential neighborhood and a 156 feet water tank would violate that spirit and intent as well as alter the essential character of the neighborhood. There are also concerns for the health and safety of the neighborhood. Substantial justice would not be done by granting of the variance. The loss to the public is outweighed by any gain to the applicant. The public loses by having a 156 water tank in a residential area. The values of surrounding properties would be diminished. The Board received a significant amount of



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testimony from abutters and nearby residents as well as from two real estate agents that the values of surrounding homes near the 156 feet water tank would be diminished. The Board did not find uniqueness to the property and also noted there are other viable options and locations for the water tank. A 156 feet water tank in an AR-1 district is not reasonable use of the property. The Board further noted that the covenants/restrictions on the property were well-known to the applicant prior to its purchase and the property can be used according to those uses.

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, September 18, 2019:

Case No.: 7/17/19-5

Applicant: Jutras Signs, Inc.
30 Harvey Road
Bedford, NH 03110

Location of Property: 6A Kitty Hawk Landing, Map 17 Lot 5-6, Zoned IND-I

Request: Request for a variance from 7.6.D.5.d to allow a free standing sign to be placed 0 feet from the property line where 10 feet is required

Result: Member J. Tirabassi made a motion in **CASE NO. 7/17/19-5** to **GRANT** the applicant's request for a variance from LZO 7.6.D.5.d to allow a free standing sign to be placed 0 feet from the property line where 10 feet is required, 6A Kitty Hawk Landing, Map 17 Lot 5-6, Zoned IND-I, Falling Water, LLC (Owner) and Jutras Signs (Applicant) as presented as item 1 option c in Exhibit A.

Member B. O'Brien seconded the motion.

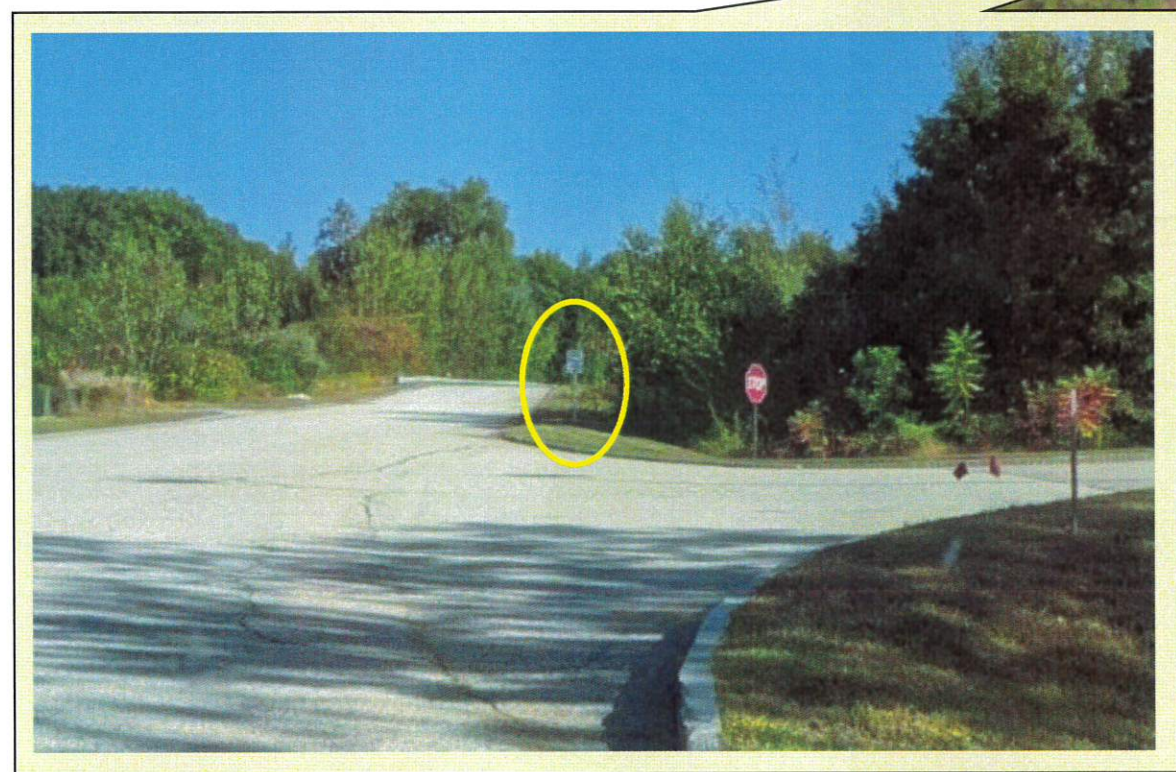
The motion was granted, 5-0-0. The applicant's request for a variance was GRANTED.

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.

Chilton
Case # 7/17/19-5





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September 23, 2019

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, September 18, 2019:

Case No.: 9/18/19-1

Applicant: Jeff Moulton
Five Taylor Brook Lane
Derry, NH 03038

Location of Property: Eight Tanager Way, Map 5 Lot 10-34, Zoned AR-1

Request: Request for a variance from LZO 4.6.1.6.A.1 to allow in the conservation overlay district the construction of an addition (45 SF impact) on a dwelling that did not exist prior to the adoption of section 4.6.1 Conservation Overlay District that is otherwise prohibited

Result: Member J. Tirabassi made a motion to continue the case until the October 16, 2019 meeting to allow the Board to obtain input from the town attorney regarding the timeliness of the application.

Member B. O'Brien seconded the motion.

The motion was granted. The case was continued to the October 16, 2019.

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.