

**LONDONDERRY ZONING BOARD OF ADJUSTMENT
268B MAMMOTH ROAD
LONDONDERRY, NH 03053**

MINUTES FROM 2/20/2019 MEETING

The meeting was called to order at 7:00 p.m. Members introduced themselves. The following members were present: Neil Dunn, Chair; Jacqueline Benard, Vice Chair; Jim Tirabassi, Clerk; Suzanne Brunelle, member; Brendan O'Brien, alternate member and Mitch Feig, alternate member. Also, in attendance were Laura Gandia, Associate Planner and Beth Morrison, Recording Secretary. Chairman Dunn reviewed the hearing procedures.

I. APPROVAL OF MINUTES

J. Tirabassi made a motion to accept the January 16, 2019, minutes as presented.

Motion was seconded by J. Benard.

Motion was granted, 4-0-1, with N. Dunn abstaining.

II. REPORT BY TOWN COUNCIL – N/A

III. PUBLIC HEARING OF CASES

A. CASE NO. 12/19/18-1: Request for a variance from LZO 4.2.1.3.B.2 to allow a duplex on a 15 acre lot with only 85 feet of frontage where 200 feet of frontage on a Class V or better road are required, 17 Dan Hill Road, Map 2 Lot 46, Zoned AR-1, Brenda E. Carver Revocable Trust (Owner) and Cedar Crest Development (Applicant)

J. Tirabassi read the case into the record noting it was a rehearing from the original case heard on December 19, 2018. George Chadwick, from Bedford Design Consultants, 177 E Industrial Park Drive, Manchester, NH addressed the Board. G. Chadwick informed the Board that his office obtained the abutters list from the town GIS system and there was a house purchased in July, which was not updated in the town GIS; therefore, there was a mistake in notifying the abutters. He noted that this proposal is for a duplex on a 15 acre parcel of land with approximately 85 feet of paved frontage along Dan Hill Road with the remainder of frontage on a Class VI road. He said this parcel has been without the minimum frontage for one hundred years and predates the 1957 zoning ordinance.

He then reviewed the five criteria for the granting of the variance:

- (1) The granting of the variance is not contrary to the public interest: because it will not alter the essential character of the neighborhood and the proposed use will not violate the purpose of the ordinance as the use is allowed in an AR-1 zone.
- (2) The spirit of the ordinance is observed: because the intent of the ordinance is to give reasonable access to the property, which has been provided via the current 85 feet of frontage.
- (3) Substantial justice is done: because the loss to the applicant would be more than any gain to the general public.
- (4) Values of surrounding properties are not diminished: because the applicant proposes to invest substantial money into the property, which would not negatively impact the surrounding property values.
- (5) There is no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because the property is unique due to its 15 acre size which lacks the minimum frontage required to use the lot for an allowed use (a duplex), and the parcel predates the zoning ordinance in 1957. He stated that the proposed use is a reasonable one.

Chairman Dunn asked if the Board had any questions. J. Tirabassi read a letter (Exhibit 1) into the record. He then read a petition (Exhibit 2) from the Dan Hill residents into the record. He then read a letter from the Fire Department (Exhibit 3) that was a result of the decision granted at the hearing in December. S. Brunelle said that a two family residence is permitted by right in the AR-1 zone.

Chairman Dunn asked for public input.

Graham Nadig, 13 Dan Hill Road, addressed the Board in opposition to granting the variance. G. Nadig informed the Board that he has many issues/concerns regarding the request. He said that there is a steep slope right before his driveway, where a garbage truck recently got stuck by a storm last week for an hour with a half inch of snow. He said that the road is already narrow and adding more units with more cars to the road will make driving on it problematic. He said that in his opinion adding a multifamily home to the street would reduce the safety of the neighborhood. He asked the Board if the owner of the lot is in a name of a trust from someone who passed away last summer. He stated in his opinion, he thought the property values would be decreased with the addition of a multi-family home on the street. He said that the owner would not need a variance if they were to extend the pavement down the Class V road to the right-of-way that is classified as Class VI. He said that some of his concerns would be alleviated if the application was for a single family instead of a duplex. George Chadwick said that the Board had concerns about the turn around and he has spoken to the Fire Department Chief, which was Exhibit 3, and provided the Board with a plan that includes a hammerhead turn around for fire and garbage trucks. G. Chadwick said that this request if not for a multifamily, but instead a duplex, which is an allowed use

per the regulations. He said that the home on this parcel would be greater than 200 feet away from the closest abutter. B. Berardino asked if the applicant if the variance was granted, would he build more houses on the lot. G. Chadwick stated they would not. B. Berardino asked if the applicant would agree to a special condition that only the duplex be allowed to be built. G. Chadwick stated that he would.

Dennis Amnot, Two Dan Hill Road, addressed the Board in opposition to the variance. D. Amnot said that his biggest issue regarding this request is that the request is for a duplex. He said that he would like it to be single family home instead. He asked the Board if the ruling from last month was null and void. Chairman Dunn said that yes. D. Amnot asked the town for assurance that the old fire road will be maintained, especially since what happened in California recently. He also asked if there would be blasting for this construction. Chairman Dunn said that the only issue before the Board tonight is the frontage issue and asked if the blasting question would go to the Planning Board. G. Chadwick said that he would not be going before the Planning Board and if this was approved it would go directly to the Building Department for a permit. L. Gandia clarified that the blasting requirements fall under the realm of the Fire Department.

Richard Mann, 14 Dan Hill Road, addressed the Board in opposition of the variance. R. Mann said that he has lived in Londonderry for 12 years and believes that his neighborhood represents the quaint charm of New Hampshire. He said that he believes the current road is too narrow to support additional traffic proposed by an additional multifamily dwelling. He also stated in his opinion that a duplex does not fit in the essential character of the neighborhood. He pointed out that he called the Road Committee and spoke to someone who told him that any further development of a duplex beyond what is being considered by the Board here tonight, would go across his desk and he would never approve it as the road is not wide enough to handle it. G. Chadwick asked R. Mann who he spoke to. R. Mann said a gentleman named Janusz.

Marisol Ketoning, Nine Dan Hill Road addressed the Board in opposition of the variance. M. Ketoning also voiced her concern that the road is not wide enough to support this request. She said that she is concerned about the children on the street, especially when they are walking to the bus route. She said the road is not plowed very well in the winter and that makes it dangerous for traffic. She did not think that widening the road would really work and suggested another point of entry and exit for this. She stated that she is concerned about fire trucks as there is no fire hydrant on the street as well.

Chip Pedeska, 11 Dan Hill Road, addressed the Board in opposition of the variance. C. Pedeska voiced his concern that the size of the road is not wide enough and adding a duplex to the road will bring his property value down. Chairman Dunn reiterated that the Board is not here tonight to address if a duplex can be built, as it is an allowed use, and they are only here regarding the frontage tonight.

Chairman Dunn reminded the public that the Board is only looking at the road frontage this evening and to keep comments to the five points of law regarding the frontage.

Erin Nadig, 13 Dan Hill Road, addressed the Board in opposition to the variance. E. Nadig said that 200 feet is required for a duplex and she thought that 150 feet for a single family would be a better outcome. She noted that she bought her house last June and that she would not have bought her house next to a duplex. She thought the duplex would decrease property values. She said that the additional cars a duplex would bring would only make the current narrow road more difficult to travel. She also asked if the applicant had thought about alternatives to the road frontage since the December meeting. G. Chadwick said that whenever he investigates a piece of property, he always looks at what would be the highest and best use of the property, so he did look at what could potentially be built on this property. He said that they did a concept showing five duplexes, as there is enough room on the property. He said that he listened to all the concerns tonight, but did not feel that there was one justification for denial of the variance. He understands the residents do not like the idea of a duplex, but it is an allowed use. He realized the road is narrow, but that does not relate to what is being requested. He said that a fire truck can make it down the road. He noted that it seems peculiar to him that at the December meeting, only one abutter came, and now it appears as though the neighborhood has many concerns. He felt that the owner has a right to develop the piece of property and if the duplex is approved, he would accept conditions for only the duplex to be built; however, if the Board rules that only a single family is allowed on this property, he would withdraw the agreement that nothing else could be built on this property.

Chairman Dunn brought the discussion back to the Board. B. O'Brien asked if anything had changed in his presentation other than providing notice to the abutter he missed. G. Chadwick said nothing had changed. Chairman Dunn asked if he had to extend the proper frontage, would he in fact have to widen the existing road. G. Chadwick said that he would have to widen Dan Hill in its entirety. J. Benard asked if any school buses go down Dan Hill Road. L. Gandia informed the Board that bus routes are controlled by the school district. She also pointed out the Board that they cannot attach a condition that would not allow for further development of this parcel. Chairman S. Brunelle stated that while she sympathized with the abutters, a duplex is allowed by right even if the street is narrow. Chairman Dunn said that a single family home would require 150 feet of frontage, of which they have half of that and for a duplex there is 200 feet required, which is less than half. J. Benard said that this lot predates zoning, which in itself is very unique.

The Board closed public input and began its deliberation.

- (1) The variance would not be contrary to the public interest: because it would not alter the essential character of the neighborhood and is an allowed use.

- (2) The spirit of the ordinance would be observed: because it would not alter the essential character of the neighborhood as the lot is 15 acres in size and has 85 feet of existing frontage which will be utilized for the proposed use.
- (3) Substantial justice would be done: because the loss to the applicant is greater than any gain to the public.
- (4) Values of the property would not be diminished: because it would not alter the essential character of the neighborhood.
- (5) There is no 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 unique as it is 15 acres in size and existed before the 1957 zoning ordinance and is different from all the other houses on the street. The proposed use is a reasonable one.

J. Tirabassi made a motion in CASE NO. 12/19/18-1 to grant a variance from LZO 4.2.1.3.B.2 to allow a duplex on a 15 acre lot with only 85 feet of frontage where 200 feet of frontage on a Class V or better road are required, 17 Dan Hill Road, Map 2 Lot 46, Zoned AR-1, Brenda E. Carver Revocable Trust (Owner) and Cedar Crest Development (Applicant) with the following condition:

1. Per the letter (Exhibit 3) dated February 20, 2019 from the town of Londonderry Fire Department: to conform as stated in regard to size and width and Department of Public Works (DPW) in regard to the weight of the fire truck.

J. Benard seconded the motion.

The motion was granted, 3-2-0. The applicant's request for a variance was granted.

B. CASE NO. 2/20/19-1: Request for a variance from LZO 7.7.E.3 to allow an illuminated LED changeable electronic message board sign that is otherwise prohibited, 66 Nashua Road, Map 7 Lot 40-4, Zoned C-I, The Matarozzo Family Trust (Owner) and Speedway, LLC (Applicant)

J. Tirabassi read the case into the record noting the previous zoning cases. He informed the Board that when reviewing the documents, there was an error on the abutter list. On the list, Apple Tree Mall, LLC was listed as an abutter for Four Orchard View Drive but that property was sold to Vernco, LLC, a Massachusetts company. Chairman Dunn explained that the process for obtaining an abutter list is to have all names and addresses confirmed by the assessing department as the MapGEO application is for informational purposes only and may not reflect the most up to date information. The applicant stated that she had worked with the Town to obtain the abutter list. The applicant asked if anyone checks her list before the case. Chairman Dunn stated that is not the responsibility of the Board. He said that since

that an abutter was incorrectly notified the case would be continued until next month on March 20, 2019.

J. Tirabassi made a motion in CASE NO. 2/20/19-1 to continue the request for a variance from LZO 7.7.E.3 to allow an illuminated LED changeable electronic message board sign that is otherwise prohibited, 66 Nashua Road, Map 7 Lot 40-4, Zoned C-I, The Matarozzo Family Trust (Owner) and Speedway, LLC (Applicant) until March 20, 2019 with the condition:

1. The applicant pay \$6.80 to re-notify the abutter that was missed and this will be the only public notice for the continuation.

J. Benard seconded the motion.

The motion was granted, 5-0-0. The application was continued until March 20, 2019

C. CASE NO. 2/20/19-2: Request for a special exception pursuant to LZO 5.12 to allow a home occupation for office use for an excavation company, 46 Auburn Road, Map 16 Lot 49, Zoned AR-1, Jason Reid (Owner & Applicant)

J. Tirabassi read the case into the record noting no previous cases. Jason Reid, owner and applicant addressed the Board, noting that his first name is Jason, not James. J. Benard noted that it was corrected to Jason on their application. J. Reid stated that he would like to build a detached accessory building on his property and is looking to move his current office in his basement to a 550 SF space in the new accessory building. He said that he was advised from the Building Department to be up front with his request if there were any abutters that have any questions. He said he filled out the special exception home occupation forms and has met all the criteria outlined in the town's requirements.

Chairman Dunn asked for questions from the Board. Chairman Dunn asked why the applicant was over the 25% allowed on the special exception application. J. Reid said that he is allowed 50%, as it is a detached accessory building, and has reviewed his plan with the Building Department. J. Benard asked if he had a plan. He passed out his copy of his plan for the Board to review. S. Brunelle asked when he bought this house. J. Reid stated it was purchased in 2016. L. Gandia reviewed the percentage with the Board, noting that for an accessory structure he is allowed 50% of the primary residence to be used as a home occupation. Chairman Dunn pointed out that on the checklist for the special exception there is no mention of 50% for an accessory structure. L. Gandia said that the forms would be updated. M. Feig asked if any of the immediate family members would be employed as the applicant put no on the application. J. Reid said that he has no employees and never plans on having employees. M. Feig asked

if he would have any equipment on site. J. Reid stated that all his equipment is used on his job sites, and very rarely is there any equipment on his personal property, except his pickup truck and dump truck. B. Berardino asked if there would be excavators parked in the driveway. J. Reid said he can't say there never will be, as in the last year, it has been on his property three times on the trailer going to the next job site. J. Benard pointed out that for a home occupation per the regulations, no one should know that the home occupation even exists, no sight, smell or any trace of it. She said that he would not be allowed to have any of his pieces of equipment there. M. Feig asked what the need is for all the space, if no equipment is ever on site. J. Reid stated that he wants to move his office out of his basement, and is therefore, building a garage with an office in it.

Chairman Dunn asked for public input.

Laura Buckley, 1A Woods Ave, addressed the Board in opposition of the special exception. L. Buckley said that she thinks this is for more than an office because of all the land that he cleared. She said that there is a dirt bike trail there now with a lot of drinking. She said that she is very concerned about trucks coming to the site, as she just moved here, and he just cleared all the land. She said that she heard that he told other neighbors he was building a garage and renting out some of the bays. J. Reid said that the dirt bike trail has been dealt with and he is not renting out bays.

Craig Cesario, 1B Woods Ave, addressed the Board in opposition of the special exception. C. Cesario said he was concerned about him building this office right in their front yard. He said that he believed that his property value may go down with all this cleared land in front of his yard. Chairman Dunn said that a special exception can be pulled back away from a resident and the best people to police this are the abutters. He said that if there is equipment in the yard that would be a violation of the special exception and they would need to call the Code Enforcement Officer and have them come look at it. He said that it should look like a garage and nothing more.

Emma Buckley, 1A Woods Ave, addressed the Board in opposition of the special exception. E. Buckley said that the forest she used to look out to is gone with a dirt bike track now. She said that all she hears are bikes and machines. J. Reid again stated that the dirt bike issue has been dealt with. Chairman Dunn stated for the record that the dirt bikes would not be under the purview of a home office.

Ben Groce, 52 Auburn Road, addressed the Board in opposition of the special exception. B. Groce said that he has the same concerns as the previous abutters. He said that he was told the lot was being cleared for a garage to store equipment. He said that he is concerned the property will detract from all the other properties in the neighborhood. He said that he is concerned about all the wetlands around the property as well.

Chairman Dunn brought the discussion back to the Board. S. Brunelle asked why he is building an accessory building for an office when underneath there will be a large garage that he will use for office space. J. Reid stated he would use the space for whatever he wanted to. S. Brunelle said that did not make sense to her. J. Reid said that he has sheds on the property now and cannot fit his pickup truck in them. S. Brunelle discussed the checklist item regarding exterior renovation construction to the outside, storage and materials that was answered no, because she believes there will be exterior renovation noting that the garage has not been constructed. J. Benard asked J. Reid where he presently keeps his construction equipment when he is not on a job. J. Reid said that his equipment is always on job sites. J. Benard asked him if he ever had down time. J. Reid said he does around 23 jobs a year, and he is always on site with his equipment. J. Benard asked if he leased or rented in the winter months when he is not building. J. Reid said that he does not. J. Benard asked if the door to the garage was 14 feet. J. Reid stated that it was 12 feet.

The Board closed public input and began its deliberations. J. Benard stated that she wanted it on record that the abutters who came to speak this evening should do their due diligence and make sure the applicant is living up to the special exception for the home office if the Board grants it. S. Brunelle stated she had a problem with building a second dwelling and running a business out of it. She said she did not know how that was residential and thought it would change the use of the property. J. Benard read from the ordinance noting "if the home occupation is conducted in an accessory building, no more than 50% of the existing normal living area of the primary residence, up to a maximum of 1000 SF may be dedicated to the home occupation." She said that they did not establish from the applicant which will be his primary residence. B. Berardino said that there is no primary residence as it is not built yet. L. Gandia informed the Board that the applicant met with Richard Canuel to go over what exactly he is doing. She said that he is building a garage, and he is going to do two things above the garage: an accessory dwelling and a home occupation, which are viewed independently by the Building Department. She noted that he can have 40% of the square feet of living area of the principal dwelling for his accessory dwelling, and 50% of the living area of his primary residence for his home occupation. B. Berardino asked how you can give him something that is not there. S. Brunelle said that if he built it before he went before the Board, the Board would have wanted him to come in before he built it; a catch 22. The Board started to review the special exception fact finding sheet. Chairman Dunn asked if this decision could be postponed to allow the Board to receive clarification from Richard Canuel, but said he thought this would be allowed. B. O'Brien stated that he did not see a driveway plan or parking plan, which would be needed to continue with the case, and that might allow this case to be continued. J. Reid said that all the entrances and parking have all been approved by the state and the town. S. Brunelle asked if it was on the plan he presented this evening. J. Reid said it was not, but he might have a copy in his truck and asked the Board if he should get it. The Board told him to get the plans from his truck. J. Reid retrieved the plan from his truck for the Board to review. Chairman Dunn asked if the case should be continued so the Board could get clarification from legal on this. The Board continued to review the special exception fact finding sheet, but felt there were a few checklist items that needed clarification or further guidance. L. Gandia

said that the Board could continue the case until March 20, 2019, and she would like clarification on what the Board's questions and/or concerns. She asked the Board if clarification was on the exterior renovation aspect, as it is not built yet. Chairman Dunn said he would like clarification on accessory buildings, as this essentially looks like two houses on one lot. L. Gandia told the Board that the Building Department has looked at this plan and has made a determination that the accessory building and the home occupation are to be viewed independently. S. Brunelle said that it sounds like Richard Canuel would tell the Board that the applicant is allowed to do this. M. Feig said that in his opinion, he would like clarification from legal. J. Benard stated that she believes the applicant knows what he cannot do and this will become an enforcement issue if he violates the criteria. She stated that she would be okay signing off on the home occupation at this point. Chairman Dunn asked for an informal vote from the Board on who would like legal clarification. The majority of the Board said they would like legal clarification. L. Gandia asked the Board if the question to be presented to the town attorney was whether or not the exterior renovations applies to him not building, specifically Section 5.2.12.F. Chairman Dunn stated that was correct.

J. Benard made a motion in CASE NO. 2/20/19-2 to continue the request for a special exception pursuant to LZO 5.12 to allow a home occupation for office use for an excavation company to receive input and clarification from the Town's attorney relating to section 5.12.F of the Town's zoning ordinance, 46 Auburn Road, Map 16 Lot 49, Zoned AR-1, James Reid (Owner & Applicant)

J. Tirabassi seconded the motion.

The motion was granted, 5-0-0. The application was continued until March 20, 2019, and this is the only public notice.

D. CASE NO. 2/20/19-3: Request for a variance from LZO 5.18.F to allow an accessory dwelling which exceeds the allowable 40% of the living area of the principal dwelling by 130 SF, 70 Alexander Road, Map 11 Lot 53, Zoned AR-1, Lewis O'Brien (Owner & Applicant)

J. Tirabassi read the case into the record noting no previous zoning cases. Pamela O'Brien, 70a Alexander Road, addressed the Board. P. O'Brien presented the Board with a poster presentation of what exactly she is asking for them to review.

She then reviewed the five criteria for the granting of the variance:

- (1) The granting of the variance is not contrary to the public interest: because it will allow the home owner to keep his dwelling as is and it will not threaten the health, safety or welfare of the general public.
- (2) The spirit of the ordinance is observed: because the essential character of the neighborhood will not change.
- (3) Substantial justice is done: because the loss to the applicant would be more than any gain to the general public.
- (4) Values of surrounding properties are not diminished: because it will not alter the essential character of the neighborhood.
- (5) There is no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because the property is an established 62 year old ranch that still remains the household of the first homeowner. She stated that the proposed use is a reasonable one.

Chairman Dunn asked if the Board had any questions. Chairman Dunn asked if the new building to be built would be similar to the house that is there already. P. O'Brien stated that it would. S. Brunelle said that criteria number five is one of the harder criteria to answer, and asked what makes her property unique from any other property in her neighborhood. P. O'Brien said that she spoke to L. Gandia at lengths about this and thought that the uniqueness would be the new dwelling and it would allow an entire family to live together, but was unsure of this answer. S. Brunelle asked if her lot is a corner lot. P. O'Brien said it is. S. Brunelle asked about a note about an easement for future widening. P. O'Brien said that was a condition when she separated her lot off a while ago, but it was never done.

Chairman Dunn asked for public input and there was none.

Chairman Dunn brought it back to the Board for questions. J. Benard reviews the land around the home with the applicant noting it has the Londonderry Country Club in the back of her lot and conservation area way in the back. She said that she thought the uniqueness of the property is that it is landlocked. S. Brunelle asked what J. Benard meant by landlocked. J. Benard stated that the applicant is limited in what she can do with her land because of the Country Club and the conservation area.

The Board closed public input and began its deliberation as follows:

- (1) The variance would not be contrary to the public interest: because it would not alter the essential character of the neighborhood.
- (2) The spirit of the ordinance would be observed: because it would not pose any threat the health, safety or welfare of the general public or alter the essential character of the neighborhood.

- (3) Substantial justice would be done: because the loss to the applicant is greater than any gain to the public.
- (4) Values of the property would not be diminished: because it would not alter the essential character of the neighborhood.
- (5) There is no 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 unique as it. The proposed use is a reasonable one.

J. Tirabassi made a motion in CASE NO. 2/20/19-3 to grant a variance from LZO 5.18.F to allow an accessory dwelling which exceeds the allowable 40% of the living area of the principal dwelling by 130 SF, 70 Alexander Road, Map 11 Lot 53, Zoned AR-1, Lewis O'Brien (Owner & Applicant)

B. O'Brien seconded the motion.

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

IV. Other business: The Board reviewed the current officer positions and decided to keep the positions the same.

B. Berardino made a motion to keep the current members in their elected officer positions.

S. Brunelle seconded the motion.

The motion was granted 5-0-0. Neil Dunn was re-elected Chair, Jacqueline Benard, Vice Chair and Jim Tirabassi, Clerk.

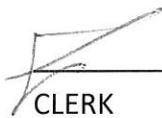
V. Adjournment:

B. Berardino made a motion to adjourn at 10:30 p.m.

S. Brunelle seconded the motion.

The motion was granted, 5-0-0. The meeting adjourned at 10:30 p.m.

RESPECTFULLY SUBMITTED,

 James Tivobassi
CLERK

TYPED AND TRANSCRIBED BY Beth Morrison, Recording Secretary.

APPROVED (X) WITH A MOTION MADE BY JT, SECONDED BY Bo, 4-0-0.

Exhibit A Case # 12/19/18-1

2/20/19

John and Patricia Welter
24 Priscilla Lane
Londonderry, NH 03053
603 759-5070
jfwelterdo@gmail.com

February 18, 2019

Town of Londonderry
Zoning Board of Adjustment
268B Mammoth Road
Londonderry, NH 03053
603 432-1100 x 134 ph
603 432-1128 fax

Re: letter dated February 6, 2019

Case number 12/19/18-1: request for variance to allow the building of a duplex with only 85 feet of frontage where 200 feet are required.

Public Hearing : Wednesday , February 20, 2019, 7 pm

Dear Sir or Madam:

I am an abutter of the above named case number property for which a zoning variance has been requested. I am working the evening of the public hearing, and my wife will not be able to attend due to prior family commitments.

My wife and I would hereby like to oppose the requested variance.

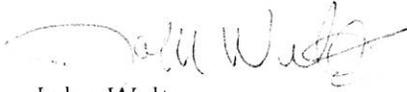
The granting of the variance would alter the character of the neighborhood. There are currently no duplexes in the local area. Duplex properties typically attract rental tenants, and there are no rental properties in the local area either.

The granting of the variance would reduce my property value by adding multifamily units and rental tenants to the neighborhood.

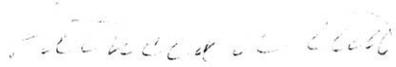
I am also concerned about the environmental impact of any construction abutting my property. The Nesenkeag Brook passes to the north of my property. This Brook runs to the Merrimack, and has several beaver dams on it, including one directly in my backyard. There are deer, fisher cats, coyotes, foxes, beavers, ducks and geese in the woods , marshlands, and beaver ponds, and an 11 out of 12 month of the year actively running brook providing a habitat for this varied wildlife population. Any building in the property abutting my home would need to have an assessment of the environmental impact and assurance of no adverse consequences to the wetlands and the tributary to the Merrimack River.

Thank you for your consideration. I would like a letter back in response which details the results of the public hearing.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Welter".

John Welter

A handwritten signature in cursive script, appearing to read "Patricia Welter".

Patricia Welter.

Exhibit B case #12/19/18-1

2/20/19

PETITION AGAINST ZONING VARIANCE FOR 17 DAN HILL ROAD

A PETITION OF THE RESIDENTS OF DAN HILL ROAD

ADDRESSED TO THE LONDONDERRY ZONING BOARD OF
ADJUSTMENTS

We, the undersigned, would like to bring your attention to the following problem with recommendations: *The neighborhood of Dan Hill Road believes a duplex will fundamentally change the character of the neighborhood, negatively affect property values, and unnecessarily endanger its residents. We recommend the denial of a Zoning variance to 17 Dan Hill Road for the purpose of building a duplex.*

AGREED UPON BY THE FOLLOWING PEOPLE:

Name/Address/Telephone Number

Marizel Quitongan (603) 437-2676-H
Ramon Hernandez 79 Dan Hill Rd. Londonderry, NH 03053

Dennis & Helen Amiot 7 Dan Hill Rd Londonderry -

Duane & Brenda Schacht 5 Dan Hill Rd Londonderry NH 03053

Bilda & Bruce Guttman 12 Dan Hill Rd

Suzanne Mann 14 Dan Hill Rd, *Suzanne Mann*

Richard Mann 14 Dan Hill Rd, *Richard Mann*

Donna Podgorski 11 Dan Hill Rd. *Podgorski*

Chip Podgorski 11 Dan Hill Rd

Erin E. Nadig 13 Dan Hill Rd 603-553-7590

Ann M 13 DAN HILL RD

Exhibit C case #12/19/18-1
2/20/19

Laura Gandia

From: Colleen Mailloux
Sent: Wednesday, February 20, 2019 10:14 AM
To: Laura Gandia
Subject: FW: Dan Hill Rd.

From: Brian G. Johnson <bjohnson@londonderrynh.org>
Sent: Wednesday, February 20, 2019 10:13 AM
To: Colleen Mailloux <cmailloux@londonderrynh.org>
Cc: George Chadwick (georgec@bedforddesign.com) <georgec@bedforddesign.com>
Subject: Dan Hill Rd.

Colleen,

I am writing you in reference to the proposed duplex at the end of Dan Hill Rd. The Fire Departments concern is getting a fire truck out of the location after an incident. Depending on the length of the access road a turnaround would be required. *2015 NFPA 1 – Fire Code: 18.2.3.4.4 Dead Ends. Dead-end fire department access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for the fire apparatus to turn around.*

The Fire Department approves of a hammerhead style turn around integrated into the driveway. The turnaround is to be approved by the Fire Department as for size and width and approved by the Department of Public works to verify it will hold the weight of a fire truck.

If you have any questions please feel free to contact me.

Thank you,
Brian

Town of Londonderry
Brian Johnson, CFI, CFPE
Division Chief of Fire Prevention
280 Mammoth Road
Londonderry, NH 03053
(603)432-1124
bjohnson@londonderrynh.org

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