

**LONDONDERRY ZONING BOARD OF ADJUSTMENT**

**268B MAMMOTH ROAD  
LONDONDERRY, NH 03053**

**MINUTES FROM 06/17/20 MEETING**

The meeting was called to order at 7:00 p.m. Members introduced themselves. The following members were participating via a ZOOM meeting: Neil Dunn, Chair; Jacqueline Benard, Vice Chair; Suzanne Brunelle, member; Brendan O'Brien, alternate member; Mitch Feig, alternate member. Also, participating were Laura Gandia, Associate Planner; Richard Canuel, Senior Health Officer, Code Enforcement Officer; Bradley Anderson, Code Enforcement Officer, Town Planner Mailloux and Beth Morrison, Recording Secretary. Chairman Dunn reviewed the hearing procedures. He appointed B. O'Brien and M. Feig as full voting members.

**I. APPROVAL OF MINUTES**

**J. Benard made a motion to accept the May 20, 2020, minutes as presented.**

**The motion was seconded by M Feig.**

**The motion was granted by, 5-0-0, by a unanimous roll call vote.**

**REPORT BY TOWN COUNCIL – There was no update this evening.**

**II. REGIONAL IMPACT DETERMINATIONS: Associate Planner Gandia informed the Board that she had four projects for their consideration.**

1. CASE NO. 06/17/2020-1: Request for a variance from LZO 4.2.1.3.C.1 to encroach 22 feet into the 40 feet front setback for the construction of a garage/accessory dwelling unit, Two Tokanel Drive, Map 7 Lot 117-7, Zoned AR-1, Russel & Denise Hartley (Owners & Applicants)
2. CASE NO. 06/17/2020-2: Request for a variance from LZO 5.14.B to allow a six-foot fence 38 feet into the 40 feet front setback where only fences 4 feet in height are allowed, Two Tanager Way, Map 5 Lot 10-37, Zoned AR-1, Seth McMinis (Owner & Applicant)
3. CASE NO. 06/17/2020-3: Request for a special exception for a home occupation pursuant to LZO 5.12 to operate a hair studio salon, 534 Mammoth Road, Map 15 Lot 223, Zoned AR-1, Tiffany Smith (Owner & Applicant)
4. CASE NO. 06/17/2020-4: Request for a variance from LZO 4.4.1.3.H.1 to reduce the perimeter landscaping buffer from 15 feet to 1' 5", Three Aviation Park Drive, Map 14 Lot 29-10, Zoned IND-II, Kake Preserve, LLC (Owner & Applicant)

Associate Planner Gandia recommended the Board find that these four projects are not developments of regional impact as they do not meet the criteria set forth by the Southern New Hampshire Regional Planning Commission.

**B. O'Brien made a motion to find that all four of these projects are not of regional impact.**

**M. Feig seconded the motion.**

**The motion was granted, 5-0-0, by a unanimous roll call vote.**

### III. PUBLIC HEARING OF CASES

**A. 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) – continued from the April 15, 2020, and the May 20, 2020, meeting**

B. O'Brien read the case into the record noting it was continued from the April 15, 2020, and the May 20, 2020, meeting. Kathy Franson, from Vernco Apple, LLC, addressed the Board. K. Franson told the Board that the shopping plaza was purchased about two years ago and they have upgraded many aspects of the plaza to try and revive the it. She explained that they upgrade the façade of the building, the roof, the asphalt, as well as placing new tenants in the plaza. She stated they would like to increase visibility, as they have just signed a lease with Planet Fitness, for the plaza. She commented that when someone is traveling along Route 102, there is a whole section of the shopping plaza that is not visible at all. She said they would like to do flag banners on some of the poles to promote businesses that are not visible to the road. She reviewed what the banners would look like noting that one banner would promote the apple tree mall and the other banner would be for a specific business. She reviewed Exhibit A from her presentation that gives the location of the specific poles they would like to place the flag banners.

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 the essential character of the neighborhood would not be altered.
- (2) The spirit of the ordinance is observed: because there will be no threat to the health, safety or welfare of the general public from the flag banners as they will be permanently affixed.
- (3) Substantial justice is done: because the loss to the applicant would outweigh any gain to the general public.
- (4) Values of surrounding properties are not diminished: because they believe the flag banners would increase the value by promoting new businesses at the plaza.
- (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 as portions of the building allow for poor visibility from Route 102. The proposed use is a reasonable one.



Chairman Dunn asked for questions from the Board. He asked if the poles were the original light poles. K. Franson replied that the poles are the original light poles. Chairman Dunn asked if R. Canuel or B. Anderson would look at loads and ratings to the poles if the flag banners are granted. B. Anderson said that he does not know if they rate the poles for the flag banners in the Town's ordinances. Chairman Dunn remarked that he is concerned about the poles with the added weight of the flag banners and would like them to be rated. K. Franson stated that they would be willing to have flag banners that have wind holes that allow the wind to pass through to not put any adverse pressure on the poles. J. Benard asked what size the banners would be. K. Franson responded that she believes they are 30 inches by 60 inches off the top of her head. She noted that they would be amenable to other sizes. M. Feig asked if the current flag banners in place are 30 inches by 60 inches. K. Franson said that is the size of what is currently there. M. Feig asked how they will pick what businesses are promoted on the flag banners. K. Franson replied that the flag banners would promote the businesses in the corner of the lot, as they are not visible from the road, specifically naming Extreme Craze, Planet Fitness, CKO Kickboxing, NT Nails, Country Side Florist and Richter's. M. Feig asked what the plaza has now for current signage. K. Franson reviewed the other signs for the plaza with the Board. Chairman Dunn asked if there would be protocol in place for when the flag banners are damaged from the sun, so they would not look run down. R. Canuel commented that there is a requirement in the ordinance that signs must be maintained in good condition, which would allow for enforcement action if needed. Chairman Dunn asked if R. Canuel knew of a good fabric to decrease the wind load. R. Canuel explained that structurally the building code does not address light poles, but pointed out the building code does address signage with wind resistance. He suggested that the flag banners incorporate the wind holes that would allow the wind pass through to mitigate the wind impact. Chairman Dunn said he would like to see something regarding this as the poles are quite old.

Chairman Dunn asked for public input and there was none.

The Board closed public input and began its deliberation. M. Feig commented that he is wrestling with setting a precedent to other plazas if this is granted. S. Brunelle mentioned that she believes this plaza is unique, as it is not visible from the road. M. Feig countered that he believes most of the plaza's on Route 102 are not clearly visible from the road. Chairman Dunn said that his biggest concern is regarding the safety of the poles and asked if a study could be performed first. M. Feig questioned if the Board could continue with the case, but impose a condition that a study would have to show the flag banners pose no harm to the light poles. S. Brunelle said that she agreed with Chairman Dunn that more information might be needed and asked if the case could be continued for this. J. Benard and M. Feig agreed as well. Chairman Dunn asked L. Gandia if the Board could continue the case for more information on the light poles. L. Gandia replied the Board could and noted the Board should be very specific on what information they would like the applicant to obtain. Chairman Dunn said that he believes a registered engineer would need to be hired by the applicant for this. R. Canuel commented that the Building Department could address the structural integrity of the poles with the applicant and have the Board address the aesthetic issue of the flag banners. Chairman Dunn reiterated that the Board's concern is the safety of the public and asked if the Building Department has the expertise to determine the structural integrity of the poles. R. Canuel said that if the Board would like to receive an engineering report they can, but voiced his opinion that he would not want the Board to delay the case, but rather allow his department to address the structural integrity. He said that he would forward the engineering report to the Board once it is done. S. Brunelle and J. Benard stated they were okay with this. M. Feig

asked if this would change the town's liability if the Building Department performed the engineering test versus an external engineer. R. Canuel commented that the liability is always on the property owner. He said that if the Board requests an engineering evaluation, he has to rely on the professional opinion of the professional engineer the applicant hires. He reiterated that the Board should allow the Building Department to address the structural integrity of the poles. L. Gandia asked for clarification on the structural evaluation. R. Canuel replied that he would work with the applicant to address this concern. Chairman Dunn asked if the variance would disappear if the poles are found to be structurally impaired. J. Benard said if the applicant cannot meet the conditions, the applicant would not be allowed to put the flag banners up.

- (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 alter the essential character of the neighborhood.
- (3) Substantial justice would be done: because the loss to the applicant would outweigh the gain to the public.
- (4) Values of the surrounding properties would not be diminished: because the essential character of the neighborhood would not be altered.
- (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 plaza is unique as it has no visibility from Route 102 as it is set up on the hill. The proposed use is a reasonable one.

**J. Benard made a motion in CASE NO. 04/15/2020-3 to grant the request for a variance from LZO 7.6.B.3 to allow 24 banner signs as presented on Exhibit A, which are prohibited, Four Orchard View Drive, Map 7 Lot 40-2, Zoned C-I, Vernco Apple, LLC (Owner & Applicant) with the following conditions:**

**(1) the banner signs shall be no larger than 30"x60"; and (2) the banner material and light poles shall be evaluated by the Building Department for structural integrity**

**S. Brunelle seconded the motion.**

**The motion was granted, 5-0-0, by a unanimous roll call vote.**

**B. CASE NO. 06/17/2020-1: Request for a variance from LZO 4.2.1.3.C.1 to encroach 22 feet into the 40 feet front setback for the construction of a garage/accessory dwelling unit, Two Tokanel Drive, Map 7 Lot 117-7, Zoned AR-1, Russel & Denise Hartley (Owners & Applicants)**

B. O'Brien read the case into the record. L. Gandia informed the Board there is no previous zoning on this property. Russel & Denise Hartley, Two Tokanel Drive, addressed the Board.

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 the essential character of the neighborhood would not be altered.
- (2) The spirit of the ordinance is observed: because there will be no threat the health, safety or welfare of the general public.
- (3) Substantial justice is done: because the loss to the applicant would outweigh any gain to the general public.
- (4) Values of surrounding properties are not diminished: because the essential character of the neighborhood is not altered.
- (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 does not have the same amount of right-of-way as other properties on the road. The proposed use is a reasonable one.

Chairman Dunn asked for questions from the Board. M. Feig asked why the applicant has to build there. R. Hartley told the Board that the leach field is on the other side of the house and they would have to build another driveway if the addition was placed on the other side of the house. He reviewed the existing picture of his property on the computer with the Board noting where he would like to construct the addition. Chairman Dunn asked for clarification on 38 feet and stated that he was not comfortable with that. R. Hartley said that the addition would be 51 feet from the road. S. Brunelle asked if the square footage would be allowed for the accessory dwelling above the garage. R. Hartley replied that the Building Department ran the numbers and sent him an email stating he was well within the allowed square footage. He read the email (Exhibit B) to the Board noting his accessory dwelling is 844 SF where 1283 SF is allowed. He read a letter (Exhibit C) into the record to the Board from his neighbors who are in favor of granting the variance.

Chairman Dunn asked for public input.

Ann Chiampa, 28 Wedgewood Drive, addressed the Board. A. Chiampa asked if there was a drawing showing the addition in relation to the house. Chairman Dunn reviewed a picture that was submitted. A. Chiampa asked if the addition would be 24 feet by 35 feet addition, noting that the addition would be about two thirds of the existing foundation size. R. Hartley replied that was correct. Chairman Dunn asked if the addition would be physically attached to the house. R. Hartley stated that it would be. A. Chiampa asked what the side setback would be after the addition is placed. R. Hartley said the addition would be 51 feet from the road. Chairman Dunn clarified that the setback is different than the measurement from the road, noting he has two 40-foot setbacks to comply with. He said that based on what is submitted, he has 18 feet left. R. Hartley stated that he believed it was actually 14 feet. A. Chiampa asked if he was adding any driveway. R. Hartley stated that they would be adding a driving space. Chairman Dunn asked for R. Canuel's opinion on adding driveway. R. Canuel responded that as long as they are not accessing the roadway with the additional driveway, they should be fine. Town Planner Mailloux shared her screen illustrating where the intended garage would be placed on the plot plan. R. Hartley said that they would use the existing driveway. Town Planner Mailloux told the Board

that if the driveway location is changed at the entrance to the road, this would require a driveway permit from the Department of Public Works & Engineering (DPW).

Chairman Dunn brought the discussion back to the Board as there was no further public input, and began its deliberation.

- (1) The variance would not be contrary to the public interest: because it would not threaten the health, safety and welfare of the general public or alter the essential character of the neighborhood.
- (2) The spirit of the ordinance would be observed: because there is no threat to 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 that would outweigh any gain to the general public.
- (4) Values of the surrounding properties would not be diminished: as the essential character of the neighborhood would not be altered. (At this point B. O'Brien had technical difficulties and was not able to participate so the Board took a five-minute break)
- (5) There is not a 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 a corner lot with two front setbacks. The proposed use is a reasonable one.

**J. Benard made a motion in CASE NO. 06/17/2020-1 to grant the request from a variance to encroach 22 feet into the 40 feet front setback for the construction of a garage/accessory dwelling unit, Two Tokanel Drive, Map 7 Lot 117-7, Zoned AR-1, Russel & Denise Hartley (Owners & Applicants) with the following condition:**

- 1. The structure shall not exceed 24 feet by 35 feet.**
- 2. The accessory dwelling shall not larger than 844 SF.**

**B. O'Brien seconded the motion.**

**The motion was granted, 4-1-0, by a roll call vote.**

**C. CASE NO. 06/17/2020-2: Request for a variance from LZO 5.14.B to allow a six-foot fence 38 feet into the 40 feet front setback where only fences 4 feet in height are allowed, Two Tanager Way, Map 5 Lot 10-37, Zoned AR-1, Seth McMinis (Owner & Applicant)**

B. O'Brien read the case into the record. L. Gandia stated that there is no previous zoning. Seth McMinis, Two Tanager Way, addressed the Board. S. McMinis reviewed the picture of his house with the Board noting where the proposed fence would be placed running parallel to Wiley Hill Road. He explained that there is a septic area that prohibits the fence in another location, such as the middle of the yard to comply with the 40-foot setbacks.

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 there is no threat the health, safety and welfare of the general public, as the fence does not impede any sight distance, town right-of-way or any slope or drainage easement on the property.
- (2) The spirit of the ordinance is observed: because the essential character of the neighborhood is not changed.
- (3) Substantial justice is done: because the loss to the applicant would outweigh any gain to the general public, as he has young children that play in the yard and Wiley Hill is a well-traveled road.
- (4) Values of surrounding properties are not diminished: because the fence is made well and would not have an adverse effect on the other properties.
- (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 as it abuts two roadways with 40-foot setbacks to comply with. He stated that the proposed use is a reasonable one.

Chairman Dunn asked for questions from the Board. He asked if the property owner had filed a variance before and withdrew it. S. McMinis replied that this is the first time he has applied for the variance. Chairman Dunn asked if there is a diagram of the fence location. S. McMinis said that B. Anderson had drawn a fence on a picture that he submitted with his application and asked for that to be viewed. Chairman Dunn asked if the applicant would maintain the 40-foot setback for Tanager Way. S. McMinis said that was correct. He said that B. Anderson had mapped out the best location for the proposed fence where there will not be any issues with sight distance or the slope or drainage easement. He said it would be about 100 feet of fence. M. Feig asked if the fence drawn on the plan would be how it would look or if it would connect to another fence. S. McMinis replied that it would not connect to another fence. J. Benard said she is concerned about putting the fence into the 38 feet into the 40-foot setback. M. Feig asked if there would be an issue if the applicant wanted a four-foot fence. B. Anderson told the Board that he could have a four-foot fence on the property line.

Chairman Dunn asked for public input. B. O'Brien read a letter (Exhibit D) from B. Anderson into the record.

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 or threaten the health or safety of the general public.
- (2) The spirit of the ordinance would be observed: because it would not alter the essential character of the neighborhood.
- (3) Substantial justice would be done: because the gain to the applicant would outweigh any loss to the public.
- (4) Values of the surrounding properties would not be diminished: the fence will not affect the sight distance of the neighborhood.

(5) There is not a 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 a corner lot that has to comply with two 40-foot setbacks, as well as drainage and slope easements. The proposed use is a reasonable one.

**J. Benard made a motion in CASE NO. 06/17/2020-2 to grant the request for a variance from LZO 5.14.B to allow a six-foot fence 38 feet into the 40 feet front setback where only fences 4 feet in height are allowed, Two Tanager Way, Map 5 Lot 10-37, Zoned AR-1, Seth McMinis (Applicant) with the**

**B. O'Brien seconded the motion.**

**The motion was granted, 4-1-0, by a roll call vote.**

**D. CASE NO. 06/17/2020-3: Request for a special exception for a home occupation pursuant to LZO 5.12 to operate a hair studio salon, 534 Mammoth Road, Map 15 Lot 223, Zoned AR-1, Tiffany Smith (Owner & Applicant)**

B. O'Brien read the case into the record. L. Gandia reviewed the previous zoning on the property. Tiffany Smith and Randy Winters, 534 Mammoth Road addressed the Board. T. Smith told the Board that she was hoping to set up a private hair studio in her house because of what has been going on with the pandemic. R. Winters gave the Board an overview of what the salon will look like in her house. T. Smith said that she does not want a sign or have the hair studio open to the public, but just her clients. She reviewed the plans on the screen with the Board, noting there is a separate entrance for the hair salon and her driveway could incorporate four cars. She said that she could have a maximum of two people at a time in her salon. M. Feig asked if it would be appointment only. T. Smith replied that was correct. Chairman Dunn notified the applicant that J. Benard had lost internet connection at this point and if she does not come back there are only four members to vote on this case where she needs three members to grant the special exception. T. Smith stated she was fine to wait and see if J. Benard could re-establish internet connection. J. Benard was able to re-establish internet connection. She asked how many clients T. Smith has now. T. Smith said she has approximately 100 to 150 clients, as she has been in the industry for about 17 years. J. Benard asked how many clients she would serve in a week. T. Smith said she would normally take five to six clients a day, but now the state is only allowing three to four clients a day and does not know if or when that might change. J. Benard asked if thirty clients per week was a good estimate. T. Smith answered that was correct. J. Benard asked for the hours of operation. T. Smith commented that the hours are Tuesday -Thursday from 11 a.m. to 7 p.m. M. Feig asked what types of products or chemicals do you use in the salon. T. Smith replied that she would only be using hair color, which consists of peroxide for the developer and color is ammonia based. R. Canuel mentioned that he knew that M. Feig had a concern about the chemicals from last month with the other special exception for a nail salon and according to the cosmetology board, they are required to keep the MSDS sheets from the manufacturer and abide by the rules. M. Feig asked who would monitor if the applicant is actually abiding by the rules. R. Canuel said that this was a state licensing issue and did not think it was a town issue. T. Smith said that the state will come in and check on this.



Chairman Dunn asked for public input. B. O'Brien read a letter (Exhibit E) of support for granting a special exception.

Ann Chiampa, 28 Wedgewood Drive, addressed the Board, stating that there is no walkway for the clients to get in. R. Canuel said that was something that they would address with issuing a permit.

Chairman Dunn brought the discussion back to the Board, as there was no further public input and went into deliberation. Chairman Dunn read from the home occupation checklist and gathered the consensus of the Board. The Board agreed that the home occupation will not exceed no more than 25% of the living area, has no exterior storage, no excess traffic for the neighborhood, no additional employee, no sign, with hours of operation from 11 a.m. to 7 p.m. Tuesday through Saturday.

**J. Benard made a motion in CASE NO. 06/17/2020-3 to grant the request for a special exception for a home occupation pursuant to LZO 5.12 to operate a hair studio salon, 534 Mammoth Road, Map 15 Lot 223, Zoned AR-1, Tiffany Smith (Owner & Applicant)**

**S. Brunelle seconded the motion.**

**The motion was granted, 4-1-0 by a roll call vote. The applicant's request for a special exception was GRANTED.**

**E. CASE NO. 06/17/2020-4: Request for a variance from LZO 4.4.1.3.H.1 to reduce the perimeter landscaping buffer from 15 feet to 1' 5", Three Aviation Park Drive, Map 14 Lot 29-10, Zoned IND-II, Kake Preserve, LLC (Owner & Applicant)**

B. O'Brien read the case into the record. L. Gandia stated that there is no previous zoning. Jeff Lewis, P.E. from Northpoint Engineering, addressed the Board. Eric Skinner, owner of the property addressed the Board as well. J. Lewis told the Board that the site plan that was approved by the Planning Board in 2004, noting there was a proposed phase 2 addition on the left-hand side with some expanded parking if needed. He explained that the owner has found the layout not very conducive of the vehicles coming in and out of the property and is concerned about safety. He said the owner would like to forego building the addition that was approved in phase 2 and instead build a drive connection for loop access to the back of the building to allow one-way circulation. He pointed out that they would go before the Planning Board for a site plan amendment, but the problem is the lot is very oddly shaped with a pinch point that would make the drive connection, if built, encroach into the 15-foot green space setback. He said they are proposing an 18-foot wide access drive. He reviewed the existing GIS aerial photo with the Board.

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 the essential character of the neighborhood would not change.
- (2) The spirit of the ordinance is observed: because the spirit is for safety and they believe this change will increase safety at this site.
- (3) Substantial justice is done: because the loss to the applicant would outweigh any gain to the general public.

- (4) Values of surrounding properties are not diminished: because the essential character of the neighborhood would not change.
- (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 in its shape and configuration. He stated that the proposed use is a reasonable one.

Chairman Dunn asked for questions from the Board. He asked if there was retail use allowed at the site. E. Skinner told the Board that most of the product is wholesale with very little retail. Chairman Dunn asked if they were going to proceed with phase 2 parking spaces. J. Lewis responded that he does not know if those parking spaces will be built and there could be 10 different tenants that are light/industrial use, which means they will be having trucks going around to the back. He said that if they are successful with the variance, they will then go before the Planning Board to discuss the changes to the site plan. J. Benard asked R. Canuel if the Planning Board would look at the parking spaces if the variance was approved. R. Canuel replied that if the Board approved the variance, it would require a modification to the site plan, which requires Planning Board approval. Chairman Dunn asked for more specific dimensions for the encroachment rather than allowing an encroachment up to 1.5 feet where it might not be needed. J. Lewis reviewed the plans on the computer with the Board. Chairman Dunn asked if this would create a problem for fire safety. R. Canuel responded that it was not. J. Benard asked for the plans that were submitted be marked or defined in some way. L. Gandia shared her screen with a picture that had been marked to show where the encroachment would be. Chairman Dunn asked to make the plan L. Gandia shared as an exhibit, (Exhibit 1), with a reference to the clouded image in the northwest corner.

Chairman Dunn asked for public input.

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.
- (2) The spirit of the ordinance would be observed: because it would not alter the essential character of the neighborhood and increase the safety at the site.
- (3) Substantial justice would be done: because there is no loss to the public and increased safety.
- (4) Values of the surrounding properties would not be diminished: because the essential character of the neighborhood is not altered.
- (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 uniquely shaped. The proposed use is a reasonable one.

**J. Benard made a motion in CASE NO. 06/17/2020-4 to grant the request for a variance from LZO 4.4.1.3.H.1 to reduce the perimeter landscaping buffer on the northwest corner of the building as presented and as shown on Exhibit 1 from 15**



feet to 1' 5", Three Aviation Park Drive, Map 14 Lot 29-10, Zoned IND-II, Kake Preserve, LLC (Owner & Applicant) with the following condition:

1. The northwest corner of the building as shown in Exhibit 1 as presented is the buffer decrease

B. O'Brien seconded the motion.

The motion was granted, 5-0-0, by a unanimous roll call vote. The applicant's request for a variance was GRANTED.

II. Other business: none

Adjournment:

S. Brunelle made a motion to adjourn at 11: 00 p.m.

J. Benard seconded the motion.

The motion was granted, 5-0-0 by a unanimous roll call vote. The meeting adjourned at 11: 00 p.m.

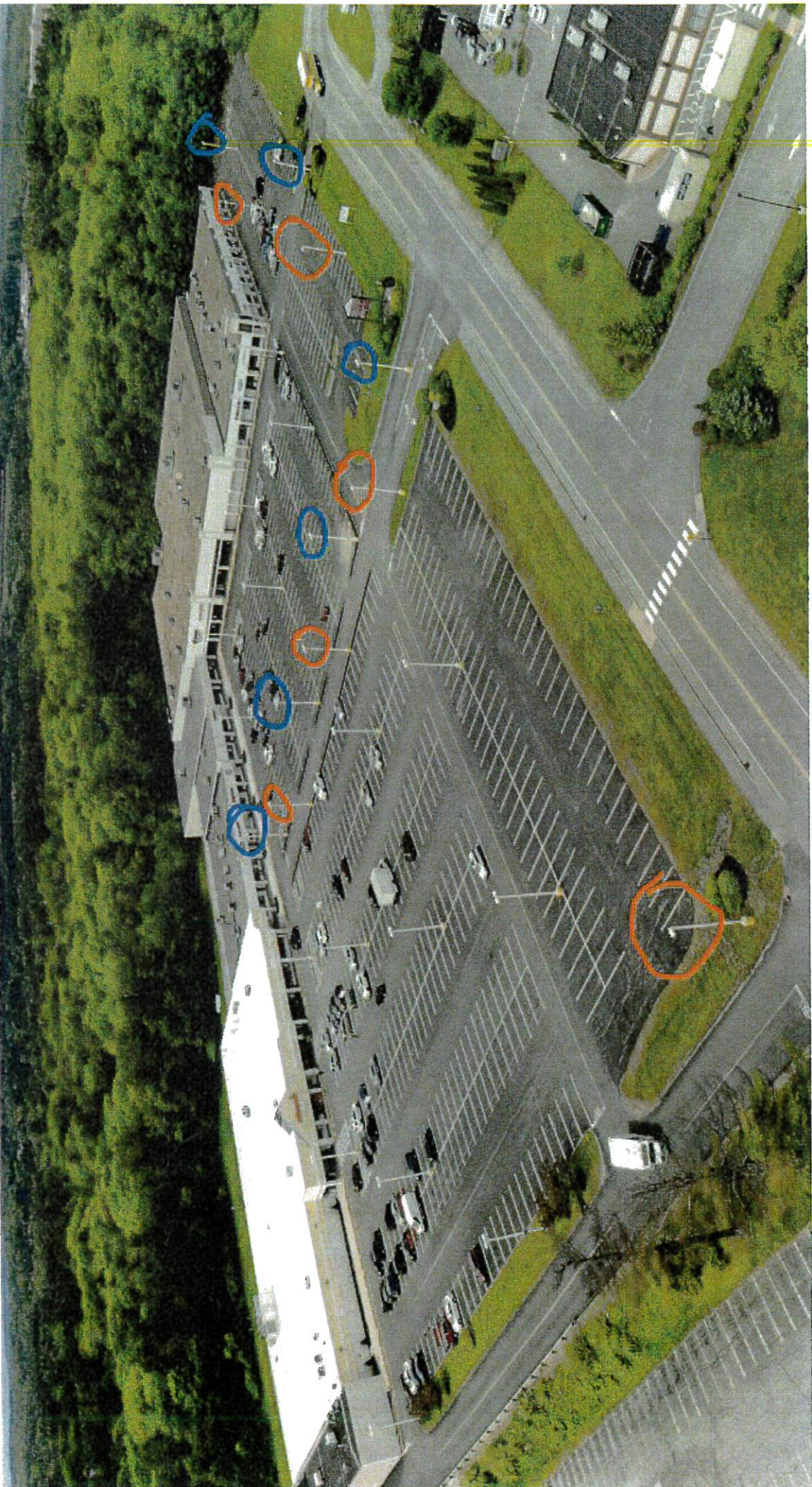
RESPECTFULLY SUBMITTED,

  
CLERK

TYPED AND TRANSCRIBED BY Beth Morrison, Recording Secretary.

**APPROVED (X)** WITH A MOTION MADE BY J. Tirabassi, SECONDED BY M. Feig 3-0-1.







## Laura Gandia

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**From:** Laura Gandia  
**Sent:** Wednesday, June 24, 2020 11:23 AM  
**To:** Laura Gandia  
**Subject:** FW: Russ Hartley 2 Tokanel Dr.

**From:** Libby Canuel  
**Sent:** Thursday, April 30, 2020 2:11 PM  
**To:** 'Russell Hartley' <[rhartley1967@gmail.com](mailto:rhartley1967@gmail.com)>  
**Subject:** RE: 2 Tokanel Dr.

Hi Russ

In regards to your accessory living apartment above the proposed garage, you said the entire 2<sup>nd</sup> floor above the garage will be the apartment. That comes to 844 sq. ft. My calculation allows up to 1,283 sq. ft, so you're fine in that area.

The other thing is you actually have an approved 4 bedroom septic design, so you do not need to eliminate two of the existing bedrooms, just one. Do you want to keep the floor plan layout the way it is with the two existing bedrooms being converted into another use?

*Libby C.*

*Administrative Assistant*

*ICC Certified Permit Technician*

*Building, Health, Zoning & Code Enforcement*

*Town of Londonderry, NH*

*603-432-1100 ext.115*

*Fax 603-432-1128*

*[libby@londonderrynh.org](mailto:libby@londonderrynh.org)*



TOWN OF LONDONDERRY

## Building, Health & Zoning Enforcement

268 Mammoth Road  
Londonderry, New Hampshire 03053  
432-1100 ext. 115 Fax: 432-1128

### MEMORANDUM

**To:** Zoning Board of Administration  
**From:** Bradley Anderson Code Enforcement Officer  
**Date:** May 12, 2020  
**Subject:** Sight impediment, 2 Tanager Way M&L 5-10-37

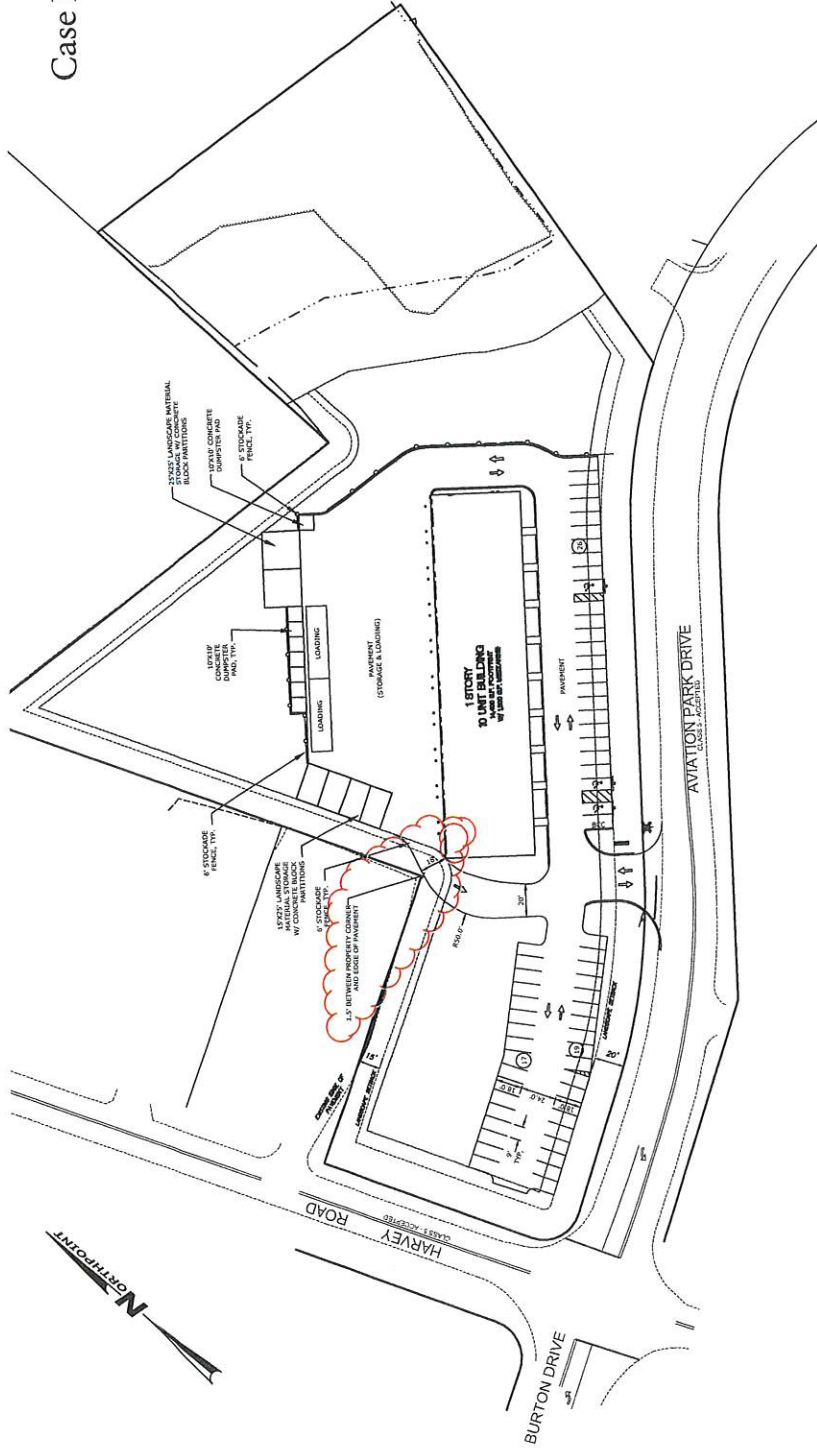
I don't believe there is any sight impediment with the proposed six foot high and ninety six foot long fence, given the physical view when I visited and the GIS mapping service that I used.

A handwritten signature in blue ink, appearing to read "Brad Anderson", is written over a horizontal line.

Brad Anderson  
Code Enforcement Officer  
268 Mammoth Road  
Londonderry, NH 03053  
(603) 432-1100 ext.108



Case No. 6/17/20-4



**SITE PLAN**

PREPARED FOR:

**KAKE PRESERVE**

**AVIATION PARK DRIVE**

**LONDONDERRY, NEW HAMPSHIRE**

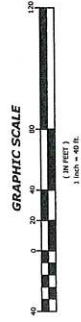
APPLICANT: KAKE PRESERVE, LLC  
PROJECT: AVIATION PARK DRIVE  
CONDOMINIUM, 4TH FLOOR

REVISIONS:	DATE	DESCRIPTION



**NORTHPOINT  
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DATE: MAY 2020  
PROJECT: 20010  
SCALE: 1"=40'  
SHEET: 1 OF 1



**NOTES:**

1. THE PURPOSE OF THIS PLAN IS TO DETECT THE PROPOSED SITE IMPROVEMENTS ASSOCIATED WITH THE EXPANSION OF THE PAVED PARKING AND DRIVEWAY AREAS LOCATED ON THE SUBJECT SITE.
2. REFERENCE THIS PLAN TO THE TOWN OF LONDONDERRY TAX MAP 22 LOT 27-28.
3. AREA OF SUBJECT PARCEL IS 111.4 PM SP (2.36 ACRES).
4. THE ZONING DESIGNATION OF THE SUBJECT PARCEL IS IND-11, INDUSTRIAL-11.
5. THE EXISTING AND PROPOSED USE ON THE SUBJECT PARCEL IS LIGHT INDUSTRIAL MANUFACTURING. SECTION 3.3 OF THE LONDONDERRY ZONING ORDINANCE AND SECTION 3.2 OF THE LONDONDERRY SITE PLAN REGULATIONS AS FOLLOWS:  
MIN. BUILDING SETBACKS:  
FRONT: 30 FEET  
SIDE: 30 FEET  
REAR: 30 FEET  
MIN. LANDSCAPE BUFFER:  
FRONT: 50 FEET  
SIDE: 50 FEET  
REAR: 50 FEET  
MIN. TOLLING SETBACKS:  
FRONT: 45,300 S.F.  
SIDE: 30 FEET  
REAR: 30 FEET  
MIN. BUILDING AREA:  
FRONT: 30 FEET  
SIDE: 30 FEET  
REAR: 30 FEET  
MIN. LANDSCAPE BUFFER:  
FRONT: 50 FEET  
SIDE: 50 FEET  
REAR: 50 FEET
6. THE EXISTING AND PROPOSED USE ON THE SUBJECT PARCEL IS LIGHT INDUSTRIAL MANUFACTURING.
7. PARKING REQUIREMENTS:  
MIN. REQUIRED SPACES:  
1.0 SP/1,000 SF  
BUILDING: 1,500 SF / 1,000 SF  
= 25 SPACES  
PROPOSED SPACES:  
= 43 SPACES (INCLUDING 3 HANDICAP)