



TOWN OF LONDON DERRY
ZONING BOARD OF ADJUSTMENT

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

March 22, 2018

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, March 21, 2018:

Case No.: 03/21/18-1

Applicant: Windham Realty Liability Company
Eight Action Boulevard
Londonderry, NH 03053

Location of Property: 105 Hillside Avenue, Map 10 Lot 92, Zoned AR-1

Request: Request for two variances: (1) from LZO 2.2 to allow a commercial use as an automobile parking lot for Auto Auction of New England which is otherwise prohibited in the AR-1 zone; and (2) from LZO 2.3.1.2(A) to allow for the storage 1094 of unregistered cars where only one is allowed

Result: B. Berardino made a motion in **CASE NO. 3/21/18-1** to DENY the applicant's request for a variance from LZO 2.2 to allow a commercial use as an automobile parking lot for Auto Auction of New England which is otherwise prohibited in the AR-1 zone, 105 Hillside Avenue, Map 10 Lot 92, Zoned AR-1, Windham Realty Limited Liability Company (Owner & Applicant).

B. O'Brien seconded the motion.

The motion passed, 5-0-0. The applicant's request for a variance from LZO 2.2 was denied.

B. O'Brien made a motion in **CASE NO. 3/21/18-1** to DENY the applicant's request for a variance from LZO 2.3.1.2(A) to allow for the storage 1094 of unregistered cars where only one is allowed, 105 Hillside Avenue, Map 10 Lot 92, Zoned AR-1, Windham Realty Limited Liability Company (Owner & Applicant).

B. Berardino seconded the motion.

The motion passed, 5-0-0. The applicant's request for a variance from LZO 2.3.2.2(A) was denied.



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The reasons for the denial are as follows: (1) the granting of the variance would be contrary to the public interest and contrary to the spirit of the ordinance because a large parking lot containing over 1,000 cars where only one unregistered one is allowed would alter the essential character of the neighborhood, the spirit and intent of the ordinance is to provide for residential uses and a commercial use/the parking lot with over 1,000 cars where only one unregistered one is allowed is contrary to that spirit and intent, the use of a large commercial parking lot containing over 1,000 cars compromises and raises public safety and environmental concerns; (2) granting of the ordinance would not do substantial justice because the gain to the public (keeping compatible residential uses in AR-1, limiting the number of cars in a residential neighborhood, protecting the essential character of the neighborhood, and keeping the residential neighborhood intact by not allowing excess noise and other nuisance effects, etc.) is far outweighed by any loss to the applicant; (3) the value of surrounding properties would be diminished due to the noise, lighting and other effects associated with a large commercial parking lot containing over 1,000 cars in a residential neighborhood; and (4) the applicant failed to prove the hardship argument and did not demonstrate any uniqueness or special conditions of the property and there is a fair and substantial relationship between the general public purpose of the ordinance and the specific application of the ordinance on the property (keeping the residential neighborhood intact, protecting the essential character of the neighborhood, limiting the number of cars in a residential neighborhood, etc.), and having a commercial parking lot with over 1,000 cars in a residential neighborhood is not a reasonable use.

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.

cc: Town Council; Building Inspector; Town Clerk; Assessor; Planning Board; Conservation Commission



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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, March 21, 2018:

Case No.: 03/21/18-2

Applicant: NH Six Realty Trust
30 Adams Street
Milton, MA 02186

Location of Property: 42 Nashua Road, Map 7 Lot 68-01, Zoned C-1

Request: Request for a variance from LZO 3.11.6.D.3.b.i to allow three wall signs totaling 250 SF where only 50 SF are allowed

Result: J. Benard made a motion in **CASE NO. 3/21/18-2** to GRANT the applicant's request for a variance from LZO 3.11.6.D.3.b.i to allow three wall signs totaling 250 SF where only 50 SF are allowed, 42 Nashua Road, Map 7 Lot 68-01, Zoned C-1, NH Six Realty Trust (Owner & Applicant) as presented (25 ft for sign A3, 125 ft for sign A2 and 100 ft for sign A1) with the condition that the variance is valid so long as the property is used as a full service urgent medical care facility such as ConvenientMD.

J. Tirabassi seconded the motion.

The motion was granted with conditions, 5-0-0.

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.

cc: Town Council; Building Inspector; Town Clerk; Assessor; Planning Board; Conservation Commission