



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

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

September 21, 2018

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, September 19, 2018:

Case No.: 08/15/18-2

Applicant: Nicholas & Ashley Cuzzupe
Two State Tree Circle
Londonderry, NH 03053

Location of Property: Two State Tree Circle, Map 3 Lot 24-20, Zoned AR-1

Request: Request for a variance from LZO 3.14.B to (1) allow a six (6) feet fence located in a front yard where only four feet are allowed; and (2) allow a fence to encroach up to 30 feet into the 40 feet front setback

Result: The application was withdrawn by the applicant.

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



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

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

September 21, 2018

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, September 19, 2018:

Case No.: 09/18/18-1

Applicant: Ben Fontaine (Londonderry Baptist Church)
368 Mammoth Road
Londonderry, NH 03053

Location of Property: 368 Mammoth Road, Map 12 Lot 52, Zoned AR-1

Request: Request for two variances from LZO 2.3.1.9.B and 2.3.1.9.C to allow a portable storage container greater than 20 feet in length to permanently remain on the property

Result: Member J. Benard made a motion in **CASE NO. 9/19/18-1** to **DENY** the applicant's request for a variance from LZO 2.3.1.9.B to allow a portable storage container greater than 20 feet on the property, 368 Mammoth Road, Map 12 Lot 52, Zoned AR-1, Londonderry Baptist Church (Owner) and Ben Fontaine (Applicant).

Member S. Brunelle seconded the motion.

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

Member J. Benard made a motion in **CASE NO. 9/19/18-1** to **DENY** the applicant's request for a variance from LZO 2.3.1.9.B to allow a portable storage container to remain permanently on the property, 368 Mammoth Road, Map 12 Lot 52, Zoned AR-1, Londonderry Baptist Church (Owner) and Ben Fontaine (Applicant).

Member B. Berardino seconded the motion.

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

The reasons for denial are as follows: (1) granting of the variance would be contrary to the public interest and (2) the spirit of the ordinance would not be observed because having a portable structure greater than 20 feet in length on the property permanently would alter the essential character of the neighborhood as the property is zoned AR-1



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

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

and the structure is double the permissible length, there are also public safety concerns, and the spirit of the ordinance is to limit the amount of time portable structures are allowed; (3) granting the variance would not do substantial justice as the applicant failed to demonstrate that his loss was greater than any gain to the public; (4) the values of surrounding properties would be diminished by having a portable structure approximately 40 feet in length on a property in a residential (AR-1) neighborhood, the upkeep and maintenance as well as the appearance were all factors attributable to the diminution of property values; and (5) the applicant failed to demonstrate how his property is unique. The Board determined that there is a fair and substantial relationship between the general purposes of the ordinance (to keep the character of the residential neighborhood in tact by not allowing a portable structure twice the length that is permitted to remain on the property indefinitely) and the specific application of the ordinance on the property, and the proposed use is not a reasonable one (keeping a portable structure permanently is not reasonable).

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



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

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

September 21, 2018

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, September 19, 2018:

Case No.: 09/19/18-2

Applicant: Mark Ketchen
14 Adams Street
Merrimac, MA 01860

Location of Property: 34 Brewster Road, Map 13 Lot 122, Zoned AR-1

Request: Request for a variance from LZO 2.3.1.3.C.1 to encroach 34 feet into the 40 feet front setback for the construction of a garage

Result: Member J. Tirabassi made a motion in **CASE NO. 9/19/18-2** to **DENY** the applicant's request for a variance from LZO 2.3.1.3.C.1 to encroach 34 feet into the 40 feet front setback for the construction of a garage, 34 Brewster Road, Map 13 Lot 122, Zoned AR-1, Scott and Darlene Ratte (Owners and Applicants)

Member J. Benard seconded the motion.

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

The reasons for the denials are as follows:

The reasons for denial are as follows: (1) granting of the variance would be contrary to the public interest and (2) the spirit of the ordinance would not be observed because having a sizeable garage located only 6 feet from the property line on an unimproved road causes major safety concerns; (3) granting the variance would not do substantial justice as the loss to the public in protecting public safety is far outweighed by any gain to the applicant; and (5) the applicant failed to demonstrate how the property is unique or any type of reasonable hardship. The Board determined that there is a fair and substantial relationship between the general purposes of the ordinance (protecting public safety) and the specific application of the ordinance on the property, and the proposed use is not a reasonable one (locating a garage six feet from the property line on an unimproved road is not reasonable).



TOWN OF LONDONDERRY

ZONING BOARD OF ADJUSTMENT

268B Mammoth Road, Londonderry, New Hampshire 03053

Phone: 432-1100, ext.134 Fax: 432-1142

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



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

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

September 21, 2018

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, September 19, 2018:

Case No.: 09/18/18-3

Applicant: Nicholas & Ashley Cuzzupe
Two State Tree Circle
Londonderry, NH 03053

Location of Property: Two State Tree Circle, Map 3 Lot 24-20, Zoned AR-1

Request: Request for a variance from LZO 3.14.B to (1) allow a six (6) foot fence located in a front yard where only four feet are allowed; and (2) allow a fence to encroach 40 feet into the 40 feet front setback

Result: Member J. Benard made a motion in **CASE NO. 9/19/18-3** to **GRANT** the applicant's request for a variance as presented from LZO 3.14.B to (1) allow a six (6) feet fence located in a front yard where only four feet are allowed Two State Tree, Map 3 Lot 24-20, Zoned AR-1, Nicholas & Ashley Cuzzupe (Owners & Applicants) with the following conditions:

- (1) The installation of the fence shall not obstruct, impede, encroach or otherwise interfere with (a) the existing slope easement; (b) the required sight distance profile (northerly direction) at the State Tree/Moulton intersection; and (c) the stopping sight distance at State Tree Circle; and
- (2) The applicant will certify that the conditions stated herein are met to the satisfaction of the DPW&E staff (as noted in the DPW&E September 12, 2018 letter)

Member S. Brunelle seconded the motion. The motion was granted, 5-0-0. The applicant's request for a variance was **GRANTED** with conditions.

Member J. Benard made a motion in **CASE NO. 9/19/18-3** to **GRANT** the applicant's request for a variance from LZO 3.14.B to allow a fence to encroach up to 40 feet into the 40 feet front Two State Tree, Map 3 Lot 24-20, Zoned AR-1, Nicholas & Ashley Cuzzupe (Owners & Applicants) with the following conditions:



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

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

- (1) The installation of the fence shall not obstruct, impede, encroach or otherwise interfere with (a) the existing slope easement; (b) the required sight distance profile (northerly direction) at the State Tree/Moulton intersection; and (c) the stopping sight distance at State Tree Circle;
- (2) The applicant will certify that the conditions stated herein are met to the satisfaction of the DPW&E staff; and
- (3) The "18 feet" referenced in the DPW&E September 12, 2018 letter and/or the extent of the encroachment be addressed to the satisfaction of the DPW&E staff.

Member J. Tirabassi seconded the motion. The motion was granted, 5-0-0. The applicant's request for a variance was **GRANTED** with conditions.

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



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

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

September 21, 2018

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, September 19, 2018:

Case No.: 09/19/18-4

Applicant: Rebecca & John Visconti
43 Hunter Mill Way
Londonderry, NH 03053

Location of Property: 43 Hunter Mill Way, Map 18 Lot 13-87, Zoned AR-1

Request: Request for a variance from LZO 2.3.2.3.C.2 to encroach 10 feet into the 15 feet side setback for the construction of a shed

Result: Member S. Brunelle made a motion in **CASE NO. 9/19/18-4** to **GRANT** the applicant's request for a variance from LZO 2.3.2.3.C.2 to encroach 10 feet into the 15 feet side setback for the construction of a shed, 43 Hunter Mill Way, Map 18 Lot 13-87, Zoned AR-1, Rebecca and John Visconti (Owners and Applicants) with the condition that the shed be no larger than 12x18.

Member B. Berardino seconded the motion.

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

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



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

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

September 21, 2018

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, September 19, 2018:

Case No.: 09/19/18-5

Applicant: CC Properties, LLC
Two Litchfield Road
Londonderry, NH 03053

Location of Property: Two Litchfield Road, Map 12 Lot 68, Zoned C-III & Historic Overlay District (HOD)

Request: Request for a variance from LZO 2.2 Use Table to allow the use of a single family dwelling in the C-III district

Result: Member J. Tirabassi made a motion to **GRANT** the applicant's request for a variance **CASE NO. 9/19/18-5** from LZO 2.2 Use Table to allow the use of a single family dwelling in the C-III district, Two Litchfield Road, Map 12 Lot 68, Zoned C-III & Historic Overlay District (HOD), CC Properties, LLC (Owner & Applicant)

Member J. Benard 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.

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