



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

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

December 20, 2018

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

Case No.: 12/19/18-1

Applicant: Cedar Crest Development
20 Buttrick Road
Londonderry, NH 03053

Location of Property: 17 Dan Hill Road, Map 2 Lot 46, Zoned AR-1

Request: Request for a variance from LZO 2.3.1.3.B.2 (LZO 4.2.1.3.B.2 as amended) 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

Result: Member J. Benard made a motion in **CASE NO. 12/19/18-1** to **GRANT** the applicant's request for variance from LZO 2.3.1.3.B.2 (LZO 4.2.1.2.B.2 as amended) 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 condition that the applicant obtain fire department review and approval for access and safety.

Member S. Brunelle 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



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

Case No.: 12/19/18-2

Applicant: Michael Bicchieri, Trustee, Bicchieri Family Revocable Trust
15 Sherwood Road
Londonderry, NH 03053

Location of Property: 51 Harvey Road, Map 14 Lot 44-6, Zoned IND-II

Request: Request for an appeal of administrative decision from the Code Enforcement Officer's determination that the use at 51 Harvey Road is a sexually orientated business/sexual encounter center

Result: The ZBA reviewed the application for appeal and vacated the administrative decision. The ZBA made no finding about whether the business is a sexually orientated business, a sexual encounter center, or a community center, but determined that the administrative decision lacked a sufficient evidentiary basis and sufficient information to provide the applicant notice of specific allegations and findings, and therefore an opportunity to be heard.

Jim Tirabassi

Jim Tirabassi, Clerk

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

Case No.: 12/19/18-2A

Applicant: Michael Bicchieri, Trustee, Bicchieri Family Revocable Trust
15 Sherwood Road
Londonderry, NH 03053

Location of Property: 51 Harvey Road, Map 14 Lot 44-6, Zoned IND-II

Request: Request for a variance from LZO 2.2 Table of Uses to allow a community center or sexually orientated business as determined by Case No. 12/19/18-2, 51 Harvey Road, Map 14 Lot 44-4

Result: Member S. Brunelle made a motion in **CASE NO. 12/19/18-2A** to **DENY** the applicant's request for a variance from LZO 2.2 Table of Uses (LZO 4.1.2 Table of Uses as amended) to allow a sexually orientated business 51 Harvey Road, Map 14 Lot 44-4, Zoned IND-2, Bicchieri Family Revocable Trust (Owner) and Unity NH, LLC & Alanna Beauregard (Applicants)

Member J. Tirabassi seconded the motion.

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

(1) granting of the variance would be contrary to the public interest because the granting would alter the essential character of the industrial zoned neighborhood and allowing a non-permitted use changes the character. Further, there were public safety concerns; (2) the spirit of the ordinance would not be observed because the spirit is to keep certain uses out of certain zoning districts. The character of the neighborhood would be altered allowing the requested use; (3) granting the variance would not do substantial justice because the loss to the public is greater than any gain to the applicant. The requested use is allowed in other zoning district in Town and the loss to the public of not keeping like uses similarly situated is far greater than any perceived loss to the applicant; (4) the values of surrounding properties would be diminished.



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Neighbors in the area testify that allowing this type of use would result in a loss to their property values as the use is not compatible

with the allowed uses in that district. Testimony was provided to the Board involving similar type of situation where diminution of property values occurred; and (5) the Board found no special circumstances or uniqueness to the property as it is not distinguishable from other properties in the area; therefore, there is a fair and substantial relationship between the general purposes of the ordinance and the specific application to the property. The Board also found that the proposed use is not a reasonable one as the requested use is not allowed in the IND-II zone but is allowed in other zoning districts. The Board further found that the property can be reasonably used in strict conformance with the ordinance.

Jim Tirabassi

Jim Tirabassi, Clerk

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

Case No.: 12/19/18-3

Applicant: Sorellina Boutique & Connor Morrisseau
25 Orchard View Drive
Londonderry, NH 03053

Location of Property: 25A Orchard View Drive, Map 7 Lot 38-1, Zoned C-I

Request: Request for an appeal of administrative decision from the Code Enforcement Officer or his/her designee's determination that Sorellina Boutique is an accessory use to the primary use which is Salon Bogar

Result: Member J. Benard made a motion in **CASE NO. 12/19/18-3** to **UPHOLD** the Code Enforcement Officer or his/her designee, Libby Canuel's determination on November 15, 2018 that Sorellina Boutique is an accessory use to Salon Bogar, 25A Orchard View Drive, Map 7 Lot 38-1, Zoned C-I, Brilor Corporation (Owner) and Sorellina Boutique & Connor Morrisseau (Applicants)

Member J. Tirabassi seconded the motion. The motion was granted, 5-0-0. The applicant's request for an appeal of administrative decision was **DENIED**.

The reasons for denial were as follows: Both Salon Bogar and Sorellina Boutique are operated by the same owner, share space, have the same hours of operation and Sorellina Boutique is registered trade name for Salon Bogar.

Jim Tirabassi

Jim Tirabassi, Clerk

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December 20, 2018

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

Case No.: 12/19/18-3A

Applicant: Sorellina Boutique & Connor Morrisseau
25 Orchard View Drive
Londonderry, NH 03053

Location of Property: 25A Orchard View Drive, Map 7 Lot 38-1, Zoned C-I

Request: Request for a variance from LZO 3.11.6.D.3.b.i (LZO 7.6.D.3.b.1 as amended) to allow an additional 40 SF wall sign

Result: The applicant requested that the matter be continued to the January 16, 2019 meeting.

Jim Tirabassi

Jim Tirabassi, Clerk

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