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**TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT
MOOSE HILL COUNCIL CHAMBERS
268B MAMMOTH ROAD
LONDONDERRY, NH 03053**

**FEBRUARY 21, 2024, MEETING
7:00 P.M.**

I. CALL TO ORDER

Members Present: Jacqueline Benard, Chair; Suzanne Brunelle, Vice Chair; Mitchell Feig, Full Member; Irene Macarelli, Full Member; Chris Moore, Alternate Member; Robert Robicsek, Alternate Member

Also Present: Kellie Caron, Assistant Town Manager/Director of Economic Development; Nick Codner, Chief Building Inspector

Chair Benard called the meeting to order at 7:00 p.m. and reviewed the meeting procedure. She appointed R. Robicsek as a full voting member for the meeting.

II. ROLL CALL

III. APPROVAL OF DRAFT MINUTES – JANUARY 17, 2024

I. Macarelli moved to accept the minutes of the January 17, 2024, meeting as written. M. Feig seconded the motion. A vote was taken, all were in favor. The motion passed 5-0-0.

IV. REPORT BY TOWN COUNCIL LIAISON

There was no report by the Town Council Liaison.

V. REGIONAL IMPACT DETERMINATIONS

K. Caron said Staff is recommending the cases before the Board are not of regional impact.

M. Feig moved to accept the regional impact determination. I. Macarelli seconded the motion. A vote was taken, all were in favor. The motion passed 5-0-0.

VI. PUBLIC HEARING OF CASES

A. CASE NO. 02/21/2024-1 Request for a variance from LZO section 4.2.1.3. C.2 to allow an encroachment of six (6) feet into the fifteen (15) foot side setback. The parcel is located at

49 **14 Raintree Drive in the Agricultural-Residential (AR-1) zoning**
50 **district. Tax Map 8, Lot 3-47. Ashley & Stephen Mayo (Owners**
51 **& Applicants).**
52

53 Vice Chair Brunelle read the case into the record.
54

55 Ashley and Stephen Mayo appeared before the Board to request a variance to build
56 an attached garage, with a great room above it.
57

58 The applicants reviewed the five points:
59

60 1) The variance will not be contrary to the public interest, as it will improve the
61 property. It will not alter the character of the neighborhood, as there are many
62 residences that have additions in the neighborhood.
63

64 2) The spirit of the ordinance would be observed, as the addition will not present a
65 threat to the health, safety, or general welfare, nor will the attached garage change
66 the character of the neighborhood.
67

68 3) Granting the variance would do substantial justice, as the loss to the applicants
69 would be greater than the gain to the general public.
70

71 4) The values of the surrounding properties would not be diminished, as adding a
72 garage does not diminish property values. It would also give the abutter more
73 privacy.
74

75 5) Owing to special conditions of the property that distinguish it from other
76 properties in the area, denial of the variance would result in unnecessary hardship
77 because (a) there is not a fair and substantial relationship between the general
78 public purpose of the ordinance provision and the specific application of the
79 provision to the property, given the characteristics of the property. This is their only
80 option, due to the location of the septic, pool, and deck. And (b) the proposed use
81 is reasonable because a garage and a family room are reasonable.
82

83 Chair Benard asked for Board questions. The Board noted the PDF drawing is light
84 and hard to read, so asked for clarification of the plan. This applicants provided
85 this.
86

87 Chair Benard asked for public input.
88

89 Vice Chair Brunelle read a letter into the record from an abutter expressing concern
90 over the encroachment and their opposition to this addition. A. Mayo explained this
91 abutter is on the opposite side of the house from the proposed addition. Vice Chair
92 Brunelle read a letter into the record from the abutter on the side of the house
93 where the addition would be built, stating they do not oppose it.
94

95 Stephanie Miville, 15 Raintree Drive, expressed her support of this addition.
96

- 97 The Board closed public input and began deliberation.
98
99 1) Granting the variance would not be contrary to the public interest because it
100 does not alter the character of the neighborhood.
101
102 2) The spirit of the ordinance would be observed because it does not pose a threat
103 to the health, safety, and general welfare of the public.
104
105 3) Granting the variance would do substantial justice because the loss to the
106 applicant is greater than any gain to the general public.
107
108 4) The values of the surrounding properties would not be diminished because
109 adding a garage and family room does not diminish adjacent property values.
110
111 5) Owing to special conditions of the property that distinguish it from other
112 properties in the area, denial of the variance would result in an unnecessary
113 hardship because (a) there is not a fair and substantial relationship between the
114 general public purpose of the ordinance provision and the specific application of
115 that provision to the property because of the physical limitations on the other two
116 sides of the property; and (b) the proposed use is a reasonable one because
117 garages are reasonable.

118
119 **In Case No. 02/21/2024-1, Vice Chair Brunelle moved to allow a variance**
120 **from LZO section 4.2.1.3. C.2 to allow an encroachment of six (6) feet into**
121 **the fifteen (15) foot side setback for a parcel located at 14 Raintree Drive**
122 **in the Agricultural-Residential (AR-1) zoning district, Tax Map 8, Lot 3-47,**
123 **Ashley & Stephen Mayo (Owners & Applicants), in that the five criteria**
124 **have been met, with the condition that the garage footprint shall not**
125 **exceed 16 feet by 24 feet. I. Macarelli seconded the motion. A vote was**
126 **taken. The motion was granted 5-0-0. The applicant's request for a**
127 **variance was GRANTED.**

128
129 **B, C, and D:**
130 **In CASE NO. 02/21/2024-2, request for a variance from LZO section**
131 **8.2.A.2 to re-establish an existing non-confirming use of a small machine**
132 **parts and service use, after discontinuance for one (1) year for a parcel**
133 **located at 347 Rockingham Rd in the Residential (R-III) zoning district,**
134 **Tax Map 17, Lot 17, Thibeault Corporation of NE, (owner), & Vinnie Iacozzi,**
135 **(applicant); CASE NO. 02/21/2024-3, request for a variance from LZO**
136 **section 8.2.A.4 to rebuild a parts and service use after damage exceeding**
137 **seventy-five (75) percent of its replacement value for a parcel located at**
138 **347 Rockingham Rd in the Residential (R-III) zoning district, Tax Map 17,**
139 **Lot 17, Thibeault Corporation of NE, (owner), & Vinnie Iacozzi, (applicant);**
140 **and CASE NO. 02/21/2024-4, request for a variance from LZO section 4.1.2**
141 **to allow a contractor yard, parts and service distribution operation in the**
142 **R-III zoning district for a parcel located at 347 Rockingham Rd in the**
143 **Residential (R-III) zoning district, tax Map 17, Lot 17, Thibeault**
144 **Corporation of NE, (owner), & Vinnie Iacozzi, (applicant), Vice Chair**

145 **Brunelle moved for a continuance to March 20, 2024. R. Robicsek seconded**
146 **the motion. A vote was taken. All were in favor. The motion passed 5-0-0.**

147
148 **E. CASE NO. 02/21/2024-5 Request for a variance from LZO**
149 **section 4.2.1.3.C.1 to allow an encroachment of six (6) feet into**
150 **the forty (40) foot front setback. The parcel is located at 14**
151 **Grenier Field Road in the Agricultural-Residential (AR-1) zoning**
152 **district. Tax Map 15, Lot 248. Joseph & Alissa Hoggard (Owners &**
153 **Applicant).**

154
155 Vice Chair Brunelle read the case into the record.

156
157 Joseph Hoggard appeared before the Board to present a plan to build a farmers
158 porch and stairs that would encroach into the front setback.

159
160 The applicant reviewed the five points:

161
162 1) The variance will not be contrary to the public interest, as the farmers porch will
163 not alter the essential character of the neighborhood or threaten the health, safety,
164 or general welfare of the public.

165
166 2) The spirit of the ordinance would be observed, as the farmers porch will not
167 threaten the health, safety, or general welfare of the public.

168
169 3) Granting the variance would do substantial justice, as the farmers porch will not
170 create an injustice to the general public.

171
172 4) The values of the surrounding properties are not diminished, as the farmers
173 porch will not diminish the value of the abutters' properties.

174
175 5) Owing to special conditions of the property that distinguish it from other
176 properties in the area, denial of the variance would result in unnecessary hardship
177 because (a) there is not a fair and substantial relationship between the general
178 public purpose of the ordinance provision and the specific application of the
179 provision to the property, given the characteristics of the property. Due to the
180 overall angle and property line, its distance from the street is substantial.
181 Therefore, the 40-foot setback is compromised. And (b) replacement of the old
182 porch to gain access to the front of the house is reasonable.

183
184 Chair Benard asked for Board questions. The Board discussed the location of the
185 house. J. Hoggard explained that without a survey, they are not sure of the exact
186 proximity to the setback. He believes the existing deck is already encroaching on
187 the setback, so is non-conforming.

188
189 Chair Benard asked for public input.

190
191 Neil Smith, 15 Grenier Field Road, noted his concern that if there is a future taking,
192 the farmers porch would be 17 feet from the proposed Grenier Field Road edge of

193 right-of-way. He is not opposed to the construction of the farmers porch. N. Codner
194 noted the Board cannot make a decision based on what might happen in the future.

195
196 The Board closed public input and began deliberation.

197
198 1) Granting the variance would not be contrary to the public interest because it
199 does not adversely impact the character of the neighborhood.

200
201 2) The spirit of the ordinance would be observed because it does not pose a threat
202 to the health, safety, and general welfare of the public.

203
204 3) Granting the variance would do substantial justice because the loss to the
205 applicant is greater than any gain to the general public.

206
207 4) The values of the surrounding properties would not be diminished, as adding a
208 farmers porch will increase the value.

209
210 5) Owing to special conditions of the property that distinguish it from other
211 properties in the area, denial of the variance would result in an unnecessary
212 hardship because (a) there is not a fair and substantial relationship between the
213 general public purpose of the ordinance provision and the specific application of
214 that provision to the property because of the unique shape of the lot and placement
215 of the home, and (b) the proposed use is a reasonable one because porches and
216 stairs to access the porch are reasonable.

217
218 **In Case No. 02/21/2024-5, Vice Chair Brunelle moved to allow a variance**
219 **from LZO section 4.2.1.3.C.1 to allow an encroachment of six (6) feet into**
220 **the forty (40) foot front setback of a parcel located at 14 Grenier Field**
221 **Road in the Agricultural-Residential (AR-1) zoning district, Tax Map 15, Lot**
222 **248, Joseph & Alissa Hoggard (Owners & Applicant), in that the five**
223 **criteria have been met. R. Robicsek seconded the motion. A vote was**
224 **taken. The motion was granted 5-0-0. The applicant's request for a**
225 **variance was GRANTED.**

226
227 **VII. COMMUNICATIONS AND MISCELLANEOUS**

228
229 **VIII. OTHER BUSINESS**

230
231 **IX. ADJOURN**

232
233 **M. Feig moved to adjourn. I. Macarelli seconded the motion. A vote was**
234 **taken; all were in favor. The motion passed 5-0-0. The meeting was**
235 **adjourned at 7:45 p.m.**

236
237 Respectfully submitted,

238
239 Beth Hanggeli
240 Recording Secretary