

**LONDONDERRY ZONING BOARD OF ADJUSTMENT
268B MAMMOTH ROAD
LONDONDERRY, NH 03053**

MINUTES FROM 09/15/21 MEETING

The meeting was called to order at 7:00 p.m. Members introduced themselves. The following members were present: Neil Dunn, Chair; Jacqueline Benard, Vice Chair; Brendan O'Brien, member; Suzanne Brunelle, member; Irene Macarelli, alternate member and David Armstrong, alternate member. Also, participating was Laura Gandia, Associate Planner; Nick Codner, Chief Building Inspector; and Beth Morrison, Recording Secretary.

I. APPROVAL OF MINUTES

J. Benard made a motion to accept the June 16, 2021, minutes as presented.

The motion was seconded by B. O'Brien.

The motion was granted by, 6-0-0.

J. Benard made a motion to accept the August 18, 2021, minutes as presented.

The motion was seconded by S. Brunelle

The motion was granted by, 4-2-0, with N. Dunn and B. O'Brien abstaining.

II. REPORT BY TOWN COUNCIL – None.

III. REGIONAL IMPACT DETERMINATIONS: Associate Planner Gandia informed the Board that she had three projects for their consideration.

1. CASE NO. 09/15/2021-1: Request for a special exception pursuant to LZO 5.15.1 for a portable storage structure, One Burbank Road, Map 2 Lot 29B-4, Zoned AR-1, Timothy Cerato (Owner & Applicant)
2. CASE NO. 09/15/2021-2: Request for a variance from LZO 4.1.2 Use Table to allow a restaurant in the Industrial II zone which is otherwise prohibited, 104 Harvey Road, Map 14 Lot 12, Zoned IND-II, Manchester Airport Authority (Owner) and Melissa DiNoto (Applicant)
3. CASE NO. 09/15/2021-3: Request for a variance from LZO 4.2.1.3.B.1 to allow a lot with 50.28 feet of frontage where 150 feet of frontage are required, 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust (Owner & Applicant)

B. O'Brien made a motion that none of these projects are of regional impact.

The motion was seconded by J. Benard.

The motion was granted by, 4-0-0.

IV. PUBLIC HEARING OF CASES

A. CASE NO. 07/21/2021-2: Request for a variance from LZO 4.3.3.B to reduce the required 33% green landscaping area to 11% with the addition of an 8 ft x 12 ft extension to the existing patio, 103 Nashua Road, Map 6 Lot 35-17, Zoned C-I, Rivard Pizza, LLC (Owner) and Renegades Pub North (Applicant) - continued from the August 18, 2021 meeting

B. O'Brien read the case into the record noting the request to continue the case until September 15, 2021. S. Brunelle and B. O'Brien recused themselves from this case. Chairman Dunn appointed I. Macarelli and D. Armstrong as voting members for this case. Christopher Drescher, Esq. from Cronin, Bisson & Zalinsky, P.C., 722 Chestnut Street, Manchester, NH, and Greg Ryan, owner and applicant addressed the Board and asked for a continuance as there was not a full Board.

J. Benard made a motion in CASE NO. 07/21/2021-2 to continue the request for a variance from LZO 4.3.3.B to reduce the required 33% green landscaping area to 11% with the addition of an 8 ft x 12 ft extension to the existing patio, 103 Nashua Road, Map 6 Lot 35-17, Zoned C-I, Rivard Pizza, LLC (Owner) and Renegades Pub North (Applicant) until October 20, 2021, due to the lack of a five member board.

D. Armstrong seconded the motion.

The motion was granted, 4-0-0. The applicant's request for a continuance was GRANTED.

B. CASE NO. 07/21/2021-3: Request for a variance from LZO 4.3.3.A.1 to encroach 32.2 feet into the 60 foot front setback for the addition roll up/down plastic barriers on an existing patio, 103 Nashua Road, Map 6 Lot 35-17, Zoned C-I, Rivard Pizza, LLC (Owner) and Renegades Pub North (Applicant) – continued from the July 21, 2021 meeting

B. O'Brien read the case into the record noting the request to continue the case until September 15, 2021. S. Brunelle and B. O'Brien recused themselves from this case. Chairman Dunn appointed I. Macarelli and D. Armstrong as voting members for this case. Christopher Drescher, Esq. from Cronin, Bisson & Zalinsky, P.C., 722 Chestnut Street, Manchester, NH, and Greg Ryan, owner and applicant addressed the Board and asked for a continuance as there was not a full Board.

He then read the criteria for granting the variance:

J. Benard made a motion in CASE NO. 07/21/2021-3 to continue the request for a variance from LZO 4.3.3.A.1 to encroach 32.2 feet into the 60 foot front setback for the addition roll up/down plastic barriers on an existing patio, 103 Nashua Road,

Map 6 Lot 35-17, Zoned C-I, Rivard Pizza, LLC (Owner) and Renegades Pub North (Applicant) until October 20, 2021, due to the lack of a five member board.

D. Armstrong seconded the motion.

The motion was granted, 4-0-0. The applicant's request for a continuance was GRANTED.

C. CASE NO. 09/15/2021-1: Request for a special exception pursuant to LZO 5.15.1 for a portable storage structure, One Burbank Road, Map 2 Lot 29B-4, Zoned AR-1, Timothy Cerato (Owner & Applicant)

B. O'Brien and S. Brunelle came back to the Board at this time. B. O'Brien read the case into the record, noting no previous zoning. Chairman Dunn appointed D. Armstrong as a voting member this evening. Timothy Cerato, owner and applicant addressed the Board. T. Cerato told the Board that he purchased a storage container that had been converted into a shed and he would like to use this to store his lawn mower, winter tires, power tools, etc. He pointed out that he renovated the front of the container by removing the traditional metal doors and replacing them with French doors and cedar siding. He said that it is 8.5-feet x 20-feet container. He reviewed the photo of the container with the Board. Chairman Dunn asked if the storage container off the driveway to the right is the container in question. T. Cerato replied he is correct. Chairman Dunn asked if this is considered a structure. N. Codner replied it would be. Chairman Dunn asked if there were wetlands to the side of the container and if anyone had gone out to look at this. N. Codner replied that he has not been out there yet. Chairman Dunn asked how close it would be to the wetland/pond. T. Cerato replied it is 75-feet from the pond and 130-feet from the road. D. Armstrong asked if he was trying to keep this permanently. T. Cerato replied that he would like to make it permanent. Chairman Dunn asked if the applicant had to put in extended footing as it is larger than a 12-feet by 12-feet shed. N. Codner answered only if it was over 400 SF, but noted it would have to be on crushed stone. T. Cerato commented that it is on stone today. Chairman Dunn asked the height. T. Cerato replied that interior height is approximately 8-feet and exterior height is approximately 9-feet. Chairman Dunn asked if the blocks or gravel the container sits on is included in the height. N. Codner replied that he thought it would be from the grade.

Chairman Dunn asked for questions from the Board. Chairman Dunn remarked that he did not like stating the answer to the questions on the application. L. Gandia commented that is on the application because if they do not answer "no" to a particular question, then they do not meet the criteria and could not apply for the special exception. Chairman Dunn reiterated that he thought this was strange to have on the application. T. Cerato mentioned that as an applicant he found the guidance in the application helpful and thought that if he answered no to any question, that he would not be able to come before the Board for the special exception. L. Gandia noted that the special exception form is new and if the Board has changes, she would make them. S. Brunelle pointed out that there is nothing in the ordinance that states this must be temporary. J. Benard commented that from a zoning perspective the guidelines are not clear enough to properly assess the ordinance as it is written. She said that if he is no longer portable and permanent, then it is not permanent. She asked since the applicant has expressed his wish for this to be permanent, then it would no longer be portable. N. Codner answered that it still is a portable storage container and the Board can put restrictions, such as a time limit. S. Brunelle mentioned that the last case the Board reviewed regarding a portable storage container made sense as they wanted

it for a specific period of time. J. Benard noted that the ordinance specifically states that it must be maintained and not deteriorated and asked if N. Codner does routine surveillance of the portable storage containers. N. Codner replied that they do not drive around looking for them, it would have to come from a complaint. Chairman Dunn noted that there is no ordinance around how much gasoline one can store. N. Codner replied that we do not.

Chairman Dunn asked for public input and there was none.

Chairman Dunn brought the discussion back to the Board and they reviewed the fact-finding sheet as follows:

1. Is the use detrimental to the health or safety of residents? No
2. Will the use will create undue traffic congestion or a traffic safety hazard in the vicinity of the proposed development? No
3. Will the use be incompatible with the surrounding neighborhood? No
4. Will the use be a detriment to property values in the vicinity of the proposed development with consideration given to the location or scale of buildings, structures, parking areas, or other access ways? No
5. Will a nuisance be created by such use by way of emission of odors, smoke, gas, dust, noise, glare, heat, vibration, or other pollutants; or the unsightly outdoor storage of equipment, vehicles, or other materials? No
6. Will the use create a hazard to the public or adjacent property on account of potential fire, explosion, or release of toxic materials? No
7. Will the use result in the degradation of existing surface and groundwater quality standards, or have adverse effects on the natural functions of wetlands on the site which would result in the loss of significant habitat or flood control protection? No
8. Will there be more than one portable storage structure per property? No
9. Will the portable storage structure be larger than ten feet wide, twenty feet long, and ten feet high? No
10. Will the portable storage structure be located to the side or rear of the principal structure on the property? Yes
11. Will the portable storage structure be set back a minimum of 15 feet from any side or rear lot lines, and 40 feet from any front property line? Yes
12. Will the portable storage structure be set back a minimum of five feet from the nearest wall of a building? Yes
13. Will the portable storage structure be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks? Yes
14. If applicable, will adequate and appropriate facilities be provided for the intended use? N/A
15. If applicable, will all necessary state and federal permits be obtained? N/A

J. Benard made a motion in CASE NO. 09/15/2021-1 to grant the request for a special exception pursuant to LZO 5.15.1 for a portable storage structure, One Burbank

Road, Map 2 Lot 29B-4, Zoned AR-1, Timothy Cerato (Owner & Applicant) with the condition that the Building Inspector verify that items #7 (wetland setbacks), #9 (dimensions), #11 (setbacks) and #13 (impervious surface/blocks) are met.

B. O'Brien seconded the motion.

The motion was granted, 4-1-0. The applicant's request for a special exception was GRANTED with conditions.

D. CASE NO. 09/15/2021-2: Request for a variance from LZO 4.1.2 Use Table to allow a restaurant in the Industrial II zone which is otherwise prohibited, 104 Harvey Road, Map 14 Lot 12, Zoned IND-II, Manchester Airport Authority (Owner) and Melissa DiNoto (Applicant)

B. O'Brien read the case into the record. Chairman Dunn made I. Macarelli a voting member for this case. Melissa DiNoto, applicant, 20 Juniper Road, Derry, NH, addressed the Board. M. DiNoto told the Board that her ultimate goal is to open an ice cream shop at 104 Harvey, which is prohibited per zoning. She noted that she would like to get an easement from NHDOT and gave the Board her email exchange, (Exhibit 1), to the Board, which is attached hereto. She said that it would be built in three phases.

She then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the proposed restaurant (Sweet Plane View) is located in close proximity to the Rail Trail and hopes to compliment the railway and all the patrons that currently use it. She noted that the Rail Trail already has a lot of foot traffic as well. She said that this will not affect the health, safety or welfare of the community.
- (2) The spirit of the ordinance is observed: it is already operating an aviation themed mobile unit at the Aviation Museum.
- (3) Substantial justice is done: because the loss to the applicant's request would leave 104 Harvey Road as raw, unused land providing the Rail Trail with more open space at the cost of the inability to provide a family friendly restaurant establishment that could be used by all members of the community.
- (4) Values of surrounding properties are not diminished: because Sweet Plane View has been designed to enhance the value of the property through utility connection, a paved parking lot, and generate business to other surrounding business in the industrial zone.
- (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 104 Harvey is a .83 acre located in the industrial zone and does not meet the lot size set forth in Section 4.4.1.3, as it is too small to be utilized by an industrial business. She said that the proposed use is a reasonable one given the proximity to the Rail Trail and Aviation Museum.

Chairman Dunn asked for questions from the Board. D. Armstrong asked how long she has been operating out of the ice cream truck. M. DiNoto replied that she started in August. D. Armstrong asked if she is proposing a permanent ice cream shop. M. DiNoto replied that is correct. D. Armstrong asked if she would only serve ice cream. M. DiNoto said that she would like to incorporate more once she gets established. S. Brunelle stated that the Rail Trail has a trash problem already and would need to be addressed. She asked if the building would be on a foundation. M. DiNoto replied that it would be on a foundation. S. Brunelle asked if there would be parking. M. DiNoto replied that she would like a paved parking lot and has been in touch with an engineer. S. Brunelle asked for hours of operation. M. DiNoto stated that she operates 12 p.m. to 4 p.m. now, but if she is approved for the restaurant she would like to expand to 8 p.m. or sunset. D. Armstrong asked if it would be seasonal. M. DiNoto replied that is correct. J. Benard asked the days of operation. M. DiNoto responded that she operates now on Friday, Saturday and Sunday, but if the restaurant is approved she would operate it as long as it was appropriately staffed. S. Brunelle asked if she had a temporary license from the airport. M. DiNoto replied that she does pending approvals. S. Brunelle read from the license agreement noting that she did not see what the intended use was and asked if the intent was to lease the space. M. DiNoto answered it would be to lease to space for twenty years with the option to extend five years after that. J. Benard stated that per the Londonderry definition of restaurant what is sold in the restaurant is to be consumed in the premise, primarily inside the building. She voiced her opinion, that there is already a lot of traffic presently and did not think the site could handle the success of her business. M. DiNoto commented that she initially discussed One Plane View Drive with the airport, but they encouraged her to use 104 Harvey Road. Chairman Dunn mentioned that he is concerned as there are no drawings presented this evening and asked for the frontage and possibly more information. J. Benard agreed that she would like more information. S. Brunelle clarified that she is seeking a change of use and how her proposed building fits in that lot would be more of Planning Board issue. J. Benard remarked that there is no map of the lot in the packet. Chairman Dunn expressed his concern that it is not a permitted use, so therefore, cannot be a reasonable use of the property. S. Brunelle stated that the lot is undersized and cannot really be used for an industrial use. Chairman Dunn mentioned that the variance would be tied to the airport and he does not feel that the airport would be burdened by this. Chairman Dunn asked if blasting would be required. M. DiNoto replied that she did not think there would be blasting, but cannot say for sure.

Chairman Dunn asked for public input. B. O'Brien read the letters in favor and opposition (Exhibit 2), which are attached hereto, into the record.

Deb Paul, 118 Hardy Road, addressed the Board with comments. She said that she did not think that the site can accommodate this and is worried if this were to become successful. She stated that she would like more information, such as are there wetlands, etc. She noted that a condition could be attached to make sure that this would stay an ice cream shop and not be used for something else. She asked the size of the lot. J. Benard replied the lot was 0.83 acres.

Ted Kitchens, 375 Airport Drive, Manchester in favor of the variance. T. Kitchens said that they are in favor of granting the variance as this land cannot be used. He pointed out that One Plane View has a higher elevation and this location is further down and more accessible.

Chairman Dunn asked if this would go to the Planning Board for approval and if it is in the Airport Overlay District. L. Gandia replied it is not in the Airport Overlay District, just the Industrial-II zone and it would require full site plan approval by the Planning Board. J. Benard read from the uses allowed in the industrial zone, stating that she does not think the use would be appropriate. She voiced her opinion, that she thought the concept was great, but it is going to bring a lot of children and families and did not think it would be safe. M. DiNoto replied that the easement and parking lot would help, but understood her concerns. J. Benard mentioned that if the easement was already there, it would be a different story. M. DiNoto asked if there was a way to move the construction of an easement sooner than later, if that would help their decision.

The Board closed public input and began deliberation. D. Armstrong asked about the easement. J. Benard said that the easement would allow people to get off the Rail Trail and go to the restaurant. She stated that the mixed use in this area does not cohesively go together. B. O'Brien noted that the Board was recently presented with another case for a restaurant in the industrial zone and he believes the essential character of the neighborhood would be altered.

- (1) The variance would be contrary to the public interest: because it alters the essential character of the neighborhood.
- (2) The spirit of the ordinance would not be observed: because it could threaten the health, safety or welfare of the general public.
- (3) Substantial justice would not be done: because the safety issues outweigh the benefit of the applicant.
- (4) Values of the surrounding properties would not be diminished: because it is an industrial zone and there was no evidence presented in contrary.
- (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 small lot, 0.83 acres, that cannot be used in the Industrial-II zone. The proposed use is not a reasonable one.

J. Benard made a motion in CASE NO. 09/15/2021-2 to deny the request for a variance from LZO 4.1.2 Use Table to allow a restaurant in the Industrial II zone which is otherwise prohibited, 104 Harvey Road, Map 14 Lot 12, Zoned IND-II, Manchester Airport Authority (Owner) and Melissa DiNoto (Applicant)

B. O'Brien seconded the motion.

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

Granting of the variance would be contrary to the public interest and the spirit of the ordinance would not be observed because the essential character of the neighborhood would be altered – having a restaurant in the IND-II zone changes the nature of the area by inviting families and children to the area and increases and intermingles family traffic with large industrial and tractor trailer trucks. There are also health and safety concerns associated with this location near the rail trail and the increased foot traffic that would result. Granting the variance would not do substantial justice as keeping compatible uses intact and not increasing traffic in the area and pedestrian foot travel outweigh any loss to the applicant. The proposed use of operating a restaurant in the IND-II area is not a reasonable use given the health and safety concerns (traffic, pedestrian travels, changing the character of the neighborhood, incompatible uses, etc.)

E. CASE NO. 09/15/2021-3: Request for a variance from LZO 4.2.1.3.B.1 to allow a lot with 50.28 feet of frontage where 150 feet of frontage are required, 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust (Owner & Applicant)

B. O'Brien read the case into the record noting the previous zoning. Chairman Dunn made D. Armstrong a voting member for this case. Tucker McCarthy, from McCarthy Properties, P.O. Box 7192, Milford, NH, addressed the Board. T. McCarthy reviewed the parcel in question with the Board, noting it is 7.93 acres, zoned AR-I. He explained that they are in front of the Board this evening, as this evening as the first step to subdivide the property into four lots. He said that the existing home will remain with the driveway off Sheridan Drive and the new lots will be accessed off Old Derry Road by creating a new public road. He said that all of the new lots will comply with the zoning regulations. He pointed out that they are here this evening because of a change to the lot requiring the same variance to be granted. He mentioned that they sold the landscaping business and will no longer operate at this property.

Thomas Quinn, Esq., from 62 Elm Street, Milford, NH, addressed the Board. T. Quinn said that it has 50.28 on Sheridan Drive. He explained that the property has existed in this basic configuration since 1973 and in 1996 the applicant was granted a variance to construct a single family residence on a property with 50.28-feet of frontage. He added that the residence was built in 1997. He said that they to continue to make use of the remaining land, since the landscaping business no longer operates there, the decision was to subdivide the property. He noted that no variances are required for the other three lots. He stated that this variance needs to be granted first before they can submit a plan to the Planning Board.

He then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because it does not change the essential character of the neighborhood. He said that the driveway serving the existing home comes off Sheridan Drive and will stay that way and the other three lots will come off Old Derry Road and not connect at all.

- (2) The spirit of the ordinance is observed: because it does not threaten the health, safety or welfare of the general public. He noted that there are only four properties that use this end of Sheridan Drive and will not change with the granting of the variance.
- (3) Substantial justice is done: because by granting the variance it will allow the use of the property, as it is currently oversized at 8 acres.
- (4) Values of surrounding properties are not diminished: because it will not affect the character of the neighborhood. He said that there was a letter submitted from a local real estate broker in Londonderry and it is her opinion that this would not affect property values.
- (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 it is unique as it is unlike other properties in the area, as it is oversized. He said that the proposed use is a reasonable one.

Chairman Dunn asked for questions from the Board. D. Armstrong asked for clarification on the lot. T. McCarthy reviewed the lot with the Board. J. Benard asked about the existing steel building. T. McCarthy stated that this would remain and be used as a residential garage. Chairman Dunn asked what happens when a lot gets subdivided, does the variance get attached to each lot or stay with the parent lot. L. Gandia stated that the Board can grant a variance and attach conditions relating to the proposed subdivision. Chairman Dunn said that from the renderings, it appears as if the cul-de-sac on Sheridan Drive is going away and he is confused about this. T. Quinn replied that the access to the current lot is off Sheridan Drive. Chairman Dunn asked if the original variance was for Old Derry Road. T. Quinn clarified that the variance for the 50.28-feet of frontage was for Sheridan Drive, as Old Derry Road was never the access to this residence. Chairman Dunn asked if lot Map 16 Lot 50-3 is part of this. T. Quinn replied that it is not and reviewed the proposed plan on the screen with the Board. Chairman Dunn asked why they are here. T. Quinn replied that changing the lot is a substantial change and requires them to come back to the Board. S. Brunelle stated that they are changing the acreage. T. Quinn noted that the other access, Old Derry, was for the landscaping business that is no longer operational. Chairman Dunn asked if the town plows the right-of-way. N. Codner replied that it does. Chairman Dunn said that he is confused about the right-of-way. T. Quinn noted that the plan is surveyed and stamped showing the 50.28 feet of frontage. Chairman Dunn said that he does a drive by for most cases to get a feel for the neighborhood and character.

Chairman Dunn asked for public input. B. O'Brien read letters of support, noting there are seven (Exhibit 3), which is attached hereto, into the record.

Chairman Dunn asked why the address was 57 Old Derry Road. L. Gandia replied that was the legal address at the time. T. Quinn commented that this was an existing lot of record at the time in 1996, had

an address of Old Derry Road. He said that they needed a variance to create a lot with different access. The Board closed public input and began deliberation:

- (1) The variance would not be contrary to the public interest: because it does not alter the essential character of the neighborhood.
- (2) The spirit of the ordinance would be observed: because it does not threaten 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 outweighs any gain to the general public.
- (4) Values of the surrounding properties would not be diminished: because the essential character of the neighborhood would not be changed.
- (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 oversized in relation to the other lots in the area. The proposed use is a reasonable one.

J. Benard made a motion in CASE NO. 09/15/2021-3 to grant the request for a variance from LZO 4.2.1.3.B.1 to allow a lot with 50.28 feet of frontage where 150 feet of frontage are required, 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust (Owner & Applicant)

S. Brunelle seconded the motion.

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

VI. Other Business

Chairman Dunn commented that he thought there was confusion regarding the portable storage structures and asked what the Board should do if they want clarity. L. Gandia replied that there were numerous hearings on portable storage containers at the Planning Board and Town Council. She added that if the Board is struggling with this, Chairman Dunn can submit a letter to Art Rugg, Chair of Planning Board, stating the concerns. Chairman Dunn asked if only the first meeting would have been noticed, even though there might have been more. L. Gandia replied that all the workshops meetings are on the agenda and public hearing are noticed in the paper and on the agendas. L. Gandia stated that clarity regarding the interpretation of the ordinance would be with N. Codner. D. Armstrong stated that he is concerned with these becoming unsightly. Chairman Dunn asked the Board for their input. N. Codner stated that these are built as a piece of commercial equipment. Chairman Dunn asked if they are structurally as sound as a shed. N. Codner stated that he does not think that structurally they are a concern. L. Gandia directed them to the definition section and that she would send the meeting minutes from all the Planning Board workshops so that the Board could have a better understanding. The Board's consensus was to take out any yes or no guidelines to the answers on the special exception sheet.

Adjournment:

J. Benard made a motion to adjourn at 9:32 p.m.

B. O'Brien seconded the motion.

The motion was granted, 5-0-0. The meeting adjourned at 9:32 p.m.

RESPECTFULLY SUBMITTED,



CLERK

TYPED AND TRANSCRIBED BY Beth Morrison, Recording Secretary.

APPROVED (X) WITH A MOTION MADE BY J. Benard, SECONDED BY S. Dwyer, 5-0-0.



I support Sweet Plane's Dream of the future shop at 104 Harvey Rd in Londonderry NH. (Where the Rail trail meets the Runway).

Signature:

Town:

Gina Vambeck

Goffstown, NH

Beth Norcross

Goffstown NH,

Jessie K.

Goffstown NH

Carolyn D. Cook

Londonderry, NH

Don D.

MANCHESTER, NH

Gloria Hyde Derry NH

Anthony Hyde Derry NH

Jesse McKay Londonderry NH

[Signature] Londonderry NH

Jennifer DeSto

Salem, NH

Kristine DeSto Woburn, MA

Robert Bradford Woburn, MA

Philip DeSto

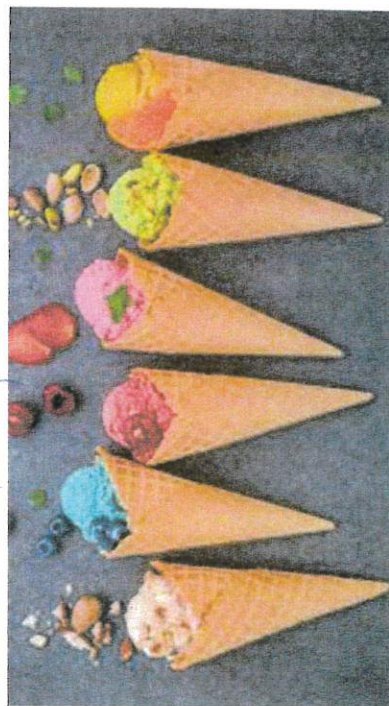
Salem, NH

Kan C.

Derry, NH

SHAUN COFFEY

LONDONDERRY, NH



Signature:

Town:

Donna

Londonderry

Paula Baker

Hooksett

Carl

Hooksett

George Parnache

Manchester, NH

Hori Amico

Manchester

Karl Grupe

Manchester

C. Maria Parnaf

Manchester

Anna Bradley

WINDHAM

Donna

Windham

Shula

Pelham

Jaqueline Samquar

Londonderry,

Donna

Manchester

Donna

Lebanon

Donna

Manchester

Donna

Londonderry

Donna

Londonderry

Donna

Londonderry

Donna

Brookline

Donna

Derry



Melissa DiNoto <melissadinoto@gmail.com>

FW: Harvey Road - Londonderry

1 message

Judy Niles-Simmons <judy@nainorwoodgroup.com>

Mon, Sep 13, 2021 at 10:49 AM

To: Cheryl Keefe <ckeefe@flymanchester.com>, "lelquezabal@flymanchester.com" <lelquezabal@flymanchester.com>, Melissa DiNoto <melissadinoto@gmail.com>

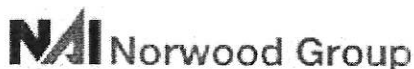
Cc: Judy Niles-Simmons <judy@nainorwoodgroup.com>, Perry Snow <perry@nainorwoodgroup.com>

Good morning Cheryl and Luis. Hope all is well. I have been speaking with NHDOT about 104 Harvey Road and that Melissa may need an access easement for bicycles and walkers across that particular lot. Please see the email below that I received from NHDOT last Friday. Hope all goes well at the variance meeting on the 15th.

Please let us know if we can help in any way

Thanks.

Judy

Judy Niles-Simmons

Commercial Real Estate Services, Worldwide

116 South River Road
Bedford, NH 03110
www.nainorwoodgroup.com

tel 603.668.7000 x 218

mobile 603.496.4516

fax 603.657.1927
judy@nainorwoodgroup.com

Build on the power of our network.™

Please find the attached reference for the state-owned property located at 106 Harvey Road in Londonderry.

9/13/21, 11:45 AM

Gmail - FW: Harvey Road - Londonderry

Please let your client know that if she would like to request an easement over state-owned property, she should send her request in writing to:

New Hampshire Department of Transportation

Steve LaBonte

Administrator

Bureau of Right-of-Way

PO Box 483


Concord, NH 03302


Her request should include her desired use of the property, a tax map depicting the property, and any other information she can provide.

Once the request is received, it will be assigned to an agent to research and process.

Please let me know if you have any questions.

2 attachments

 Harvey Road-Londonderry.pdf
141K

 104 Harvey Tax map.pdf
461K



Q Search

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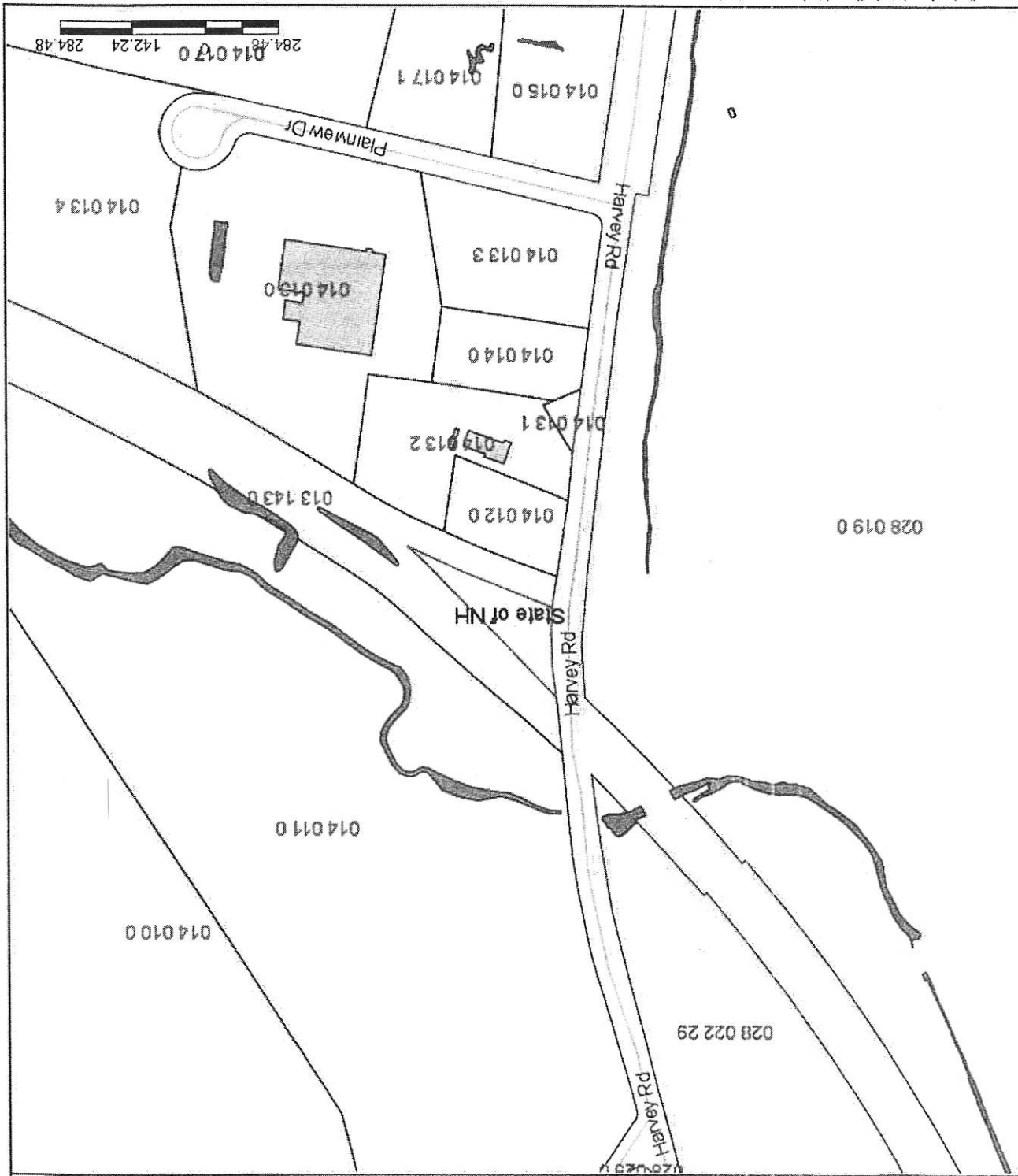
014 008 0

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HARVEY RD

STATE OF NEW HAMPSHIRE
DEPARTMENT OF REVENUE
ADMINISTRATION

MOSAIC PARCEL
MAP SHARING
POOL



This map was compiled using data believed to be accurate; however, a degree of error is inherent in all maps. This map was distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use. No attempt has been made in either the design or production of the maps to define the limits or jurisdiction of any federal, state, or local government. Detailed on-the-ground surveys and historical analyses of sites may differ from the maps.

Web GIS Summary Card

NHDRA Mosaic Parcel Map System -DOT Portal

CAMA Data Current to:
2018-10-16

106 HARVEY RD, Londonderry New Hampshire

Address: 106 HARVEY RD	Municipality: Londonderry	County: Rockingham		
NHGIS ID: 08127-014 008 0	Unique ID: 127-2574	Town ID: 127		
Parcel ID: 014 008 0	CAMA ID: 2574	County ID: 8		
Map: 014	Block: 008	Lot: 0	Unit:	Sub:
Map Cut:	Block Cut:	Lot Cut:	Unit Cut:	No. Cards:

Owner Information

Owner: NEW HAMPSHIRE, STATE OF Co-Owner: DEPT. OF TRANSPORTATION
Mailing Address: PO BOX 483 CONCORD, NH 03301-0483

Land Information

Area: 1.03 ac Zone: 4 Land Use: Local: 901 State: 57-Unclass/Unk Other
Flood Code: Util Code 1: Util Code 2: Traffic Code:

Building Information

Type: Year Built: Rooms: 0 Beds: 0 Baths: 0 Full: 0 Half: 0
Area (N): 0 sqft I-Wall: Roof Type: Cond: Average
Area (G): 0 sqft X-Wall: Roof Cover: Grade:

Transaction Information

Date: 12/30/1988 Price: \$0 Book-Page: 2777-2546 Grantor:

Assessment Information

10/16/2018	Land: \$14900	Building \$0	Features: \$0	Total: \$14900
09/29/2017	Land: \$14900	Building \$0	Features: \$0	Total: \$14900

Supplemental Information

Current To: 2018-10-16 Updated: 2018-11-14 Parcel Link? Yes
Records: 10253 State Owned: Yes Bld Vpsf: Land Vpsf: 0.33

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Celebrating Flight!

Melissa DiNoto

28L Juniper Road

Derry, NH 03038

April 6, 2021

Dear Melissa,

On behalf of the board of directors of the Aviation Museum of N.H., I'm writing this letter of support for your plans to establish an ice cream and food concession on a site located at 104 Harvey Road, Londonderry.

I understand that this parcel is currently zoned for industrial uses, and that a variance must be obtained for you to proceed with your plans. The Museum is in support of any waiver or variance needed for you to go forward with your plans as described.

We operate a year-round non-profit museum and education center located near your proposed site. We welcome about 4,000 visitors to our facility each year, and hold a regular schedule of events that draw the public.

Having a concession offering ice cream and food in the vicinity would be a positive development for the Aviation Museum and would aligned with our aim to be a pre-eminent attraction for families throughout the region.

Also, the eventual extension of the Londonderry Rail Trail from near the location of your proposed business to the Aviation Museum's parking lot would provide a direct (and vehicle-free) route for patrons to travel from one location to the other.

Our vision for the Aviation Museum does include the possibility of food service as part of our public offerings. There's a need for this type of business on our side of the airfield. So we support your efforts to add these services to our neighborhood.

Best Regards,

Jeff Rapsis

Executive Director, Aviation Museum of N.H.

jrapsis@nhahs.org / 603 236-9237

New Hampshire Aviation Historical Society



April 13, 2021

Melissa DiNoto

Letter of Support

Dear Melissa,

This is a letter of support for your proposed ice cream parlor that you are requesting to develop at 104 Harvey Rd. Londonderry Trailways believes that your business with its' proximity to the rail will greatly benefit the community of Londonderry and firmly enhance the spirit of the Rail Trail. We wish you all the success in your endeavor, and we hope that your dream of opening the ice cream parlor will become a reality.

Sincerely,

Bob Rimol, President

Londonderry Trailways

Brian Hansen
Team Engineering
82 Palomino Lane #503
Bedford, NH 03110

May 20, 2021

To Whom It May Concern,

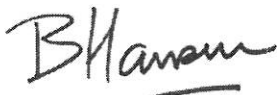
This letter is an expression of my support of Melissa DiNoto's request for a variance related to the property located at 104 Harvey Road Londonderry, NH at the intersection where the Londonderry Rail Trail intersects with the runway at MHT.

As I understand it, the parcel is zoned industrial, and she would like to place an ice cream (restaurant) at this location which would require a variance. I have reviewed her building plans and business concepts and I am supremely confident that your approval of her modest request will result in a small business enterprise that will greatly enhance the way the public enjoys the rail trail. Melissa's "Sweet Plane View" will definitely raise property values and will add a buoyant energy to an otherwise ordinary stretch of industrial parcels.

I have experience with Melissa personally through the Families In Transition organization where she works. She is very hard working and energetic person who will certainly create an economic utility for the community near this property.

If I can support this application by answering any questions or appearing in person, I am available even with short notice to support the application for a variance or the project as a whole.

Best,

A handwritten signature in black ink that reads "BHansen". The signature is stylized with a large, looped "B" and a cursive "Hansen".

Brian Hansen

To: Town of Londonderry

Zoning Board of Adjustment

From: Mendzela III LLC

Date: 9/7/21

RE: CASE NO.09/15/2021-2

Request for a variance from LZO 4.1.2 Use Table to allow a restaurant in the Industrial II zone which is otherwise prohibited, 104 Harvey Road, Map 14 Lot 12, Zoned IND-II, Manchester Airport Authority(owner) and Melis DiNoto (Applicant)

As an abutter too said property, I have the following questions and concerns.

What would the hours operation be?

What type of restaurant? Sit down, take out, Drive Thru or Other.

What is the proposed size of the building?

How much parking would be available?

Would blasting be required to set a foundation etc.?

Since the opening of the rail trail the traffic dynamic has changed, sometimes the traffic backs up beyond our driveway, what additional traffic is expected? Will turning lanes be installed?

As of this date without any answers to the above question we oppose this variance.

We also have concerns regarding a precedent being set allowing an IND-II zone being change to allow a restaurant. If 104 Harvey Road is allowed now, why not 98 Harvey rd. and 1 Planview drive which are larger properties. We don't believe the current road infrastructure is set up to handle commercial type traffic in this area.

In conclusion we also have concerns about trash, as an example since the rail trails have opened, we have seen an increase of trash being discarded across the street, this trash often blows across the street to 100 Harvey Road if any sort of take out is provided we fear this will only increase littering.

Sincerely,

Donald Mendzela Partner Mendzela III

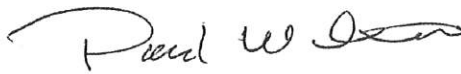
A handwritten signature in black ink that reads "Donald Mendzela". The signature is written in a cursive, flowing style.

8-16-2021

To The Town of Londonderry

We have known Bill and Gail Gardocki for the past 19 years. We have no objection to them asking for the variance they are seeking to keep their current home on a smaller lot. If further information is needed, please do not hesitate to contact us.

Sincerely,



Paul and Phyllis Williams

9 Sheridan Dr

Londonderry NH 03053

603-434-2202

To: Town of Londonderry Planning Board

8-12-2021

Re: William and Gail Gardocki

To whom it may concern,

We have lived next to Bill and Gail Gardocki since we moved to Londonderry in 2013. They have always been great neighbors and friends since we arrived. Regarding the variance that they are seeking, we have no objection to their plans as their property is always neatly kept and maintained.

Thank you,

Robert and Nancy Wilkes

18 Iris Ln, Londonderry

Robert Wilkes
Nancy Wilkes

TO: Town of Londonderry, NH.

DATE: 8/13/21

FROM: Charles DeRossi

53 Old Derry Road

Londonderry, NH.

To Whom It May Concern,

The Gardocki family have been my neighbors for decades and have been the kind of people anyone would be happy to have. I am in full support of their plans for their property.

Charles C. DeRossi

Andrew and Trixie Lefebvre
58 Auburn Road
Londonderry, NH 03053

August 15, 2021

Town of Londonderry
ATTN: Zoning Board of Adjustment
Londonderry, New Hampshire

Re: William and Gail Gardocki
Tax Id. 016/042/4 – Shelley Drive

Dear Members of the Zoning Board of Adjustment:

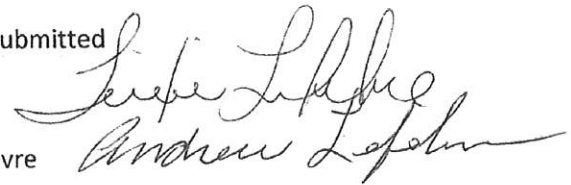
We are writing in support of the request for a Variance of our neighbors, Bill and Gail Gardocki, which is being presented. It is our understanding that the request is to sub-divide their home from the balance of their lot.

The Gardocki's have been excellent neighbors and have always been respectful of the direction of this Board with the Variance of approximately 25 +/- years ago regarding business operation and no interruption of the buffer with their abutters.

Bill and Gail have been outstanding members of our community and we fully support their future plans for their home of one quarter of a century and applaud their concept.

Respectfully Submitted

Andrew Lefebvre
Trixie Lefebvre
Tax Id. 16/43/0

The block contains two handwritten signatures in cursive. The top signature is for Trixie Lefebvre and the bottom signature is for Andrew Lefebvre. Both signatures are written in dark ink and are positioned to the right of the typed names.

August 15, 2021

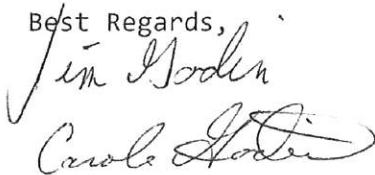
Re: Bill and Gail Gardocki

To whom This May Concern,

This note is to give our perspective with our abutting neighbors Bill and Gail Gardocki. We have been neighbor for nearly 25 years. Bill and Gail Gardocki have been and continue to be the most caring and exemplary neighbor anyone could wish for. They are always there for people in our neighborhood and very involved with our community. We are very please with their characteristic of love, caring and sharing. We are blessed to have such wonderful people such as they to be abutting us. They have brought up 2 wonderful children that also reflect their high standards of love and care.

Who could ask for more!

Best Regards,

Handwritten signatures of Jim and Carole Godin. The signature for Jim is written above the signature for Carole.

Jim and Carole Godin
1A Shelley Dr.
Londonderry NH 03053

Bill Gardocki
10 Sheridan Drive
Londonderry NH 03053

8/12/2021

Bill has been an excellent neighbor and support him in obtaining a property variance that is needed to complete his project. As long as our property at 57 Old Derry Road is not impacted or effected by his needs in any way shape or form. Please feel free to contact us with any concerns or questions at the information below.

Suzanne Mussen
Sean Sperber
603-490-1505
603-812-7351
SuzanneMussenRN@hotmail.com
GhwhomeimprovementservicesLLC@gmail.com

A handwritten signature in black ink, appearing to read 'Suzanne Mussen', with a stylized flourish at the end.

To THE Town of Londonderry,

8-15-2021

My name is Justin Haggett and I Live at 59 old Derry ROAD in Londonderry NH. Bill and Gail ARE neighbors of mine and they ARE the Best neighbors anyone could EVER ASK for. I understand they ARE looking to subdivide there / And And I AM in 100% support of this. If you Have any questions at ALL about this please feel free to contact me at 603-475-9964.

Thank you!

Justin Haggett