

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

**MINUTES FROM 10/19/22 MEETING**

The meeting was called to order at 7:00 p.m. Members introduced themselves. The following members were present: Jacqueline Benard, Chair; Mitch Feig, member; David Armstrong, alternate member; and Irene Macarelli, alternate member. Also, participating was Laura Gandia, Associate Planner; Nick Codner, Chief Building Inspector; and Beth Morrison, Recording Secretary. Chairwoman Benard appointed D. Armstrong and I. Macarelli as full voting members this evening.

- I. APPROVAL OF MINUTES - The minutes could not be voted on due to lack of quorum and will be taken up again at the November 16, 2022, meeting.
- II. REPORT BY TOWN COUNCIL – None
- III. REGIONAL IMPACT DETERMINATIONS: Associate Planner Gandia informed the Board that she had two projects for their consideration.

- 1. CASE NO. 10/21/22-1: Request for a special exception for a home occupation per ZC 5.12 for

D. Armstrong seconded the motion.

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

**B. CASE NO. 08/17/2022-2: Request for a variance from LZO 4.6.1.3.B.12 to allow parking and other site improvements in the 100 foot conservation overlay district which is otherwise prohibited, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred Pittore (Owner & Applicant)**

L. Gandia informed the Board that the applicant has requested a continuance.

**M. Feig made a motion to continue CASE NO. 08/17/2022-2 request for a variance from LZO 4.6.1.3.B.12 to allow parking and other site improvements in the 100-foot conservation overlay district which is otherwise prohibited, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred Pittore (Owner & Applicant) until November 16, 2022.**

D. Armstrong seconded the motion.

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

**C. CASE NO. 08/17/2022-3: Request for a variance from LZO 4.6.1.3.B.12 to allow parking and other site improvements in the 50 foot conservation overlay district which is otherwise prohibited, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred Pittore (Owner & Applicant)**

L. Gandia informed the Board that the applicant has requested a continuance due to the lack of a full five member board.

**M. Feig made a motion to continue CASE NO. 08/17/2022-3 request for a variance from LZO 4.6.1.3.B.12 to allow parking and other site improvements in the 50-foot conservation overlay district which is otherwise prohibited, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred Pittore (Owner & Applicant) until November 16, 2022.**

I. Macarelli seconded the motion.

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

**D. CASE NO. 09/21/22-3: Request for a variance from LZO 4.2.1.3.B.1 to create a lot (lot #4) with 50.28 feet of frontage where 150 feet are required, 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust, William & Gail Gardocki, Trustees (Owners & Applicants) – continued from the 9/21/22 meeting**

L. Gandia informed the Board that the applicant has requested a continuance due to the lack of a full five member board.

**M. Feig made a motion to continue CASE NO. 09/21/22-3 request for a variance from LZO 4.2.1.3.B.1 to create a lot (lot #4) with 50.28 feet of frontage where 150 feet are**

required, 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust, William & Gail Gardocki, Trustees (Owners & Applicants) until November 16, 2022

I. Macarelli seconded the motion.

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

E. CASE NO. 09/21/22-4: Request for a variance from LZO 4.2.1.3.B.1 to create a lot (lot #1) with 50.00 feet of frontage where 150 feet are required, 13 Sheridan Drive, Map 16 Lot 50-3, Zoned AR-1, Thomas & Shawna Gardocki (Owners) and 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust, William & Gail Gardocki, Trustees (Owners & Applicants) – continued from the 9/21/22 meeting

L. Gandia informed the Board that the applicant has requested a continuance due to the lack of a full five member board.

M. Feig made a motion in to continue CASE NO. 09/21/22-4 request for a variance from LZO 4.2.1.3.B.1 to create a lot (lot #1) with 50.00 feet of frontage where 150 feet are required, 13 Sheridan Drive, Map 16 Lot 50-3, Zoned AR-1, Thomas & Shawna Gardocki (Owners) and 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust, William & Gail Gardocki, Trustees (Owners & Applicants) until November 16, 2022

I. Macarelli seconded the motion.

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

F. CASE NO. 09/21/22-5: Request for a variance from LZO 4.2.1.3.B.1 to create a lot (lot #2) with 26.04 feet of frontage where 150 feet are required, 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust, William & Gail Gardocki, Trustees (Owners & Applicants) – continued from the 9/21/22 meeting

L. Gandia informed the Board that the applicant has requested a continuance due to the lack of a full five member board.

M. Feig made a motion to continue CASE NO. 09/21/22-5 request for a variance from LZO 4.2.1.3.B.1 to create a lot (lot #2) with 26.04 feet of frontage where 150 feet are required, 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust, William & Gail Gardocki, Trustees (Owners & Applicants) until November 16, 2022

I. Macarelli seconded the motion.

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

**G. CASE NO. 09/21/22-6: Request for a variance from LZO 4.2.1.3.B.1 to create a lot (lot #3) with 26.04 feet of frontage where 150 feet are required, 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust, William & Gail Gardocki, Trustees (Owners & Applicants) – continued from the 9/21/22 meeting**

L. Gandia informed the Board that the applicant has requested a continuance due to the lack of a full five member board.

**M. Feig made a motion to continue CASE NO. 09/21/22-6 request for a variance from LZO 4.2.1.3.B.1 to create a lot (lot #3) with 26.04 feet of frontage where 150 feet are required, 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust, William & Gail Gardocki, Trustees (Owners & Applicants) until November 16, 2022**

**I. Macarelli seconded the motion.**

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

**H. CASE NO. 09/21/22-8: Request for a variance from LZO 4.12 Use Table to allow self-storage facility in the C-I zone which is otherwise prohibited, 77 Nashua Road, Map 7 Lot 129, Zoned C-I, CM Londonderry, LLC (Owner) and 201 Highland, LLC (Applicant) – continued from the 9/21/22 meeting**

L. Gandia informed the Board that the applicant has requested a continuance due to the lack of a full five member board.

**M. Feig made a motion to continue CASE NO. 09/21/22-8 request for a variance from LZO 4.12 Use Table to allow self-storage facility in the C-I zone which is otherwise prohibited, 77 Nashua Road, Map 7 Lot 129, Zoned C-I, CM Londonderry, LLC (Owner) and 201 Highland, LLC (Applicant) until November 16, 2022**

**I. Macarelli seconded the motion.**

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

**I. CASE NO. 09/21/22-9: Request for a variance from LZO 4.12 Use Table to allow self-storage facility in the C-I zone which is otherwise prohibited, 83 Nashua Road, Map 7 Lot 130, Zoned C-I, CM Londonderry, LLC (Owner) and 201 Highland, LLC (Applicant) – continued from the 9/21/22 meeting**

L. Gandia informed the Board that the applicant has requested a continuance due to the lack of a full five member board.

**M. Feig made a motion to continue CASE NO. 09/21/22-9 request for a variance from LZO 4.12 Use Table to allow self-storage facility in the C-I zone which is otherwise**

prohibited, 83 Nashua Road, Map 7 Lot 130, Zoned C-I, CM Londonderry, LLC (Owner) and 201 Highland, LLC (Applicant) until November 16, 2022

I. Macarelli seconded the motion.

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

**J. CASE NO. 10/21/22-1: Request for a special exception for a home occupation per LZO 5.12 for a quilting business, 190 Pillsbury Road, Map 6 Lot 13-18, Zoned AR-1, Jessie and Patrick Sweeney (Owners & Applicants)**

M. Feig read the case into the record noting there is no previous zoning. Jessie Sweeney and Patrick Sweeney, owners, addressed the Board. J. Sweeney told the Board that she has a machine quilting business that consists of people coming to her home with an appointment that usually lasts a half hour. M. Feig asked if the quilting business would take up 763 SF of the 4,328 SF of total living space. J. Sweeney replied that is correct. D. Armstrong asked if she was using a room in the basement. J. Sweeney replied that is correct. She reviewed the application with the Board reviewing the pictures of the layout of the house and what part of the basement she would be using. D. Armstrong asked the appointments would be one at a time. J. Sweeney replied that the appointments might overlap a little bit, but that would be rare. She noted that she might have five customers a week. D. Armstrong asked if she wanted a sign. J. Sweeney replied that she did not. M. Feig asked how she arrived at her square footage. J. Sweeney replied that relied on what the town counted, noting the basement was not counted, but they added it in. M. Feig mentioned that he counted over 5,000 SF and just wanted to make sure that was correct. J. Sweeney said that part of the garage and basement are not included in the square footage. M. Feig questioned the square footage. J. Sweeney pointed out that the numbers do not match what is on the form, because she put in what her realtor supplied her when she bought the house, as she thought it would be a good chart for the Board. Chairwoman Benard asked what is on her application is more accurate. J. Sweeney replied that is correct.

Chairwoman Benard asked for public input and there was none.

The Board reviewed the fact-finding sheet as follows:

1. The activities associated with home occupations shall not detract from the rural character of the residential neighborhood, nor shall they create traffic, environmental or aesthetic impacts substantially different than the impacts created by other permitted uses in the neighborhood.

5. Only members of the occupant's immediate family residing on the property may be employed. - Yes
6. No exterior renovations or construction shall be permitted as part of a home occupation. -Yes-
7. Exterior storage of any products, equipment, machinery, or materials associated with the home occupation is prohibited. -No
8. Traffic generated by the home occupation shall not create safety hazards or be substantially greater in volume than would normally be expected in the neighborhood. -No
9. The off-street parking shall be adequate for anticipated customers, although no parking areas in excess of those necessary for normal residential purposes will be allowed. – Yes
10. All home occupations shall be conducted in accordance with all Town regulations, state laws and licensing requirements. - Yes
11. Sign: (please indicate whether a sign was requested and permitted and if it a free standing or wall sign) – No sign requested
12. Hours of operation – By appointment, generally Monday through Friday 9 a.m. to 5 p.m., exceptions are made occasionally.

**M. Feig made a motion in CASE NO. 10/21/22-1 to grant the request for a special exception for a home occupation per LZO 5.12 for a quilting business, 190 Pillsbury Road, Map 6 Lot 13-18, Zoned AR-1, Jessie and Patrick Sweeney (Owners & Applicants)**

**I. Macarelli seconded the motion.**

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

**K. CASE NO. 10/21/22-2: Request for a special exception for a portable storage structure per LZO 5.15.1, 74 Hall Road, Map 11 Lot 102-3, Zoned AR-1, Meagan & Doug LaFlamme (Owners & Applicants)**

M. Feig read the case into the record noting there is no previous zoning. Doug LaFlamme and Meagan LaFlamme, owners, addressed the Board. D. LaFlamme told the Board that he does not have a garage or anything that is animal safe for storage, so he would like a shipping container to keep the belongings in basement safe and make the basement more usable. Chairwoman asked for the size of the storage unit. D. LaFlamme replied it was 20-feet long, eight-feet wide and eight-feet high. Chairwoman asked if he changed the size, as it was different from his application, which states 20-feet long, 10-feet wide and 10-feet high. D. LaFlamme replied that what he wrote down is accurate.

Chairwoman Benard asked if the Board had any questions. D. Armstrong asked him where he would like to place the storage unit. D. LaFlamme replied that it would be between the shed and the temporary shelter in his backyard. D. Armstrong asked how long he would like to keep it. D. LaFlamme replied that he would like it until he can build a garage, which might be two to three years hopefully. D. Armstrong asked if he had a specific end date. D. LaFlamme replied that he does not. D. Armstrong asked if he would be turning the storage unit into a garage. D. LaFlamme replied that he would not. He said that he would be storing such things as holiday decorations. He added that anything he stores in his shed gets destroyed by chipmunks. Chairwoman asked if he would be purchasing the blue storage unit in his application. D.



LaFlamme replied that he included a general picture of what a storage unit might look like, so it is just an example. M. Feig asked if he would be purchasing or leasing the storage unit. D. LaFlamme replied that he would purchase it. D. Armstrong asked if it was a portable storage unit. D. LaFlamme replied that is correct. He added that he spoke to both his neighbors and they did not object to the storage unit. He said that he would like to put a fence up in front of it, so no one would be able to see it. M. Feig asked if it would be a new container. D. LaFlamme replied that he would buy a relatively new one, but not brand new. M. Feig asked how long a storage unit would last until it needs to be replaced. D. LaFlamme replied that they are made of steel, but he did not know.

Chairwoman Benard asked for public input.

Deb Paul, 118 Hardy Road, addressed the Board. She informed the Board that there were three members in the audience that were against this, but they thought the application was continued, so they left. She voiced her opinion that she is against this, as she believed this would set a precedent and the storage units are not taxable. She said that there is an ordinance set in place for such things as a portable storage container to be time limited. D. LaFlamme responded that he understands D. Paul's concerns and it is not a way to get around paying taxes, but rather he would like to protect his belongings from wild life destroying them. He mentioned that he would be more than happy to pay taxes on the storage unit.

Chairwoman Benard brought the discussion back to the Board. She asked for what they would store in the container. D. LaFlamme replied that he would store Christmas decorations, Halloween decorations, school pictures, etc. Chairwoman Benard asked if it would be household items. D. LaFlamme replied that is correct. Meagan LaFlamme pointed out that they have tried to use moth balls, dryer sheets and even reinsulated the shed, but it did not work in keeping wildlife out. Chairwoman Benard asked if he would like to have more than one portable storage container on his property. D. LaFlamme replied that he would like only one portable storage unit. Chairwoman asked if he would put four-wheelers in the portable storage unit. D. LaFlamme replied he would not. Chairwoman asked if N. Codner would be policing such things as the Board putting in a length of time requirement. N. Codner replied that he would have to police this. He referred to a case the Board recently heard, where the Board granted the portable storage container with a condition that once the garage was built, the portable storage container had to go away. M. Feig asked how sure D. Paul was regarding the fact that the people she mentioned that left were here for this application. D. Paul replied that she knew one person lived on Hall Road. Chairwoman Benard pointed out that this cannot be testimony as it is hearsay. D. Paul stated that she cannot be sure as she does not know them personally, but that one of them lives on Hall Road. Chairwoman Benard asked if the applicant would be opposed to a five year limit on the portable storage container. D. LaFlamme replied that he would not. M. Feig commented that he thought the Board put a two year time limit on the previous case that N. Codner spoke about. N. Codner replied that was correct. D. Armstrong expressed his concern that he was against the time limit the applicant put on the application of indefinitely, as these are supposed to be temporary in nature. I. Macarelli agreed with D. Armstrong. D. Armstrong said that he believes this is different from the previous case, as there is no plan to build a garage.

The Board 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? – No
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? -Yes
15. If applicable, will all necessary state and federal permits be obtained – Yes

**M. Feig made a motion in CASE NO. 10/21/22-2 to the request for a special exception for a portable storage structure per LZO 5.15.1, 74 Hall Road, Map 11 Lot 102-3, Zoned AR-1, Meagan & Doug LaFlamme (Owners & Applicants) with the restriction that the storage unit remain on the property for no more than two years.**

**I. Macarelli seconded the motion.**

**The motion was granted, 3-1-0. The applicant's request for a special exception was GRANTED.**

V. Communication and Miscellaneous – None

VI. Other Business – None

**Adjournment:**

**M. Feig made a motion to adjourn at 7:50 p.m.**

**D. Armstrong seconded the motion.**



The motion was granted, 4-0-0. The meeting adjourned at 7:50 p.m.

RESPECTFULLY SUBMITTED,

AOJ  
CLERK

TYPED AND TRANSCRIBED BY Beth Morrison, Recording Secretary.

**APPROVED (X)** WITH A MOTION MADE BY D. Armstrong, SECONDED BY F. Macarelli, 3-0-0.