

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

**MINUTES FROM 12/21/22 MEETING**

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

**I. APPROVAL OF MINUTES -**

**S. Brunelle made a motion to accept the September 21, 2022, meeting minutes as presented.**

**The motion was seconded by C. Moore.**

**The motion was granted, 3-0-0.**

**C. Moore made a motion to accept the November 16, 2022, meeting minutes as presented.**

**The motion was seconded by I. Macarelli.**

**The motion was granted, 3-0-2, with M. Feig and S. Brunelle abstaining.**

**II. REPORT BY TOWN COUNCIL – None**

**III. REGIONAL IMPACT DETERMINATIONS:** Nick Codner informed the Board that the 22 cases are not of regional impact this evening.

- 1. CASE NO. 12/21/2022-1:** Request for a variance from LZO 4.2.1.3 to encroach 19 feet into the 40 foot front setback for the construction of an addition, 14 South Road (Map 3 Lot 24, Zoned AR-1), Lee & Gretchen Ingersoll (Owners & Applicants)
- 2. CASE NO. 12/21/2022-2:** Request for a variance from LZO 4.1.2 to allow the use of a group child care facility in the C-II zone which is otherwise prohibited, 298 Rockingham Road (Building J) (Map 17 Lot 24, Zoned C-II), Remi Fortin Realty Company (Owner) and Audrey & Jason Withee and When I Grow Up, LLC (Applicants)
- 3. CASE NO. 12/21/2022-3:** Request for a variance from LZO 4.3.3.A.1 to encroach 14 feet into the 40 foot front setback for the construction of a shed, 254 Nashua Road

(Map 3 Lot 136, Zoned C-III), Bean Counters Financial Services (Owner) and Daniel J. Jozwiak (Applicant)

4. **CASE NO. 12/21/2022-3:** Request for a variance from LZO 4.3.3.A.2 to encroach 20 feet into the 30 foot side setback for the construction of a shed, 254 Nashua Road (Map 3 Lot 136, Zoned C-III), Bean Counters Financial Services (Owner) and Daniel J. Jozwiak (Applicant)
5. **CASE NO. 12/21/2022-3:** Request for a variance from LZO 4.3.3.A.2 to encroach 7.5 feet into the 15 foot green perimeter buffer setback for the construction of a shed, 254 Nashua Road (Map 3 Lot 136, Zoned C-III), Bean Counters Financial Services (Owner) and Daniel J. Jozwiak (Applicant)
6. **CASE NO. 12/21/22-4:** Request for a variance from LZO 4.13 GB District Services Table to allow a 32,237 SF the use of an automotive repair facility for electric vehicles within a 50,353 SF building where only 10,000 SF are allowed by conditional use permit, 36 Industrial Drive (Map 28 Lot 18-3, Zoned Gateway Business (GB)), Ballinger Properties, LLC & Five N. Associates (Owners) and Scannell Properties (Applicant)
7. **CASE NO. 12/21/22-5:** Request for a variance from LZO 4.12 Use Table to allow a vehicle sales establishment in the Gateway Business zone which is otherwise prohibited, 36 Industrial Drive (Map 28 Lot 18-3, Zoned Gateway Business (GB)), Ballinger Properties, LLC and Five N Associates (Owners) and Scannell Properties (Applicant)
8. **CASE NO. 12/21/22-6:** Request for a special exception for a home occupation pursuant to LZO 5.12 for a special performance, strength, coordination work and fitness center, Two Hampshire Lane (Map 6 Lot 99-100, Zoned AR-1) Benjamin Brownsberger (Owner) and Kassie Eacrett (Applicant)
9. **CASE NO 12/21/22-7:** Request for a variance from LZO 4.3.3.A to encroach 24.9 feet into the 30 foot side setback (tennis courts), One Highlander Way (Map 28 Lot 10, 10-4, Zoned C-II & IND-II), City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)
10. **CASE NO 12/21/22-8:** Request for a variance from LZO 4.3.2.A to create a lot with 0 feet of frontage where 150 feet are required, One Highlander Way (Map 28 Lot 10, 10-4, Zoned C-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)
11. **CASE NO 12/21/22-9:** Request for a variance from LZO 4.3.3.B.2.a to reduce the buffer zone from an AR-1 district from 50 feet to 0 feet, One Highlander Way (Map 28 Lot 10, 10-4, Zoned C-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)

12. **CASE NO 12/21/22-9:** Request for a variance from LZO 4.3.3.B.2.b to not permanently plant and maintain the buffer zone in accordance with specification outlined in the Site Plan regulations, One Highlander Way (Map 28 Lot 10, 10-4, Zoned C-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant))
13. **CASE NO 12/21/22-10:** Request for a variance from LZO 4.3.3.B.1 to encroach 15 feet into the 15 foot landscape buffer, One Highlander Way (Map 28 Lot 10, 10-4, Zoned C-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant))
14. **CASE NO 12/21/22-11:** Request for a variance from LZO 4.3.3.A to encroach 25.6 feet into the 30 foot side setback for an existing building, One Highlander Way (Map 28 Lot 10, 10-1, Zoned C-II/IND-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant))
15. **CASE NO 12/21/22-12:** Request for a variance from LZO 4.3.2.D to increase the allowable building coverage to 26.2% where only 25% is allowed, One Highlander Way (Map 28 Lot 10, 10-1, Zoned C-II/IND-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant))
16. **CASE NO 12/21/22-13:** Request for a variance from LZO 4.4.1.3.H.1 to encroach 7.5 feet into the 15 foot landscaping perimeter buffer, One Highlander Way (Map 28 Lot 10, 10-1, 14-9, 4-1 Zoned C-II/IND-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant))
17. **CASE NO 12/21/22-13:** Request for a variance from LZO 4.4.1.3.H.1 to encroach 12.5 feet into the 20 foot landscaping perimeter buffer, One Highlander Way (Map 28 Lot 10, 10-1, 14-9, 4-1, Zoned C-II/IND-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant))
18. **CASE NO 12/21/22-14:** Request for a variance from LZO 4.3.3.B.1 to encroach 6.1 feet into the 15 foot landscaping perimeter buffer, One Highlander Way (Map 28 Lot 10, 10-1, 4-1 Zoned C-II/IND-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant))
19. **CASE NO. 12/21/22-15:** Request for a variance from LZO 4.3.3.B.1 to reduce the required 33% landscaping coverage from 33% to 24.7%, One Highlander Way (Map 28 Lot 10, 10-1, Zoned C-II/IND-II), City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)
20. **CASE NO. 12/21/22-16:** Request for a variance from LZO 4.4.1.3.H.1 to encroach 15 feet into the 15 foot green space perimeter buffer, One Highlander Way (Map 28 Lot 14, 14-9, Zoned C-II/IND-II), City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)

21. **CASE NO. 12/21/22-16:** Request for a variance from LZO 4.4.1.3.H.1 to encroach 15 feet into the 20 foot green space perimeter buffer, One Highlander Way (Map 28 Lot 14, 14-9, Zoned C-II/IND-II), City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)
22. **CASE NO. 12/21/22-17:** Request for a variance from LZO 4.3.3.B.1 to encroach 15 feet into the 15 foot green perimeter buffer, One Highlander Way (Map 28 Lot 10, Zoned C-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)

**M. Feig made a motion that the cases are not of regional impact.**

**The motion was seconded by C. Moore.**

**The motion was granted by, 5-0-0.**

#### IV. PUBLIC HEARING OF CASES

**A. CASE NO. 12/21/2022-1: Request for a variance from LZO 4.2.1.3 to encroach 19 feet into the 40 foot front setback for the construction of an addition, 14 South Road (Map 3 Lot 24, Zoned AR-1), Lee & Gretchen Ingersoll (Owners & Applicants)**

S. Brunelle read the case into the record noting no previous zoning. Lee & Gretchen Ingersoll, owners at 14 South Road, addressed the Board. G. Ingersoll told the Board that they want to build an addition for the master bedroom that will encroach 19-feet into the 40-foot front setback. She explained that her home was built over 100 years ago and the existing house now encroaches 19-feet into the front setback and the current design does not allow for the addition to be built any other way. She added that the fact that their house is two stories tall the first 30-feet and then one story tall beyond this further complicates where the addition can be built.

She then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the addition will not alter the essential character of the neighborhood or threaten the health, safety or general welfare of the public.
- (2) The spirit of the ordinance is observed: because the health, safety and welfare of the general public is not threatened and the existing house already encroaches into the front setback.
- (3) Substantial justice is done: because allowing the addition to be built to add a full master bedroom and bath on the first floor will enable them to continue living comfortably into their retirement years without having to climb steep stairs every day.
- (4) Values of surrounding properties are not diminished: because it would further align her house to other houses in the neighborhood.
- (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 the



property is unique as the existing house already encroaches into the front setback. She said that the proposed use is reasonable.

Chairwoman Benard asked for questions from the Board. S. Brunelle asked for more detail on where the addition will be located. G. Ingersoll reviewed the sketch, Exhibit 1, that she provided with the Board, noting it would be 20-feet by 25-feet. She added that they do not have any plans because they wanted to wait and see if they received the variance. D. Armstrong asked the size of the addition. G. Ingersoll replied approximately 20-feet by 25-feet. D. Armstrong asked if 19-feet is the total encroachment as the house is built now. G. Ingersoll replied that is correct. C. Moore asked if they were coming closer to the road. G. Ingersoll replied that they are not. C. Moore asked if they were going up and back. L. Ingersoll replied that they are going up and to the side.

Chairwoman Benard asked for public input.

David Colglazier, 6 Moulton Drive, addressed the Board in favor of granting the variance.

Chairwoman Benard brought the discussion back to the Board. M. Feig asked if there was any other place they could place the addition. G. Ingersoll replied that there really is not anywhere else to put the addition. M. Feig asked why they cannot just build on the existing footprint. G. Ingersoll replied that the existing house is very small. Chairwoman Benard asked how many square feet the existing space is where they want to put the addition. G. Ingersoll replied 30-feet by 40-feet. Chairwoman Benard asked when the house was built. G. Ingersoll replied 1800s. M. Feig asked if the addition would be one story as well. G. Ingersoll replied that they believe so, noting it might be one and a half stories tall to tie into the current house.

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.
- (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 was built in 1890, which is pre-zoning and the house is already encroaching into the setback. The proposed use is a reasonable one.

**I. Macarelli made a motion in CASE NO. 12/21/2022-1 to grant the request for a variance from LZO 4.2.1.3 to encroach 19-feet into the 40-foot front setback for the construction of an addition, 14 South Road (Map 3 Lot 24, Zoned AR-1), Lee & Gretchen Ingersoll (Owners & Applicants)**

C. Moore seconded the motion.

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

**B. CASE NO. 12/21/2022-2: Request for a variance from LZO 4.1.2 to allow the use of a group child care facility in the C-II zone which is otherwise prohibited, 298 Rockingham Road (Building J) (Map 17 Lot 24, Zoned C-II), Remi Fortin Realty Company (Owner) and Audrey & Jason Withee and When I Grow Up, LLC (Applicants)**

S. Brunelle read the case into the record noting the previous zoning. Audrey & Jason Withee, 321 Joppa Hill Road, Bedford, NH, addressed the Board. J. Withee told the Board that he is looking to start a local childcare facility in Londonderry, but there are only two permitted zones that allow for child care facilities in Londonderry. He went on noting that they are currently looking at a building for their site in the C-II zone where child care facilities are not permitted. He commented that there is a pretty big child care shortage in general and they would like to bring this to Londonderry. He noted that there are two buildings on the site they are looking at, stating that the other building 302 Rockingham Road is used as a canine daycare building and the other was used as a micro-brewery. He added that the traffic would not be a notable increase to Route 28. He said that the property as it is zoned currently cannot rent it out, as well as being on a well and septic versus municipal water and sewer. He added that there are a number of childcare facilities in Londonderry that are not in the C-II zone.

He then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the child care facility would not negatively impact the other businesses around them nor would it add any noticeable increase to the traffic that currently travels Route 28. There is a shortage and this would provide a service to Londonderry.
- (2) The spirit of the ordinance is observed: because a child care facility would serve the purpose of the ordinance by serving the motoring public giving them a location for child care services that is within their travelling route from their home to their workplace.
- (3) Substantial justice is done: because there would be no loss to any individual, both abutter and community, that would be greater than the gain to the community by having another high quality child care facility in a highly trafficked commercial area in Londonderry.
- (4) Values of surrounding properties are not diminished: because the surrounding properties include 12 acres of undeveloped AR-I property, 12 acres of undeveloped AR-I property, 13 acres of undeveloped C-II property, a 1.35 acre C-II warehouse business, a 1.24 acre C-II office building, and a 2.84 acre AR-I residential home. He said that he believes these surrounding properties would not be diminished with the addition of a child care facility.
- (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 the restriction of the property for a childcare facility is not needed to keep the full effect of the zoning ordinance which is to promote businesses that serve the motoring public. He said that the proposed use is reasonable.

He added that the property as zoned for commercial office space is unable to rent as commercial office space consistently. He said that the owners keep the property priced competitively and maintained, but the private well and septic pose challenges to the use of the space as a medical facility or restaurant as the water and septic requirements for such use are best served on public systems, even though the property is zoned for these commercial uses.

Chairwoman Benard asked for questions from the Board. S. Brunelle read the letter, Exhibit 2, from Audrey Withee into the record. C. Moore asked if there would be separate entrances for the brewery and daycare. J. Withee replied that they are the replacement for the brewery, so they will have the entire building. C. Moore asked if they would have space outside for the children to play. J. Withee replied that they will have a sanded area for play. S. Brunelle mentioned that this property has been before the Board many times, so she is not sure if all the previous zoning has been updated. M. Feig asked why the C-II zone does not allow childcare facilities. N. Codner replied that he is not sure, but believes that child care facilities would be kept away from more industrialized developments and professional offices. M. Feig asked if N. Codner has the other childcare facilities that were approved by the Board previously. N. Codner replied that he does not have that information in front of him right now. C. Moore asked if they plan on having a fenced area for the outside play area. A. Withee replied that child care licensing requires that the play area is fenced in with specific locking mechanisms, stating that they will meet all those requirements. She added that the dogs are fenced in as well. S. Brunelle voiced her concern regarding traffic at drop off times, stating it is not unmanageable, but would be congested at times. M. Feig asked where the language "serving the motoring public" comes from. J. Withee replied that it is from Section 4.3.1.B in the zoning ordinance. A. Withee added that there will be buses taking kids to other schools as well, which might help with the traffic congestion. J. Withee mentioned that North School is there, as well as Cozy Kids, which is in a C-II district. M. Feig asked the applicant to expand on what the special conditions of the property are. J. Withee replied that many existing C-II districts have public water and sewer, and this building does not, which he believes is a limitation or hardship. Chairwoman Benard read some of what is permitted in the C-II district as follows: financial institutions, funeral homes, hotels, manufacturing, membership clubs, motels, motor vehicle stations that have limited service, recreation commercial, retail establishments, professional office, repair services, research and development laboratories, restaurant, fast food restaurants, service establishments, sexually oriented businesses, storage, self-serve, vehicle sales establishments, warehouses, and wholesale businesses. She said that their child care business would now be allowed near any of these businesses. She asked if they are going to have six-week old children to 12-years old and approximately 80-100 children at the facility. L. Withee replied that based on square footage it can house up to 100 children, but they would be looking to have 75-80 children. He said that they just wanted to be clear what the maximum capacity could be. Chairwoman Benard asked if Rockingham Road was a state road. N. Codner replied it was a state road. Chairwoman Benard asked what the speed limit of Rockingham Road is. L. Withee replied it is 40 mph. Chairwoman Benard expressed her opinion that she thought the hours of 7:00 a.m. to 7:30 a.m. and 5:00 p.m. to 5:30 p.m. would be very congested with traffic and in their parking lot. J. Withee replied that it in the ordinance is states that they are required to have 1/7<sup>th</sup> of a parking space per child and one space per staff, which would be a total of 28 parking spaces. He said that the doggy day care site plan is also based on that table, so they are required to have 10 parking spaces, noting that there are 52 parking spaces approved for this building. Chairwoman Benard commented that she has concerns regarding safety of the children with this lot. J. Withee noted that the C-II district in this area is a small piece and the other surrounding zones are industrial and agricultural,

which would allow a child care facility. D. Armstrong pointed out that since this site is on a septic system, he would be concerned given the number of children, versus on public sewer. J. Withee replied that there are requirements for flow and they will meet the requirements.

Chairwoman Benard asked for public input and there was none.

Chairwoman Benard asked if the Board had more questions. M. Feig asked if N. Codner would look at the septic or parking at the site. N. Codner replied that if the request is granted, when they come to pull a building permit, they will look that. S. Brunelle mentioned that she thought it was enlightening to hear the Chair read out loud what other businesses could be around the childcare facility. Chairwoman Benard reminded the Board/public that the variance stays with the property. She added that this area can grow/develop around this site, and in her opinion some potential businesses are not in line with a child care facility. S. Brunelle voiced her opinion that she believes that the property makes sense for a child care facility as it currently exists, and her concerns would be brought forward at the Planning Board or state requirements. She added that the speed limit did just drop in this location from 50 mph to 40 mph. She commented that this property is unique to other C-II properties in town

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 not be observed: because there are issues relating to what is allowed in the C-II district and concerns relating to traffic.
- (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 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 not unique or does not have any hardships as presented by the applicant. The proposed use of a group child care center in the C-II district is not a reasonable one. The Board stated that there are other reasonable uses for the property.

**S. Brunelle made a motion in CASE NO. 12/21/2022-2 to deny the request for a variance from LZO 4.1.2 to allow the use of a group child care facility in the C-II zone which is otherwise prohibited, 298 Rockingham Road (Building J) (Map 17 Lot 24, Zoned C-II), Remi Fortin Realty Company (Owner) and Audrey & Jason Withee and When I Grow Up, LLC (Applicants)**

**I. Macarelli seconded the motion.**

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



The spirit of the ordinance would not be observed as there are issues relating to what other uses are allowed in the C-II district and concerns relating to traffic. The property is not unique and the use of a group child care center in the C-II district is not a reasonable one.

**C. CASE NO. 12/21/2022-3: Request for a variance from LZO 4.3.3.A.1 to encroach 14 feet into the 40 foot front setback for the construction of a shed, 254 Nashua Road (Map 3 Lot 136, Zoned C-III), Bean Counters Financial Services (Owner) and Daniel J. Jozwiak (Applicants)**

S. Brunelle read the case into the record noting there was no previous zoning. Daniel Jozwiak, 254 Nashua Road, addressed the Board. D. Jozwiak

He then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the 12-feet by 16-feet shed will be placed on a concrete slab that would not have any impact to the health, safety or welfare of the public.
- (2) The spirit of the ordinance is observed: because no trees will be removed for the shed installation and the green area will not be affected. He said that the proposed shed would fall outside the front and side building setbacks, the existing parking lot already extends beyond those boundaries and the proposed shed would be placed at the end of the parking lot. He added that the health, safety and welfare of the general public would not be impacted.
- (3) Substantial justice is done: because the shed is required to provide cover for tools and tractor used to maintain the property as well as a place to store fertilizer, ice melt and other supplies. He said that the loss that would be incurred from a lack of protection would not be outweighed by the public interest.
- (4) Values of surrounding properties are not diminished: because the shed will be attractive and conform to the general colors of the office building and in addition the shed will be surrounded by trees, which would not affect surrounding properties.
- (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 the property is unique as there is only one area to place a shed. He said that the proposed use is a reasonable one.

Chairwoman Benard asked for questions from the Board. D. Armstrong asked where the shed will be located. D. Jozwiak reviewed the location of the proposed shed on the rendering he provided to the Board. D. Armstrong asked if it was in the three parking spaces. D. Jozwiak replied that was correct. S. Brunelle asked why they cannot place the shed anywhere else. D. Jozwiak replied that the property was built at the low end of a long hill, so the sides all slopes down to drainage areas in the back and in the front. He said that there is a turnaround area that slopes down as well. He added that the only level space is where they have the propane tank. S. Brunelle asked about the back. D. Jozwiak replied that there is actually a moat around the back to support the drainage for the building and there is no access. D. Armstrong asked about how many parking spaces in total. D. Jozwiak replied that there are 14 parking spaces total, noting they use three to four parking spaces. Chairwoman Benard asked how many customers they have there. D. Jozwiak replied that they normally do not have any customers. M. Feig asked if the building encroached

into the front setback. D. Jozwiak replied that the building does not encroach, but the parking lot does. D. Armstrong asked for the size of the shed. D. Jozwiak replied it was 12-feet by 16-feet. D. Armstrong asked for the height. D. Jozwiak replied that he did not know, but it was one story. C. Moore asked why the shed could not be placed closer to the street. D. Jozwiak replied that it is the way the land is contoured and flows/slopes down to this specific area.

Chairwoman Benard asked for public input and there was none.

Chairwoman Benard brought the discussion back to the Board. C. Moore asked what the tent/structure is in the existing location. D. Jozwiak replied that it is just a temporary structure that he has been using.

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 given the terrain and is a corner lot. The proposed use is a reasonable one.

**I. Macarelli made a motion in CASE NO. 12/21/2022-3 to grant the request for a variance from LZO 4.3.3.A.1 to encroach 14 feet into the 40-foot front setback for the construction of a shed, 254 Nashua Road (Map 3 Lot 136, Zoned C-III), Bean Counters Financial Services (Owner) and Daniel J. Jozwiak (Applicants) with the condition that the shed be no larger than 12-feet by 16-feet.**

**M. Feig seconded the motion.**

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

**D. CASE NO. 12/21/2022-3: Request for a variance from LZO 4.3.3.A.2 to encroach 20 feet into the 30 foot side setback for the construction of a shed, 254 Nashua Road (Map 3 Lot 136, Zoned C-III), Bean Counters Financial Services (Owner) and Daniel J. Jozwiak (Applicant)**

S. Brunelle read the case into the record noting the previous zoning. Daniel Jozwiak, applicant, addressed the Board.

He then read the criteria for granting the variance:



- (1) The granting of the variance is not contrary to the public interest: because the 12-feet by 16-feet shed will be placed on a concrete slab that would not have any impact to the health, safety or welfare of the public.
- (2) The spirit of the ordinance is observed: because no trees will be removed for the shed installation and the green area will not be affected. He said that the proposed shed would fall outside the front and side building setbacks, the existing parking lot already extends beyond those boundaries and the proposed shed would be placed at the end of the parking lot. He added that the health, safety and welfare of the general public would not be impacted.
- (3) Substantial justice is done: because the shed is required to provide cover for tools and tractor used to maintain the property as well as a place to store fertilizer, ice melt and other supplies. He said that the loss that would be incurred from a lack of protection would not be outweighed by the public interest.
- (4) Values of surrounding properties are not diminished: because the shed will be attractive and conform to the general colors of the office building and in addition the shed will be surrounded by trees, which would not affect surrounding properties.
- (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 the property is unique as there is only one area to place a shed. He said that the proposed use is a reasonable one.

Chairwoman Benard asked for questions from the Board and there were none.

Chairwoman Benard asked for public input and there was none.

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 because of the terrain and it is a corner lot. The proposed use is a reasonable one.

**I. Macarelli made a motion in CASE NO. 12/21/2022-3 to grant the request for a variance from LZO 4.3.3.A.2 to encroach 20-feet into the 30-foot side setback for the construction of a shed, 254 Nashua Road (Map 3 Lot 136, Zoned C-III), Bean Counters Financial Services (Owner) and Daniel J. Jozwiak (Applicant) with the condition that the shed be no larger than 12-feet by 16-feet.**

C. Moore seconded the motion.

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

**E. CASE NO. 12/21/2022-3: Request for a variance from LZO 4.3.3.A.2 to encroach 7.5 feet into the 15 foot green perimeter buffer setback for the construction of a shed, 254 Nashua Road (Map 3 Lot 136, Zoned C-III), Bean Counters Financial Services (Owner) and Daniel J. Jozwiak (Applicant)**

S. Brunelle read the case into the record noting the previous zoning. Daniel Jozwiak, applicant, addressed the Board.

He then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the 12-feet by 16-feet shed will be placed on a concrete slab that would not have any impact to the health, safety or welfare of the public.
- (2) The spirit of the ordinance is observed: because no trees will be removed for the shed installation and the green area will not be affected. He said that the proposed shed would fall outside the front and side building setbacks, the existing parking lot already extends beyond those boundaries and the proposed shed would be placed at the end of the parking lot. He added that the health, safety and welfare of the general public would not be impacted.
- (3) Substantial justice is done: because the shed is required to provide cover for tools and tractor used to maintain the property as well as a place to store fertilizer, ice melt and other supplies. He said that the loss that would be incurred from a lack of protection would not be outweighed by the public interest.
- (4) Values of surrounding properties are not diminished: because the shed will be attractive and conform to the general colors of the office building and in addition the shed will be surrounded by trees, which would not affect surrounding properties.
- (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 the property is unique as there is only one area to place a shed. He said that the proposed use is a reasonable one.

Chairwoman Benard asked for questions from the Board and there were none.

Chairwoman Benard asked for public input and there was none.

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 given the terrain and it is a corner lot. The proposed use is a reasonable one.

**I. Macarelli made a motion in CASE NO. 12/21/2022-3 to grant the request for a variance from LZO 4.3.3.A.2 to encroach 7.5-feet into the 15-foot green perimeter buffer setback for the construction of a shed, 254 Nashua Road (Map 3 Lot 136, Zoned C-III), Bean Counters Financial Services (Owner) and Daniel J. Jozwiak (Applicant) with the restriction that the shed be no larger than 12-feet by 16-feet.**

**S. Brunelle seconded the motion.**

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

(The Board took a break from 8:48 p.m. to 8:54 p.m.)

**F. CASE NO. 12/21/22-4: Request for a variance from LZO 4.13 GB District Services Table to allow a 32,237 SF the use of an automotive repair facility for electric vehicles within a 50,353 SF building where only 10,000 SF are allowed by conditional use permit, 36 Industrial Drive (Map 28 Lot 18-3, Zoned Gateway Business (GB)), Ballinger Properties, LLC & Five N. Associates (Owners) and Scannell Properties (Applicant)**

S. Brunelle read the case into the record noting the previous zoning. Chairwoman Benard pointed out that the applicant was before the Board last month for a smaller square footage. John Levenstein, Esq., from 47 Constitution Drive, Bedford, NH, and Leo Leighton, representative for Scannell Properties, addressed the Board. J. Levenstein explained they had changed the numbers, but did not update the initial application, so they are here this evening to correct that. Chairwoman Benard agreed. J. Levenstein added that they are also looking to discuss the conditions that were attached to the variance last month. He started off the discussion by noting the proposed development consists of a 50,353 sq. ft. one story building situated upon an 8.2 acre lot. He said that the primary purpose will be servicing, maintaining, and repairing electric vehicles. He pointed out that they need the variance before they can get a Conditional Use Permit (CUP) by the Planning Board. Leo Leighton commented that they have a tenant that is an electric car manufacturer, but they might need to sublease a portion of the building or the whole building to another tenant and the condition limits the possibilities. He added that they looked at financing and there is another risk level to analyze as well with the condition. J. Levenstein said that the airport is the biggest user of fossil fuels to service and maintain their aircrafts. He asked if the "no combustible engines" was the only condition. S. Brunelle replied that it was.

He then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the proposed development, a service facility for the servicing, maintenance and repair of electric vehicles with accessory uses as a showroom and warehouse, clearly fits within the goal of supporting the business interests within the Gateway Business District and will not affect the health, safety or welfare of the general public.
- (2) The spirit of the ordinance is observed: because the ordinance emphasizes the desirability of connectivity between the various uses within the district, as well as an emphasis on environmentally friendly practices. He said that electric vehicles are more environmentally friendly and the presence of a facility to service and maintain these vehicles in close proximity to centers of employment will encourage and facilitate people to switch from vehicles utilizing traditional fuels.
- (3) Substantial justice is done: because the loss to the applicant would outweigh any gain to the public.
- (4) Values of surrounding properties are not diminished: because the surrounding properties are manufacturing facilities, warehouse/distribution centers and the Greater Boston/Manchester Regional Airport. He added that the presence of the proposed facility will have no effect on surrounding 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 the property is unique as it is in close proximity to the Greater/Boston Regional Airport which makes any type of commercial use difficult, a corner lot which requires that any building on the lot must satisfy the setback requirements along both Pettengill Road and Industrial Drive, as well as wetlands along the northwest portion of the property and a drainage easement is located along the southern portion. He said that the use is reasonable.

Chairwoman Benard asked for questions from the Board. D. Armstrong asked if the applicant is back because of the condition regarding combustible engines. L. Leighton replied that this condition limits the flexibility of the applicant if they had to sublease the building in the worst case scenario. D. Armstrong asked about the amount of parking spaces. L. Leighton replied they have 335 parking spaces. D. Armstrong asked why they have so many parking spaces. L. Leighton replied that the breakdown is a combination of customers, employees, and vehicles that have been purchased or leased. He stated that the purchased vehicles are usually picked up in a weeks' time. He added that they have two to four vehicles that you can demo on site. D. Armstrong voiced his opinion that he does not know why they still need so much parking. L. Leighton replied that the number of vehicles fluctuates given the time of year. Chairwoman Benard remarked that their presentation last month stated that vehicles will be ordered and they are not the standard car dealership. L. Leighton replied that is correct. Chairwoman Benard pointed out that it was very clear that they are going to be an electric vehicle facility, but now it appears that they would like to lease out the building and perform any type of vehicle automotive repair on the site. L. Leighton replied that is correct, but the tenant's use has not changed. C. Moore said that the Board put that condition on to limit combustible engines to be serviced here. S. Brunelle mentioned that she also does not know why they need that many parking spaces, as it seems odd. J. Levenstein replied that he believes that the Planning Board will have issues with the parking, but it is not related to the variance. S. Brunelle asked why the tenant would not come back to the Board if and when they need it. L. Leighton replied that it was a worst-case scenario. S. Brunelle interjected that he did not answer the question. L. Leighton replied that

it would be a comfort level and they are not sure when they are signing the purchase and sale. Chairwoman Benard reiterated that this is the same argument that they presented last time, but they are now asking the Board to remove the condition. L. Leighton replied that he understood. M. Feig asked if they would still need a CUP. N. Codner replied that they need a variance because they are over 10,000 SF that is allowed by a CUP. He went on noting that if they get approval for the variance then they would go before the Planning Board. L. Leighton noted that the service square footage has increased slightly as well.

Chairwoman Benard asked for public input and there was none.

Chairwoman Benard brought the discussion back to the Board. M. Feig asked if the Board would use the sheets from last time. Chairwoman Benard replied that they are asking for another variance on the square footage, but their presentation has not changed. She noted that it is a verbal request to remove conditions. C. Moore asked if this variance would override the previous variance. Chairwoman Benard replied that it would override the previous variance.

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 given it is a corner lot and has wetlands. The proposed use is a reasonable one as presented.

**I. Macarelli made a motion in CASE NO. 12/21/22-4 to grant the request for a variance from LZO 4.13 GB District Services Table to allow a 32,237 SF use of an automotive repair facility for electric vehicles within a 50,353 SF building where only 10,000 SF are allowed by conditional use permit, 36 Industrial Drive (Map 28 Lot 18-3, Zoned Gateway Business (GB)), Ballinger Properties, LLC & Five N. Associates (Owners) and Scannell Properties (Applicant) with the following condition that no combustible engines be serviced on the property.**

**C. Moore seconded the motion.**

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

**G. CASE NO. 12/21/22-5: Request for a variance from LZO 4.12 Use Table to allow a vehicle sales establishment in the Gateway Business zone which is otherwise prohibited, 36 Industrial**



**Drive (Map 28 Lot 18-3, Zoned Gateway Business (GB)), Ballinger Properties, LLC and Five N Associates (Owners) and Scannell Properties (Applicant)**

S. Brunelle read the case into the record noting the previous zoning. The applicant withdrew its request.

**H. CASE NO. 12/21/22-6: Request for a special exception for a home occupation pursuant to LZO 5.12 for a special performance, strength, coordination work and fitness center, Two Hampshire Lane (Map 6 Lot 99-100, Zoned AR-1) Benjamin Brownsberger (Owner) and Kassie Eacrett (Applicant)**

S. Brunelle read the case into the record noting the previous zoning. Benjamin Brownsberger, owner at Two Hampshire Lane, withdrew his request.

**I. CASE NO 12/21/22-7: Request for a variance from LZO 4.3.3.A to encroach 24.9 feet into the 30-foot side setback (tennis courts), One Highlander Way (Map 28 Lot 10, 10-4, Zoned C-II & IND-II), City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

S. Brunelle read the case into the record noting the previous zoning. Thomas Burns, P.E., from TF Moran Inc., 48 Constitution Drive, Bedford, NH, as well as Michael Benton, addressed the Board. T. Burns started off the discussion noting that this site has been in existence for a number of decades as the home of the Executive Health & Sports Center. He went on stating that the lots are leased lots that are part of the parent parcel, Map 28 Lot 10 and Map 28 Lot 14, which are owned by Manchester-Boston Regional Airport. He pointed out that the airport is looking to sell these properties and have coordinated with the Federal Aviation Authority (FAA). He explained that in order to facilitate that sale, they have to seek subdivision approval so the leased lots will become formal lots of record. He added that when taking the leased lots out of the parent parcel, it now creates variance requirements due to setbacks. He noted that there is no development proposed and no proposed changes, but the impacts of setbacks with the creation of the lots. He stated that they are scheduled to go before the Planning Board on January 4, 2023, and the subdivision needs to be finalized by February 7, 2023 due to the agreement the airport has with the FAA. Chairwoman Benard asked how many lots are being created. T. Burns replied they are creating two lots. M. Benton expressed his opinion that they are solving problems for both Londonderry and Manchester because all these lots exist as one parent parcel today, when in fact there are seven leased lots that will be joining as the primary lot where the Executive Health Club is located and a nonconforming lot where the tennis courts exist. S. Brunelle asked if they have to go before Manchester. M. Benton replied that they have and have their approval. C. Moore asked if this was on the town line. T. Burns replied that it is not, but the airport owns the land, even though it is Londonderry. C. Moore asked if everything is staying as is, and then they did improve something, would they be required to tear everything down. S. Brunelle commented that they cannot buy the lot if the variances are not granted. M. Feig asked what happens if they do not have it all done by February 7, 2023. M. Benton replied that it would be very problematic, noting this process has taken about a year to get the initial approvals from the FAA. He remarked that they applied in April, but were told that they did not need to come before the ZBA, but it was a misunderstanding, as the lots are leased. S. Brunelle pointed out they will just make the 30-day appeal period.

He then read the criteria for granting the variance:



- (1) The granting of the variance is not contrary to the public interest: because the request is for the conversion of an existing lease lot (from the City of Manchester) to a formal lot of record in order to allow for the sale of the lot to the lessee. He said that all of the physical features on the site exist per the approved 2012 site plan. He went on stating that the site will continue to function and operate in the same manner as it has since the aforementioned site plan approval, a decision which itself is indicative of the lot and its use being consistent with the public interest. He added that the reduced setback proposed would be to an interior boundary line to the parent parcel, Lot 010-0.
- (2) The spirit of the ordinance is observed: because it would allow for the applicant to proceed with changing the status of the existing leased lot to a recognized lot of record. He said that this would formalize the status of the lot, as requested by the Town, in order for the applicant to purchase the property. He added that the intent is to resolve the status of the leased lot, and the site would continue to function as it has since 2012, granting of the variance would be within the spirit of the ordinance.
- (3) Substantial justice is done: because there would be no public benefit to denying the variance and thereby preventing the change of the property from a leased lot to a recognized lot of record. He said that denial of the variance would result in significant harm to the applicant, who would then be unable to purchase the lot where he operates his business.
- (4) Values of surrounding properties are not diminished: because the requested variance is part of the intent to formally recognize an existing lease lot as a lot of record and there are no changes proposed to the existing layout or function of the site. He said that as such, there would be no discernable impact to the surrounding properties and no diminution of any property values.
- (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 status of the lot presents a unique situation, due to its existence as one of the leased parcels within the airport property. He said that the leased lots were created for the express purpose of facilitating the existing improvements that are part of the Executive Health and Sports Center and this was recognized by the Town in the form of the Planning Board's 2012 site plan approval. He stated that the lessee is now expected to purchase this land from the owner/lessor (City of Manchester) and the Town of Londonderry has said the leased parcel must be a recognized lot of record to allow this to occur, so there is no option but to grant the variance in order for this process to proceed.

Chairwoman Benard asked for questions from the Board and there was none.

Chairwoman Benard asked for public input and there was none.

Chairwoman Benard brought the discussion back to the Board. S. Brunelle pointed out that she believes that they will be creating a non-conforming lot. She asked for a better explanation of the hardship, as she would have answered section A had the fifth point of law, as there is another option for these parcels to be used with a continuation of the lease. M. Benton responded that the airport/City of Manchester have approved the sale and desire to sell the land. S. Brunelle asked if T. Burns understood criteria A. T. Burns commented that the owners no longer want to continue leasing the land and have negotiated a sale with the airport. S. Brunelle asked what else could be done with the property if the applicant no longer continue to lease the land. M. Benton replied that it would be purchased by someone else. He said that

the airport has sent a letter to the Town Manager stating that they have the authority to represent the sale as a lease interest in selling the property. Chairwoman Benard explained that they technically fit in to subsection A of the fifth criteria even though it was typed under subsection B on the application. T. Burns remarked that they should have answered under subsection A instead of subsection B for the fifth point of law.

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 or threaten the health, safety or welfare of the general public.
- (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 due to the lease status and the only way to create the lot is through a variance and then subdivision approval. The proposed use is a reasonable one.

**I. Macarelli made a motion in CASE NO 12/21/22-7 to grant the request for a variance from LZO 4.3.3.A to encroach 24.9-feet into the 30-foot side setback (tennis courts), One Highlander Way (Map 28 Lot 10, 10-4, Zoned C-II & IND-II), City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

**C. Moore seconded the motion.**

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

**J. CASE NO 12/21/22-8: Request for a variance from LZO 4.3.2.A to create a lot with 0 feet of frontage where 150 feet are required, One Highlander Way (Map 28 Lot 10, 10-4, Zoned C-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

S. Brunelle read the case into the record noting the previous zoning. T. Burns P.E., from TF Moran Inc., 48 Constitution Drive, Bedford, NH, and Michael Benton, applicant, addressed the Board.

He then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the request is for the conversion of an existing lease lot (from the City of Manchester) to a formal lot of record in order to allow for the sale of the lot to the lessee. He said that all of the physical features on the site exist per the approved 2012 site plan. He went on stating that the site will continue to function and operate in the same manner as it has since the aforementioned site plan approval, a decision which

itself is indicative of the lot and its use being consistent with the public interest. He added as the lot is being created from an internal lease area within Lot 10-0, and will continue to have access rights through the parent parcel, the lack of frontage on a right-of-way would have no negative impact to the public health.

- (2) The spirit of the ordinance is observed: because it would allow for the applicant to proceed with changing the status of the existing leased lot to a recognized lot of record. He said that this would formalize the status of the lot, as requested by the Town, in order for the applicant to purchase the property. He added that the intent is to resolve the status of the leased lot, and the site would continue to function as it has since 2012, granting of the variance would be within the spirit of the ordinance.
- (3) Substantial justice is done: because there would be no public benefit to denying the variance and thereby preventing the change of the property from a leased lot to a recognized lot of record. He said that denial of the variance would result in significant harm to the applicant, who would then be unable to purchase the lot where he operates his business.
- (4) Values of surrounding properties are not diminished: because the requested variance is part of the intent to formally recognize an existing lease lot as a lot of record and there are no changes proposed to the existing layout or function of the site. He said that as such, there would be no discernable impact to the surrounding properties and no diminution of any property values.
- (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 status of the lot presents a unique situation, due to its existence as one of the leased parcels within the airport property. He said that the leased lots were created for the express purpose of facilitating the existing improvements that are part of the Executive Health and Sports Center and this was recognized by the Town in the form of the Planning Board's 2012 site plan approval. He stated that the lessee is now expected to purchase this land from the owner/lessor (City of Manchester) and the Town of Londonderry has said the leased parcel must be a recognized lot of record to allow this to occur, so there is no option but to grant the variance in order for this process to proceed.

Chairwoman Benard asked for questions from the Board and there was none.

Chairwoman Benard asked for public input and there was none.

Chairwoman Benard brought the discussion back to the Board. N. Codner explained that if the Board grants this variance it would allow this lot to have no frontage, which could be built upon in the future, and noted the Board might want to put a condition that if they were to build on it, they might need future variances. S. Brunelle asked why they could not merge this lot with another lot, so it conforms. M. Benton replied that there is a lot in between the main lot and the second lot. C. Moore asked if it was another leased lot that the applicant leased. M. Benton replied it was not, noting they access this lot from Highlander Way. C. Moore asked for clarification. M. Benton showed the Board on the screen the lots. C. Moore asked if it was their road. M. Benton replied it was not, and it is the airport's road. T. Burns added that it is the airport's right-of-way that they have access to in order to access the lot in question. C. Moore asked what lot they are talking about. M. Benton replied the lot with the tennis courts on it. D. Armstrong asked who uses the lot in between the applicant's two lots. M. Benton replied that the lot is used by Auto

Fair headquarters. He stated that they understand if they were going to do anything on that lot, they would need to come back before the Planning Board. C. Moore asked if there were any standing buildings on the tennis court lot. M. Benton replied that there is a small restroom facility building that has been there since 1972. D. Armstrong expressed his opinion that this is complicated. C. Moore asked if the Board can write a condition that there be no new buildings on this lot. N. Codner replied that they could build a building right off the road with no frontage on this lot if the Board grants the variance. He went on stating that if the applicant intends to keep the tennis courts, there should be language stated as such. S. Brunelle asked if the applicant is okay with the restriction that it must be used as tennis courts. M. Benton replied that it is his understanding that any future development would require zoning and Planning Board approval.

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 or threaten the health, safety or welfare of the general public.
- (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 due to the lease status and the only way to create the lot is through a variance and then subdivision approval. The proposed use is a reasonable one.

**S. Brunelle made a motion in CASE NO 12/21/22-8 to grant the request for a variance from LZO 4.3.2.A to create a lot with 0 feet of frontage where 150 feet are required, One Highlander Way (Map 28 Lot 10, 10-4, Zoned C-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant) with the following condition: that no additional new structures may be built on the subject lot without prior approval of the Zoning Board, with the intent being that the property would remain as it currently exists as tennis courts with the existing bathroom facilities.**

**C. Moore seconded the motion.**

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

I. Macarelli and D. Armstrong left the Board at this point 10:26 p.m. Associate Planner Gandia thanked D. Armstrong for his service as he is not requesting reappointment.

**K. CASE NO 12/21/22-9: Request for a variance from LZO 4.3.3.B.2.a to reduce the buffer zone from an AR-1 district from 50 feet to 0 feet, One Highlander Way (Map 28 Lot 10, 10-4, Zoned C-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**



S. Brunelle read the case into the record noting the previous zoning. Thomas Burns, P.E., from TF Moran Inc., 48 Constitution Drive, Bedford, NH, and Michael Benton, applicant addressed the Board.

He then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the request is for the conversion of an existing lease lot (from the City of Manchester) to a formal lot of record in order to allow for the sale of the lot to the lessee. He said that all of the physical features on the site exist per the approved 2012 site plan. He went on stating that the site will continue to function and operate in the same manner as it has since the aforementioned site plan approval, a decision which itself is indicative of the lot and its use being consistent with the public interest. He added that there is no change proposed to the existing buffer zone to the AR-I zone through the parent parcel, Lot 10-0.
- (2) The spirit of the ordinance is observed: because it would allow for the applicant to proceed with changing the status of the existing leased lot to a recognized lot of record. He said that this would formalize the status of the lot, as requested by the Town, in order for the applicant to purchase the property. He added that the intent is to resolve the status of the leased lot, and the site would continue to function as it has since 2012, granting of the variance would be within the spirit of the ordinance.
- (3) Substantial justice is done: because there would be no public benefit to denying the variance and thereby preventing the change of the property from a leased lot to a recognized lot of record. He said that denial of the variance would result in significant harm to the applicant, who would then be unable to purchase the lot where he operates his business.
- (4) Values of surrounding properties are not diminished: because the requested variance is part of the intent to formally recognize an existing lease lot as a lot of record and there are no changes proposed to the existing layout or function of the site. He said that as such, there would be no discernable impact to the surrounding properties and no diminution of any property values.
- (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 status of the lot presents a unique situation, due to its existence as one of the leased parcels within the airport property. He said that the leased lots were created for the express purpose of facilitating the existing improvements that are part of the Executive Health and Sports Center and this was recognized by the Town in the form of the Planning Board's 2012 site plan approval. He stated that the lessee is now expected to purchase this land from the owner/lessor (City of Manchester) and the Town of Londonderry has said the leased parcel must be a recognized lot of record to allow this to occur, so there is no option but to grant the variance in order for this process to proceed.

Chairwoman Benard asked for questions from the Board and there was none.

Chairwoman Benard asked for public input and there was none.

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 or threaten the health, safety or welfare of the general public.
- (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 due to the lease status and the only way to create the lot is through a variance and then subdivision approval. The proposed use is a reasonable one.

**S. Brunelle made a motion in CASE NO 12/21/22-9 to grant the request for a variance from LZO 4.3.3.B.2.a to reduce the buffer zone from an AR-1 district from 50 feet to 0 feet, One Highlander Way (Map 28 Lot 10, 10-4, Zoned C-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant) with the following condition: that no additional new structures may be built on the subject lot without prior approval of the Zoning Board, with the intent being that the property would remain as it currently exists as tennis courts with the existing bathroom facilities.**

**C. Moore seconded the motion.**

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

**L. CASE NO 12/21/22-9: Request for a variance from LZO 4.3.3.B.2.b to not permanently plant and maintain the buffer zone in accordance with specification outlined in the Site Plan regulations, One Highlander Way (Map 28 Lot 10, 10-4, Zoned C-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

S. Brunelle read the case into the record noting the previous zoning. Robert Duval, P.E., from TF Moran Inc., 48 Constitution Drive, Bedford, NH, as well as Michael Benton, applicant addressed the Board.

He then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the request is for the conversion of an existing lease lot (from the City of Manchester) to a formal lot of record in order to allow for the sale of the lot to the lessee. He said that all of the physical features on the site exist per the approved 2012 site plan. He went on stating that the site will continue to function and operate in the same manner as it has since the aforementioned site plan approval, a decision which itself is indicative of the lot and its use being consistent with the public interest. He added that the reduced perimeter buffer would be between the new lot and parent parcel, and not to any other abutting property or right-of-way.



- (2) The spirit of the ordinance is observed: because it would allow for the applicant to proceed with changing the status of the existing leased lot to a recognized lot of record. He said that this would formalize the status of the lot, as requested by the Town, in order for the applicant to purchase the property. He added that the intent is to resolve the status of the leased lot, and the site would continue to function as it has since 2012, granting of the variance would be within the spirit of the ordinance.
- (3) Substantial justice is done: because there would be no public benefit to denying the variance and thereby preventing the change of the property from a leased lot to a recognized lot of record. He said that denial of the variance would result in significant harm to the applicant, who would then be unable to purchase the lot where he operates his business.
- (4) Values of surrounding properties are not diminished: because the requested variance is part of the intent to formally recognize an existing lease lot as a lot of record and there are no changes proposed to the existing layout or function of the site. He said that as such, there would be no discernable impact to the surrounding properties and no diminution of any property values.
- (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 status of the lot presents a unique situation, due to its existence as one of the leased parcels within the airport property. He said that the leased lots were created for the express purpose of facilitating the existing improvements that are part of the Executive Health and Sports Center and this was recognized by the Town in the form of the Planning Board's 2012 site plan approval. He stated that the lessee is now expected to purchase this land from the owner/lessor (City of Manchester) and the Town of Londonderry has said the leased parcel must be a recognized lot of record to allow this to occur, so there is no option but to grant the variance in order for this process to proceed.

Chairwoman Benard asked for questions from the Board and there was none.

Chairwoman Benard asked for public input and there was none.

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 or threaten the health, safety or welfare of the general public.
- (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 due to the lease status and the only way to create the lot is through a variance and then subdivision approval. The proposed use is a reasonable one.

**S. Brunelle made a motion in CASE NO 12/21/22-9 to grant the request for a variance from LZO 4.3.3.B.2.b to not permanently plant and maintain the buffer zone in accordance with specification outlined in the Site Plan regulations, One Highlander Way (Map 28 Lot 10, 10-4, Zoned C-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant) with the following condition: that no additional new structures may be built on the subject lot without prior approval of the Zoning Board, with the intent being that the property would remain as it currently exists as tennis courts with the existing bathroom facilities.**

**C. Moore seconded the motion.**

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

**M. CASE NO 12/21/22-10: Request for a variance from LZO 4.3.3.B.1 to encroach 15-feet into the 15-foot landscape buffer, One Highlander Way (Map 28 Lot 10, 10-4, Zoned C-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

S. Brunelle read the case into the record noting the previous zoning. Robert Duval, P.E., from TF Moran Inc., 48 Constitution Drive, Bedford, NH, as well as Michael Benton, applicant addressed the Board.

He then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the request is for the conversion of an existing lease lot (from the City of Manchester) to a formal lot of record in order to allow for the sale of the lot to the lessee. He said that all of the physical features on the site exist per the approved 2012 site plan. He went on stating that the site will continue to function and operate in the same manner as it has since the aforementioned site plan approval, a decision which itself is indicative of the lot and its use being consistent with the public interest. He added that as the setback would be to an internal property line with the overall parent parcel, Lot 10-0, there would be no impact to the public interest.
- (2) The spirit of the ordinance is observed: because it would allow for the applicant to proceed with changing the status of the existing leased lot to a recognized lot of record. He said that this would formalize the status of the lot, as requested by the Town, in order for the applicant to purchase the property. He added that the intent is to resolve the status of the leased lot, and the site would continue to function as it has since 2012, granting of the variance would be within the spirit of the ordinance.
- (3) Substantial justice is done: because there would be no public benefit to denying the variance and thereby preventing the change of the property from a leased lot to a recognized lot of record. He said that denial of the variance would result in significant harm to the applicant, who would then be unable to purchase the lot where he operates his business.
- (4) Values of surrounding properties are not diminished: because the requested variance is part of the intent to formally recognize an existing lease lot as a lot of record and there are no changes proposed to the existing layout or function of the site. He said that as such, there would be no discernable impact to the surrounding properties and no diminution of any property values.

- (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 status of the lot presents a unique situation, due to its existence as one of the leased parcels within the airport property. He said that the leased lots were created for the express purpose of facilitating the existing improvements that are part of the Executive Health and Sports Center and this was recognized by the Town in the form of the Planning Board's 2012 site plan approval. He stated that the lessee is now expected to purchase this land from the owner/lessor (City of Manchester) and the Town of Londonderry has said the leased parcel must be a recognized lot of record to allow this to occur, so there is no option but to grant the variance in order for this process to proceed.

Chairwoman Benard asked for questions from the Board and there was none.

Chairwoman Benard asked for public input and there was none.

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 or threaten the health, safety or welfare of the general public.
- (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 due to the lease status and the only way to create the lot is through a variance and then subdivision approval. The proposed use is a reasonable one.

**S. Brunelle made a motion in CASE NO 12/21/22-10 to grant the request for a variance from LZO 4.3.3.B.1 to encroach 15-feet into the 15-foot landscape buffer, One Highlander Way (Map 28 Lot 10, 10-4, Zoned C-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant) with the following condition: that no additional new structures may be built on the subject lot without prior approval of the Zoning Board, with the intent being that the property would remain as it currently exists as tennis courts with the existing bathroom facilities.**

**C. Moore seconded the motion.**

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

**N. CASE NO 12/21/22-11: Request for a variance from LZO 4.3.3.A to encroach 25.6 feet into the 30 foot side setback for an existing building, One Highlander Way (Map 28 Lot 10, 10-1,**

**Zoned C-II/IND-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

S. Brunelle read the case into the record noting the previous zoning. Robert Duval, P.E., from TF Moran Inc., 48 Constitution Drive, Bedford, NH, as well as Michael Benton, applicant addressed the Board.

He then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the request is for the conversion of an existing lease lot (from the City of Manchester) to a formal lot of record in order to allow for the sale of the lot to the lessee. He said that all of the physical features on the site exist per the approved 2012 site plan. He went on stating that the site will continue to function and operate in the same manner as it has since the aforementioned site plan approval, a decision which itself is indicative of the lot and its use being consistent with the public interest. He added that as there would be no increase/change to the existing building coverage, on the parcel, there would be no impact to the public interest.
- (2) The spirit of the ordinance is observed: because it would allow for the applicant to proceed with changing the status of the existing leased lot to a recognized lot of record. He said that this would formalize the status of the lot, as requested by the Town, in order for the applicant to purchase the property. He added that the intent is to resolve the status of the leased lot, and the site would continue to function as it has since 2012, granting of the variance would be within the spirit of the ordinance.
- (3) Substantial justice is done: because there would be no public benefit to denying the variance and thereby preventing the change of the property from a leased lot to a recognized lot of record. He said that denial of the variance would result in significant harm to the applicant, who would then be unable to purchase the lot where he operates his business.
- (4) Values of surrounding properties are not diminished: because the requested variance is part of the intent to formally recognize an existing lease lot as a lot of record and there are no changes proposed to the existing layout or function of the site. He said that as such, there would be no discernable impact to the surrounding properties and no diminution of any property values.
- (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 status of the lot presents a unique situation, due to its existence as one of the leased parcels within the airport property. He said that the leased lots were created for the express purpose of facilitating the existing improvements that are part of the Executive Health and Sports Center and this was recognized by the Town in the form of the Planning Board's 2012 site plan approval. He stated that the lessee is now expected to purchase this land from the owner/lessor (City of Manchester) and the Town of Londonderry has said the leased parcel must be a recognized lot of record to allow this to occur, so there is no option but to grant the variance in order for this process to proceed.

Chairwoman Benard asked for questions from the Board. M. Feig asked if N. Codner had any concerns regarding this lot. N. Codner replied that he did not, as it is an existing lot for decades.

Chairwoman Benard asked for public input and there was none.

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 or threaten the health, safety or welfare of the general public.
- (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 due to the lease status and the only way to create the lot is through a variance and then subdivision approval. The proposed use is a reasonable one.

**S. Brunelle made a motion in CASE NO 12/21/22-11 to grant the request for a variance from LZO 4.3.3.A to encroach 25.6-feet into the 30-foot side setback for an existing building, One Highlander Way (Map 28 Lot 10, 10-1, Zoned C-II/IND-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

**C. Moore seconded the motion.**

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

**O. CASE NO 12/21/22-12: Request for a variance from LZO 4.3.2.D to increase the allowable building coverage to 26.2% where only 25% is allowed, One Highlander Way (Map 28 Lot 10, 10-1, Zoned C-II/IND-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

S. Brunelle read the case into the record noting the previous zoning. Robert Duval, P.E., from TF Moran Inc., 48 Constitution Drive, Bedford, NH, as well as Michael Benton, applicant addressed the Board.

He then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the request is for the conversion of an existing lease lot (from the City of Manchester) to a formal lot of record in order to allow for the sale of the lot to the lessee. He said that all of the physical features on the site exist per the approved 2012 site plan. He went on stating that the site will continue to function and operate in the same manner as it has since the aforementioned site plan approval, a decision which itself is indicative of the lot and its use being consistent with the public interest.
- (2) The spirit of the ordinance is observed: because it would allow for the applicant to proceed with changing the status of the existing leased lot to a recognized lot of record. He said that this would



formalize the status of the lot, as requested by the Town, in order for the applicant to purchase the property. He added that the intent is to resolve the status of the leased lot, and the site would continue to function as it has since 2012, granting of the variance would be within the spirit of the ordinance.

- (3) Substantial justice is done: because there would be no public benefit to denying the variance and thereby preventing the change of the property from a leased lot to a recognized lot of record. He said that denial of the variance would result in significant harm to the applicant, who would then be unable to purchase the lot where he operates his business.
- (4) Values of surrounding properties are not diminished: because the requested variance is part of the intent to formally recognize an existing lease lot as a lot of record and there are no changes proposed to the existing layout or function of the site. He said that as such, there would be no discernable impact to the surrounding properties and no diminution of any property values.
- (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 status of the lot presents a unique situation, due to its existence as one of the leased parcels within the airport property. He said that the leased lots were created for the express purpose of facilitating the existing improvements that are part of the Executive Health and Sports Center and this was recognized by the Town in the form of the Planning Board's 2012 site plan approval. He stated that the lessee is now expected to purchase this land from the owner/lessor (City of Manchester) and the Town of Londonderry has said the leased parcel must be a recognized lot of record to allow this to occur, so there is no option but to grant the variance in order for this process to proceed.

Chairwoman Benard asked for questions from the Board and there was none.

Chairwoman Benard asked for public input and there was none.

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 or threaten the health, safety or welfare of the general public.
- (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 due to the lease status and the only way to create the lot is through a variance and then subdivision approval. The proposed use is a reasonable one.

**S. Brunelle made a motion in CASE NO 12/21/22-12 to grant the request for a variance from LZO 4.3.2.D to increase the allowable building coverage to 26.2%**



where only 25% is allowed, One Highlander Way (Map 28 Lot 10, 10-1, Zoned C-II/IND-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)

C. Moore seconded the motion.

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

**P. CASE NO 12/21/22-13: Request for a variance from LZO 4.4.1.3.H.1 to encroach 7.5 feet into the 15 foot landscaping perimeter buffer, One Highlander Way (Map 28 Lot 10, 10-1, 14-9, 4-1 Zoned C-II/IND-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

S. Brunelle read the case into the record noting the previous zoning. Thomas Burns P.E., from TF Moran Inc., 48 Constitution Drive, Bedford, NH, as well as Michael Benton, applicant addressed the Board. T. Burns stated that he believed it should be Map 28 Lot 4-9, not Map 28 Lot 14-9. S. Brunelle asked if Map 28 Lot 10 and Map 28 Lot 10-1 was correct. T. Burns replied that those were correct and stated that the leased lots are Map 28 Lot 4-9 and Map 28 Lot 4-1. S. Brunelle asked where the Map 28 Lot 14-9 came from. N. Codner replied that those are industrialized lots of record. M. Benton remarked that Map 28 Lot 4-9 and Map 28 Lot 4-1 are leased lots for parking. Chairwoman Benard clarified again that it should read Map 28 Lot 10, 10-1, 4-9 and 4-1. T. Burns replied that is correct and suggested that the Lot 14-9 might have been a typographical error. Chairwoman Benard explained that this occurred with a previous application and did not want this applicant to have to come back. She asked if the Board could handle this error now. N. Codner replied that the Board could place a stipulation that the variance is contingent upon the lots in question are leased lots and not lots of record. T. Burns interjected that he thought it was just the lot number that was incorrect, but the lot numbers on the plan are correct. Chairwoman Benard commented that the Board will read it into the record as typed with the condition that the Lot 14-9 has been declared Lot 4-9 per the applicant. S. Brunelle stated that they are seeking a variance from Map 28, Lot 10, 10-1, 4-9 and 4-1. M. Benton stated that this is one big lot and they are here tonight to make it separate. Chairwoman Benard pointed out that the way they are numbered here tonight might cause problems for the applicant down the road if they are incorrect, as the zoning law is that all abutters are notified with what is read into the record. She asked if she can have language for a condition that would address a possible typographical error that would be okay for Planning or does the Board have to re-notice all the abutters. N. Codner replied that as long as Planning knows. S. Brunelle expressed her opinion that the applicant can move forward because she does not believe anyone would appeal it. M. Feig asked what if N. Codner thought Map 28 Lot 14-9 was a lot of record. N. Codner replied that there has been confusion on this, but Assessing has these as separate lots of record. S. Brunelle said that this does not make it legal per say, but it just how Assessing track it. She added that there are frequent mistakes made at the town level in identifying lots.

He then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the request is for the conversion of an existing lease lot (from the City of Manchester) to a formal lot of record in order to allow for the sale of the lot to the lessee. He said that all of the physical features on the site exist

per the approved 2012 site plan. He went on stating that the site will continue to function and operate in the same manner as it has since the aforementioned site plan approval, a decision which itself is indicative of the lot and its use being consistent with the public interest. He added that the reduced buffer proposed would be along a common lot line created between the new lot and the existing parcel, thereby having no impact to other properties, rights-of-way or public interests.

- (2) The spirit of the ordinance is observed: because it would allow for the applicant to proceed with changing the status of the existing leased lot to a recognized lot of record. He said that this would formalize the status of the lot, as requested by the Town, in order for the applicant to purchase the property. He added that the intent is to resolve the status of the leased lot, and the site would continue to function as it has since 2012, granting of the variance would be within the spirit of the ordinance.
- (3) Substantial justice is done: because there would be no public benefit to denying the variance and thereby preventing the change of the property from a leased lot to a recognized lot of record. He said that denial of the variance would result in significant harm to the applicant, who would then be unable to purchase the lot where he operates his business.
- (4) Values of surrounding properties are not diminished: because the requested variance is part of the intent to formally recognize an existing lease lot as a lot of record and there are no changes proposed to the existing layout or function of the site. He said that as such, there would be no discernable impact to the surrounding properties and no diminution of any property values.
- (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 status of the lot presents a unique situation, due to its existence as one of the leased parcels within the airport property. He said that the leased lots were created for the express purpose of facilitating the existing improvements that are part of the Executive Health and Sports Center and this was recognized by the Town in the form of the Planning Board's 2012 site plan approval. He stated that the lessee is now expected to purchase this land from the owner/lessor (City of Manchester) and the Town of Londonderry has said the leased parcel must be a recognized lot of record to allow this to occur, so there is no option but to grant the variance in order for this process to proceed.

Chairwoman Benard asked for questions from the Board and there was none.

Chairwoman Benard asked for public input and there was none.

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 or threaten the health, safety or welfare of the general public.
- (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 due to the lease status and the only way to create the lot is through a variance and then subdivision approval. The proposed use is a reasonable one.

**S. Brunelle made a motion in CASE NO 12/21/22-13 to grant the request for a variance from LZO 4.4.1.3.H.1 to encroach 7.5 feet into the 15 foot landscaping perimeter buffer, One Highlander Way (Map 28 Lot 10, 10-1, 4-9, 4-1 Zoned C-II/IND-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

**C. Moore seconded the motion.**

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

**Q. CASE NO 12/21/22-13: Request for a variance from LZO 4.4.1.3.H.1 to encroach 12.5 feet into the 20 foot landscaping perimeter buffer, One Highlander Way (Map 28 Lot 10, 10-1, 14-9, 4-1, Zoned C-II/IND-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

S. Brunelle read the case into the record noting the previous zoning. Thomas Burns P.E., from TF Moran Inc., 48 Constitution Drive, Bedford, NH, as well as Michael Benton, applicant addressed the Board.

He then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the request is for the conversion of an existing lease lot (from the City of Manchester) to a formal lot of record in order to allow for the sale of the lot to the lessee. He said that all of the physical features on the site exist per the approved 2012 site plan. He went on stating that the site will continue to function and operate in the same manner as it has since the aforementioned site plan approval, a decision which itself is indicative of the lot and its use being consistent with the public interest. He added that the reduced buffer proposed would be along a common lot line created between the new lot and the existing parcel, thereby having no impact to other properties, rights-of-way or public interests.
- (2) The spirit of the ordinance is observed: because it would allow for the applicant to proceed with changing the status of the existing leased lot to a recognized lot of record. He said that this would formalize the status of the lot, as requested by the Town, in order for the applicant to purchase the property. He added that the intent is to resolve the status of the leased lot, and the site would continue to function as it has since 2012, granting of the variance would be within the spirit of the ordinance.
- (3) Substantial justice is done: because there would be no public benefit to denying the variance and thereby preventing the change of the property from a leased lot to a recognized lot of record. He said that denial of the variance would result in significant harm to the applicant, who would then be unable to purchase the lot where he operates his business.
- (4) Values of surrounding properties are not diminished: because the requested variance is part of the intent to formally recognize an existing lease lot as a lot of record and there are no changes

proposed to the existing layout or function of the site. He said that as such, there would be no discernable impact to the surrounding properties and no diminution of any property values.

- (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 status of the lot presents a unique situation, due to its existence as one of the leased parcels within the airport property. He said that the leased lots were created for the express purpose of facilitating the existing improvements that are part of the Executive Health and Sports Center and this was recognized by the Town in the form of the Planning Board's 2012 site plan approval. He stated that the lessee is now expected to purchase this land from the owner/lessor (City of Manchester) and the Town of Londonderry has said the leased parcel must be a recognized lot of record to allow this to occur, so there is no option but to grant the variance in order for this process to proceed.

Chairwoman Benard asked for questions from the Board and there was none.

Chairwoman Benard asked for public input and there was none.

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 or threaten the health, safety or welfare of the general public.
- (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 due to the lease status and the only way to create the lot is through a variance and then subdivision approval. The proposed use is a reasonable one.

**S. Brunelle made a motion in CASE NO 12/21/22-13 to grant the request for a variance from LZO 4.4.1.3.H.1 to encroach 7.5 feet into the 15-foot landscaping perimeter buffer, One Highlander Way (Map 28 Lot 10, 10-1, 4-9, 4-1 Zoned C-II/IND-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

**C. Moore seconded the motion.**

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

**R. CASE NO 12/21/22-14: Request for a variance from LZO 4.3.3.B.1 to encroach 6.1 feet into the 15 foot landscaping perimeter buffer, One Highlander Way (Map 28 Lot 10, 10-1, 4-1 Zoned C-II/IND-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**



S. Brunelle read the case into the record noting the previous zoning. Thomas Burns, P.E., from TF Moran Inc., 48 Constitution Drive, Bedford, NH, as well as Michael Benton, applicant, addressed the Board.

- (1) The granting of the variance is not contrary to the public interest: because the request is for the conversion of an existing lease lot (from the City of Manchester) to a formal lot of record in order to allow for the sale of the lot to the lessee. He said that all of the physical features on the site exist per the approved 2012 site plan. He went on stating that the site will continue to function and operate in the same manner as it has since the aforementioned site plan approval, a decision which itself is indicative of the lot and its use being consistent with the public interest.
- (2) The spirit of the ordinance is observed: because it would allow for the applicant to proceed with changing the status of the existing leased lot to a recognized lot of record. He said that this would formalize the status of the lot, as requested by the Town, in order for the applicant to purchase the property. He added that the intent is to resolve the status of the leased lot, and the site would continue to function as it has since 2012, granting of the variance would be within the spirit of the ordinance.
- (3) Substantial justice is done: because there would be no public benefit to denying the variance and thereby preventing the change of the property from a leased lot to a recognized lot of record. He said that denial of the variance would result in significant harm to the applicant, who would then be unable to purchase the lot where he operates his business.
- (4) Values of surrounding properties are not diminished: because the requested variance is part of the intent to formally recognize an existing lease lot as a lot of record and there are no changes proposed to the existing layout or function of the site. He said that as such, there would be no discernable impact to the surrounding properties and no diminution of any property values.
- (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 status of the lot presents a unique situation, due to its existence as one of the leased parcels within the airport property. He said that the leased lots were created for the express purpose of facilitating the existing improvements that are part of the Executive Health and Sports Center and this was recognized by the Town in the form of the Planning Board's 2012 site plan approval. He stated that the lessee is now expected to purchase this land from the owner/lessor (City of Manchester) and the Town of Londonderry has said the leased parcel must be a recognized lot of record to allow this to occur, so there is no option but to grant the variance in order for this process to proceed.

Chairwoman Benard asked for questions from the Board and there was none.

Chairwoman Benard asked for public input and there was none.

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 or threaten the health, safety or welfare of the general public.



- (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 due to the lease status and the only way to create the lot is through a variance and then subdivision approval. The proposed use is a reasonable one.

**S. Brunelle made a motion in CASE NO 12/21/22-14 to grant the request for a variance from LZO 4.3.3.B.1 to encroach 6.1 feet into the 15-foot landscaping perimeter buffer, One Highlander Way (Map 28 Lot 10, 10-1, 4-1 Zoned C-II/IND-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

**C. Moore seconded the motion.**

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

**S. CASE NO. 12/21/22-15: Request for a variance from LZO 4.3.3.B.1 to reduce the required 33% landscaping coverage from 33% to 24.7%, One Highlander Way (Map 28 Lot 10, 10-1, Zoned C-II/IND-II), City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

S. Brunelle read the case into the record noting the previous zoning. Thomas Burns, P.E., from TF Moran Inc., 48 Constitution Drive, Bedford, NH, addressed the Board.

- (1) The granting of the variance is not contrary to the public interest: because the request is for the conversion of an existing lease lot (from the City of Manchester) to a formal lot of record in order to allow for the sale of the lot to the lessee. He said that all of the physical features on the site exist per the approved 2012 site plan. He went on stating that the site will continue to function and operate in the same manner as it has since the aforementioned site plan approval, a decision which itself is indicative of the lot and its use being consistent with the public interest.
- (2) The spirit of the ordinance is observed: because it would allow for the applicant to proceed with changing the status of the existing leased lot to a recognized lot of record. He said that this would formalize the status of the lot, as requested by the Town, in order for the applicant to purchase the property. He added that the intent is to resolve the status of the leased lot, and the site would continue to function as it has since 2012, granting of the variance would be within the spirit of the ordinance.
- (3) Substantial justice is done: because there would be no public benefit to denying the variance and thereby preventing the change of the property from a leased lot to a recognized lot of record. He said that denial of the variance would result in significant harm to the applicant, who would then be unable to purchase the lot where he operates his business.

- (4) Values of surrounding properties are not diminished: because the requested variance is part of the intent to formally recognize an existing lease lot as a lot of record and there are no changes proposed to the existing layout or function of the site. He said that as such, there would be no discernable impact to the surrounding properties and no diminution of any property values.
- (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 status of the lot presents a unique situation, due to its existence as one of the leased parcels within the airport property. He said that the leased lots were created for the express purpose of facilitating the existing improvements that are part of the Executive Health and Sports Center and this was recognized by the Town in the form of the Planning Board's 2012 site plan approval. He stated that the lessee is now expected to purchase this land from the owner/lessor (City of Manchester) and the Town of Londonderry has said the leased parcel must be a recognized lot of record to allow this to occur, so there is no option but to grant the variance in order for this process to proceed.

Chairwoman Benard asked for questions from the Board and there was none.

Chairwoman Benard asked for public input and there was none.

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 or threaten the health, safety or welfare of the general public.
- (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 due to the lease status and the only way to create the lot is through a variance and then subdivision approval. The proposed use is a reasonable one.

**S. Brunelle made a motion in CASE NO. 12/21/22-15 to grant the request for a variance from LZO 4.3.3.B.1 to reduce the required 33% landscaping coverage from 33% to 24.7%, One Highlander Way (Map 28 Lot 10, 10-1, Zoned C-II/IND-II), City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

**C. Moore seconded the motion.**

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

**T. CASE NO. 12/21/22-16: Request for a variance from LZO 4.4.1.3.H.1 to encroach 15 feet into the 15 foot green space perimeter buffer, One Highlander Way (Map 28 Lot 14, 14-9, Zoned C-II/IND-II), City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

S. Brunelle read the case into the record noting the previous zoning. Thomas Burns, P.E., from TF Moran Inc., 48 Constitution Drive, Bedford, NH, as well Michael Benton, applicant addressed the Board.

- (1) The granting of the variance is not contrary to the public interest: because the request is for the conversion of an existing lease lot (from the City of Manchester) to a formal lot of record in order to allow for the sale of the lot to the lessee. He said that all of the physical features on the site exist per the approved 2012 site plan. He went on stating that the site will continue to function and operate in the same manner as it has since the aforementioned site plan approval, a decision which itself is indicative of the lot and its use being consistent with the public interest.
- (2) The spirit of the ordinance is observed: because it would allow for the applicant to proceed with changing the status of the existing leased lot to a recognized lot of record. He said that this would formalize the status of the lot, as requested by the Town, in order for the applicant to purchase the property. He added that the intent is to resolve the status of the leased lot, and the site would continue to function as it has since 2012, granting of the variance would be within the spirit of the ordinance.
- (3) Substantial justice is done: because there would be no public benefit to denying the variance and thereby preventing the change of the property from a leased lot to a recognized lot of record. He said that denial of the variance would result in significant harm to the applicant, who would then be unable to purchase the lot where he operates his business.
- (4) Values of surrounding properties are not diminished: because the requested variance is part of the intent to formally recognize an existing lease lot as a lot of record and there are no changes proposed to the existing layout or function of the site. He said that as such, there would be no discernable impact to the surrounding properties and no diminution of any property values.
- (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 status of the lot presents a unique situation, due to its existence as one of the leased parcels within the airport property. He said that the leased lots were created for the express purpose of facilitating the existing improvements that are part of the Executive Health and Sports Center and this was recognized by the Town in the form of the Planning Board's 2012 site plan approval. He stated that the lessee is now expected to purchase this land from the owner/lessor (City of Manchester) and the Town of Londonderry has said the leased parcel must be a recognized lot of record to allow this to occur, so there is no option but to grant the variance in order for this process to proceed.

Chairwoman Benard asked for questions from the Board and there was none.

Chairwoman Benard asked for public input and there was none.

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 or threaten the health, safety or welfare of the general public.
- (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 due to the lease status and the only way to create the lot is through a variance and then subdivision approval. The proposed use is a reasonable one.

**S. Brunelle made a motion in CASE NO. 12/21/22-16 to grant the request for a variance from LZO 4.4.1.3.H.1 to encroach 15 feet into the 15 foot green space perimeter buffer, One Highlander Way (Map 28 Lot 14, 14-9, Zoned C-II/IND-II), City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

**C. Moore seconded the motion.**

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

**U. CASE NO. 12/21/22-16: Request for a variance from LZO 4.4.1.3.H.1 to encroach 15 feet into the 20 foot green space perimeter buffer, One Highlander Way (Map 28 Lot 14, 14-9, Zoned C-II/IND-II), City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

S. Brunelle read the case into the record noting the previous zoning. Thomas Burns, P.E., from TF Moran Inc., 48 Constitution Drive, Bedford, NH, as well Michael Benton, applicant addressed the Board.

- (1) The granting of the variance is not contrary to the public interest: because the request is for the conversion of an existing lease lot (from the City of Manchester) to a formal lot of record in order to allow for the sale of the lot to the lessee. He said that all of the physical features on the site exist per the approved 2012 site plan. He went on stating that the site will continue to function and operate in the same manner as it has since the aforementioned site plan approval, a decision which itself is indicative of the lot and its use being consistent with the public interest.
- (2) The spirit of the ordinance is observed: because it would allow for the applicant to proceed with changing the status of the existing leased lot to a recognized lot of record. He said that this would formalize the status of the lot, as requested by the Town, in order for the applicant to purchase the property. He added that the intent is to resolve the status of the leased lot, and the site would continue to function as it has since 2012, granting of the variance would be within the spirit of the ordinance.
- (3) Substantial justice is done: because there would be no public benefit to denying the variance and thereby preventing the change of the property from a leased lot to a recognized lot of record. He

said that denial of the variance would result in significant harm to the applicant, who would then be unable to purchase the lot where he operates his business.

- (4) Values of surrounding properties are not diminished: because the requested variance is part of the intent to formally recognize an existing lease lot as a lot of record and there are no changes proposed to the existing layout or function of the site. He said that as such, there would be no discernable impact to the surrounding properties and no diminution of any property values.
- (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 status of the lot presents a unique situation, due to its existence as one of the leased parcels within the airport property. He said that the leased lots were created for the express purpose of facilitating the existing improvements that are part of the Executive Health and Sports Center and this was recognized by the Town in the form of the Planning Board's 2012 site plan approval. He stated that the lessee is now expected to purchase this land from the owner/lessor (City of Manchester) and the Town of Londonderry has said the leased parcel must be a recognized lot of record to allow this to occur, so there is no option but to grant the variance in order for this process to proceed.

Chairwoman Benard asked for questions from the Board and there was none.

Chairwoman Benard asked for public input and there was none.

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 or threaten the health, safety or welfare of the general public.
- (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 due to the lease status and the only way to create the lot is through a variance and then subdivision approval. The proposed use is a reasonable one.

**S. Brunelle made a motion in CASE NO. 12/21/22-16 to grant the request for a variance from LZO 4.4.1.3.H.1 to encroach 15 feet into the 20-foot green space perimeter buffer, One Highlander Way (Map 28 Lot 14, 14-9, Zoned C-II/IND-II), City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

**C. Moore seconded the motion.**

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



**V. CASE NO. 12/21/22-17: Request for a variance from LZO 4.3.3.B.1 to encroach 15 feet into the 15 foot green perimeter buffer, One Highlander Way (Map 28 Lot 10, Zoned C-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant))**

S. Brunelle read the case into the record noting the previous zoning. Thomas Burns P.E., from TF Moran Inc., 48 Constitution Drive, Bedford, NH, as well as Michael Benton, applicant addressed the Board.

He then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the request is for the conversion of an existing lease lot (from the City of Manchester) to a formal lot of record in order to allow for the sale of the lot to the lessee. He said that all of the physical features on the site exist per the approved 2012 site plan. He went on stating that the site will continue to function and operate in the same manner as it has since the aforementioned site plan approval, a decision which itself is indicative of the lot and its use being consistent with the public interest. He added that the reduced perimeter buffer would be between the new lot and the parent parcel, and not to any other abutting property or right-of-way.
- (2) The spirit of the ordinance is observed: because it would allow for the applicant to proceed with changing the status of the existing leased lot to a recognized lot of record. He said that this would formalize the status of the lot, as requested by the Town, in order for the applicant to purchase the property. He added that the intent is to resolve the status of the leased lot, and the site would continue to function as it has since 2012, granting of the variance would be within the spirit of the ordinance.
- (3) Substantial justice is done: because there would be no public benefit to denying the variance and thereby preventing the change of the property from a leased lot to a recognized lot of record. He said that denial of the variance would result in significant harm to the applicant, who would then be unable to purchase the lot where he operates his business.
- (4) Values of surrounding properties are not diminished: because the requested variance is part of the intent to formally recognize an existing lease lot as a lot of record and there are no changes proposed to the existing layout or function of the site. He said that as such, there would be no discernable impact to the surrounding properties and no diminution of any property values.
- (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 status of the lot presents a unique situation, due to its existence as one of the leased parcels within the airport property. He said that the leased lots were created for the express purpose of facilitating the existing improvements that are part of the Executive Health and Sports Center and this was recognized by the Town in the form of the Planning Board's 2012 site plan approval. He stated that the lessee is now expected to purchase this land from the owner/lessor (City of Manchester) and the Town of Londonderry has said the leased parcel must be a recognized lot of record to allow this to occur, so there is no option but to grant the variance in order for this process to proceed.

Chairwoman Benard asked for questions from the Board and there was none.

Chairwoman Benard asked for public input and there was none.

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 or threaten the health, safety or welfare of the general public.
- (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 due to the lease status and the only way to create the lot is through a variance and then subdivision approval. The proposed use is a reasonable one.

**S. Brunelle made a motion in CASE NO. 12/21/22-17 to grant the request for a variance from LZO 4.3.3.B.1 to encroach 15 feet into the 15-foot green perimeter buffer, One Highlander Way (Map 28 Lot 10, Zoned C-II, City of Manchester/Benton Family Trust (Owners) and Michael Benton (Applicant)**

**C. Moore seconded the motion.**

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

V. Communication and Miscellaneous – L. Gandia told the Board that there will be election of officers at the next meeting. C. Moore asked if there was a way to become a full member. L. Gandia informed him that he should send her an email.

VI. Other Business – None

**Adjournment:**

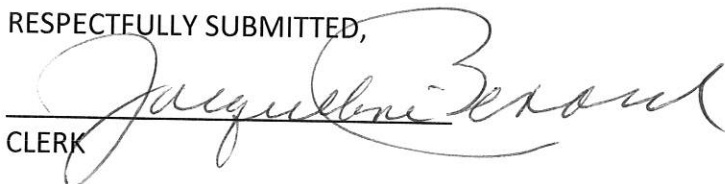
**C. Moore made a motion to adjourn at 11:37 p.m.**

**M. Feig seconded the motion.**

**The motion was granted, 4-0-0. The meeting adjourned at 11:37 p.m.**

RESPECTFULLY SUBMITTED,

CLERK



TYPED AND TRANSCRIBED BY Beth Morrison, Recording Secretary.

**APPROVED (X)** WITH A MOTION MADE BY S. Brunelle, SECONDED BY M. Feig, 5 0 0.