

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

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

**I. CALL TO ORDER**

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

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

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

**II. ROLL CALL**

**III. APPROVAL OF DRAFT MINUTES – JANUARY 17, 2024**

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

**IV. REPORT BY TOWN COUNCIL LIAISON**

There was no report by the Town Council Liaison.

**V. REGIONAL IMPACT DETERMINATIONS**

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

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

**VI. PUBLIC HEARING OF CASES**

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

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

Vice Chair Brunelle read the case into the record.

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

The applicants reviewed the five points:

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

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

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

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

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

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

Chair Benard asked for public input.

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

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

The Board closed public input and began deliberation.

1) Granting the variance would not be contrary to the public interest because it does not alter the character of the neighborhood.

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

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

4) The values of the surrounding properties would not be diminished because adding a garage and family room does not diminish adjacent property values.

5) Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because (a) there is not a fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property because of the physical limitations on the other two sides of the property; and (b) the proposed use is a reasonable one because garages are reasonable.

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

**B, C, and D:**

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

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

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148 **E. CASE NO. 02/21/2024-5 Request for a variance from LZO**  
149 **section 4.2.1.3.C.1 to allow an encroachment of six (6) feet into**  
150 **the forty (40) foot front setback. The parcel is located at 14**  
151 **Grenier Field Road in the Agricultural-Residential (AR-1) zoning**  
152 **district. Tax Map 15, Lot 248. Joseph & Alissa Hoggard (Owners &**  
153 **Applicant).**  
154

155 Vice Chair Brunelle read the case into the record.

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

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160 The applicant reviewed the five points:

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

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

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

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

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

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

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189 Chair Benard asked for public input.

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

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

The Board closed public input and began deliberation.

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

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

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

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

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

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

## **VII. COMMUNICATIONS AND MISCELLANEOUS**

## **VIII. OTHER BUSINESS**

## **IX. ADJOURN**

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

Respectfully submitted,

Beth Hanggeli  
Recording Secretary