

1 TOWN OF LONDONDERRY  
2 ZONING BOARD OF ADJUSTMENT  
3 MOOSE HILL COUNCIL CHAMBERS  
4 268B MAMMOTH ROAD  
5 LONDONDERRY, NH 03053  
6

7 January 17, 2024 MEETING  
8 7:00 P.M.  
9

10  
11 I. CALL TO ORDER  
12

13 **Members Present:** Jacqueline Benard, Chair; Suzanne Brunelle, Vice Chair;  
14 Brendan O'Brien, Clerk; Mitchell Feig, Full Member; Irene Macarelli, Full Member;  
15 Chris Moore, Alternate Member  
16

17 **Also Present:** Kellie Caron, Assistant Town Manager/Director of Economic  
18 Development; Nick Codner, Chief Building Inspector  
19

20 Chair Benard called the meeting to order at 7:00 p.m. and described the meeting  
21 procedure.  
22

23 II. APPROVAL OF DRAFT MINUTES – DECEMBER 20, 2023  
24

25 **Vice Chair Brunelle moved to accept the minutes of the December 20,**  
26 **2023, meeting as written. C. Moore seconded the motion. A vote was**  
27 **taken, all were in favor except M. Feig, who abstained. The motion passed**  
28 **4-0-1.**  
29

30 III. REPORT BY TOWN COUNCIL LIAISON  
31

32 There was no report by the Town Council Liaison.  
33

34 IV. REGIONAL IMPACT DETERMINATIONS  
35

36 K. Caron said the Staff is recommending the three cases before the Board are not  
37 of regional impact.  
38

39 **C. Moore moved to accept the regional impact determination. I. Macarelli**  
40 **seconded the motion. A vote was taken, all were in favor. The motion**  
41 **passed 5-0-0.**  
42

43 V. ROLL CALL  
44

45 Each member of the Board and Staff present introduced themselves.  
46

47 VI. PUBLIC HEARING OF CASES  
48

**A. CASE NO. 01/17/2024-1: Request for a special exception from LZO section 5.12 to allow a home occupation for home office with company vehicles on site. The parcel is located at 56 South Road in the Agricultural-Residential (AR-1) zoning district. Tax Map 4, Lot 3-2. Mark & Mari-Ann Thibodeau (Owners & Applicants).**

B. O'Brien read the case into the record.

Mark and Mari-Ann Thibodeau appeared before the Board and presented their request to park a small pickup truck and a van with logos at their home for their business, Tibs Taps.

Chair Benard asked for Board input. The Board clarified that no work is done at the home and the vehicles will be parked at this location outside of business hours, when they return home. M. Feig asked if the outbuildings are associated with the business and M. Thibodeau said they are not. Vice Chair Brunelle noted these structures are recorded and taxed accordingly.

Chair Benard asked for public input; there was none. B. O'Brien read a letter from abutters in opposition of this request.

The Board closed public input and began deliberation.

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

The applicant responded no.

Vice Chair Brunelle noted the business does not operate at this location. The Board agreed these are the types of vehicles that would be at the home regardless.

2. The home occupation shall be incidental and secondary to the use of the property as a residential dwelling.

The applicant responded yes.

The Board agreed this is not a home occupation, as the business portion is conducted elsewhere, although administrative work is done onsite. K. Caron clarified the home office work being done is directly related to the business. The vehicles are also part of the business. The Town allows one vehicle; since there are two, this is the reason for the special exception request.

3. Home occupation shall be permitted only in single-family or two-family dwelling units and are not permitted in multi-family dwelling units.

The applicant clarified that he should have responded "yes" to this question but mismarked his application "no."

4. The home occupation shall occupy no more than 25% of the existing normal living area of the primary residence or, if the home occupation is conducted in an accessory building, no more than 50% of the existing normal living area of the primary residence (up to a maximum of 1,000 square feet may be dedicated to the home occupation).

B. O'Brien questioned the applicant's calculations and M. Thibodeau provided a illustration that clarified and corrected his response.

5. Only members of the occupant's immediate family residing on the property may be employed.

The applicant responded yes. There are eight people employed by the company, including Mr. and Mrs. Thibodeau. The other employees do not live on the property.

6. No exterior renovations or construction shall be permitted as part of a home occupation.

The applicant responded there are none. The Board agreed.

7. Exterior storage of any products, equipment, machinery, or materials associated with the home occupation is prohibited.

The applicant responded no. The Board clarified the vehicles are considered equipment, so the answer should be yes. The applicant asked to change his response to yes, as he misunderstood the question.

8. Traffic generated by the home occupation shall not create safety hazards or be substantially greater in volume than would normally be expected in the neighborhood.

The applicant responded no. The Board agreed.

9. The off-street parking shall be adequate for anticipated customers, although no parking areas in excess of those necessary for normal residential purposes will be allowed.

The applicant responded there are two and the Board agreed.

10. All home occupation shall be conducted in accordance with all Town regulations, state laws and licensing requirements.

The applicant responded yes. The Board agreed.

11. There is no sign.

12. Hours of operation are 8:00 a.m. to 3:00 p.m. Monday through Friday.

**B. O'Brien moved to deny the request for a special exception in CASE NO. 01/17/2024-1. Vice Chair Brunelle seconded the motion. A vote was taken. The motion carried. The applicant's request for a special exception was DENIED.**

K. Caron explained the 30-day appeal process and that if the applicant chooses not to appeal, two vehicles relating to the business cannot be parked at this location.

**B. CASE NO. 01/17/2024-2: Request for a special exception from LZO section 5.12 to allow a home occupation for esthetician services. The parcel is located at 6 Autumn Lane in the Agricultural-Residential (AR-1) zoning district. Tax Map 13, Lot 71-23. Ashley & Kevin Swenson (Owners & Applicants).**

B. O'Brien read the case into the record.

C. Moore recused himself from this discussion.

Ashley and Kevin Swenson appeared before the Board to request a special exception for a home esthetician business. There will only be one client at a time, so there will be only one vehicle at a time on the property.

M. Feig asked if regulated or hazardous substances will be used as part of the business. A. Swenson said an enzyme cleaner for the tools will be used. She also noted a sharps container will be onsite and that she is aware of the regulations for sharps disposal.

Chair Benard asked if operating hours will be seven days a week. A. Swenson clarified it is by appointment only and these hours are set to provide flexibility.

Chair Benard asked for public input.

Sarah Colby (sp), 30 Seasons Lane, expressed her support for this request.

Ann Snediker, 39 Seasons Lane, expressed her support for this request.

Alexandria Peary, 32 Seasons Lane, expressed her support for this request.

Mike Miller, 32 Seasons Lane, expressed his support for this request.

The Board closed public input and began deliberation.

1. The activities associated with home occupation shall not detract from the rural character of the residential neighborhood nor shall they create traffic,

environmental, or aesthetic impacts substantially different than the impacts created by other permitted uses in the neighborhood.

The applicant responded no. The Board agreed.

2. The home occupation shall be incidental and secondary to the use of the property as a residential dwelling.

The applicant responded yes. The Board agreed.

3. Home occupation shall be permitted only in single-family or two-family dwelling units and are not permitted in multi-family dwelling units.

The applicant responded yes. The Board agreed.

4. The home occupation shall occupy no more than 25% of the existing normal living area of the primary residence or, if the home occupation is conducted in an accessory building, no more than 50% of the existing normal living area of the primary residence (up to a maximum of 1,000 square feet may be dedicated to the home occupation).

The applicant responded yes. The Board agreed.

5. Only members of the occupant's immediate family residing on the property may be employed.

The applicant responded yes. The Board agreed.

6. No exterior renovations or construction shall be permitted as part of a home occupation.

The applicant responded no. The Board agreed.

7. Exterior storage of any products, equipment, machinery, or materials associated with the home occupation is prohibited.

The applicant responded no. The Board agreed.

8. Traffic generated by the home occupation shall not create safety hazards or be substantially greater in volume than would normally be expected in the neighborhood.

The applicant responded no. The Board agreed.

9. The off-street parking shall be adequate for anticipated customers, although no parking areas in excess of those necessary for normal residential purposes will be allowed.

The applicant responded yes. The Board agreed.

10. All home occupation shall be conducted in accordance with all Town regulations, state laws and licensing requirements.

The applicant responded yes. The Board agreed.

11. Sign.

The applicant responded she would like a freestanding sign, according to what is allowed. Chair Benard reviewed the requirements.

12. Hours of operation are 9:00 a.m. to 6:00 p.m. seven days a week.

**B. O'Brien moved to grant the request for a special exception in CASE NO. 01/17/2024-2. I. Macarelli seconded the motion. A vote was taken. The motion was granted 5-0-0. The applicant's request for a special exception was GRANTED.**

**C. CASE NO. 01/17/2024-3: Request for a variance from LZO section 4.2.1.3.C.1 to allow an encroachment of nine feet in to the forty foot right of way setback. The parcel is located at 8 Walton Circle in the Agricultural-Residential (AR-1) zoning district. Tax Map 18, Lot 15-3. Isaac Abotsi & Lauren McAdam (Owners) and Douglas Standbridge (Applicant).**

C. Moore returned to the discussion.

B. O'Brien read the case into the record.

Douglas Standbridge, a contractor representing the applicant, appeared before the Board. He explained this project is a 24 x 24 two-car garage addition, with a living space above and an attached ADU for the applicant's family. As it is on a corner lot, the setbacks and the location of the existing home, including the septic and well, limit where this structure can be located.

D. Standridge reviewed the five points:

1) Granting the variance will not alter the character of the neighborhood as the structure is residential in nature and located in a residential neighborhood. It will resemble the existing home and nearby structures. There is no threat to public safety, health, or welfare.

2) The spirit of the ordinance would be observed as the variance allowance will still provide significant distance from the right-of-way.

3) Granting the variance would do substantial justice because there is no gain to the general public by denying this variance. There is a dire need for housing in New

Hampshire, and this addition and ADU provide more space for the owners' family. The ADU will provide daycare services for the family, relieving the burden on the childcare shortage.

4) The values of the surrounding properties would not be diminished, as the structure is likely to improve the neighborhood and 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 unnecessary hardship because 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. Due to the property being a corner lot and subject to two 40-foot setbacks, the owners are deprived of the permitted use of their property. As a result of the location of the well and septic, a variance is required.

The proposed use is reasonable because the property yields little beneficial use without the variance. The encroachment is not substantial and this is the most feasible option for the family, due to the tight housing market.

Vice Chair Brunelle asked for Board questions. M. Feig asked why the original location of the garage, which did not require a variance, was changed. D. Standbridge explained the location ended up closer to the well than expected. The foundation has already been poured.

Vice Chair Brunelle asked for public input; there was none. B. O'Brien read two Petitions to Approve Variance supporting the request.

The Board closed public input and began deliberation.

1) Granting the variance would not be contrary to the public interest because there is no threat to public health, safety, or welfare.

2) The spirit of the ordinance would be observed because it does not change the essential character of the neighborhood.

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

4) The values of the surrounding properties would not be diminished as this does not change the character of the neighborhood.

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 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 structure being on a corner lot, and the location of the well.

The proposed use is a reasonable one because a garage and an ADU are reasonable.

**B. O'Brien moved to grant the request for a variance in CASE NO. 01/17/2024-3 from LZO section 4.2.1.3.C.1 to allow an encroachment of nine feet in to the forty foot right of way setback. 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.**

#### **VII. ELECTION OF OFFICERS**

**S. Brunelle moved that Jacqueline Benard continue as Chair. M. Feig seconded the motion. A vote was taken. The motion was granted 5-0-0.**

**J. Benard moved that Suzanne Brunelle continue as Vice Chair. I. Macarelli seconded the motion. A vote was taken. The motion was granted 5-0-0.**

**J. Benard moved that Brandon Benard continue as Clerk. I. Macarelli seconded the motion. A vote was taken. The motion was granted 5-0-0.**

#### **VIII. OTHER BUSINESS**

#### **IX. ADJOURN**

**Vice Chair Brunelle moved to adjourn. M. Feig seconded the motion. A vote was taken; all were in favor. The motion passed 5-0-0. The meeting was adjourned at 8:00 p.m.**

Respectfully submitted,

Beth Hanggeli  
Recording Secretary