



## TOWN OF LONDONDERRY

268B Mammoth Road, Londonderry, New Hampshire 03053 Phone: 432-1100, ext.129 Fax: 432-1142

March 27, 2024

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, March 20, 2024:

03/20/2024-9

Sebastian Rossino  
5 Noyes Road  
Londonderry, NH 03053

5 Noyes Road, Map 12, Lot 92-2, Zoned AR-1

Request for a variance from LZO section 5.18.F to allow an accessory dwelling unit to be greater than forty percent of the living area of the principal dwelling. The parcel is located at 5 Noyes Road in the Agricultural-Residential (AR- 1) zoning district. Tax Map 12, Lot 92-2. Laura and James Tebo (Owners) & Sebastian Rossino (Applicant).

I. Macarelli made a motion in Case No. 03/20/2024-9, request for a variance from LZO section 5.18.F to allow an accessory dwelling unit to be greater than forty percent of the living area of the principal dwelling, with the condition that the principal dwelling not be smaller than 2,100 square feet. C. Moore seconded the motion. The motion was granted 3-0-0.

The applicant's request for a variance was GRANTED for the following reasons:

- 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 doesn't create any public health, safety or public welfare issues.
- 3) Granting the variance would do substantial justice because the loss to the applicant would be greater than the gain to the public.
- 4) The values of the surrounding properties would not be diminished because another nice house on the property would not diminish 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 this provision was created to limit the size of an ADU, which is not the case here. And (b) the proposed use is a reasonable one because houses are reasonable.

Actions of the ZBA, granted or denied, are subject to the rights of any party to the proceedings or person directly affected thereby to request a rehearing within thirty calendar days following a hearing and to the Superior Court in accordance with RSA 677:1-14. Variance shall be valid if exercised within two years from the date of final approval. See RSA 674:33, I-a (a) for further explanation and conditions.



## ZONING BOARD OF ADJUSTMENT

**Case No.:**

**Applicant:**

**Location of Property:**

**Request:**

**Result:**

**NOTE:**



TOWN OF LONDONDERRY  
**ZONING BOARD OF ADJUSTMENT**

268B Mammoth Road, Londonderry, New Hampshire 03053 Phone: 432-1100, ext.129 Fax: 432-1142

March 27, 2024

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, March 20, 2024:

**Case No.:** 02/21/2024-3

**Applicant:** Vinnie Iacozzi  
603 Mammoth Road  
Londonderry, NH 03053

**Location of Property:** 347 Rockingham Road, Map 17, Lot 17, Zoned R-III

**Request:** 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. The parcel is 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).

**Result:** C. Moore made a motion in Case No. 02/21/2024-3 to approve the 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 to grant the variance. I. Macarelli seconded the motion. A vote was taken.

The motion was granted 3-1-0.

The applicant's request for a variance was GRANTED for the following reasons.

1. Granting the variance would not be contrary to the public interest because it will not alter the character of the neighborhood. The Board voted 4-0-0 on this item.
2. The spirit of the ordinance would be observed because public health, safety, and general welfare is not at risk due to the existing neighborhood being similar and the parking lot being located at the side of the building. There would not be a danger to oncoming traffic due to adequate sightlines. The Board voted 3-1-0 on this item.
3. Granting the variance would do substantial justice because the loss to the applicant is significantly greater than any gain to the public. The Board voted 3-1-0 on this item.
4. The values of the surrounding properties would not be diminished because the existing condition of the building is worse than anything that would replace it. The Board voted 3-1-0 on this item.
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 the building cuts through the town line, the existing structure would be difficult and economically unfeasible to relocate on the property, and the uniqueness of the property makes it difficult to enforce the ordinance. And (b) the proposed use is a reasonable one because a parts business is reasonable at this location. The Board voted 3-1-0 on this item.

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TOWN OF LONDONDERRY  
**ZONING BOARD OF ADJUSTMENT**

268B Mammoth Road, Londonderry, New Hampshire 03053 Phone: 432-1100, ext.129 Fax: 432-1142

March 27, 2024

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, March 20, 2024:

- Case No.:** 02/21/2024-4
- Applicant:** Vinnie Iacozzi  
603 Mammoth Road  
Londonderry, NH 03053
- Location of Property:** 347 Rockingham Road, Map 17, Lot 17, Zoned R-III
- Request:** 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. The parcel is 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).
- Result:** C. Moore made a motion in Case No. 02/21/2024-4 to approve the 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. I .Macarelli seconded the motion. A vote was taken.

The motion was granted 3-1-0. The applicant's request for a variance was GRANTED for the following reasons.

1. Granting the variance would not be contrary to the public interest because it will not alter the character of the neighborhood. The Board voted 4-0-0 on this item.
2. The spirit of the ordinance would be observed because public health, safety, and general welfare is not at risk due to the existing neighborhood being similar and the parking lot being located at the side of the building. There would not be a danger to oncoming traffic due to adequate sightlines. The Board voted 3-1-0 on this item.
3. Granting the variance would do substantial justice because the loss to the applicant is significantly greater than any gain to the public. The Board voted 3-1-0 on this item.
4. The values of the surrounding properties would not be diminished because the existing condition of the building is worse than anything that would replace it. The Board voted 3-1-0 on this item.
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 the building cuts through the town line, the existing structure would be difficult and economically unfeasible to relocate on the property, and the uniqueness of the property makes it difficult to enforce the ordinance. And (b) the proposed use is a reasonable one because a parts business is reasonable at this location. The Board voted 3-1-0 on this item.

**NOTE:** Actions of the ZBA, granted or denied, are subject to the rights of any party to the proceedings or person directly affected thereby to request a rehearing within thirty calendar days following a hearing and to the Superior Court in accordance with RSA 677:1-14. Variance shall be valid if exercised within two years from the date of final approval. See RSA 674:33, I-a (a) for further explanation and conditions.



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March 27, 2024

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, March 20, 2024:

**Case No.:** 03/20/2024-1

**Applicant:** CM-Londonderry, LLC  
 18 Route 11D  
 Alton Bay, NH 03810

**Location of Property:** 83 Nashua Road, Map 7, Lot 130, Zoned C-1

**Request:** Request for a variance from LZO section 4.3.3.B.1 to allow a fifteen (15) foot front green Space area whereas thirty (30) feet is required. The parcel is located at 83 Nashua Road in the Commercial I (C- I) zoning district. Tax Map 7, Lot 130. CM-Londonderry, LLC (Owners) & Benchmark LLC (Applicants).

**Result:** I. Macarelli moved in Case No. 03/20/2024-1, request for a variance from LZO section 4.3.3.B.1 to allow a fifteen (15) foot front green space area whereas thirty (30) feet is required, to grant the request. M. Feig seconded the motion. A vote was taken.

The motion was granted 3-1-0. The applicant's request for a variance was GRANTED for the following reasons.

1. Granting the variance would not be contrary to the public interest because it will not alter the character of the neighborhood. Other buildings in the area have the same type of setback. The Board voted 4-0-0 on this item.
2. The spirit of the ordinance would be observed because it does not threaten the health, safety, or general welfare of the public. The Board voted 3-1-0 on this item.
3. Granting the variance would do substantial justice because in order to use this property, variances are required. The green space will not cause injustice to the public. The loss to the applicant is greater than any gain to the public. The Board voted 4-0-0 on this item.
4. The values of the surrounding properties would not be diminished because it is a commercial property in a commercial district. The Board voted 4-0-0 on this item.
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 the property is unique. And (b) the proposed use is a reasonable one because it is a commercial property in a commercial area. The Board voted 4-0-0 on this item.

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**ZONING BOARD OF ADJUSTMENT**

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March 27, 2024

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, March 20, 2024:

**Case No.:** 03/20/2024-2

**Applicant:** CM-Londonderry, LLC  
18 Route 11D  
Alton Bay, NH 03810

**Location of Property:** 77 Nashua Road, Map 7, Lot 129, Zoned C-1

**Request:** Request for a variance from LZO section 4.3.3.B.1 to allow a fifteen (15) foot front green space area whereas thirty (30) feet is required. The parcel is located at 77 Nashua Road in the Commercial I (C- I) zoning district. Tax Map 7, Lot 129. CM-Londonderry, LLC (Owners) & Benchmark LLC (Applicants).

**Result:** M. Feig moved in Case No. 03/20/2024-2, request for a variance from LZO section 4.3.3.B.1 to allow a fifteen (15) foot front green space area whereas thirty (30) feet is required to approve the request. I. Macarelli seconded the motion. A vote was taken. The motion was granted 3-1-0.

The applicant's request for a variance was GRANTED for the following reasons.

1. Granting the variance would not be contrary to the public interest because it will not alter the character of the neighborhood. Other buildings in the area have the same type of setback.
2. The spirit of the ordinance would be observed because it does not threaten the health, safety, or general welfare of the public.
3. Granting the variance would do substantial justice because in order to use this property, variances are required. The green space will not cause injustice to the public. The loss to the applicant is greater than any gain to the public.
4. The values of the surrounding properties would not be diminished because it is a commercial property in a commercial district.
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 the property is unique. And (b) the proposed use is a reasonable one because it is a commercial property in a commercial area.

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March 27, 2024

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, March 20, 2024:

**Case No.:** 03/20/2024-3

**Applicant:** CM-Londonderry, LLC  
18 Route 11D  
Alton Bay, NH 03810

**Location of Property:** 77 Nashua Road, Map 7, Lot 129, Zoned C-1

Request for a variance from LZO section 4.3.3.A. to allow a thirty (35) foot front setback from Route 102 and forty-six (46) foot front setback from Mcallister Road Whereas sixty (60) feet is required. The parcel is located at 77 Nashua Road in the Commercial I (C- I) zoning district. Tax Map 7, Lot 129. CM-Londonderry, LLC (Owners) & Benchmark LLC (Applicants).

**Result:** I. Macarelli made a motion in Case No. 03/20/2024-3, request for a variance from LZO section 4.3.3.A to allow a thirty-five (35) foot front setback from Route 102 and forty-six (46) foot front setback from Mcallister Road whereas sixty (60) feet is required, to grant the request.

M. Feig seconded the motion.

The motion was granted 4-0-0.

The applicant's request for a variance was GRANTED for the following reasons.

- 1) Granting the variance would not be contrary to the public interest because it will not alter the character of the neighborhood in a negative way. The Board voted 4-0-0 on this item.
- 2) The spirit of the ordinance would be observed because it does not threaten the health, safety, or general welfare of the public. The Board voted 4-0-0 on this item.
- 3) Granting the variance would do substantial justice because it will allow the property owner to redevelop commercial land with a new building in generally the same location. The loss to the applicant is greater than any gain to the public. The Board voted 4-0-0 on this item.
- 4) The values of the surrounding properties would not be diminished because it is a commercial building in a commercial district. The Board voted 4-0-0 on this item.
- 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 the building envelope is very small due to the constrictions of the wetlands and sewer line easement, which makes the property unique. And (b) the proposed use is a reasonable one because it is a commercial property in a commercial area. The Board voted 4-0-0 on this item.

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March 27, 2024

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, March 20, 2024:

**Case No.:** 03/20/2024-4

**Applicant:** CM-Londonderry, LLC  
18 Route 11D  
Alton Bay, NH 03810

**Location of Property:** 77 Nashua Road, Map 7, Lot 129, Zoned C-1

**Request:** Request for a variance from LZO section 4.3.3.B.2 to allow a thirty (30) foot setback from the side lot lines whereas a fifty (50) foot landscape buffer is required. The parcel is located at 77 Nashua Road in the Commercial I (C- I) zoning district. Tax Map 7, Lot 129. CM-Londonderry, LLC (Owners) & Benchmark LLC (Applicants).

**Result:** I. Macarelli made a motion in Case No. 03/20/2024-4, request for a variance from LZO section 4.3.3.B.2 to allow a thirty (30) foot setback from the side lot lines whereas a fifty (50) foot landscape buffer is required, to grant the request. C. Moore seconded the motion. The motion was granted 4-0-0.

The applicant's request for a variance was GRANTED for the following reasons.

- 1) Granting the variance would not be contrary to the public interest because it will not alter the character of the neighborhood in a negative way.
- 2) The spirit of the ordinance would be observed because they are making a reasonable effort to maintain the barrier between the AR-I zone and their property. It does not threaten the health, safety, or general welfare of the public.
- 3) Granting the variance would do substantial justice because it will allow the property owner to redevelop commercial land with a new building in generally the same location. The loss to the applicant is greater than any gain to the public.
- 4) The values of the surrounding properties would not be diminished because it is a commercial building in a commercial district.
- 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 the building envelope is very small due to the constrictions of the wetlands and sewer line easement, which makes the property unique. And (b) the proposed use is a reasonable one because it is a commercial property in a commercial area.

**NOTE:** Actions of the ZBA, granted or denied, are subject to the rights of any party to the proceedings or person directly affected thereby to request a rehearing within thirty calendar days following a hearing and to the Superior Court in accordance with RSA 677:1-14. Variance shall be valid if exercised within two years from the date of final approval. See RSA 674:33, I-a (a) for further explanation and conditions.



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March 27, 2024

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, March 20, 2024:

**Case No.:** 03/20/2024-5

**Applicant:** CM-Londonderry, LLC  
18 Route 11D  
Alton Bay, NH 03810

**Location of Property:** 77 Nashua Road, Map 7, Lot 129, Zoned C-1

Request for a variance from LZO section 4.3.3.B.2 to allow a walkway twenty (20) feet, a parking area thirty (30) feet, and a fenced-in dumpster area forty (40) feet from the lot lines whereas a fifty (50) foot landscape buffer is required. The parcel is located at 77 Nashua Road in the Commercial I (C- I) zoning district. Tax Map 7, Lot 129. CM-Londonderry, LLC (Owners) & Benchmark LLC (Applicants).

**Result:** I. Macarelli made a motion in Case No. 03/20/2024-5, request for a variance from LZO section 4.3.3.B.2 to allow a walkway twenty (20) feet, a parking area thirty (30) feet, and a fenced-in dumpster area forty (40) feet from the lot lines whereas a fifty (50) foot landscape buffer is required, to grant the request. C. Moore seconded the motion. The motion was granted 4-0-0.

The applicant's request for a variance was GRANTED for the following reasons.

- 1) Granting the variance would not be contrary to the public interest because it will not alter the character of the neighborhood in a negative way.
- 2) The spirit of the ordinance would be observed because they are making a reasonable effort to maintain the barrier between the AR-I zone and their property. It does not threaten the health, safety, or general welfare of the public.
- 3) Granting the variance would do substantial justice because it will allow the property owner to redevelop commercial land with a new building in generally the same location. The loss to the applicant is greater than any gain to the public.
- 4) The values of the surrounding properties would not be diminished because it is a commercial building in a commercial district.
- 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 the building envelope is very small due to the constrictions of the wetlands and sewer line easement, which make the property unique. And (b) the proposed use is a reasonable one because it is a commercial property in a commercial area.

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**ZONING BOARD OF ADJUSTMENT**

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March 27, 2024

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, March 20, 2024:

**Case No.:** 03/20/2024-7

**Applicant:** Timothy Marion  
1 Chase Brook Drive  
Londonderry, NH 03053

**Location of Property:** 1 Chase Brook Drive, Map 11, Lot 24-1, Zoned AR-1

Request for a variance from LZO section 4.2.1.3.C.3 to allow encroachment of a pool shed into the fifteen (15) foot rear setback. The parcel is located at 1 Chase Brook Road in the Agricultural-Residential (AR- 1) zoning district. Tax Map 11, Lot 24-1. Timothy Marion (Owner & Applicant).

**Result:** I. Macarelli moved in Case No. 03/20/2024-7, request for a variance from LZO section 4.2.1.3.C.3 to allow encroachment of a pool shed no more than fourteen (15) feet into the rear setback, to grant the request. C. Moore seconded the motion. A vote was taken. The motion was granted 4-0-0. The applicant's request for a variance was GRANTED.

- 1) Granting the variance would not be contrary to the public interest because it will not alter the character of the neighborhood.
- 2) The spirit of the ordinance would be observed because there is no risk to the health, safety, and general welfare of the public.
- 3) Granting the variance would do substantial justice because the loss to the applicant would be greater than the gain to the public, if this request were denied.
- 4) The values of the surrounding properties would not be diminished because the shed is mostly out of sight.
- 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, as the shed cannot be located elsewhere due to the location of the leach field, septic tank, pool, and house. And (b) the proposed use is a reasonable one because sheds are reasonable.

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**ZONING BOARD OF ADJUSTMENT**

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March 27, 2024

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, March 20, 2024:

**Case No.:** 03/20/2024-8

**Applicant:** Sebastian Rossino  
5 Noyes Road  
Londonderry, NH 03053

**Location of Property:** 5 Noyes Road, Map 12, Lot 92-2, Zoned AR-1

**Request:** Request for a variance from LZO section 5.18.H.2 to allow an accessory dwelling unit to be located in the front yard of the property whereas accessory dwelling units are permitted in the side or rear yard. The parcel is located at 5 Noyes Road in the Agricultural-Residential (AR- 1) zoning district. Tax Map 12, Lot 92-2. Laura and James Tebo (Owners) & Sebastian Rossino (Applicant).

**Result:** I. Macarelli made a motion in Case No. 03/20/2024-8, request for a variance from LZO section 5.18.H.2 to allow an accessory dwelling unit to be located in the front yard of the property whereas accessory dwelling units are permitted in the side or rear yard, to grant the request, with conditions as proposed.

C. Moore seconded the motion.

The motion was granted 3-0-0. The applicant's request for a variance was GRANTED.

- 1) Granting the variance would not be contrary to the public interest because it would not alter the character of the neighborhood.
- 2) The spirit of the ordinance would be observed because it does not cause risk to public health, safety, or welfare.
- 3) Granting the variance would do substantial justice because the loss to the applicant would not be outweighed by the gain to the public.
- 4) The values of the surrounding properties would not be diminished because it is another home constructed on a sufficient-sized property.
- 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 wetlands, the situation of the current building, which limits the locations where the ADU could be placed. And (b) the proposed use is a reasonable one because a house is reasonable.

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