



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

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

September 21, 2023

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, September 21, 2023:

Case No.: 09/20/2023-1

Applicant: 87 Nashua Road, LLC
87 Nashua Road
Londonderry, NH 03053

Location of Property: 87 Nashua Road, Map 7 Lot 131, Zoned C-1

Request: Request for a variance from LZO 8.2.A.3 to allow for the enclosure of existing, non-conforming covered porch/deck for four (4) season use. The existing porch/deck encroaches into the front setback by twenty (20) feet.

Result: B. O'Brien made a motion in CASE NO. 09/20/2023-1 to grant the request for a variance from LZO 8.2.A.3 to allow the enclosure of the existing, non-conforming covered porch/deck a front setback of twenty (20) feet in lieu of the sixty (60) foot requirement, 87 Nashua Road, Map 7 Lot 131, Zoned C-1, 87 Nashua Road, LLC (Owner).

I. Macarelli seconded the motion.

The motion was granted 5-0-0. The applicant's request for a variance was GRANTED for the following reasons:

- 1) The granting of the variance is not contrary to the public interest as it does not alter the character of the neighborhood.
- 2) The spirit of the ordinance would be observed as there are no health or safety concerns.
- 3) Substantial justice would not be done because the applicant's loss would be greater than any gain to the public.
- 4) There is a significant potential that the values of surrounding properties would not be diminished because it is a commercial area and the change would have no impact.
- 5) a.1. This is a pre-zoning building that is already nonconforming and the property is well setback from the road.
 - a.2. Expanding the restaurant is reasonable.

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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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, September 21, 2023:

Case No.: 09/20/2023-2

Applicant: Melissa Martin
537 Mammoth Road
Londonderry, NH 03053

Location of Property: 537 Mammoth Road, Map 15 Lot 208, Zoned AR-1

Request: Request for a variance from LZO 8.2.A.3 to allow the rebuilding and expansion of an existing nonconforming garage to be erected in the current location, 537 Mammoth Road, Map 15 Lot 208, Zoned AR-I, Melissa Martin (Owner & Applicant).

Result: B. O'Brien made a motion in CASE NO. 09/20/2023-2 to grant the request for a variance from LZO 8.2.A.3 to allow the rebuilding and expansion of an existing nonconforming garage to be erected in the current location in lieu of the forty (40) foot requirement, 537 Mammoth Road, Map 15 Lot 208, Zoned AR-I, Melissa Martin (Owner & Applicant).

M. Feig seconded the motion.

The motion was granted 5-0-0. 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. The change to the garage does not alter the character of the neighborhood.
- 2) The spirit of the ordinance would be observed because changing the garage does not threaten health, safety, or the general welfare.
- 3) Granting the variance would do substantial justice because there is no gain to the public by denying the variance.
- 4) For the following reasons the values of the surrounding properties would not be diminished. Updating the garage will only help property value.
- 5) a.1 The property and building are pre-zoning and the garage cannot go anywhere else without being in the setback.
a.2 Garages are reasonable.

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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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, September 21, 2023:

Case No.: 09/20/2023-3

Applicant: Rockingham Road Holdings, LLC
28 Charron Avenue, Unit #10
Nashua, NH 03063

Location of Property: 59 Rockingham Road (Rte 28), Map 13, Lot 60-3, Zoned C-2

Request: Request for a variance from LZO 4.3.3 (Zn C-2), B, 2 to allow a thirty (30) foot green buffer in lieu of the fifty (50) foot requirement, 59 Rockingham Road (Rte 28), Map 13, Lot 60-3, Zoned C-2, Rockingham Road Holdings, LLC (Owner & Applicant).

Result: B. O'Brien made a motion in CASE NO. 09/20/2023-3 to grant the request for a variance from LZO 4.3.3 (Zn C-2), B, 2 to allow a thirty (30) foot green buffer in lieu of the fifty (50) foot requirement, 59 Rockingham Road (Rte 28), Map 13, Lot 60-3, Zoned C-2, Rockingham Road Holdings, LLC (Owner & Applicant).

R. Robicsek seconded the motion.

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

- 1) Granting the variance would not be contrary to the public interest because granting the variance would not change the character of the neighborhood.
- 2) The spirit of the ordinance would be observed because granting the variance does not create any health, safety, or general welfare problems.
- 3) Granting the variance would do substantial justice because there is no loss to the public by granting the variance.
- 4) For the following reasons the values of the surrounding properties would not be diminished. It is a commercial area and the change will not affect the other properties values.
- 5) a.1 The property is extremely unique given the elevation change, wetlands, ledge, and unusable residentially zoned property across the street.
a.2 Commercial buildings are reasonable.

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.