



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

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

November 22, 2023

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, November 15, 2023:

Case No.: 10/18/2023-2

Applicant: Arthur Carbone
2 Maddabon Pl.
Peabody, MA 01960

Location of Property: 41 Noyes Road, Map 15 Lot 41, Zoned AR-1

Request: Request for a variance from 4.2.1.3.C.1 and 4.2.1.3.C.2 to permit an encroachment into the forty (40) foot front setback and fifteen (15) foot side setback for the construction of an addition. The parcel is located at 41 Noyes Road in the Agricultural-Residential (AR-1) zoning district. Tax Map 15, Lot 41. Stacy & Brian Meskell (Owners) and Arthur Carbone (Applicant). Continued from October 18, 2023.

Result: B. O'Brien made a motion in CASE NO. 10/18/2023-2 to grant the request for a variance from LZO sections 4.2.1.3.C.1 and 4.2.1.3.C.2 to permit an encroachment of no more than 10 feet into forty (40) foot front setback and no more than 5 feet into the fifteen (15) foot side setback for the construction of an addition, 41 Noyes Road, Map 15 Lot 41, Zoned AR-1, Stacy & Brian Meskell (Owners)

C. Moore 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 because it does not alter the character of the neighborhood.
- 2) The spirit of the ordinance would be observed because there is no impact on the health, safety, or welfare of the general public.
- 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.
- 5) a.1. 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. The property was built prior to the zoning laws.
a.2. The proposed use is a reasonable one because enclosing a room is reasonable.



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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, November 15, 2023:

- Case No.:** 11/15/2023-1
- Applicant:** Scott Fawcett
33 Londonderry Road
Londonderry, NH 03053
- Location of Property:** 33 Londonderry Road, Map 10 Lot 87, Zoned C-II
- Request:** Request for a variance from 7.6.D.3.b.i to permit 772 square feet of wall signage whereas 50 square feet is the maximum permitted. The parcel is located at 33 Londonderry Road in the Commercial II (C-II) zoning district. Tax Map 10, Lot 87. Fawcett Properties, LLC (Owner) and Scott Fawcett (Applicant).
- Result:** B. O'Brien made a motion in CASE NO. 11/15/2023-1 to grant the request for a variance from LZO section 7.6.D.3.b.i to permit 600 square feet of wall signage whereas 50 square feet is the maximum permitted with the restriction that as to size and location of the signs as presented in Exhibit A and Exhibit B, which were marked during deliberations, 33 Londonderry Road, Map 10 Lot 87, Zoned C-II, Fawcett Properties, LLC (Owner) and Scott Fawcett (Applicant).
- R. Robicsek 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 because it will not alter the character of the neighborhood.
 - 2) The spirit of the ordinance would be observed because it promotes health, safety, and general welfare. It is necessary to know what is in the building and signs are helpful in directing traffic.
 - 3) Granting the variance would do substantial justice because denial of the variance would be a greater loss to the applicant than any gain to the public.
 - 4) The values of the surrounding properties would not be diminished.
 - 5) a.1. 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. The building is located near Route 93 and it has visibility on all four sides.
a.2. The proposed use is a reasonable one because signage is reasonable.

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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, November 15, 2023:

- Case No.:** 11/15/2023-2
- Applicant:** Adam and Michelle Harnish
16 Preserve Drive
Londonderry, NH 03053
- Location of Property:** 16 Preserve Drive, Map 8, Lot 20-5, Zoned AR-1
- Request:** Request for a variance from LZO section 4.2.1.3.c.4 to permit an encroachment of 15 feet into the forty (40) foot right-of-way setback for the construction of a shed. The parcel is located at 16 Preserve Drive in the Agricultural-Residential (AR-1) zoning district. Tax Map 8, Lot 20-5. Adam & Michelle Harnish Joint Living Trust (Owners) and Adam & Michelle Harnish (Applicants).
- Result:** B. O'Brien made a motion in CASE NO. 09/20/2023-3 to grant the request for a variance from LZO section 4.2.1.3.c.4 with the restrictions that the shed encroach no more than 20 feet into the right-of-way setback and the shed be no larger than 14 feet by 24 feet, 16 Preserve Drive, Map 8, Lot 20-5, Zoned AR-1, Adam & Michelle Harnish Joint Living Trust (Owners) and Adam & Michelle Harnish (Applicants).
- I. Macarelli 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 it will not alter the character of the neighborhood.
 - 2) The spirit of the ordinance would be observed because there are no health, safety, or welfare issues.
 - 3) Granting the variance would do substantial justice, as denial of the variance would be a greater loss to the applicant than any gain to the public.
 - 4) The values of the surrounding properties would not be diminished.
 - 5) a.1 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, given the right-of-way and the wetlands.
a.2 The proposed use is a reasonable one because a shed is reasonable.

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