

**LONDONDERRY ZONING BOARD OF ADJUSTMENT  
268B MAMMOTH ROAD  
LONDONDERRY, NH 03053**

**MINUTES FROM 11/16/16 MEETING**

Chairman Smith called the meeting to order at 7:00 p.m. Members introduced themselves. The following members were present: Jim Smith, Chairman; Jim Tirabassi, Clerk; Jacqueline Benard, member; Bill Berardino, alternate member; Annette Stoller, alternate member; and Suzanne Brunelle, alternate member. Also, in attendance were Richard Canuel, Senior Building Inspector and Laura Gandia, Associate Planner. Chairman Smith reviewed the hearing procedures and appointed B. Berardino and S. Brunelle as full members.

**I. APPROVAL OF MINUTES**

J. Tirabassi made a motion to accept the October 2016 minutes as presented.

Motion was seconded by J. Benard.

Motion was granted, 5-0-0.

**II. REPORT BY TOWN COUNCIL – N/A**

**III. PUBLIC HEARING OF CASES**

**A. CASE NO. CASE NO. 11/16/2016-1: REQUEST FOR A VARIANCE FROM LZO 2.3.1.3.C.1 TO ALLOW THE CONSTRUCTION OF A DETACHED TWO CAR GARAGE TO BE BUILT INTO THE FRONT SETBACK, MARTIN & KATHLEEN BOVE (APPLICANTS), THREE TINKHAM LANE, MAP 4 LOT 44, ZONED AR-1**

J. Tirabassi read the case into the record, and stated that there were no previous cases.

The five criteria were addressed by M. Bove as follows:

- (1) Variance will not be contrary to the public interest: the area to be used is the only area that would accommodate the two car garage, allowing the garage to be safely built to avoid power lines to the house; the area of the deck was noted as well as the placement of the garage;
- (2) Spirit of the ordinance is observed: the additional space to be used would not impose any hardship or health/safety issues and would allow for better access for snow removal and maintenance of the house and garage; the 5 foot encroachment into the front setback was noted;
- (3) Substantial justice will be done: granting the variance would allow the garage to be built in

- the best possible location;
- (4) The values of surrounding properties are not diminished: building the garage would greatly improve the property value, be aesthetically appealing, and increase surrounding values; the portable garage would be removed; numerous remodeling projects in the neighborhood were noted; and
  - (5) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: based on the position of the house, septic system and power lines, there is no other reasonable location for the garage, and the proposed use is a reasonable one (the building of a garage for storage is reasonable).

S. Brunelle asked for the dimension and location of the garage and septic. M. Bove stated that the garage was 24x26 feet and the septic was located in the front of the house. M. Bove also noted that he would be encroaching 5 feet into the 40 feet front setback. J. Smith noted that his lot was a corner lot with the 40 feet front setback on two sides. J. Smith asked if there was any public input, and there was none. Chairman Smith closed public input, and the Board deliberated the five points for the granting of the variance as follows:

- (1) Variance will not be contrary to the public interest: the garage would be an improvement to the area and the removal of the portable tent would be in the public interest;
- (2) Spirit of the ordinance is observed: provide the owner with a garage which is a common use in Town;
- (3) Substantial justice will be done: same rationale as (2) as well as providing the owner with a better use of his property;
- (4) The values of surrounding properties are not diminished: the garage is aesthetically pleasing, and blends in well with the other structures in the neighborhood; and the removal of the portable garage would improve the value and look of the area;
- (5) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: the location of the house (corner lot), septic and power lines make the lot unique; there is no other reasonable alternative to locate the garage, and the proposed use is a reasonable one (the building of a garage is reasonable)

**Jim Tirabassi made a motion to grant the applicant's request in Case No. 11/16/2016-1 for a variance from LZO 2.3.1.3.C.1 to allow the construction of a detached two car garage to be built into the front setback, Martin & Kathleen Bove (Applicants), Three Tinkham Lane, Map 4 Lot 44, Zoned AR-1 with the restriction that the garage not be located any closer than 35 feet from the property line.**

**Bill Berardino seconded the motion.**

**The motion was granted, 5-0-0.**

**The applicant's request for a variance was GRANTED.**

#### IV. COMMUNICATIONS & MISCELLANEOUS:

- A. REQUEST FOR A REHEARING: CASE NO. 10/19/2016-1: REQUEST FOR A SPECIAL EXCEPTION FOR A HOME OCCUPATION REFINISHING ANTIQUE FURNITURE, STEVEN M. JOHNSON (APPLICANT), 173 PILLSBURY ROAD, MAP 6 LOT 99-8, ZONED AR-1

Chairman Smith reviewed the procedures for a motion for rehearing and stated that no public testimony is taken. The Board reviewed the motion as presented by Victoria Johnson and concluded that there was no technical error or new evidence presented that would warrant a rehearing.

J. Tirabassi made a motion to deny the applicant's request for a rehearing.

Seconded by Bill Berardino.

The motion was granted, 5-0-0.

The request for a rehearing was denied.

#### V. OTHER BUSINESS:

- A. Jim Tirabassi performed the final reading on proposed changes to the rules of procedure as follows:
  - 1. To insert in front of paragraph 1 Members and Alternates the following sentence:  
"Pursuant to RSA 673:3, the Zoning Board of Adjustment shall consist of 5 full members who are appointed in a manner prescribed by the local legislative body."
  - 2. To remove from Application/Decision section 2.a "Londonderry Post Office."

Chairman Smith asked for comments and/or public input, and there was none. He noted that a final vote is needed to adopt the changes.

J. Tirabassi made a motion to accept the changes as presented.

J. Benard seconded the motion.

The motion was granted, 5-0-0.

- B. Chairman Smith informed the Board that there are three vacancies for full members for the Board. He asked that anyone who is interested in serving to contact Kirby Wade at the Town Manager's office.

**Bill Berardino made a motion to adjourn at 7:35 p.m.**

**Jim Tirabassi seconded the motion.**

**The motion was granted, 5-0-0. The meeting adjourned at 7:35 p.m.**

RESPECTFULLY SUBMITTED,



CLERK

TYPED AND TRANSCRIBED BY LAURA GANDIA, ASSOCIATE PLANNER.

**APPROVED (X)** WITH A MOTION MADE BY Jim Tirabassi, SECONDED BY Suzanne Brunelle - 5-0-0