

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

DATE: OCTOBER 19, 2011

CASE NO.: 10/19/2011-3

APPLICANT: BOND BUILDING HOSPITALITY LTD.  
D/B/A THE COACH STOP  
176 MAMMOTH ROAD  
LONDONDERRY, NH 03053

LOCATION: 176 MAMMOTH ROAD; 6-72-1; C-I

BOARD MEMBERS PRESENT: MATT NEUMAN, CHAIR  
JAMES SMITH, VOTING MEMBER  
MICHAEL GALLAGHER, VOTING ALTERNATE  
JAY HOOLEY, VOTING ALTERNATE  
NEIL DUNN, CLERK

ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/ZONING OFFICER

REQUEST: VARIANCE TO ALLOW AN ADDITION TO AN EXISTING BUILDING WITHIN  
THE REQUIRED FRONT SETBACK OF SECTION 2.4.3.1.1.

PRESENTATION: Case No. 10/19/2011-3 was read into the record with eleven previous cases listed.

JACK SZEMPLINSKI: Good evening. My name is Jack Szemplinski. I'm with Benchmark Engineering as well and with me is Steve McDonough who's the owner of this property which many of you, I'm sure, are familiar with. It's the Stagecoach Restaurant by the corner of Mammoth Road and Route 102. What this property is, it's an old historic building that has been restored over the years and obviously, there were a number of additions and stuff that were done to it. Steve took over the operation of the building several years ago and I think he'd done a nice job as far as keeping the place up and clean. The property is one (1) acre in size. It's zoned C-I and at this time, he would like to put together a little addition as the space is getting a little cramped. This addition would be up in this corner of the building. If you would observe this particular site, it's surrounded by roads. Mammoth Road, Route 102, and Old Buttrick Road. It's also an historic building, so a variance is necessary. What we are asking is [indistinct] this addition here and with the closest point being forty two (42) feet to Old Buttrick Road with sixty (60) feet required off the Town right of way. Just to get through some of the points of the law; the variance will not be contrary to public interest. I think the restaurant has been an asset to the community and I think it's very popular and I think addition to it would really enhance his space. There will be no additional seating in the restaurant as part of this addition. He just wants to basically rearrange some of the tables as some places are a little cramped. Part of this addition, what we are asking for would actually be a deck, which is still a structure. We have run into a little problem with the Fire Department

46 issue as Mr. McDonough approached the Fire Department to do this addition, he was informed this entire  
47 building will need to be sprinkled. Obviously, this is a really old building, over a hundred years old. To sprinkle  
48 it, he got some crazy estimates that just make the whole project unfeasible. So he's still negotiating with the  
49 Fire Department whether only the new portion of the building can be sprinkled or possibly this entire area  
50 would just be an exterior deck with no enclosed area. Anyway, to get through the points of the law, the  
51 variance is not contrary to public interest. The restaurant's a big asset to the community, it's a good taxpayer,  
52 it provides service to local people. The spirit of the ordinance will be observed. I think the intent of the  
53 ordinance for a setback from a right of way is so the traffic does not...basically, the cars don't travel right next  
54 to an existing building. In this particular situation, Old Buttrick Road is really not more...it's really not a road,  
55 it's more a glorified driveway. There's hardly any traffic at all. If you know the old fire station, it's situated  
56 right up here, so I believe that the building is still forty (40) feet away, so there's no other structures there.  
57 There's no potential for any other structures, so I believe the spirit of the ordinance will be observed.  
58 Substantial justice will be done. I think it's in the interest of the community to promote business, local  
59 business, who employs local, you know waiters and cooks and I think it's in the interest of the community to  
60 promote development where, you know, we're in kind of an economic slump. The values of the surrounding  
61 properties will not be diminished. I believe that everything they've done so far enhanced the building and  
62 obviously, it's not gonna diminish any of the surrounding values. Now the last one is hardship and actually,  
63 most variances, that's probably the hardest point to prove. Now this particular one is probably one of the  
64 biggest hardships I have seen. Basically, if you draw sixty (60) foot setback from here, sixty (60) foot setback  
65 from the right of way here, sixty (60) foot setback from Mammoth Road, you end up with this tiny triangle  
66 here. I believe we have genuine hardship in this one and also the building being over a hundred years old.  
67 Situated where it is, there was really no other option to, you know, move things around. So I'd appreciate  
68 your support.

69  
70 NEIL DUNN: If I may...

71  
72 MATT NEUMAN: Yup.

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74 NEIL DUNN: Do you have any...I'm not quite sure what you're showing there. We don't have anything here, I  
75 don't believe.

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77 JACK SZEMPLINSKI: I can give you, actually, I have some small plans [see Exhibits A through D].

78  
79 NEIL DUNN: Thank you.

80  
81 MATT NEUMAN: So how big is the actual building, the proposed addition that's gonna be...the structure, not  
82 the deck.

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84 JACK SZEMPLINSKI: It's...the actual addition as it was scheduled is twenty (20) feet wide by twelve (12) feet,  
85 eight (8) inches deep. And the deck would be ten (10) by twenty (20).

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87 MATT NEUMAN: Alright, and what's the total area then?

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89 JACK SZEMPLINSKI: Well, the addition would be two hundred forty (240) square feet roughly.

91 MATT NEUMAN: Two hundred and forty (240) square feet.  
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93 JACK SZEMPLINSKI: And the deck would be, you know, a hundred (100) by twenty (20)...two hundred (200).  
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95 MICHAEL GALLAGHER: The twelve (12) feet you're proposing is going to Old Buttrick?  
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97 JACK SZEMPLINSKI: Well, twelve (12) feet...forty (40) feet is this dimension here, twelve (12) and ten (10). The  
98 blue area here is the deck and the red area is the addition.  
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100 MICHAEL GALLAGHER: Okay. So essentially, if I look at this aerial view, you're almost squaring this building off  
101 where this jog is.  
102  
103 JACK SZEMPLINSKI: Right.  
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105 MATT NEUMAN: Yup.  
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107 JACK SZEMPLINSKI: Now if you also notice, the setback...the closest setback to the street is actually not  
108 where...not up here at the very end. It's actually right here, which is about forty two (42) feet. It's just the  
109 way that the street turns away that this being the closest point. You are fifty (50) feet, just over fifty (50) feet  
110 right here, at the very end and you have forty two (42) feet here.  
111  
112 JAY HOOLEY: So at no point does any of this new construction go any further into the setback than already  
113 exists?  
114  
115 JACK SZEMPLINSKI: Absolutely.  
116  
117 JIM SMITH: I notice on this you're showing two (2) driveways onto Buttrick Road. Is that on the original site  
118 plan?  
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120 JACK SZEMPLINSKI: It is not and we'll be facing Planning Board with that. We expect we might have to  
121 remove those.  
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123 JIM SMITH: And how would this impact your septic system?  
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125 JACK SZEMPLINSKI: It would not because we're not asking for any additional seating. It's basically rearranging  
126 the existing number of seats. There was really no additional capacity in the septic system or I believe the  
127 parking is fairly limited as well at this point.  
128  
129 MATT NEUMAN: And it is possible that if you do have to put sprinklers in the entire building that you may just  
130 forgo that and just wanna just have it all deck? Is that...?  
131  
132 JACK SZEMPLINSKI: Correct.  
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134 STEVE MCDONOUGH: I met Richard out there and looked at that scenario. I haven't got the estimate back  
135 from the sprinkler guys but both were not real comforting in their walk through, so...

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MATT NEUMAN: I can imagine.

STEVE MCDONOUGH: Well, six (6) inch main from the street and new fire panel and so forth and it just went on and on and there's so many rooms in the building cut up, every one of them would have to be, you know, piped to and there was just no easy answers. And when I, you know, they all asked if you could phase it in and, you know, I just felt like it was, you know, I would be putting the local fire guys, you know, under a lot of...I'd be asking for a lot to do that, so. I mean, this has all happened pretty quickly so I'm just, you know, I mean, we were scheduled to be here and either way, we would like to try to, you know, get permission to be in that setback and then, you know, after all the estimates and so forth come in, sit down and rehash them and either be the building piece or a deck piece, I guess.

MATT NEUMAN: And the reason why you'd have to get this is because by putting the addition on, is that?

STEVE MCDONOUGH: Say that again?

MATT NEUMAN: That's the reason why you'd have to put the sprinklers in, because you're adding an addition to...?

STEVE MCDONOUGH: Yeah, an increase of area, interior area as I understand it. And roof height has something to trigger it, too. Richard sent me the ordinance. But it's not the increase in capacity because we didn't propose to increase seating. So we thought that by not increasing seating, we had skirted the sprinkler issue. We had hoped so, frankly. But it reared its head in area and height in the ordinance, so...

MATT NEUMAN: Other questions from the Board? I think we've all seen this lot many times and the uniqueness of it.

NEIL DUNN: If I may, Richard? So if they were to put a deck in there, that wouldn't trigger, as far as you know, I realize you're not the Fire Department, but that wouldn't trigger a sprinkler event?

RICHARD CANUEL: In that particular scenario, the only way it would trigger sprinkler is if they exceeded the occupancy limit under the State Fire Code for that type of occupancy. Basically, as a lounge or a bar use up there, they are limited to a maximum of one hundred (100) occupants. They fall under that criteria now. If they base their occupancy on a particular seating plan and they don't exceed the one hundred (100), then they would not be required to sprinkler.

JIM SMITH: So they'd be under two (2) limits; the sprinkler and the septic system.

RICHARD CANUEL: Right. That's right.

JIM SMITH: Because if they increase the seating, you'd have...

RICHARD CANUEL: That would trigger both. Absolutely.

180 JIM SMITH: So they would be pretty well limited.  
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182 MATT NEUMAN: Yeah, I agree. Any other questions?  
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184 NEIL DUNN: If I may, number two (2), spirit of the ordinance, you put yes, the addition borders existing right  
185 of way. So you're calling Old Buttrick a right of way? What are you calling a right of way when you state that?  
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187 STEVE MCDONOUGH: Well, that's, I filled that out. I was...I kinda struggled with each question and I may have  
188 sounded redundant...  
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190 NEIL DUNN: And there's a tendency to be...  
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192 STEVE MCDONOUGH: I must have meant setback, right, would have been the proper terminology?  
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194 JACK SZEMPLINSKI: Yeah, it refers to Buttrick...Old Buttrick Road right of way, which is a variable width, there  
195 is no defined...  
196  
197 NEIL DUNN: But Old Buttrick Road is still a road, isn't it, Richard?  
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199 RICHARD CANUEL: That's right.  
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201 JACK SZEMPLINSKI: Yes.  
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203 MATT NEUMAN: Alright, unless someone else has anything else, I'll open it up to public comment. Anyone in  
204 the audience who'd like to come forward in favor of the applicant's request? Come on down, André.  
205  
206 ANDRE GARRON: Again, thank you Mr. Chairman, members of the Board. I guess wearing my economic  
207 development hat, I just wanna voice my support of this variance. I think Jack eloquently spoke to the  
208 uniqueness of this site where it is bordering...there are three (3) right of ways and therefore the setbacks are  
209 such that obviously, it's gonna impact any type of growth on this particular site given that it's just over an acre.  
210 So...and also, obviously the historic nature of the facility and the asset it is to the community I think is  
211 something that should be retained and it looks like the growth that they're proposing to do seems to be  
212 reasonable.  
213  
214 MATT NEUMAN: Okay.  
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216 ANDRE GARRON: Alright, thank you.  
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218 MATT NEUMAN: Thank you. Anyone else in favor of the request? Anyone opposed who'd like to come  
219 forward? Not seeing any, any final questions from the Board before we deliberate? Okay. Alright, we're  
220 gonna pull this back into deliberation then.  
221  
222 DELIBERATIONS:  
223

224 MICHAEL GALLAGHER: Well, it doesn't look like what they're proposing is, you know, they're not gonna be  
225 getting any closer.  
226  
227 MATT NEUMAN: It's not terribly invasive [indistinct]  
228  
229 MICHAEL GALLAGHER: Yeah.  
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231 JAY HOOLEY: At no point are they going any further into the setback...  
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233 MICHAEL GALLAGHER: Any further than the existing...  
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235 JAY HOOLEY: ...than already exists.  
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237 MICHAEL GALLAGHER: ...structure, yeah.  
238  
239 MATT NEUMAN: Right. I think there's, you know, plenty of other restrictions they're gonna have to deal with  
240 as far as...  
241  
242 MICHAEL GALLAGHER: Oh yeah.  
243  
244 JIM SMITH: I'm comfortable with the idea that they're not increasing the occupant load.  
245  
246 MATT NEUMAN: I agree.  
247  
248 NEIL DUNN: I suppose pretty soon there'll be nothing left for them to look for a variance on. I mean, if it goes  
249 to the deck or just rearranging, squaring the building off, it is a pretty bizarre little setback back there with all  
250 the curves and not well defined road. It doesn't really encroach on anything that's not there anyway, kind of...  
251  
252 MATT NEUMAN: You know what? Maybe a cell tower. Have you thought about a cell tower on the lot?  
253  
254 MICHAEL GALLAGHER: It'd garner some publicity for you.  
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256 MATT NEUMAN: A windmill, maybe. Alright, so I don't have any problems with any of the five points.  
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258 JIM SMITH: Looks like their sign came awful close to the property line, though.  
259  
260 MATT NEUMAN: Yeah. Anyone ready to make a motion?  
261  
262 JIM SMITH: I'll give Jay the...  
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264 JAY HOOLEY: Mr. Chairman, I move that the Board approve variance request 10/19/2011-3 for the Coach Stop  
265 Restaurant and Tavern, finding that the applicant has met the five points required.  
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267 MATT NEUMAN: I have a motion. Do I have a second?  
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269 MICHAEL GALLAGHER: I'll second.

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271 MATT NEUMAN: And a second. All those in favor?

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273 JIM SMITH: Aye.

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275 JAY HOOLEY: Aye.

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277 MICHAEL GALLAGHER: Aye.

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279 NEIL DUNN: Aye.

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281 MATT NEUMAN: Aye. Opposed? Abstain?

282

283 RESULT: THE MOTION TO GRANT CASE NO. 10/19/2011-3 WAS APPROVED, 5-0-0

284

285 RESPECTFULLY SUBMITTED,

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NEIL DUNN, CLERK

291

TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

292

293 **APPROVED JANUARY 18, 2012** WITH A MOTION MADE BY N. DUNN, SECONDED BY J. SMITH AND APPROVED  
294 4-0-1 WITH L. O'SULLIVAN ABSTAINING AS HE HAD NOT ATTENDED THE MEETING.

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