

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

MINUTES FROM 01/16/19 MEETING

The meeting was called to order at 7:00 p.m. Members introduced themselves. The following members were present: Jacqueline Benard, Vice Chair; Jim Tirabassi, Clerk; Suzanne Brunelle, member; Brendan O'Brien, alternate member and Mitch Feig, alternate member. Also, in attendance were Laura Gandia, Associate Planner and Beth Morrison, Recording Secretary. Vice Chair Benard reviewed the hearing procedures.

J. Tirabassi made a motion to appoint the alternate members, Brendan O'Brien and Mitch Feig, as voting members this evening.

Motion was seconded by S. Brunelle.

Motion was granted, 3-0-0.

I. APPROVAL OF MINUTES

J. Benard made a motion to accept the December 19, 2018, minutes as amended.

Motion was seconded by J. Tirabassi.

Motion was granted, 4-0-1, with M. Feig abstaining.

II. REPORT BY TOWN COUNCIL – N/A

III. PUBLIC HEARING OF CASES

A. CASE NO. 1/16/19-1: Request for a variance from LZO 4.4.1.3.A.1.a to allow construction of building which will encroach 18.2 feet into the 30 feet front setback, 11 Industrial Drive, Map 28 Lot 21-1, Zoned IND-II and Airport Overlay District (AD), 11 Industrial Drive, LLC (Owner & Applicant)

J. Tirabassi read the case into the record noting the previous zoning case. S. Brunelle recused herself for this case. Jeremy Belanger, Project Engineer, with TFMoran, 48 Constitution Drive, Bedford, NH

addressed the Board. J. Belanger stated the project is located at the corner of Industrial Drive and Commerce Way. He noted the property is abutted by the Manchester-Boston International Airport and commercial properties. He said that tonight's proposal is for a one story building addition to house the heat treatment oven, which is used to give aluminum castings their strength, to improve existing operational efficiency and accommodate future growth and expansion. He explained that a previous variance for the same request was granted back in 2007, but unfortunately that was around the time of the economic downturn and the project never moved forward, the permits were never obtained and the variance expired. He said that business is doing well again and they would like to move forward with this request.

He then reviewed the five criteria for the granting of the variance:

- (1) The granting of the variance is not contrary to the public interest: because it will not threaten the health, safety or welfare of the general public or alter the essential character of the neighborhood.
- (2) The spirit of the ordinance is observed: because it will not threaten the health, safety or welfare of the general public.
- (3) Substantial justice is done: because the loss to the applicant would be more than any gain to the general public.
- (4) Values of surrounding properties are not diminished: because it will not alter the essential character of the neighborhood.
- (5) There is no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because the property is unique because it abuts the airport and is on a dead end street. He stated that the proposed use is a reasonable one.

Vice Chair Benard asked if the Board had any questions. She asked if there was any other area located on the property that this building could be located on. J. Belanger stated that there was nowhere else to put this on the property. M. Feig asked if there would be any impact to emergency access to the airport. J. Belanger stated there would be no negative impact to emergency access. M. Feig asked if anything changed since the original application eleven years ago. J. Belanger said there was no change to his knowledge.

Vice Chair Benard asked for public input and there was none.

The Board closed public input and began its deliberation.

- (1) The variance would not be contrary to the public interest: because it would not pose any threat to the health, safety or welfare of the general public.

- (2) The spirit of the ordinance would be observed: because it would not pose any threat the health, safety or welfare of the general public.
- (3) Substantial justice would be done: because the loss to the applicant is greater than any gain to the public.
- (4) Values of the property would not be diminished: because it would not alter the essential character of the neighborhood.
- (5) There is no fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property is unique as it abuts the airport and is on a dead end street. The proposed use is a reasonable one.

J. Tirabassi made a motion in CASE NO. 1/16/19-1 to grant the request for a variance from LZO 4.4.1.3.A.1.a to allow construction of building which will encroach 18.2 feet into the 30 feet front setback, 11 Industrial Drive, Map 28 Lot 21-1, Zoned IND-II and Airport Overlay District (AD), 11 Industrial Drive, LLC (Owner & Applicant)

B. O'Brien seconded the motion.

The motion was granted, 4-0-0. The applicant's request for a variance was granted.

B. CASE NO. 11/28/18-3a: Request for a variance from LZO 3.11.6.D.3.b.i to allow an additional 40 SF wall sign, 25A Orchard View Drive, Map 7 Lot 38-1, Zoned C-I, Brilor Corporation (Owner) and Sorellina Boutique & Connor Morisseau (Applicants) – continued from the December 2018 meeting

J. Tirabassi read the case into the record noting it was continued from the December meeting, as well the previous zoning cases. S. Brunelle came back to the Board for this case. Craig Moore, from Barlo Signs International Inc., 158 Greeley St., Hudson, NH and Amy Lamparelli, from Sorellina Boutique addressed the Board. C. Moore said that he worked with Amy Lamparelli to answer the questions he could not answer at the last meeting. He said that the boutique is not just an extension of the salon, but is its own independent store. He noted the dividing space between the two suites to be a locking door, the boutique has its own entrance, its own employees and cash register. He approached the Board and gave them a letter (Exhibit A) that outlined the answers to the questions the Board had last time.

Vice Chair Benard asked if the Board had any questions. S. Brunelle asked for the record if Sorellina Boutique now has a sublease with the Brilor Corporation. A. Lamparelli stated that was true and said she

had a copy of said lease if anyone would like to view it. Vice Chair Benard pointed out that the sublease was created on January 14, 2019, and the ZBA meeting was in December of 2018, stating that the answer to the lease question at the time of the request would be that there was no lease then. She asked for the hours of the boutique. A. Lamparelli said that Tuesday through Thursday 8:30 a.m. to 9 p.m., Friday 8:30 a.m. to 7 p.m., and Saturday 8:30 a.m. to 4:30 p.m. J. Benard asked if the one manager runs the boutique all the time. A. Lamparelli said the manager works full time Tuesday through Saturday and when she leaves the part time clerk will take over.

Vice Chair Benard asked for public input.

Connor Morisseau, representing Brilor Corporation, addressed the Board in favor of granting the variance. C. Morisseau stated that on behalf of the landlord, they really would like this sign on the building as it will good for all the surrounding businesses.

Alfredo Lamparelli, addressed the Board in favor of granting the variance. A. Lamparelli said he was here to support his wife, Amy Lamparelli, this evening.

Vice Chair Benard asked if M. Feig felt he had enough information to vote on this case as he was not here last meeting. M. Feig stated he reviewed the notes, but not the minutes, and would be abstaining this evening from this case. Vice Chair Benard told the applicant that there would only be four voting members this evening and was given the chance to continue the case until next month when there might be a full Board. The applicant wished to proceed. The Board closed public input and began its deliberation.

- (1) The variance would not be contrary to the public interest: because it would not pose any threat to the health, safety or welfare of the general public.
- (2) The spirit of the ordinance would be observed: because it would not pose any threat to the health, safety or welfare of the general public.
- (3) Substantial justice would be done: because the sign will provide notification to the general public about the business as there is no current way for the public to identify it now.
- (4) Values of the property would not be diminished: because it would not alter the essential character of the neighborhood.
- (5) There is no fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property is unique in relation to having access on Orchard Way, so without the sign the public would not know a business was there, as well as being on Route 102. The proposed use is a reasonable one.

S. Brunelle made a motion in CASE NO. 11/28/18-3a to grant the request for a variance from LZO 3.11.6.D.3.b.i to allow an additional 40 SF wall sign, 25A Orchard View Drive, Map 7 Lot 38-1, Zoned C-I, Brilor Corporation (Owner) and Sorellina Boutique & Connor Morisseau (Applicants) – continued from the December 2018 meeting, with the following condition:

1. The sign is to be installed as presented.

B. O'Brien seconded the motion.

The motion was granted, 4-0-1, with M. Feig abstaining. The applicant's request for a variance was granted.

C. CASE NO. 1/16/19-2: Request for a special exception pursuant to LZO 5.10.2.A.2 to allow a wireless communications facility that does not meet the performance criteria of Section 5.10.3 which requires the proposed 140' tower to be set back 150' from street rights-of-way or site boundaries. The proposed tower is located 128', 39' and 40' from the southerly, westerly and northerly site boundaries, 11 Mohawk Drive, Map 6 Lot 35-3, Zoned C-I, Tahoe Realty Holding, LLC (Owner) and Bay Communications III, LLC (Applicant)

J. Tirabassi read the case into the record noting no previous cases. John Springer, attorney from Springer Law, 118 Maplewood Ave # C-1, Portsmouth, NH, Vincent Granese from Bay Communications and Ryan Monte de Ramos from T-Mobile addressed the Board. J. Springer set up his large plans on an easel in front of the Board to make the presentation easier to view. He reviewed sheet 2 from his packet with the Board. He noted the property is located at 11 Mohawk Drive in a C-1 zone where a telecommunications facility is permitted by special exception. He stated the agreement with the landlord is a fifty by fifty compound area. He said that they pushed the compound area into the corner of the lot to get it away from the residential areas as much as possible. He stated the proposal is for a 140 foot self-supporting monopole with no guide wires or lights. He said that the T-Mobile antenna will be at the top of the monopole and noted that the town ordinance requires at least two additional colocation spots on the pole as well. He pointed out that there is enough room at the base compound to accommodate T-Mobile as well as three other carriers. He said the utilities will be coming in off Mohawk underground to the compound area and the antennas would be at the top of the pole. He said the center line of the antenna would be at about 135 feet high and each of the future carriers would be ten feet below the previous antenna. He stated the access for this would be from Mohawk Drive where there is a 25 foot wide access easement. He said the only traffic that is generated by this type of construction is from the carriers, which equals to about one to two trips per month per carrier by a technician. He noted that at full build out it might be five to ten trips per month maximum. He told the Board that there are wetlands

on the site at the northerly border and since the wetlands are under a half acre in size, as well as have no names, that means there are no buffer requirements associated with them. He reviewed the setbacks with the Board noting the project is 286 feet from the nearest residential property line, which meets the 280 foot requirement. He said that the three other setbacks do not meet the 150 foot setback requirement and they would be requesting a waiver for this. He told the Board that they looked at other sites for this project, but some were in the AR-I zone, which is the wrong zone, and others were in the correct zone, but could not get the right distance away from residential parcels. He explained that T-Mobile needs this site as their in vehicle coverage is good at this site, but does not have in building coverage. He submitted propagation plots along with the application to show that T-Mobile is already on a pole at 125 feet in the area, but there are two tenants above T-Mobile on this site, and therefore they cannot go higher on an already made pole. He noted that carriers usually prefer to go on existing poles and putting up a new site is usually a last resort for a carrier. He summarized the results of the balloon test or visual study test for the Board members. He said that he knows about a letter of opposition the Board has specifically regarding the results of the balloon test and feels that picture #5 is representative enough. He said they are not trying to hide anything, as they performed the visual study test. S. Brunelle asked what date the pictures were taken. J. Springer said he believes they were taken in the last thirty to thirty five days. Vice Chair Benard asked for the letter of opposition (Exhibit B) to be read into the record at this point. J. Tirabassi read Exhibit B into the record. J. Springer also submitted a property appraisal report with the application. He read from the application stating that they are in the right zone, the C-II zone with this property and the use does not cause a hazard to adjacent properties. He said that the pole will be able to be seen visually, but it will not cause any odor, smoke, gas, fumes or noise. He said that the pole will have cooling fans and an emergency generator. He noted that there is very limited vehicular traffic to this site and no pedestrian traffic. He stated that they are willing to maintain and even plant vegetation on the property for effective screening. He said that they believe they have adequate parking on site, will not use any lighting and have adequate storm water runoff. He explained that they have demonstrated the facility cannot be on another structure within a radius of one mile per the special exception criteria, as T-Mobile is already on the SBA Flagpole. He said that if the pole fails, it will be done through local buckling having the pole fall onto their property and not affect any other property. He

Vice Chair Benard asked for questions from the Board. M. Feig asked if there was going to be any other nuisance that this monopole would bring. J. Springer said he did not think so. M. Feig asked if the construction of the monopole would cause a nuisance. J. Springer said it would not. S. Brunelle asked about what safety measures they have in place. J. Springer said that the whole area will be fenced in, have a locked gate, have fire alarms and will be monitored 24/7. M. Feig asked how far away the existing pole is. J. Springer said he believes it to be three quarters of a mile away. J. Benard asked where the entrance way would be for service to the site. J. Springer said that there is an existing break in the trees for which would be used as access for service. J. Benard asked if that area would be paved. J. Springer

said it would either be left as is or have gravel. J. Benard asked the probability of all the tenants coming all at once for service to this site. J. Springer said this would be highly unlikely, and even if it did occur, there was enough room for four vehicles to be parked in the clearing. J. Tirabassi asked if the soil had been tested at the site. J. Springer said that a Phase 1 Environmental Assessment had been performed which came back negative.

Vice Chair Benard asked for public input and there was none.

The Board closed public input and began its deliberations. The Board reviewed the special exception fact finding sheet noting that the project will not cause any nuisances to the adjacent properties, there is adequate access areas, adequate parking areas, no lights will be installed, adequate provisions will be made for storm water runoff from the site and this project cannot be accommodated on any pole within a mile radius of the site. The Board noted that the project will go through site review by the Planning Board and required screening to be placed around the site.

J. Tirabassi made a motion in CASE NO. 1/16/19-2 to grant a special exception pursuant to LZO 5.10.2.A.2 to allow a wireless communications facility that does not meet the performance criteria of Section 5.10.3 which requires the proposed 140' tower to be set back 150' from street rights-of-way or site boundaries. The proposed tower is located 128', 39' and 40' from the southerly, westerly and northerly site boundaries, 11 Mohawk Drive, Map 6 Lot 35-3, Zoned C-I, Tahoe Realty Holding, LLC (Owner) and Bay Communications III, LLC (Applicant) with the condition that a planting schedule specifying the type, size and location of existing and proposed plant material shall be approved by the Planning Board.

B. O'Brien seconded the motion.

The motion was granted, 5-0-0. The applicant's request for a special exception was granted with conditions.

D. CASE NO. 1/16/19-3: Request for three variances from: (1) LZO 7.6.D.3.b to allow two wall signs where only one is allowed; (2) LZO 7.6.D.3.b to allow two wall signs (116 SF each) where only 50 SF is allowed; and (3) LZO 7.5.B Measurement and Calculation of Area, 76 Perkins Road, Map 15 Lot 52, Zoned C-II, Bluebird Londonderry, LLC (Owner & Applicant)

J. Tirabassi read the case into the record noting no previous zoning cases. S. Brunelle recused herself from this case. Daniel Muller, attorney from Cronin, Bisson & Zalinsky, PC, 722 Chestnut St, Manchester, NH and Bill Goodison, Bluebird Londonderry, LLC, addressed the Board. D. Muller explained that they

were before the Board last month, but withdrew the application, as clarification was needed. He said that the free standing sign has been eliminated. He noted that they are seeking variances for two wall signs to help identify the business. He said that Bluebird Storage is located near the on ramp for I-93 South and behind the Twin Smoke Shop property, which are roads that are heavily trafficked. He said the signs were designed to fit the scale and character of the building. He noted that there will be no free standing sign on Perkins Road, the only residential area near the site. He then reviewed the five criteria for the granting of the variance:

- (1) The granting of the variance is not contrary to the public interest: because it will not threaten the health, safety or welfare of the general public or alter the essential character of the neighborhood.
- (2) The spirit of the ordinance is observed: because it will not threaten the health, safety or welfare of the general public.
- (3) Substantial justice is done: because the loss to the applicant would be more than any gain to the general public.
- (4) Values of surrounding properties are not diminished: because it will not alter the essential character of the neighborhood.
- (5) There is no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because the property is unique because the property converges on a number of different zones in the area and is near tow heavily trafficked roadways, I-93 and 28. He stated that the proposed use is a reasonable one.

Vice Chair Benard asked if the Board had any questions. J. Tirabassi read in a letter (Exhibit C) at this time. Vice Chair asked for clarification on the signs she was viewing in the packet the applicant submitted. L. Gandia reviewed the packet with the Board noting that the applicant had presented signs from a different property for the Board to view. Vice Chair Benard asked again for clarification if there were to be any free standing signs on the property. D. Muller stated that was correct, they were not asking for any free standing signs.

Vice Chair Benard asked for public input.

Don Booth, 13 Partridge Lane, addressed the Board in favor of granting the variance. D. Booth said that he drives by this location all the time and feels that the size of the sign is appropriate and could even be larger in his opinion.

Vice Chair brought it back to the Board. B. O'Brien asked L. Gandia if the applicant needed the third variance request at this time. D. Muller said that they would like to formally withdraw this variance request.

The Board closed public input and began its deliberation on LZO 7.6.D.3.b to allow two walls where only one is allowed:

- (1) The variance would not be contrary to the public interest: because it would not pose any threat to the health, safety or welfare of the general public.
- (2) The spirit of the ordinance would be observed: because it would not pose any threat the health, safety or welfare of the general public or alter the essential character of the neighborhood.
- (3) Substantial justice would be done: because the loss to the applicant is greater than any gain to the public.
- (4) Values of the property would not be diminished: because it would not alter the essential character of the neighborhood.
- (5) There is no fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property is unique as it converges on different zones, adjacent to 1-93 on ramp and Route 28. The proposed use is a reasonable one.

J. Tirabassi made a motion in CASE NO. 1/16/19-3 to grant a variance request from (1) LZO 7.6.D.3.b to allow two walls where only one is allowed as presented, 76 Perkins Road, Map 15 Lot 52, Zoned C-II, Bluebird Londonderry, LLC (Owner & Applicant).

B. O'Brien seconded the motion.

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

The Board closed public input and began its deliberation on LZO 7.6.D.3.b to allow two wall signs (116 SF each) where only 50 SF is allowed:

- (1) The variance would not be contrary to the public interest: because it would not pose any threat to the health, safety or welfare of the general public and would in face promote public safety to be able to identify the building.
- (2) The spirit of the ordinance would be observed: because it would not pose any threat the health, safety or welfare of the general public or alter the essential character of the neighborhood.
- (3) Substantial justice would be done: because the loss to the applicant is greater than any gain to the public.
- (4) Values of the property would not be diminished: because it would not alter the essential character of the neighborhood.

(5) There is no fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property is unique as it converges on different zones, adjacent to I-93 on ramp and Route 28. The proposed use is a reasonable one.

J. Tirabassi made a motion in CASE NO. 1/16/19-3 to grant a variance request from LZO 7.6.D.3.b to allow two wall signs (116 SF each) as presented where only 50 SF is allowed; 76 Perkins Road, Map 15 Lot 52, Zoned C-II, Bluebird Londonderry, LLC (Owner & Applicant).

B. O'Brien seconded the motion.

The motion was granted 5-0-0. The applicant's variance was granted as presented.

II. Communications and miscellaneous:

Rehearing request in CASE NO. 12/19/18-1: request for a variance from LZO 2.3.1.3.B.2 to allow a duplex on a 15 acre lot with only 85 feet of frontage where 200 feet of frontage on a Class V or better road are required, 17 Dan Hill Road, Map 2 Lot 46, Zoned AR-1, Brenda E. Carver Revocable Trust (Owner) and Cedar Crest Development (Applicant)

J. Tirabassi read the case and the rehearing request (Exhibit D) into the record as well. M. Feig recused himself.

J. Tirabassi made a motion to grant a rehearing request in CASE NO. 12/19/18-1: request for a variance from LZO 2.3.1.3.B.2 to allow a duplex on a 15 acre lot with only 85 feet of frontage where 200 feet of frontage on a Class V or better road are required, 17 Dan Hill Road, Map 2 Lot 46, Zoned AR-1, Brenda E. Carver Revocable Trust (Owner) and Cedar Crest Development (Applicant)

S. Brunelle seconded the motion.

The motion was granted 4-0-0. The applicant's request for a rehearing was granted.

The rehearing request for Request for a rehearing in CASE 12/19/18-3 - request for an appeal of administrative decision from the Code Enforcement Officer or his/her designee's determination that Sorellina Boutique is an accessory use to the primary use which is Salon Bogar was withdrawn by the applicant.

III. Other business: L. Gandia told the Board that the election of officers would be done after all members have been sworn in.

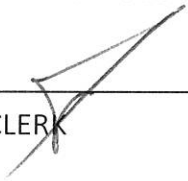
Adjournment:

S. Brunelle made a motion to adjourn at 10:07 p.m.

M. Feig seconded the motion.

The motion was granted, 5-0-0. The meeting adjourned at 10:07 p.m.

RESPECTFULLY SUBMITTED,



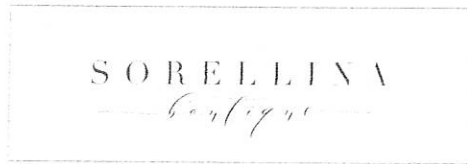
CLERK

TYPED AND TRANSCRIBED BY Beth Morrison, Recording Secretary.

APPROVED (X) WITH A MOTION MADE BY JT, SECONDED BY JB, 4-0-1.

Exhibit A
Case 12/19/11-3A

EX A



- A sublease was established on January 14, 2019. Sorellina Boutique is now subleasing from Salon Bogar with permission from BRILOR Corporation, the landlord of the building.
- Sorellina Boutique has always had two dedicated employees who only work in Sorellina Boutique. One is the full time Boutique Manager and the other is a part time sales clerk.
- There is a door between both units that can be opened or closed to separate the two businesses with a lock.
- Sorellina has its own designated front entrance.
- Sorellina Boutique has always had its own phone number: (603) 818-8015
- Sorellina Boutique has its own website which is currently under development: www.sorellinaboutique.com As of January 9, 2019 there is no longer anything on the Salon Bogar website that mentions Sorellina Boutique. The mention of the boutique on the Salon Bogar site was just a temporary measure while we were getting the boutique up and running. We weren't able to start working on a new site until after the new year. I don't expect it to be completed until mid-February.
- Sorellina Boutique's interior design and products for sale are completely different from anything found in Salon Bogar. Our hope in choosing to open Sorellina Boutique in the Buttrick Place Plaza was that the two businesses would benefit from being in business near each other but the business models are completely different as they are two distinctively different businesses.
- Sorellina Boutique has its own Facebook page: <https://www.facebook.com/SorellinaBoutiqueNH/>
- Sorellina Boutique has its own Instagram page: <https://www.instagram.com/sorellinaboutique/>
- Uniqueness of the property: It is a hardship for us not to have a sign for the following reasons:
 - The Buttrick Place building abuts Route 102 but has no direct access from Route 102. There is a limitation of view of how people can get to our property. There is foliage and trees between

our building and Route 102 that prevent people from seeing the details of the building. We need a sign to draw attention to our business and let people know we are there.

- The entrance to the Buttrick Place is in the back of building. When the public is driving by on Orchard View Drive there is nothing on the building or on the street that brings attention to what businesses occupy our building.
- Our sister business, Salon Bogar has been located at Buttick Place for 28 years. Even with a sign on the front of the building and having the building abut Route 102, customers who have been residents of Londonderry for many years and have driven by our building on a daily basis say they didn't notice Salon Bogar was there. Word of mouth still has to drive business to this location. We cannot rely on word of mouth for Sorellina Boutique to stay in business.
- Substantial Justice: There is great loss to me to not be able to properly advertise my boutique. We have absolutely no foot traffic at all, unlike other mall properties in Londonderry that do have great foot traffic and have been given permission for multiple store signs.
 - Home Goods & TJ Maxx have one cash wrap, employees who work for both companies and no dividing wall between the business yet they have two large signs on their building and on the Route 102 pylon sign.
 - Annie's Hallmark has three exterior signs and they also have only one cash wrap, no dividing wall between the elements of their business. They have the three exterior signs on their building and on the Route 102 pylon sign: Annie's Hallmark, Baldoria & Pandora.
- The fact that there are only two signs on the building at the moment is bad for the perception of the building. It looks as if the building is not completely leased out even though it is (see photo) below.



Exhibit A
Case # 1/16/19-2

EX B

PANCIOCCO LAW, LLC

PATRICIA M. PANCIOCCO
ADMITTED IN NH & ME

ONE CLUB ACRE LANE,
BEDFORD, NH 03110
PAT@PANCIOCCOLAW.COM

TEL: 603-518-5370
FAX: 603-206-5946

January 16, 2019

VIA E-MAIL ONLY

Town of Londonderry
Zoning Board of Adjustment
268B Mammoth Road
Londonderry, NH 03053

Re: **CASE NO. 1/16/19-2:** Request for a special exception ("Application")
11 Mohawk Drive, Map 6 Lot 35-3 ("Property")

Dear Members of the Board:

This letter is to correct the address of my property referenced in my January 15, 2019 letter. Please note, my property address is 11 Horizon Drive not 32 Horizon Drive.

Thank you.

Sincerely yours,

Patricia Panciocco/LD

Patricia M. Panciocco

cc: Client

PANCIOCCO LAW, LLC

PATRICIA M. PANCIOCCO
ADMITTED IN NH & ME

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TEL: 603-518-5370
FAX: 603-206-5946

January 15, 2019

VIA E-MAIL ONLY

Town of Londonderry
Zoning Board of Adjustment
268B Mammoth Road
Londonderry, NH 03053

Re: **CASE NO. 1/16/19-2:** Request for a special exception ("Application")
11 Mohawk Drive, Map 6 Lot 35-3 ("Property")

Dear Members of the Board:

This letter is sent to formally object to the above referenced Application being approved by the Town of Londonderry Zoning Board of Adjustment ("ZBA"). I cannot be available to attend the January 16 public hearing due to another commitment but respectfully request the public hearing remain open and be continued until February.

Notwithstanding, this letter is sent to explain why we object to this Application being approved. My husband I own the residential property located at 32 Horizon Drive which is directly across from the subject Property. I have enclosed photos of this site from the front door of Horizon Drive. Our standing to object is further supported by our ownership of 24 Mohawk Drive and 9 Granite Street although only the former has a clear view of the subject Property.

Further enhancing our unobstructed view is the fact that the trees and brush along the Horizon Drive right of way frontage of the Property were recently cleared. We now have an even clearer view of the trailers and other abandoned vehicles stored on this Property. If that is not enough, the owner is now proposing the installation of a 140'+ tall cell tower on the Property, approximately 300 feet from the front doors of 32 Horizon Drive. The combination of the existing conditions of the Property and the proposed tower installation exceed the impacts sought to be overcome by the appraisal included in the Application which is obviously intended to convince the ZBA the tower installation will not diminish surrounding property values, with which we disagree.

We have carefully reviewed the Application materials and the photos of the balloon test showing views from a number of vantage points. What we find to be suspect is that no photos or measurements illustrating the view or distance from 32 Horizon Drive, which is perhaps closer to this Property than any of the properties shown in the package. In our absence, we would like the ZBA members to question the applicant about what we view as an obvious omission.

We also feel the fact that this Application is requesting setback relief along three sides of the Property and that if it is approved, it will require numerous site plan regulation waivers, is a huge red flag confirming how congested this area is already. Although we recognize that the Town of Londonderry Zoning Ordinance ("Ordinance") permits cell towers within the C-1 zone with a special exception, that does not prevent the ZBA from protecting the property interests of abutting property owners. Numerous sections of the Ordinance require buffers between different uses, such as between multifamily developments and residential developments and between commercial and residential uses. Yet despite the congestion and the fact that this proposed tower will site within feet of the C-1/AR-1 zoning boundary, the Application proposes no buffer to protect abutting property owners. We find this wholly unacceptable,

For the reasons described above, this letter requests the ZBA continue the public hearing on this Application until next month and require the Applicant to return with complete information plus a proposal to screen this Property from view.

Sincerely yours,

Patricia Panciocco

Patricia M. Panciocco

cc: Client





Exhibit A
Case # 1/16/19-3
1/16/19

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EX. C



November 26, 2018

Neil Dunn, Chairman
Zoning Board of Adjustment
Town of Londonderry
268B Mammoth Road
Londonderry, New Hampshire 03053

Re: Zoning Relief - 76 Perkins Road

Dear Chairman Dunn:

I am writing in support of the zoning relief requested in connection with the above referenced property. I have intimate knowledge of the site and neighbor based on my, and my firm's commercial brokerage activities in the Londonderry marketplace.

After review of the Application for Zoning Relief, I visited the property to acquaint myself with the proposed plan. I then contacted Attorney John Cronin, counsel for the Applicant to discuss the proposed use in more detail. Based on my review, research, and experience as a commercial real estate broker, it is my opinion that the surrounding properties will not be diminished in value if the zoning relief granted.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Rohrer, Jr.", written over a horizontal line.

Robert L Rohrer, Jr.
Colliers International
Managing Director | New Hampshire



EX. D

STATE OF NEW HAMPSHIRE

ZBA CASE NO. 12/19/18-1

OWNER: BRENDA E. CARVER REVOCABLE TRUST

APPLICANT: CEDAR CREST DEVELOPMENT

PROPERTY ADDRESS: 17 DAN HILL ROAD – MAP 2 LOT 46 ZONED AR-1

MOTION FOR REHEARING AND/OR RECONSIDERATION

NOW COMES, the Londonderry Zoning Board of Adjustment ("ZBA"), by and through its chair, Neil Dunn, who requests that the ZBA reconsider and/or rehear Case No. 12/19/18-1 pursuant to NHRSA 677:2 for the following reasons:

1. On December 19, 2018, the ZBA heard Case No. 12/19/18-1, and rendered a decision granting the applicant's request for a variance;
2. Subsequent to the issuance of that decision, the Board learned that the applicant did not properly notice all abutters as required by RSA 676:7 rendering the December 19, 2018 unlawful. The abutter's list submitted by the applicant contained the previous owner for 13 Dan Hill Road and not the current owner (property was transferred in July 2018);
3. Based on the lack of notice to the direct abutter, the ZBA, by and through its chair Neil Dunn, requests that the ZBA rehear and/or reconsideration Case No. 12/19/18-1 to provide all abutters with proper notice as required by RSA 676:7 and the opportunity to be heard.

WHEREFORE, the ZBA, by and through its chair Neil Dunn requests that:

The ZBA grant the request for a rehearing and/or reconsideration with the certified mailing and advertising costs to be paid for by the applicant/owner.

Respectfully submitted,



Neil Dunn, Acting Chair