

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

DATE: JUNE 18, 2008

CASE NO.: 6/18/2008-2

APPLICANT: GABRIEL BILC  
95 JENKINS ROAD  
BEDFORD, NH 03110

LOCATION: 45 BUTTRICK ROAD, 6-33A, C-I

BOARD MEMBERS PRESENT: MARK OFFICER, CHAIR  
YVES STEGER, VOTING MEMBER  
BARBARA DILORENZO, VOTING MEMBER  
VICKI KEENAN, VOTING ALTERNATE  
LARRY O'SULLIVAN, CLERK

REQUEST: AREA VARIANCE:  
A) TO ALLOW VEHICLE ACCESS WHERE NO COMPLIANT ACCESS EXISTS;  
B) FOR USE OF A BUILDING FOR ALTERNATIVE PARKING WHERE OFF-STREET PARKING IS REQUIRED;  
C) TO ALLOW NO LOADING SPACE WHERE OFF-STREET LOADING IS REQUIRED AND  
D) TO ALLOW LESS THAN 10% LANDSCAPED AREA WHERE 33% IS REQUIRED.

PRESENTATION: CASE NO. 6/18/2008-2 WAS READ INTO THE RECORD WITH NO PREVIOUS CASES LISTED.

MARK OFFICER: Who will be presenting for the applicant?

GABRIEL BILC: I am Gabriel Bilc.

MARK OFFICER: Okay. Have a seat, sir. And could you just state your name for the...I'm sorry, the address for the record?

GABRIEL BILC: Yes, my name is Gabriel Bilc. My address or 45 Buttrick, which one?

LARRY O'SULLIVAN: Your address.

MARK OFFICER: Your address, yeah.

GABRIEL BILC: My address, 95 Jenkins Road, Bedford, New Hampshire, 03110.

MARK OFFICER: Okay. Alright, why don't you explain to us what you have in store for this lot?

GABRIEL BILC: Well, good evening everybody. I think it's gonna be only me and you, right? Nobody else here.

[laughter]

GABRIEL BILC: Well, I would like to start presenting you the facts that this is a very difficult building for me and I have a lot of concerns. I did apply for this variance because I am very puzzled what use I could do for this building. There was a time when this property was occupied by the Fire Department, Londonderry Fire Department, as you know, and at that time, the city, the Town of Londonderry decided to put her on the market. There could be some other alternatives, to tear it down, make a monument or park or so many other choices, but they decided to put it on the market for open public. So, I bought it because I liked the location. I think that being zoned C-I and I was looking for an investment opportunity in terms of commercial. I've been trying very aggressively for the last year, year and a...I would say a year, to put any kind of business and any...a lot of people, when they came to look for an avenue to open any business, to establish a business, several trips were being made to the Building Department. And I guess what I'm trying to present the Board tonight is the fact, we do have a building oversized in terms of square footage for the total area, which means we have a two thousand (2,000) square foot building on a roughly forty five hundred (4,500)...

RICHARD CANUEL: About forty five hundred (4,500), yeah.

GABRIEL BILC: ...square feet. So, no matter what business I'm gonna put, I would have bumped into the same issues I have tonight to present you. So, I'm asking the Board, I'm asking the Town of Londonderry, what use can I do? Single family residence, flower shop, limo business. That's what I'm trying to present tonight. I would like to establish a limousine, a professional limousine service where I'm trying to minimize the traffic because I understand, due to location, and I have lack of parking. In terms of any professional office or retail or any use, period, I will have to ask a variance for...to allow the vehicle access where no compliant access exists due to the nature and the position of the building. And when I have to ask for an alternative parking, I would like just to remind the Board that before there were three (3) firefighters on site, parking, so they had parking. So somehow, I would like to ask the Board and city of...Town of Londonderry to work with me, to allow me any use. So right now I'm applying for the limo business but I'm open to pretty much anything. Also, I understand, I've been working with the Building Department and they suggested me that I have to bypass this requirements in order to get the building operational, meaning even before I go to the Planning Board to obtain a use. Right now, I feel that in some ways, it creates a lot of harm for me. I'm paying taxes, mortgage insurance, and I can't use anything for the building. It's sitting vacant. I painted the property, I've done a lot of cosmetic work just to eliminate that vacant and undesirable look, presentable. And as soon as I will obtain the variance necessary to establish any business, then I will present it to the Planning Board and I will follow up to make a nice and attractive corner, professionally landscaped, maintained, painted, fixed, any professional business so that way it will be in the best interest of citizens of Londonderry to have a nice clean, professional, good looking with a professional sign and having a professional limo business which, I was thinking, I put my own

money on the line so I don't have another buyer or tenant or so on. So, I was thinking, what can I put in this building? I looked on the strip and I haven't seen anything like a limousine business and I say, maybe it will be a great idea for a lot of residents to use the shuttle towards the airport or for functions, wedding, proms, I think you're very familiar with the business in terms of limo. Now, the structure has three (3) bays where I can park, I would say I will start with two (2) cars or three and then a small office area, so the proportion of the building itself, from two thousand (2,000) square feet, it's fair to say I have twenty five (25) to thirty (30) percent as office, like a reception area with a copier machine facility, like a bathroom and common area, to operate a professional office, and then three bays for the three (3) cars I intend to place there. Now, I would like to mention also that there will be one receptionist on site, so there will be minimal traffic. One person coming into work, load a computer up and take calls or whatever and then the drivers, when they show up to work, to take the limo, they will be most of the time on the road. The only time they come back, to store the car at nighttime for security and insurance purposes. So, it's fair to say the use, I'm asking the Board to grant all these variances, is not contradictory with any use I would have there because the minimal traffic, so maybe two (2) people coming in, take the limo out, park the personal car inside during the trip for the limo. So, that's why I'm looking at the RSA, I'm asking you to allow vehicles, so if I store the cars inside the three (3) bays, there will be no cars, period. Then the alternative parking where off-street parking is required, so, it's fair to say I have no parking there. So, I gotta ask you for a variance and respectfully, I would like you to grant it to me. Then under the Section 2.4.2.8, to allow no loading space where off the street loading is required, I don't think so, we have any shipments or anything. There will be the limo cars in and out and that's it. No drop, like, you know, like you have people dropping on other people and so on. Would you like me to continue or do you have any questions, so we don't get...?

MARK OFFICER: Go ahead. Let him finish.

LARRY O'SULLIVAN: You're doing fine, yeah.

GABRIEL BILC: Then the last one is to allow less than ten (10) percent landscape area where thirty three (33) percent is required. I do understand the standard and the modern rules, today's and age, where we have to plant a tree, make it proportional in terms of parking, but I got no parking, period, so what I would like to have, what I have as already tarred, to stay like that because for me to rip the tar apart to plant a hundred (100) square feet of grass doesn't really make too much sense to me right now. But I think, you know, the front where there's a nice area of grass towards the street, I intend to keep the American flag over there. I think it's a very nice symbol and tradition, so I will keep that one, and then I will maintain bark mulch, some perennials, something good looking so that way, when you look from the street, you see a nice building. I changed the windows for the property so that way, again, I'm trying to improve the property to look like a nice corner. And I strongly believe that my efforts to establish this limousine business, it is in the best interest of the Town of Londonderry and residents of Londonderry. And if for any reason, you do not accept this limo business, I am open to learn what other business I can put because I can't afford to keep the building empty.

MARK OFFICER: Okay. Alright, thank you. Why don't we ask questions and then we can have him walk through the five (5) points. Okay, does anybody have any questions now?

BARBARA DILORENZO: Larry does. I've got one, too, but...

LARRY O'SULLIVAN: Yes.

MARK OFFICER: Alright, Larry, then Barbara.

LARRY O'SULLIVAN: Your application, Mr. Bilc, is for a limousine service.

GABRIEL BILC: Yes, sir.

LARRY O'SULLIVAN: Alright. Where would you be doing the repairs on the limousines or oil changes and what have you?

GABRIEL BILC: It won't be on site.

LARRY O'SULLIVAN: Okay.

GABRIEL BILC: I intend to buy quality versus quantity, so, I'm talking no more than two (2) years old vehicles and if I do have to maintain them, it won't be at the place because it's not fit up for that kind of...you need a lift, you need...and then when you service a car like a Mercedes or any brand of limousine, you bring it to a professional service where they know what they do. So, I don't intend to hire any mechanical or any like, change tires and things and stuff like that. That would be contradictory with my standards.

LARRY O'SULLIVAN: And if you have more than three (3) limousines, where would you put them?

GABRIEL BILC: I will find...yeah, that's a good question. The business could grow. In that case, I will only keep three (3) on site and then I will find a similar locations or some other alternative. I have a lot of friends in Londonderry, so I can look for sites, garages or something similar to that.

LARRY O'SULLIVAN: Well, you know, you...

GABRIEL BILC: But my commitment is to keep three (3) cars inside.

LARRY O'SULLIVAN: The visibility there is excellent for anybody who had any idea driving by there. You have...we would be able to see very easily the enforcement issues of where you park or where you have vehicles parked, so...

GABRIEL BILC: I'm aware of that.

LARRY O'SULLIVAN: No other questions.

GABRIEL BILC: So, I'm not trying to cut any corners. I like to do business by the book, so if I do something, I do it the right way. So, three (3) cars and if I grow, then that will be great. That's all I can say right now.

MARK OFFICER: So, at most, outside, it sounds like you'll have four (4) cars, right? Three (3) for the limo drivers and one (1) for the dispatcher/receptionist?

GABRIEL BILC: Yes.

MARK OFFICER: You said it's a receptionist but since people won't be coming to the place of business, I assume it's more of like a dispatcher?

GABRIEL BILC: I would say, given the circumstances, there is a common area where there is not a bay garage.

MARK OFFICER: Mm-hmm.

GABRIEL BILC: So, I can store records, I can put a computer, I can put anything, you know, accessory for the business.

MARK OFFICER: Mm-hmm.

GABRIEL BILC: So I can operate it. I can store records, I can...like a normal office, I mean, there is a bathroom, there is a kitchenette, there is a common area and there is one room only, so I intend to design them in a nice and in a comfort, like an atmosphere like an office, so if someone works there, there will be a computer. When I say a 'receptionist,' it's not to welcome people 'cause there is no such thing. People are making a reservation over the phone. Very rare they go to a place where 'let's check it in' and so on, but it won't be the case.

MARK OFFICER: Mm-hmm.

GABRIEL BILC: So, basically, for the person who they're gonna work for me in the building, I want them to create a nice environment so they feel they're coming to work in a professional environment, not into a two (2) by four (4) shack.

MARK OFFICER: Mm-hmm.

GABRIEL BILC: If that makes sense.

MARK OFFICER: Alright. Okay. Now, I'm looking at the property details here. It says this building was built about 1970, which I thought it was built in the '50's. I don't know if this was like they're talking about an addition. I don't know if you have any additional...I mean, I've toured this building when I was on the Budget Committee and I could have sworn they said it was built in the '50's.

LARRY O'SULLIVAN: It looks like it was built in the '50's.

MARK OFFICER: But my point being is that it was a Town building at the time, obviously. They were not required to build...

LARRY O'SULLIVAN: To code.

MARK OFFICER: ...to code. Either if it was built in the '50's, there was no code and if it was built in 1970, which I don't think it was, they get a free pass because they were the Town. So, given that, do you feel that this is a hardship that you inherited, given the history of the building?

GABRIEL BILC: I feel that now it's passed, so I have to live with that. If I would have my second choice, I would walk away in a heartbeat.

MARK OFFICER: Mm-hmm.

GABRIEL BILC: It is a hardship for me because I'm trying...I'm caught up into a hard place and a rock and I can't...I kept thinking, what can I do to come on top of this? Because just to sell it to someone else, they're gonna bump into the same issues I do have. Unless I tear the whole thing down and you make a drive though to sell what or to do what? I mean, I do...my professional background, I am a commercial real estate broker. I do this for a living and I was thinking a lot of uses for that and then when I learned...it was too late when I learned the setbacks and everything. You know, most it was like, 'buy it now or you won't have the opportunity.' So, I said okay, I give my commitment over the phone and in the world I am, there is one man, one word, so I couldn't take it back, so I [inaudible] the transaction.

MARK OFFICER: Okay.

GABRIEL BILC: So...but to answer your question, yes, that is a very difficult site and I need the Town of Londonderry to have an open mind with me to do something with this building, anything, residential...I was thinking any use, what can I do there? And if you have any suggestion, I will follow through.

MARK OFFICER: Okay. Alright, Richard do you have any comments?

RICHARD CANUEL: Well, the thing is, regardless of what the proposed use is for this property, because it's a change of use, that invokes site plan review by the Planning Board.

MARK OFFICER: Mm-hmm.

RICHARD CANUEL: The Planning Board cannot even review the plan when it's site plan issues that are governed by the sections of the zoning ordinance, you know, that has to come here first. Unless this Board grants any variances, regardless of the use, the property is pretty much useless...

MARK OFFICER: Mm-hmm.

RICHARD CANUEL: ...as it stands. It's just a matter of considering the impact to the proposed use on the area there, so...

MARK OFFICER: Okay.

RICHARD CANUEL: I don't know what else to say, I mean, the building that exists now is an existing, nonconforming structure because of the setbacks, you know, green space, all the things that Mr. Bilc is asking variances for. It's not a matter of changing from one nonconforming use to another because this use was never established as a nonconforming use prior to. It's simply being a new use and requiring site plan approval because of that, so...

MARK OFFICER: Okay. So, I don't think it would be...I'm almost positive it's not the purview of this Board, the Zoning Board, but that building's not up to code. I have reason to believe, like the septic has already failed, so is that gonna be a Building Inspector issue?

RICHARD CANUEL: Absolutely. There is an easement granted to that property on the adjacent property where the Homestead Restaurant sits for the leachfield.

MARK OFFICER: Oh.

RICHARD CANUEL: It was just never installed. I mean, that easement goes with the property, so...

MARK OFFICER: Okay.

RICHARD CANUEL: ...it's still there.

MARK OFFICER: So, it's not really an issue for us to decide tonight, okay?

YVES STEGER: No.

MARK OFFICER: He's got a few more hurdles to go after this. So, the first step is for him to get the variance, then site plan approval and then approval through the Building Department.

BARBARA DILORENZO: Mm-hmm.

MARK OFFICER: Okay?

RICHARD CANUEL: Yeah, part of that site plan approval, he would be required to get a septic design approved...

MARK OFFICER: Right.

RICHARD CANUEL: ...through the State.

MARK OFFICER: Okay.

GABRIEL BILC: Which I will install if I have to. That's okay, I understand. No matter what use I will put there, I will have to put a septic across the street.

MARK OFFICER: Right. Yeah.

GABRIEL BILC: I'm prepared for that but, again, I gotta pass this hurdle before I go to the next one.

MARK OFFICER: Yeah. Yup, step one. Okay.

LARRY O'SULLIVAN: This isn't 'a' variance, this is three (3) variances.

MARK OFFICER: Yeah.

YVES STEGER: Four (4).

VICKI KEENAN: Four (4), yeah.

MARK OFFICER: Yeah, four (4).

YVES STEGER: Four (4).

BARBARA DILORENZO: I may have missed it but did you say you were gonna be operating twenty four (24) hours a day or was that not mentioned?

GABRIEL BILC: That's a good question, because I never had a limo business before, so I...if it's a demand, I think that would be a good thing, people to have availability, three (3) o'clock in the morning, I wanna pick up the phone to get a limo to get to the airport or to whatever event, I think that's plus because you can save a lot of people being exposed to drunk drivers or so on. I mean, at least this is professional service. They come, they take you from one door to another.

BARBARA DILORENZO: Mm-hmm.

GABRIEL BILC: Especially at the nighttime, I think. Plus there are money to be made to that time, so I think, yes, to answer your question, I think twenty four (24) hours a day will be a good thing. It's not too much traffic at the nighttime anyway for that intersection.

MARK OFFICER: Yeah.

GABRIEL BILC: I mean...

MARK OFFICER: So, the impact from a traffic standpoint, whether you're twenty four (24) hour or not, really isn't that all substantial.

BARBARA DILORENZO: Well, they would probably ask him to do a traffic study anyway, as part of the site plan.

MARK OFFICER: Right, yeah, but what I'm saying is, let's say he has three (3) shifts of three (3) drivers as opposed to two (2) shifts of three (3) drivers...

BARBARA DILORENZO: Right.



MARK OFFICER: ...it's negligible impact. They're basically coming and going. They're coming to pick up and leaving.

GABRIEL BILC: That's right.

BARBARA DILORENZO: Right, and they're gone. Yeah.

MARK OFFICER: Right, yeah. Okay.

BARBARA DILORENZO: Mm-hmm. It's just it wasn't mentioned, you know...

MARK OFFICER: Yeah.

BARBARA DILORENZO: ...of what the hours are gonna be.

MARK OFFICER: Before I forget, I just have to do this for procedures. I'm just gonna open this up to the public and then we'll bring it back to the Board. So, anybody speaking in favor of this request? Alright, seeing none, anybody opposed or having questions. Seeing none, okay, I'll bring it back to the Board. Just had to do it to be...

LARRY O'SULLIVAN: You just like talking to imaginary TV people.

MARK OFFICER: Yeah. Okay, what we typically do, sir, is we ask the applicant to discuss the five (5) points of law, which you have in your application, essentially, starting with (4.a) and going through (b), (c), (d), (e). Now you can read through it or you can just discuss these points but it's the five (5) points of law upon which we grant the variances or not, so, if you could just discuss those or read from your application.

GABRIEL BILC: Sure. Would you like me to start to the first one, the...

YVES STEGER: Actually, I...

MARK OFFICER: Oh.

YVES STEGER: I have a point.

MARK OFFICER: Okay.

YVES STEGER: Could you go back where the request was?

MARK OFFICER: What, here?

YVES STEGER: No, go down.

MARK OFFICER: Down?

YVES STEGER: Down...there. There is one (1) variance about the setbacks which is not in what we see here. But it is in his application and that building, actually, is missing all the setbacks as well, so, it's another area variance. See? One (1), two (2), three (3), four (4), five (5) and there are only four (4) in this listing here. But he did request the building setbacks requirement and they're gonna be necessary as well because he needs that area variance as well. So, whatever we do, even though it may not be here when we approve or deny, it should be on the five (5) area variance, not four (4).

GABRIEL BILC: The setbacks...correct.

YVES STEGER: Good.

GABRIEL BILC: I thought...

YVES STEGER: ...setbacks, otherwise, they're gonna have to come back to us and say, 'you didn't do the setbacks.'

RICHARD CANUEL: Yeah, if I can comment on that...

MARK OFFICER: Okay.

RICHARD CANUEL: ...that was part of Mr. Bilc's original application being an existing, nonconforming structure. As long as he's not changing that structure, there's no request necessary for the setbacks. The building exists as it is. As long as he doesn't change or enlarge that building, he's basically in compliance with his nonconforming, grandfathered status, regardless of the use.

LARRY O'SULLIVAN: Wouldn't it be true of the landscaping as well, then?

YVES STEGER: Yeah.

RICHARD CANUEL: Excuse me?

LARRY O'SULLIVAN: Isn't that true of the landscaping as well?

RICHARD CANUEL: Well, simply because landscaping requirements is part of the Planning Board's review for the site plan approval. They couldn't grant a waiver to that. They don't have that authority, only this Board has that authority to grant that waiver.

LARRY O'SULLIVAN: Well, that's...

YVES STEGER: That's bizarre.

RICHARD CANUEL: Yeah, it's kind of a...it is kind of oddball, but...

YVES STEGER: Okay.

RICHARD CANUEL: You know, the building does, you know, enjoy a grandfathered protection, existing as it is, as long as there's no change to that building. It's not a nonconforming use issue, it's strictly a nonconforming structure because of the setbacks. As long as there's no change to that, then there's no variance required.

MARK OFFICER: Of course, we're changing the use of this, so why don't we need a use variance?

RICHARD CANUEL: Because it's not a nonconforming use.

MARK OFFICER: Oh, because of the zoning.

RICHARD CANUEL: Yeah.

MARK OFFICER: Right.

RICHARD CANUEL: The use is conforming. The proposed...whatever proposed use would be whatever's allowed for that particular zoning district.

MARK OFFICER: Got it. Got it.

RICHARD CANUEL: It's a pro...I mean, it's an accepted use. It's strictly the building itself being a nonconforming structure.

MARK OFFICER: Okay.

YVES STEGER: Okay.

MARK OFFICER: Okay.

YVES STEGER: That's interesting.

MARK OFFICER: You all set?

YVES STEGER: Yeah.

MARK OFFICER: Alright, go ahead, sir.

GABRIEL BILC: Alright, well, under the section 2.4.2.6 and 3.10.5, to allow vehicle access where no compliant access exists...I would like to ask the Board to grant me the variance....I don't even know how to explain. I guess no compliant access exists...

MARK OFFICER: Where are you?

GABRIEL BILC: The first one.

MARK OFFICER: Okay. I don't know if we're looking at the same thing. On the first page, at the bottom where it says number four (4), and then below that it says "facts supporting this request," and it starts with (a), is that what you're looking at?

GABRIEL BILC: The first one, under section 2.4.2.6...

MARK OFFICER: Two-four-two-six (2.4.2.6)?

VICKI KEENAN: It's...

MARK OFFICER: Oh, oh, oh.

GABRIEL BILC: Three-ten-five (3.10.5).

VICKI KEENAN: [inaudible]

MARK OFFICER: Oh, he's looking at...under the...

YVES STEGER: Yeah.

VICKI KEENAN: Yeah. I think he's looking at that.

MARK OFFICER: Yeah. See, I'm looking at what you actually wrote on your application, the five (5) points of law...

GABRIEL BILC: Okay.

MARK OFFICER: So, for example, "the proposed use would not diminish surrounding property values," that was the first question, yeah.

GABRIEL BILC: Oh, I see. I don't have that one. If I can look, I can explain better.

MARK OFFICER: We can...

BARBARA DILORENZO: You can give him...

JAYE TROTTIER: You can borrow this one if you want.

GABRIEL BILC: Yeah. Please. I thought I wrote this by hand and then this was the application and I thought this is the legal stuff to present to you.

MARK OFFICER: Mmm.

GABRIEL BILC: That's why I was following this.

MARK OFFICER: Yup.

GABRIEL BILC: However, the first one...it says "use the premises," no..."facts"...number (a)? Letter (a)?

MARK OFFICER: Go...do you see where it says "facts supporting this request" on the bottom?

GABRIEL BILC: Yes.

MARK OFFICER: Starting there on (a). Yeah.

GABRIEL BILC: Yes. A&A Limousine will be a professional service offered to all residents of Londonderry and surrounding locations. So the premises located at 45 Buttrick Road will be maintained, cleaned, painted, landscaped, et cetera, the building will look professionally and the service offered as limousine service has no competitors in the immediate area, which means I am bringing a service to Town of Londonderry which is not existing. So, it will be a great thing for everybody.

MARK OFFICER: Okay. Do you think you'll impact the property values on your neighbors, for example, the Homestead?

GABRIEL BILC: I think I'll raise it.

MARK OFFICER: Mm-hmm.

GABRIEL BILC: Because there are some offices and I'm bringing a nice satellite of service, shadow transportation for professional businesses, so all the people surrounding, which there are a lot of offices and people where they're gonna visit the restaurant, Homestead Restaurant, they will see my sign on the building and they will know that there is another service accessible for them very easily.

MARK OFFICER: Okay.

GABRIEL BILC: I think everybody benefits from that.

MARK OFFICER: Okay. Alright. And the next one?

GABRIEL BILC: Next one...granting the variance would not be contrary to the public interest because this limousine service will be greatly appreciated by all residents and general public. People need special transportation for all events such as weddings, birthday parties, airport shuttles, special trips to casino or other places desired by general public. Limousine business is a clean, professional, modern and exciting business. People are always thrilled to ride in a limo, which is true.

MARK OFFICER: Mm-hmm. Okay.

GABRIEL BILC: So, I think it will be a...will not be contrary to the public interest. I mean, if it was a...excuse my joke but if it was a sex shop, then I could see that being a...something which we don't want around but...

MARK OFFICER: Alright.

GABRIEL BILC: Special...number (c), special conditions exist such that literal enforcement of the ordinance is results in unnecessary hardship. I listed everything in terms of building setback requirements, green area setback, green area requirements of thirty three (33) percent, parking and minimum lot size. So, these are the ones...hurdles I need to pass in order to establish any business. And I don't think I'm missing anything in terms of the special conditions.

MARK OFFICER: Okay.

GABRIEL BILC: I think that would do it.

MARK OFFICER: And we've discussed this but do you feel a special condition is the fact that this building was built with either a pass but not requiring any setbacks?

GABRIEL BILC: No, the hardship comes when the building was sold to me or any buyer.

MARK OFFICER: Mm-hmm.

GABRIEL BILC: Because I intended to buy it in good faith to establish anything. I liked the location, I liked the building and so on. And if it's not granted to this business, which I think does minimize the traffic, it is professional, it meets pretty much all the criteria as for minimum traffic and something good for the residents of Londonderry. Then much better tear down and just do something else instead of sell it to the public.

LARRY O'SULLIVAN: Mark?

GABRIEL BILC: So, that's the hardship right there. To...yes, sir?

LARRY O'SULLIVAN: May I?

MARK OFFICER: Yeah.

LARRY O'SULLIVAN: I don't mean to interrupt you Mr. Bilc...

GABRIEL BILC: No, it's okay.

LARRY O'SULLIVAN: This section of the requirement is to talk about the conditions of the property. That has to do with the boundaries, the existing lot size, where it's located, what makes it different about this lot than the one that's right next to it? You mentioned this size...

GABRIEL BILC: Yes.

LARRY O'SULLIVAN: That it has minimal...it is a minimal lot.

GABRIEL BILC: Yes. Yes, I understand. And I can explain. The restaurant next door and the offices next door, they have plenty parking. I don't have plenty parking. I mean, almost, I have none. I only have the three (3) garage bays. That's it. I mean, technically, it could be used as parking, people do here and there but legally and to have a twenty (20) by ten (10) feet parking for a car, I do not have it, so there is hardship in terms of parking. In terms of setbacks, minimum lot size, let's talk about that one. The minimum lot size, I do have a two thousand (2,000) square foot building sitting on forty five hundred (4,500) square foot lot, so there's no proportion.

MARK OFFICER: Yeah.

GABRIEL BILC: No matter if I do...

MARK OFFICER: [inaudible] ....at all.

LARRY O'SULLIVAN: That's it right there.

GABRIEL BILC: That's it right there. So then I said the parking, the green area, the thirty three (33) percent, I think in proportion to the forty five hundred (4,500) square feet I have, the lot in the front, there is thirty three (33) percent.

LARRY O'SULLIVAN: Mm-hmm.

GABRIEL BILC: Minimum...except the building itself, what's surrounding it is green, so I don't know how much green I can give you. It isn't. And then the one with the green area setback. The new standards, they say so much from the building and so on, but again, it's an unproportioned building on an unproportional lot, so that explains that one too and the building setback requirements...to the best of my knowledge, there is setback from the street, from the main street like the others, no more, no less, and it just doesn't have parking, so, that would explain the number (c).

LARRY O'SULLIVAN: Well, you have to...let's talk about number two (2) also, right?

GABRIEL BILC: Number two (2) is green area setback.

LARRY O'SULLIVAN: Nope. Below that. You've already done that one.

GABRIEL BILC: Green area thirty three (33) percent.

LARRY O'SULLIVAN: Keep going.

GABRIEL BILC: One more? Parking?

LARRY O'SULLIVAN: Keep going.

MARK OFFICER: No, no. The question...

LARRY O'SULLIVAN: Not yours.

MARK OFFICER: Not your...

[overlapping comments]

MARK OFFICER: Just continue on...

GABRIEL BILC: Oh, number two (2), I'm sorry.

MARK OFFICER: Yeah.

GABRIEL BILC: I'm sorry. The benefit sought by applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue other than an area variance because this site is a very unique site. This building is sitting on four thousand seven hundred ninety one (4,791) square feet. There is not enough parking to suit any business. Therefore, the garages, three (3) will be used as parking. There will be only one (1) receptionist, no person on site. Very limited traffic because all orders are made over the phone. This site is a legal lot with a legal building, however, very limited for green area and minimum lot size required by Town of Londonderry. I...as the paragraph says, the benefit sought by me cannot be achieved by some other method reasonably feasible. I don't have another way than asking for all these variances in order to establish limo business, so we really have to identify the use first before I even go to the Planning Board and then go through the Building Department and be compliant with the new standards, install a septic system and have the heating, plumbing and exit signs and everything necessary to cooperate on a professional business. So, I am no other way than going this way though the variance.

MARK OFFICER: Okay. You can go on to (d).

GABRIEL BILC: (d), granting the variance would do substan...I'm sorry. Granting the variance will do substantial justice because building is now vacant and looks distressed. Any business to be established requires all of the above variances. It is in the best interest of the residents of Londonderry, also the owner, to establish a business instead of a vacant building. Not granting the variance needed to operate the business will create serious hardship to the owner who is respectfully asking the Town of Londonderry to approve the site for any business, especially limo service, which means...it will create serious hardship for me because there will be a vacant building so when I have to figure out some ways to...I have a mortgage for a hundred ninety thousand (190,000) right now, which I'm paying interest, I'm paying the taxes to Town of Londonderry and in years go by, I'm an investor, I'm a developer. We float a vacant building through the making money to some other buildings but if it goes forever, then we just let it back and we give it to the bank and we go from there and then you will have, I guess....I guess you'll have a vacant building for a long time. I'm sitting in front of you to make a change and I'm asking you to help me out.

MARK OFFICER: Okay.

GABRIEL BILC: Otherwise, it will be a ghost house.



MARK OFFICER: Okay.

GABRIEL BILC: A kind of...And point number (e), the use is not contrary to the spirit of the ordinance because the premises are located in a commercial area with a lot of traffic. Approving a limo service will result in a very, very low traffic of two (2) limos that's parked inside the garage and the one (1) receptionist on site from time to time. Adding this limo service on the corridor of Route 102 will be a benefit for the other people in businesses. So, I guess what I was trying to say, there is already a commercial site where businesses are being established, so, establishing this professional business, it is compliant with all the neighborhood. There is a restaurant, there is a plaza across the street, there is a Dunkin Donuts and then you have a limo service, so...

MARK OFFICER: Okay. Alright, thank you very much. Alright, any questions? No? All set?

LARRY O'SULLIVAN: I'm all set.

MARK OFFICER: Okay. Thank you. Any...no additional comments, I take it?

GABRIEL BILC: No.

MARK OFFICER: Alright, we'll take it under advisement right now. You can have a seat and we'll vote on it. Thank you very much.

GABRIEL BILC: Thank you for your time.

MARK OFFICER: Okay. Oh, Richard. Did you have any other comments? I'm sorry.

RICHARD CANUEL: I guess I can make that comment now. In addressing the landscaping issue, which was not mentioned on the application, as part of the...that thirty three (33) percent requirement for that landscaping...

MARK OFFICER: Mm-hmm.

RICHARD CANUEL: ...is...per that section 2.4.2.9, is that that green area must be around the building at least fifteen (15) feet, you know, a fifteen (15) foot wide perimeter around the building. That certainly doesn't exist either, so...

MARK OFFICER: Yeah.

RICHARD CANUEL: That would be one of the things the Board may want to mention as part of granting the landscaping...

MARK OFFICER: Yeah.

RICHARD CANUEL: ...you know, one way or the other but...

MARK OFFICER: Okay.

RICHARD CANUEL: Just so that the Board can address that on the site plan process.

MARK OFFICER: Right. Okay. Okay, thank you.

DELIBERATIONS:

MARK OFFICER: Interesting.

YVES STEGER: Yeah. I did something here. I tried to recreate and it's not perfect. But if we were to use the normal setback rules, the thirty (30) feet and fifteen (15) feet, that is the size of the lot that can be used to put a facility and the parking, which is about eleven (11) feet wide by forty (40) feet long. So, 'cause I was thinking, you know, maybe we could put a banking, you know, one of those drive-thrus...

LARRY O'SULLIVAN: An ATM? An ATM? That's it.

BARBARA DILORENZO: Yeah.

YVES STEGER: Yeah, you can't even do that. There's not enough room even to put the parking on those. It's just...

LARRY O'SULLIVAN: You wouldn't have a drive-thru. That's the access issue there.

MARK OFFICER: There's a lot more traffic, too.

VICKI KEENAN: Yes.

YVES STEGER: I've never seen a lot that is so out of compliance.

MARK OFFICER: Actually, there's...the only other one I can think of, is very close to here, is Café Teresa.

VICKI KEENAN: Mmm.

MARK OFFICER: They came in front of the Board. We're you on the Board then?

LARRY O'SULLIVAN: Way back?

MARK OFFICER: Quite a while ago.

LARRY O'SULLIVAN: With the...

YVES STEGER: Yeah, I wasn't here...

LARRY O'SULLIVAN: ...the walkway in the back?

MARK OFFICER: The whole building, basically, is out of...it's similar to this. The whole building's out of compliance.

YVES STEGER: Mm-hmm.

MARK OFFICER: But that's fairly old, too.

RICHARD CANUEL: At least they had parking.

YVES STEGER: Yes.

MARK OFFICER: Yeah, right. Yeah.

RICHARD CANUEL: There's like nothing here on this lot whatsoever.

MARK OFFICER: Right.

BARBARA DILORENZO: Well, 'cause it used to be volunteer.

MARK OFFICER: It was built by volunteers, is my understanding.

BARBARA DILORENZO: And I know, I remember it was renovated, if I remember correctly, at one time. It might have...

MARK OFFICER: Maybe that was 1970.

BARBARA DILORENZO: ...the '70's. It could have been.

MARK OFFICER: Yeah. Yeah.

LARRY O'SULLIVAN: It is unique and that's one of the neat things about, you know, the ability to ask for a variance or variances, the way they...Mr. Bilc has, is you've got ten things wrong with that lot that need to be redressed.

MARK OFFICER: Mm-hmm.

LARRY O'SULLIVAN: And he's doing a job of addressing them and I think that he needs to take it to the next step and that's just...the usage is very minimal in the way of the impact and, you know, the making it look nicer as opposed to an abandoned building, to me, that's a huge service for the town. I mean, the Town probably should have razed the building and cleared it out and sold it to, you know, as a vacant lot to one of the neighbors if they had an interest, if anyone had...or turn it into a...

MARK OFFICER: I doubt if they do.

LARRY O'SULLIVAN: Yeah, who would, you know, why?

MARK OFFICER: Yeah.

LARRY O'SULLIVAN: But here it is, it's a separate commercial lot and right on Route 102. I know you can't do drive-thru restaurants, you can't do, you know, a zillion different things with it. This is a minimal impact. The only other thing you could do with this, I suspect, would be that, remember there was someone who came through for the towing service. That was...that's practically the same thing.

VICKI KEENAN: Mm-hmm.

LARRY O'SULLIVAN: So...

MARK OFFICER: Yeah, we're talking four (4) cars...

YVES STEGER: And this has less impact.

MARK OFFICER: ...four (4) cars maybe three (3) times a day.

LARRY O'SULLIVAN: Yup.

YVES STEGER: But never at the same time.

MARK OFFICER: Never at the same time.

VICKI KEENAN: Right.

YVES STEGER: So...

MARK OFFICER: So, traffic impact is none. There's no sight or visual impact, noise impact. It's...

LARRY O'SULLIVAN: And the neighbor's properties aren't...

MARK OFFICER: It's one of the few uses I can think of for this property, actually.

BARBARA DILORENZO: Now, that section of the road, is that...is that two (2) way traffic or one (1) way now?

YVES STEGER: Two (2) way.

MARK OFFICER: It's two (2) lane. That was discussed last month, right?

YVES STEGER: Mm-hmm.

MARK OFFICER: I thought it was one (1) lane.

BARBARA DILORENZO: 'Cause I thought the top part of it was two (2) way but the bottom part was one (1) way. But I...

MARK OFFICER: Well, there was something with the fire trucks. They couldn't...they couldn't make...one of the trucks couldn't make a corner if it went one way. I forget now.

BARBARA DILORENZO: Yeah, there was something...

MARK OFFICER: Something like that.

BARBARA DILORENZO: But the whole road now is two (2) way, right?

MARK OFFICER: Yeah. Of course, if you come out to 102, you...

BARBARA DILORENZO: Up to the...

YVES STEGER: I didn't see any signs that would prevent driving into it. But actually, there is very little traffic on that road because most people don't even know that it exists.

MARK OFFICER: Or if it's a road.

YVES STEGER: Or if it's a road.

VICKI KEENAN: Right. Yeah.

BARBARA DILORENZO: Mm-hmm.

MARK OFFICER: So, if we go to the five (5) points, I thought, I mean...

LARRY O'SULLIVAN: He did a pretty good job.

MARK OFFICER: I would say the uniqueness is quite clear to me.

YVES STEGER: Yeah, it's pretty unique.

MARK OFFICER: You know, substantial justice...

YVES STEGER: Mm-hmm.

MARK OFFICER: Impact on property values, I think that's pretty clear. And I think we...I think he hit the two (2) points of the special conditions. You know, it's a big building on a small lot.

YVES STEGER: Actually, if you look at this, there is...half of the lot is the building.

MARK OFFICER: Yeah. Right. So, I, you know, I can't think of any restrictions. Obviously, he has a few more steps. I don't think it's even necessary to put that as a contingency because I'm sure the Town will...he has to go to the Planning Board, we know that.

YVES STEGER: Yeah.

MARK OFFICER: And Richard knows about it from a building perspective, so, does anybody have any other issues or comments?

LARRY O'SULLIVAN: No. We can't even address signage.

MARK OFFICER: Yeah. Right. Alright, then would anyone like to make a motion?

BARBARA DILORENZO: I'll make a motion.

LARRY O'SULLIVAN: May I make a suggestion?

MARK OFFICER: Mm-hmm.

LARRY O'SULLIVAN: That we vote on the motion as made by whoever makes it because we did wanna add to it, remember, there's the landscaping issue that needs to be covered. I believe there should be added to the list of variances that we're actually approving here, right? Richard, if you wouldn't mind chiming in at this time?

RICHARD CANUEL: Yeah, that may be the best way to do that, simply because you wanna give the Planning Board as much direction as possible when they're reviewing their site plan. If you happen to leave something out like that fifteen (15) foot perimeter around the building, that's something that they can't decide on.

YVES STEGER: Mm-hmm.

RICHARD CANUEL: And that would, you know, pretty much shoot the deal. Yeah, I would recommend that you do that. As far as the parking goes, you know, if I can mention before you get to that...

MARK OFFICER: Sure.

RICHARD CANUEL: ...part, while we're talking about it, you can put, as one of the restrictions, that all parking shall take place inside the building. If...

MARK OFFICER: Of the limos?

RICHARD CANUEL: Yeah, if it's Mr. Bilc's plan to exchange vehicles...

MARK OFFICER: Oh, right.

VICKI KEENAN: Mm-hmm.

RICHARD CANUEL: ...a limo for a driver's personal vehicle, then you could add that restriction that all parking take place inside the building, simply because there is really no area for off-street parking on that lot whatsoever, so...

MARK OFFICER: Oh, so he could...the drivers could put their personal vehicle in the bays...

RICHARD CANUEL: Sure.

MARK OFFICER: ...while...?

RICHARD CANUEL: Yeah, I mean that's...

MARK OFFICER: Just basically swap it out?

RICHARD CANUEL: Just to sort of limit the impact.

VICKI KEENAN: So no long term...

RICHARD CANUEL: I mean, simply because there is no off-street parking on that lot whatsoever to speak of.

MARK OFFICER: Mm-hmm.

RICHARD CANUEL: Sort of restrict from having, you know, vehicles parking in that right of way.

MARK OFFICER: Yeah. Of course, there might be...well, that would work for the drivers but you might also have the receptionist/dispatcher, so, maybe just one (1)...

RICHARD CANUEL: Yeah, well, that's something the Board, you know, may wanna consider.

YVES STEGER: So, if you look at the picture and how they are being parked in the picture, you can see that they had the...we can at least restrict no off...no on-street parking...

MARK OFFICER: Mm-hmm.

YVES STEGER: ...but they could have a noncompliant on-property parking. That would be the only possibility. So, for example, the receptionist could be this car here.

BARBARA DILORENZO: Mm-hmm.

YVES STEGER: It would still be noncompliant, which means we have to put it as a variance but we can just say, you know...

LARRY O'SULLIVAN: That the Planning Board...

YVES STEGER: ...on property parking is allowed...

VICKI KEENAN: Limit one (1) or two (2).

LARRY O'SULLIVAN: I would suggest that you leave that to the Planning Board to locate the proper parking for the receptionist or employee.

YVES STEGER: What I'm saying is, we need to approve the fact that that parking can be noncompliant, that is, outside the setbacks...

LARRY O'SULLIVAN: Mm-hmm.

YVES STEGER: ...because otherwise, they would not even be able to approve it.

MARK OFFICER: One (1) parking space.

YVES STEGER: One (1), yes.

VICKI KEENAN: Mm-hmm.

YVES STEGER: Okay. Yes.

MARK OFFICER: Okay.

GABRIEL BILC: Behind the building, right?

MARK OFFICER: We're deliberating. Typically, we don't...

GABRIEL BILC: I'm sorry.

MARK OFFICER: ...take public input during the times we deliberate but...

GABRIEL BILC: I apologize.

MARK OFFICER: Yeah, that's fine.

VICKI KEENAN: Say two (2), I mean, a visitor...

MARK OFFICER: I'm sorry?

VICKI KEENAN: Two (2) spaces. There may be the receptionist and then a visitor, you know, getting information or dropping off payment. I just hate to see him be restricted to taking on a visitor.

MARK OFFICER: Or we could say...



LARRY O'SULLIVAN: How about this, may I?

MARK OFFICER: One (1) parking space for the...not permanent...let's say that's temporary...

VICKI KEENAN: Yeah.

MARK OFFICER: ...it's like super transient...

VICKI KEENAN: Mm-hmm.

MARK OFFICER: ...whereas the receptionist is there for a shift.

VICKI KEENAN: Right.

MARK OFFICER: Maybe one (1) parking space for...

VICKI KEENAN: Employee parking.

MARK OFFICER: ...employees. Yeah.

VICKI KEENAN: Mm-hmm. And one (1) for visitor parking.

MARK OFFICER: Well, I dunno. That's so hard to enforce.

VICKI KEENAN: Mmm. Mm-hmm.

LARRY O'SULLIVAN: May I make a suggestion?

MARK OFFICER: Or making two (2) spaces?

LARRY O'SULLIVAN: Yeah, how about two (2) parking places to be designated by the Planning Board.

VICKI KEENAN: Mm-hmm.

MARK OFFICER: Or a maximum of two (2), how's that? Give them the option.

LARRY O'SULLIVAN: Okay.

VICKI KEENAN: That works.

LARRY O'SULLIVAN: That's even better.

MARK OFFICER: Yeah. So, we have a maximum of two (2) parking spaces...

LARRY O'SULLIVAN: Designated by the Planning Board.

MARK OFFICER: Yeah. And then...so, who...is somebody...are you writing this down?

LARRY O'SULLIVAN: I'm trying to get...the parking restrictions inside the building...

MARK OFFICER: Yeah.

LARRY O'SULLIVAN: ...the fifteen (15) foot perimeter of landscaping...

MARK OFFICER: Mm-hmm.

LARRY O'SULLIVAN: ...perimeter of the building...

MARK OFFICER: Mm-hmm.

LARRY O'SULLIVAN: ...landscaping to be waived.

MARK OFFICER: I don't think there's any other restrictions we need to think of in terms of hours, parking...

VICKI KEENAN: How about no mechanical services on site or no...

MARK OFFICER: Ah, yes.

LARRY O'SULLIVAN: Right.

MARK OFFICER: Good one.

LARRY O'SULLIVAN: That's a restriction, right?

MARK OFFICER: Yeah.

VICKI KEENAN: Okay.

LARRY O'SULLIVAN: Are you getting this down, Vicki? Are you gonna do this?

VICKI KEENAN: I'm writing it down, yeah.

LARRY O'SULLIVAN: Okay.

MARK OFFICER: Okay. Anything else that he...? I can't think of anything else. Anybody else think of anything? Okay. Alright, would anyone like to make a motion?

LARRY O'SULLIVAN: Can we make a working motion?

MARK OFFICER: What's a working motion?

LARRY O'SULLIVAN: Well, the motion that we want, to complete it. We wanna make sure we have everything covered...

MARK OFFICER: Okay. Alright, well, don't make a motion, let's just decide who's gonna...let's just...we can agree to the wording of the restrictions, how's that?

LARRY O'SULLIVAN: What have you got down so far, Vicki? I have fifteen (15) foot perimeter of the building...

VICKI KEENAN: Waiver perimeter landscaping requirement of fifteen (15) feet. Yeah.

LARRY O'SULLIVAN: To be waived, right?

VICKI KEENAN: No mechanical services on site.

LARRY O'SULLIVAN: Well, that's a restriction as opposed to...I think they want the Planning Board to...

VICKI KEENAN: Oh, Planning Board direction?

LARRY O'SULLIVAN: ...to address. Right?

BARBARA DILORENZO: That would be...

VICKI KEENAN: Okay.

LARRY O'SULLIVAN: Don't we have two (2), those two (2) areas, Mark?

MARK OFFICER: Mm-hmm.

LARRY O'SULLIVAN: I mean, that's...

MARK OFFICER: Yeah, what do we...? So, a restriction is a restriction as we usually do. And what do we call the other one?

BARBARA DILORENZO: Well, you say recommend...

LARRY O'SULLIVAN: Recommended waivers.

BARBARA DILORENZO: ...Planning Board...

VICKI KEENAN: Planning Board recommendations?

MARK OFFICER: Yeah.

LARRY O'SULLIVAN: To leave to the Planning Board to make the determinations.

MARK OFFICER: Yeah.

VICKI KEENAN: And then a maximum of two (2) parking spaces designated by Planning Board?

LARRY O'SULLIVAN: I'd like that, too.

MARK OFFICER: Okay.

LARRY O'SULLIVAN: That's good.

VICKI KEENAN: And then, do you wanna put no commercial vehicle parking on the exterior?

LARRY O'SULLIVAN: Well, we were gonna do the interior...parking restriction inside the building.

MARK OFFICER: Oh, yeah.

VICKI KEENAN: Yeah.

LARRY O'SULLIVAN: That's all I had. Anybody else?

MARK OFFICER: I think we got them. So, anyone like to make a motion? Who has it?

LARRY O'SULLIVAN: Vicki, you got it.

VICKI KEENAN: Okay. I'll make a motion...

MARK OFFICER: Yup.

VICKI KEENAN: ...to approve the area variance, 45 Buttrick Road, with the following Planning Board recommendations...do I need to list the four (4) variance...?

LARRY O'SULLIVAN: These are our recommendations for the Planning Board.

VICKI KEENAN: ...for the Planning Board. Maximum of two (2) parking spaces designated by the Planning Board, waiver of fifteen (15) perimeter landscaping requirement and parking restriction of vehicles inside the building.

LARRY O'SULLIVAN: With the restrictions of...

VICKI KEENAN: With the restrictions of...

LARRY O'SULLIVAN: Mechanical services.

VICKI KEENAN: No mechanical services on site. Thank you.

LARRY O'SULLIVAN: I'll second it.

MARK OFFICER: Alright, the motion is made by Vicki, seconded by Larry. All those in favor, say 'aye'. Aye.

VICKI KEENAN: Aye.

YVES STEGER: Aye.

LARRY O'SULLIVAN: Aye.

BARBARA DILORENZO: Aye.

MARK OFFICER: Those opposed? Alright, motion carries unanimously, five (5), zero (0).

RESULT: THE MOTION TO GRANT THE AREA VARIANCE WITH RECOMMENDATIONS TO THE PLANNING BOARD AND RESTRICTIONS WAS APPROVED, 5-0-0.

RESPECTFULLY SUBMITTED,

LARRY O'SULLIVAN, CLERK

TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

**APPROVED JULY 16, 2008** WITH A MOTION MADE BY LARRY O'SULLIVAN, SECONDED BY BARBARA DILORENZO AND APPROVED 4-0-1 (NEIL DUNN ABSTAINED AS HE HAD NOT ATTENDED THE JUNE 18, 2008 MEETING).