TOWN OF LONDONDERRY

ZONING BOARD OF ADJUSTMENT MEETING

MOOSE HILL COUNCIL CHAMBERS

268B MAMMOTH ROAD

JULY 15, 2026, 7:00 P.M.

CALL TO ORDER

Members Present: Jacqueline Benard, Chair; Suzanne Brunelle, Vice Chair; Brendan O'Brien, Clerk; Mitchell Feig, Member; Lisa Sussman, Alternate Member (left at 10:14 p.m.); Ariana McQuarrie, Alternate Member; Andria Hansen, Alternate Member (left at 10:18 p.m.)

Members Absent: Greg Carson, Member

Also Present: Nick Codner, Chief Building Inspector/Zoning Administrator

Chair Benard called the meeting to order at 7:00 p.m. and reviewed the meeting procedure.

ROLL CALL

APPROVAL OF DRAFT MINUTES

L. Sussman moved to accept the minutes of the June 17, 2026, meeting as written. B. O'Brien seconded the motion. The motion carried 3-0-2.

REPORT BY TOWN COUNCIL LIAISON

There was no report by Town Council Liaison.

REGIONAL IMPACT DETERMINATIONS

Staff determined that none of the cases being heard were of regional impact.

B. O'Brien moved to accept the regional impact determination. L. Sussman seconded the motion. The motion carried 5-0-0.

PUBLIC HEARING OF CASES

Case No. 07-15-2026-1 - Request For A Variance From LZO 5.3.3.D.2.A To Allow A Shed To Encroach 15 Feet Into The Required 30-Foot Front Setback In The Agricultural Residential-1

(AR-1) Zoning District. The Property Is Located At 44 Clover Lane, Tax Map 16, Lot 38-127. William And Sarah Molinari, Owner/Applicant.

S. Brunelle recused herself from consideration of this case. Chair Benard appointed Ariana McQuarrie and Lisa Sussman as full voting members for this case.

B. O'Brien read the case into the record.

Sarah Molinari appeared before the Board to present this variance request for construction of a 10 foot x 14 foot shed that encroaches into the front setback. She described the property and the desired location for the shed, which is 15 feet from the road. The HOA and abutters have approved this proposal.

S. Molinari read the variance criteria.

Chair Benard asked for Board comment.

The Board asked if sightlines would be impacted and N. Codner said this was not a concern.

There was confusion over the proposed location of the shed. The Board explained that the setback starts at the property line, not the road. So, the shed would not be 15 feet from the road. S. Molinari asked if was permissible for the shed to encroach less on the setback than approved and the Board agreed it would be.

The Board noted that the original request was for a 10 foot x 12 foot shed 15 feet off the road and 5 feet off the property line, which was clarified. S. Molinari verified the size of the shed is 10 foot x 14 foot. The Board asked if there were provisions in the plan regarding special purposes for the setbacks. S. Molinari said the lots are a half-acre, so the setbacks are smaller than standard.

Chair Benard asked for public comment. B. O'Brien read two letters of support into the record, one with approximately 20 signatures from Clover Lane and Calla Road residents and a second from Donna Galluzzo, 45 Clover Lane.

Chair Benard closed the public hearing and the Board went into deliberation.

B. O'Brien reviewed the variance criteria:

1) Granting the variance would not be contrary to the public interest because it would not alter the character of the neighborhood.

2) The spirit of the ordinance would be observed because it does not threaten the public health, safety, or general welfare. The placement of the shed is protective of the purpose of the

ordinance.

3) Granting the variance would do substantial justice because not granting it would result in a greater loss to the applicant than any gain to the public.

4) The values of surrounding properties would not be diminished because it is a nice-looking shed and sheds are common on properties.

5) Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because:

(a) for purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area,

(i) there is not a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property because this is a corner lot with a hill in the back that limits the possible locations for the shed. Placement of the shed is consistent with the purpose of the ordinance. This is a half-acre lot abutting conservation land, and one of four corner lots in the subdivision. Adding a shed would make the property more in conformance with surrounding properties that have structures. The HOA has endorsed placement of the shed.

(ii) the proposed use is a reasonable one, as sheds are reasonable.

B. O'Brien moved in Case No. 07-15-2026-1 to grant the request for a variance, with the restrictions that the shed shall not encroach more than 15 feet into the setback and the shed shall not be larger than 10 feet by 14 feet. A. McQuarrie seconded the motion. The motion carried 5-0-0.

Case No. 07-15-2026-2 - Request For A Variance From LZO 7.5.C.1 To Allow A 15-Foot-High Freestanding Sign, Whereas The Maximum Permitted Sign Height In The Commercial-II (C-II) Zoning District Is 10 Feet. The Property Is Located At 201 Rockingham Road, Tax Map 15, Lot 68. Lonrock Realty, LLC, Owner; Viewpoint Sign & Awning, Applicant.

S. Brunelle returned to the Board. Chair Benard appointed Ariana McQuarrie as a full voting member for this case.

B. O'Brien read the case into the record.

Jason Perillo (sp) of Viewpoint Sign & Awning appeared before the Board to present a request to increase the height of a Dunkin Donuts sign to 15 feet to improve visibility. He noted safety concerns caused by the height of the existing sign, due to speed and the layout of the road.

J. Perillo read the variance criteria.

Chair Benard asked for Board comment.

The Board clarified the height of the current sign, which J. Perillo estimated to be 5 or 6 feet off the ground. The size of the sign would remain the same. The Board asked if the sign could be raised to 10 feet, but J. Perillo said that would not provide adequate visibility. The Board noted the speed limit is not obeyed and it is a busy road. The Board asked if the illuminated sign is turned off or dimmed after hours and J. Perillo agreed. Per the company website, operating hours are 4 a.m. until 8 p.m.

Chair Benard asked for public comment. B. O'Brien read a letter of opposition into the record from Cheryl Waitt, 57 Noyes Road, owner of 200 Rockingham Road.

Chair Benard closed the public hearing and the Board went into deliberation.

B. O'Brien reviewed the variance criteria:

1) Granting the variance would not be contrary to the public interest because it would not alter the character of the neighborhood. It is a highly trafficked commercial property.

2) The spirit of the ordinance would be observed because it does not threaten the public health, safety, or general welfare. The current height of the sign creates a safety issue.

3) Granting the variance would do substantial justice because not granting it would result in a greater loss to the applicant than any gain to the public.

4) The values of surrounding properties would not be diminished because this is a commercial area.

5) Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because:

(a) for purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area,

(i) there is not a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property due to the unique positioning of the property on Rockingham Road. A. McQuarrie did not agree, noting other options were not explored, including removal of brush around the sign and relocating the sign. The Board voted 4-1.

(ii) the proposed use is a reasonable one, as signs are reasonable.

B. O'Brien moved in Case No. 07-15-2026-2 to grant the request for a variance, with the condition that the sign may only be illuminated during operating hours, but no earlier than 4 a.m. and no later than 8 p.m. S. Brunelle seconded the motion. The motion carried 4-1-0.

Case No. 07-15-2026-3 - Request For A Special Exception For A Home Occupation (Massage Therapy) Pursuant To LZO 5.12.4.A In The Agricultural Residential-1 (AR-1) Zoning District. The Property Is Located At 254 Mammoth Road, Tax Map 6, Lot 20. Brian Hanlon, Owner; Jenniffer Carlisle, Applicant

S. Brunelle recused herself from consideration of this case. Chair Benard appointed Lisa Sussman as a full voting member for this case.

B. O'Brien read the case into the record.

Jennifer Carlisle appeared before the Board to present a request to operate a massage therapy business in her home. There is adequate parking on the property for the residents and for one client at a time.

Chair Benard asked for Board comment.

The Board asked about J. Carlisle's status as owner/renter of the home. She explained she resides in the home with the property owner, Brian Hanlon. The home has been placed in a trust, of which she is a trustee. B. O'Brien read a letter into the record from Brian Hanlon that verified this information and supported this request.

Chair Benard asked for public comment; there was none.

Chair Benard closed the public hearing and the Board went into deliberation.

B. O'Brien reviewed the special exception criteria:

1. Will the activities associated with home occupations detract from the rural character of the residential neighborhood, or create traffic, environmental or aesthetic impacts substantially different than the impacts created by other permitted uses in the neighborhood? No. The Board agreed.

2. Is the home occupation incidental and secondary to the use of the property as a residential dwelling? Yes. The Board agreed.

3. Is the home occupation being conducted in a single-family or two-family dwelling unit (not permitted in multi-family dwelling units)? Yes. The Board agreed.

4. Does the home occupation occupy no more than 25% of the existing normal living area of the primary residence or, if the home occupation is conducted in an accessory building, no more than 50% of the existing normal living area of the primary residence (up to a maximum of 1,000 square feet may be dedicated to the home occupation)? 144 square feet of 2,800 square feet. The Board agreed.

5. Are only members of the occupant's immediate family residing on the property employed? Yes. The Board agreed.

6. Are there any exterior renovations or construction as part of a home occupation? No. The Board agreed.

7. Is there any exterior storage of any products, equipment, machinery, or materials associated with the home occupation? No. The Board agreed.

8. Does the traffic generated by the home occupation create safety hazards or be substantially greater in volume than would normally be expected in the neighborhood? No. The Board agreed.

9. Is the off-street parking adequate for anticipated customers (no parking areas in excess of those necessary for normal residential purposes will be allowed)? Yes. The Board agreed.

10. Is the home occupation conducted in accordance with all Town regulations, state laws and licensing requirements? Yes. The Board agreed.

11. Sign. One exterior wall sign 13 inches x 19 inches that is not illuminated.

12. Hours of operation: As reflected in exhibit A; Monday, Tuesday, Wednesday, and Friday shall not exceed 7 p.m.

B. O'Brien moved in Case No. 07-15-2026-3 to grant the request for a special exception. L. Sussman seconded the motion. The motion carried 5-0-0.

Case No. 07-15-2026-4 - Request For A Special Exception For A Portable Storage Container Pursuant To LZO 5.15.1 In The Agricultural Residential-1 (AR-1) Zoning District. The Property Is Located At 131 High Range Road, Tax Map 6, Lot 5-1. Nathan Stiller And Jacquelyn White, Owner/Applicant

S. Brunelle returned to the Board.

B. O'Brien read the case into the record.

Nathan Stiller and Jacquelyn White appeared before the Board to present this request to temporarily place a 8 foot x 20 foot x 8 foot 6 inch steel storage container on their property. N. Stiller verified that the container is on blocks, the equipment being stored is related to their business, and contains gasoline, batteries, and small engines.

The Board clarified the proposed location of the container in the back corner of the lot. The intention is to construct a pole barn in the future and remove the container. The Board discussed the ability to set a time limit on the container being on the property. They questioned the number of gas-powered engines in the container; N. Stiller said there were three snowblowers.

Chair Benard asked for public comment. B. O'Brien read letters of support into the record from Mark Greenwood, 133 High Range Road; Peter Norton, 116 High Range Road; and Yvette and Donna Hicks, 123 High Range Road.

Mark Greenwood, 133 High Range Road, spoke in support of the request.

Brad White, Jacquelyn's father, 407 South Street, Halifax, Massachusetts, noted the house was purchased in May and had been an automotive business. He spoke in support of the request.

Chair Benard closed the public hearing and the Board went into deliberation.

B. O'Brien reviewed the special exception criteria:

1. Is the use detrimental to the health or safety of residents? No. The Board agreed.

2. Will the use create undue traffic congestion or a traffic safety hazard in the vicinity of the proposed development? No. The Board agreed.

3. Will the use be incompatible with the surrounding neighborhood? No. The Board agreed.

4. Will the use be a detriment to property values in the vicinity of the proposed development, with consideration given to the location or scale of buildings, structures, parking areas, or other access ways? No. The Board agreed.

5. Will a nuisance be created by such use by way of emission of odors, smoke, gas, dust, noise, glare, heat, vibration, or other pollutants, or the unsightly outdoor storage of equipment, vehicles, or other materials? No. The Board agreed.

6. Will the use create a hazard to the public or adjacent property on account of potential fire, explosion, or release of toxic materials? No. The Board agreed.

7. Will the use result in the degradation of existing surface and groundwater quality standards, or have adverse effects on the natural functions of wetlands on the site which would result in the loss of significant habitat or flood control protection? No. The Board agreed.

8. Will there be more than one portable structure per property? No. The Board agreed.

9. Will the portable storage structure be larger than 10 feet wide, 20 feet long, and 10 feet high? No. The Board agreed.

10. Will the portable storage structure be located to the side or rear of the principal structure on the property? Yes. The Board agreed.

11. Will the portable storage structure be set back a minimum of 15 feet from a side or rear lot line, and 40 feet from any front property line? Yes. The Board agreed.

12. Will the portable storage structure be set back a minimum of 5 feet from the nearest wall of a building? Yes. The Board agreed.

13. Will the portable storage structure be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks? Yes. The Board agreed.

14. Will adequate and appropriate facilities will be provided for the intended use? N/A. The Board agreed.

15. Will all necessary state and federal permits be obtained? N/A. The Board agreed.

16. Please state the length of time the portable storage structure will remain on the property: Five years from 7/15/26. The Board agreed.

B. O'Brien moved in Case No. 07-15-2026-4 to grant the request for a special exception, with the condition that the container be no larger than 8 feet x 20 feet x 8 feet 6 inches high and will sunset five years from July 15, 2026. A. McQuarrie seconded the motion. The motion carried 5-0-0.

Case No. 07-15-2026-5 - Request For A Variance From LZO 5.15.A.1 To Allow An Additional Portable Storage Structure In The Agricultural Residential-1 (AR-1) Zoning District. The Property Is Located At 131 High Range Road, Tax Map 6, Lot 5-1. Nathan Stiller And Jacquelyn White, Owner/Applicant.

B. O'Brien read the case into the record.

The Board verified that there was an approved automotive repair facility on the site previously, for which a variance was issued.

Nathan Stiller and Jacquelyn White appeared before the Board to present this request to allow a second steel storage container 10 feet x 7 feet x 8 feet 3 inches on their property. It is in a location that meets the setbacks, and will hold snow tools and household goods. It would be placed permanently on the property.

J. White read the variance criteria.

Chair Benard asked for Board comment. The Board clarified that the DPW road is across the street, with lots of commercial traffic. Once the first container sunsets, this would be the only container on the property, so this variance would be moot. They asked if the container would be needed once the garage is built; N. Stiller said possibly not.

The Board questioned how the property meets the hardship criteria, noting that it met the criteria for an automotive repair facility in the past. They suggested continuing the case to obtain information on the zoning in effect at the time that variance was issued to help determine the uniqueness of the property. Chair Benard will request this information.

B. O'Brien moved in Case No. 07-15-2026-5 to continue this case to the August 19, 2026

meeting. M. Feig seconded the motion. The motion carried 5-0-0.

Case No. 07-15-2026-6 - Request For A Variance From LZO 4.1 To Allow The Storage Of Heavy Equipment In The Agricultural Residential-1 (AR-1) Zoning District. The Property Is Located At 131 High Range Road, Tax Map 6, Lot 5-1. Nathan Stiller And Jacquelyn White, Owner/Applicant.

B. O'Brien read the case into the record.

Nathan Stiller and Jacquelyn White appeared before the Board to present this variance request.

Chair Benard asked for a definition of heavy equipment. N. Stiller explained that there would be trucks, small wheel loaders, skid steers, bobcats, and snow plow attachments.

The Board agreed they needed more information on the zoning in effect at the time the variance was issued to the automotive repair facility.

J. Benard moved in Case No. 07-15-2026-6 to continue this case to the August 19, 2026 meeting. B. O'Brien seconded the motion. The motion carried 5-0-0.

The Board took a break.

Case No. 07-15-2026-7 - Request For A Variance From LZO 4.3.3.B.1 To Allow A Bus Stop Shelter To Encroach Into The Required 30-Foot Green Space In The Commercial-I (C-1) Zoning District. The Property Is Located At 225 Rockingham Road, Tax Map 15, Lot 125. Genex Construction Group, LLC, Owner/Applicant.

B. O'Brien read the case into the record.

George Chadwick with Bedford Design Consultants appeared before the Board representing the owner to present this request to construct an 8 foot x 10 foot bus stop shelter 15 feet from the front right-of-way line and into the green space. The shelter will serve a 40-unit subdivision approved by the Planning Board. This location will allow a quicker turnaround for children to be picked up by the bus and have less impact on traffic. School buses do not enter private property.

G. Chadwick read the variance criteria.

Chair Benard asked for Board comment.

The Board questioned whether the size of the shelter was adequate and discussed the number

of children potentially utilizing it at one time. They asked why the shelter could not be constructed out of the green space. G. Chadwick explained it would not fit with the landscape architecture.

The Board discussed the hardship, noting the impact of cars from multiple units accessing a busy road. They agreed children would be safer in a shelter. G. Chadwick said the impact to the children and drivers outweighs any impact to the ordinance.

Chair Benard asked for public comment; there was none.

Chair Benard closed the public hearing and the Board went into deliberation. They expressed concern over children waiting for a bus so close to the road.

B. O'Brien reviewed the variance criteria:

1) Granting the variance would be contrary to the public interest because it would alter the character of the neighborhood. The neighborhood is commercial and the presence of children so close to the road changes that character. The vote was 3-2.

2) The spirit of the ordinance would not be observed because the location of the shelter threatens the public health, safety, or general welfare.

3) Granting the variance would not do substantial justice, as granting it would result in a greater loss to the public than any gain to the applicant.

4) The values of surrounding properties would not be diminished.

5) Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because:

(a) for purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area,

(i) there is a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property for the reasons expressed when responding to questions 1 and 2.

(ii) the proposed use is a reasonable one, as shelters are reasonable.

(b) If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property can be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

B. O'Brien moved in Case No. 07-15-2026-7 to deny the request for a variance as the requested variance did not meet the five criteria. M. Feig seconded the motion. The motion

carried 5-0-0.

Case No. 07-15-2026-8 - Request For A Variance From LZO 4.3.3.A.1 To Allow A Bus Stop Shelter To Encroach 43 Feet Into The Required 60-Foot Front Setback In The Commercial-I (C-1) Zoning District. The Property Is Located At 225 Rockingham Road, Tax Map 15, Lot 125. Genex Construction Group, LLC, Owner/Applicant.

B. O'Brien read the case into the record.

George Chadwick with Bedford Design Consultants appeared before the Board representing the owner to present this request to construct an 8 foot x 10 foot bus stop shelter 45 feet into the 60-foot front setback. He noted this presentation was verbatim as for Case No. 07-15-2026-7.

Marco Plante, property owner, pointed out children will congregate on the side of the road to catch the bus whether or not the shelter is there. The shelter would be a benefit. The Board noted the importance of safety when they make decisions. They suggested sacrificing parking spaces to move the shelter further from the road. G. Chadwick explained the parking spaces are required by the Town's zoning ordinance.

N. Codner pointed out there is space between the parking spaces and the front setback. G. Chadwick said this area provides fire access/access to the detention basin, but agreed there was space to place the shelter. He reiterated concerns about exacerbating drivers' frustration having to wait for children to board the bus. The Board said this should not be considered above the safety of people.

G. Chadwick said a shelter 25 feet from the travel way is safe and asked that the Board vote on the effect of the location of the structure, not on the effect of safety of the structure's location. The Board explained they must decide based on the five criteria, which include safety.

Chair Benard asked for Board comment. The Board incorporated their discussion from Case No. 07-15-2026-7 as applicable to this variance.

Chair Benard asked for public comment; there was none.

Chair Benard closed the public hearing and the Board went into deliberation.

B. O'Brien reviewed the variance criteria:

1) Granting the variance would be contrary to the public interest because it would alter the character of the neighborhood. The neighborhood is commercial and the presence of children so close to the road changes that character. The vote was 3-2.

2) The spirit of the ordinance would not be observed because the location of the shelter threatens the public health, safety, or general welfare. The application states that the shelter allows for a visually more appealing site and is not habitable, which are not reasons that the ordinance would be observed.

3) Granting the variance would not do substantial justice, as granting it would result in a greater loss to the public than any gain to the applicant.

4) The values of surrounding properties would not be diminished.

5) Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because:

(a) for purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area,

(i) there is a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property, for the reasons expressed when responding to questions 1 and 2.

(ii) the proposed use is a reasonable one, as shelters are reasonable.

(b) If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property can be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. The shelter can be located further from the road.

B. O'Brien moved in Case No. 07-15-2026-8 to deny the request for a variance as the requested variance did not meet the five criteria. S. Brunelle seconded the motion. The motion carried 5-0-0.

The Board discussed continuing to hear cases past the 10 p.m. time limit, and agreed to do so.

Case No. 07-15-2026-9 - Request For A Variance From LZO 4.3.3.A.1 To Allow A Bus Stop Shelter To Encroach 46 Feet Into The Required 60-Foot Front Setback In The Commercial-I (C-1) Zoning District. The Property Is Located At 52 Gilcreast Road, Tax Map 7, Lot 7-74. Gilcreast Londonderry, LLC, Owner/Applicant.

B. O'Brien read the case into the record.

George Chadwick with Bedford Design Consultants and Marco Plante, property owner, appeared before the Board to present this request to allow a bus stop shelter to be located 4.6 feet from the right-of-way and encroach 55.4 feet into the front setback. It will serve a 68-unit project that has been approved by the Planning Board. The shelter has already been

constructed per site plan approval. They were informed by DPW that a variance would be needed due to the encroachment into the front setback.

G. Chadwick read the variance criteria.

Chair Benard asked for public comment; there was none.

Chair Benard asked for Board comment. They questioned why the shelter could not be located further from the road. G. Chadwick explained it is not possible, due to the location of the buildings and the transformer. There also is no room across the road. The Board noted that the area is residential, and Gilcreast Road is less traveled and a 30 mph road.

Chair Benard closed the public hearing and the Board went into deliberation. They reiterated that children waiting for a bus at the edge of the road is not safe, even though the road is less busy. They noted the role the Planning Board's oversight played in this request. They questioned whether the shelter was within the maintenance portion of the right-of-way.

Chair Benard reopened public comment.

G. Chadwick said the shelter is 5 feet outside the public right-of-way and approximately 15 feet from the pavement. He said the Planning Board agreed it does not impact slightlines.

Chair Benard closed the public hearing and the Board went into deliberation.

B. O'Brien reviewed the variance criteria:

1) Granting the variance would not be contrary to the public interest because it would not alter the character of the neighborhood.

2) The spirit of the ordinance would not be observed because it does threaten the public health, safety, or general welfare. The shelter is 5 feet from a stop sign and near a busy road.

3) Granting the variance would not do substantial justice because granting it would result in a greater loss to the public than any gain to the applicant.

4) The values of surrounding properties would not be diminished.

5) Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because:

(a) for purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area,

(i) there is a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property due to the

reasons expressed in questions 2 and 3.

(ii) the proposed use is a reasonable one, as shelters are reasonable.

(b) If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property can be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. The shelter can be located elsewhere.

B. O'Brien moved in Case No. 07-15-2026-9 to deny the request for a variance as the requested variance did not meet the five criteria. S. Brunelle seconded the motion. The motion carried 5-0-0.

Case No. 07-15-2026-10 - Request For A Variance From LZO 4.3.3.B.1 To Allow A Bus Stop Shelter To Encroach 16 Feet Into The Required 30-Foot Green Space In The Commercial-I (C-1) Zoning District. The Property Is Located At 52 Gilcreast Road, Tax Map 7, Lot 7-74. Gilcreast Londonderry, LLC, Owner/Applicant.

B. O'Brien read the case into the record.

George Chadwick with Bedford Design Consultants and Marco Plante, property owner, appeared before the Board to present this request to allow a bus stop shelter to be located 4.6 feet from the right-of-way line or 25.4 feet into the 30-foot green space. He clarified that the encroachment is 25.4 feet, not 16 feet as stated in the application. He noted his presentation was verbatim as for Case No. 07-15-2026-9.

Chair Benard asked for public comment; there was none.

Chair Benard asked for Board comment. The Board incorporated their discussion from Case No. 07-15-2026-9 as applicable to this variance. Exhibits A and B from Case No. 07-15-2026-9 also apply to this case.

Chair Benard closed the public hearing and the Board went into deliberation.

B. O'Brien reviewed the variance criteria:

1) Granting the variance would not be contrary to the public interest because it would not alter the character of the neighborhood.

2) The spirit of the ordinance would not be observed because it does threaten the public health, safety, or general welfare.

3) Granting the variance would not do substantial justice because granting it would result in a

greater loss to the public than any gain to the applicant.

4) The values of surrounding properties would not be diminished.

5) Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because:

(a) for purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area,

(i) there is a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property due to the reasons expressed in questions 2 and 3.

(ii) the proposed use is a reasonable one, as shelters are reasonable.

(b) If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property can be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. The shelter can be located elsewhere.

B. O'Brien moved in Case No. 07-15-2026-10 to deny the request for a variance as the requested variance did not meet the five criteria. S. Brunelle seconded the motion. The motion carried 5-0-0.

COMMUNICATION AND MISCELLANEOUS

OTHER BUSINESS

ADJOURN

A. McQuarrie moved to adjourn the meeting. S. Brunelle seconded the motion. The motion carried 5-0-0.

The meeting was adjourned at 10:46 p.m.

Respectfully submitted,

Beth Hanggeli

Recording Secretary