



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT

WEDNESDAY, JANUARY 29, 2014

Members present: Patrick Dwyer, Phil Straight, Tony Pellegrino, Kevin Shea, and Alternates Leonard Worster and Richard Conescu.

Members absent: Fran L'Heureux and Alternate Nathan Barry.

Staff present: Assistant Planner Donna Pohli and Recording Secretary Zina Jordan.

1. Call to Order.

Patrick Dwyer called the meeting to order at 7:00 p.m. and designated Richard Conescu to sit for Fran L'Heureux.

2. Roll Call.

Richard Conescu read the preamble. Patrick Dwyer led the Pledge of Allegiance and swore in members of the public who would be testifying.

- 3. Able Ebenezer Brewing Co. (petitioner) and Columbia Circle, LLC. (owner) – Special Exception under Section 2.02.4(E)(1) of the Zoning Ordinance to permit an accessory use of on-site retail sales of company products located at 31 Columbia Circle in the I-1 (Industrial) & in the Aquifer Conservation Districts. Tax Map 4D-3, Lot 007. Case # 2014-01.**

Applicant was represented by: Steve Keach and Katherine Basso, Keach Nordstrom-Associates, Inc., and Carl Soderberg, Able Ebenezer Brewing Company.

There was no public comment.

The Board voted 5-0-0 to grant the Special Exception, on a motion made by Kevin Shea and seconded by Tony Pellegrino.

- 4. Old Blood Properties, LLC. (petitioner/owner) – Variance under Section 3.08(2) of the Zoning Ordinance to allow a cluster subdivision in the R-1 (Residential) District where cluster developments are not permitted and additionally requested that six cluster lots in excess of the number that would be allowed based on the conventional subdivision requirements in the R-1 (Residential) District. The parcels are located at a 196-acre tract off Old Blood Road. Tax Map 5B, Lots 2, 3, 3-1, 5, 6, 7, 8, 9 & 023. Case # 2014-02.**

Applicant was represented by: Attorney Greg Michael, Bernstein Shur; and Ken Clinton, Project Manager, Meridian Land Services.

Public comment was received from: Attorney John Weaver for Thomas Feller, 27 Merrymeeting Drive, both by e-mail and in person; Barbara Chase, 23 Merrymeeting Drive; and Margaret Pickett, 29 Merrymeeting Drive.

The Board voted 4-1-0 to grant both variances, with conditions, on a motion made by Phil Straight and seconded by Richard Conescu. Patrick Dwyer voted in the negative.

- 5. The Stephanie Tomasian Revocable Trust, Lynda & Warren Tomasian, Trustees (petitioners/owners)** – Variance under Section 3.02 of the Zoning Ordinance to allow a proposed lot with 75,800 s.f. of contiguous non-wetland uplands where 100,000 s.f. is required. The parcel is located at 5 Tomasian Drive in the R-1 (Residential) & Aquifer Conservation Districts. Tax Map 4B, Lot 012-02. Case #2014-03.

Applicant was represented by: Attorney Greg Michael, Bernstein Shur; and Ken Clinton, Project Manager, Meridian Land Services, Inc.

There was no public comment.

The Board voted 5-0-0 to grant the variance, on a motion made by Kevin Shea and seconded by Phil Straight.

- 6. Discussion/possible action regarding other items of concern.**

None.

- 7. Approval of Minutes – December 18, 2013.**

The minutes of December 18, 2013, were approved, by a vote of 4-0-1, on a motion made by Tony Pellegrino and seconded by Phil Straight. Kevin Shea abstained.

- 8. Adjourn.**

The meeting adjourned at 8:25 p.m., by a vote of 5-0-0, on a motion made by Kevin Shea and seconded by Tony Pellegrino.