



# 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, FEBRUARY 26, 2014

**Members present:** Fran L'Heureux, Patrick Dwyer, Phil Straight, Kevin Shea and Alternates Nathan Barry and Richard Conescu.

**Members absent:** Tony Pellegrino and Alternate Leonard Worster.

**Staff present:** Planning and Zoning Administrator Nancy Larson and Recording Secretary Zina Jordan.

### 1. Call to Order.

*Fran L'Heureux called the meeting to order at 7:00 p.m. and designated Nathan Barry to sit for Tony Pellegrino.*

### 2. Roll Call.

*Kevin Shea led the Pledge of Allegiance and Phil Straight read the preamble and swore in members of the public who would be testifying.*

3. **G. Nasr Realty LLC. (petitioner/owner)** – Equitable Waiver of Dimensional Requirements under Section 3.02 of the Zoning Ordinance to allow an encroachment within the side yard to remain approximately 19.52 feet from the side property line of D.W. Highway whereas 20 feet is required. The parcel is located at 715 D.W. Highway within the C-2 (General Commercial) and the Planned Residential Overlay Districts. Tax Map 7E, Lot 054-1. Case #2014-04.

*Applicant was represented by: Steve Keach, Keach-Nordstrom Associates, Inc.*

*There was no public comment.*

*The Board voted 5-0-0 to grant the Equitable Waiver, on a motion made by Patrick Dwyer and seconded by Kevin Shea.*

4. **Jutras Signs, Inc. and Naticook Automotive, LLC.** – Variance under Section 17.10(3)(B) of the Zoning Ordinance to allow a new sign to be installed in place of an existing sign approximately 3 feet from the right-of-way whereas 20 feet is required. The parcel is located at 717 Milford Road within the C-2 (General Commercial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 2B, Lot 031. Case # 2014-05.

*Applicant was represented by: Cathy Champagne, Jutras Signs, Inc.; and Robert Baskerville, Bedford Design Consultants.*

*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.***

- 5. KJB Ventures, LLC –** Variance under Section 3.02 of the Zoning Ordinance to allow the subdivision of one lot into two lots for permitted retail and personal service uses. Where one lot will contain 98' of lot depth whereas 125' is required and allow for construction of a structure with a rear setback of 24' whereas 40' is required. Additionally, to permit a lot with frontage on a private street whereas 125' of frontage on a Class V or better road is required. The parcel is located at 4 Dobson Way in the C-2 (General Commercial) and Aquifer Conservation District. Tax Map 3D, Lot 003-3. Case # 2014-06.

***Applicant was represented by: Attorneys Greg Michael and Chris Aslin, Bernstein Shur.***

***There was no public comment.***

***The Board voted 4-1-0 to grant the variance to allow the subdivision of one lot into two lots for permitted retail and personal service uses, where one lot will contain 98' of lot depth whereas 125' is required, with one condition, on a motion made by Kevin Shea and seconded by Nathan Barry. Patrick Dwyer voted in the negative.***

***The Board voted 4-1-0 to grant the variance to allow the subdivision of one lot into two lots for permitted retail and personal service uses and allow for construction of a structure with a rear setback of 24' whereas 40' is required, with one condition, on a motion made by Kevin Shea and seconded by Nathan Barry. Patrick Dwyer voted in the negative.***

***The Board voted 5-0-0 to grant the variance to allow the subdivision of one lot into two lots for permitted retail and personal service uses and to permit a lot with frontage on a private street whereas 125' of frontage on a Class V or better road is required, with one condition, on a motion made by Kevin Shea and seconded by Nathan Barry.***

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

***None.***

- 7. Approval of Minutes – January 29, 2014.**

***The minutes of January 29, 2014, were approved as submitted, by a vote of 3-0-2, on a motion made by Patrick Dwyer and seconded by Kevin Shea. Fran L'Heureux and Nathan Barry abstained.***

- 8. Adjourn.**

***The meeting adjourned at 8:20 p.m., by a vote of 5-0-0, on a motion made by Patrick Dwyer and seconded by Kevin Shea.***