



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, MAY 28, 2014

Members present: Fran L'Heureux, Patrick Dwyer, Phil Straight, Tony Pellegrino and Alternate Richard Conescu.

Members absent: Alternates Leonard Worster and Nathan Barry.

Staff present: Community Development Director Tim Thompson, Planning and Zoning Administrator Jillian Harris, and Recording Secretary Zina Jordan.

1. Call to Order.

Fran L'Heureux called the meeting to order at 7:00 p.m. and designated Richard Conescu to sit for the vacant full member position.

2. Roll Call.

Tony Pellegrino led the pledge of allegiance. Richard Conescu read the preamble. Fran L'Heureux swore in members of the public who would be testifying.

Agenda item #4 was taken up before agenda item #3.

- 4. New Cingular Wireless PCS, LLC. (petitioner) and Alan & Erin Walsh (owners)** – Special Exception under Section 2.02.1(B)(3), Section 2.02.1(B)(1)(a-e), and Section 2.02.4(B)(21)(a) of the Zoning Ordinance to allow the construction of a Telecommunication Tower in the R (Residential) and Aquifer Conservation Districts. The parcel is located at 121 Joppa Road. Tax Map 6C, Lot 329. Case # 2014-16.

At the applicant's request, the Board voted 5-0-0 to continue this item to June 25, 2014, and require re-notification of abutters, in the Matthew Thornton Meeting Room, at 7:00 p.m., on a motion made by Tony Pellegrino and seconded by Patrick Dwyer.

- 3. SMC Management Corporation (petitioner) and New Stream RE Funding 17, LLC. (owner)** – Request for Re-Hearing of Case # 2014-10, which requested a Special Exception under Section 2.02.3(C)(1)(b) of the Zoning Ordinance (Case # 2014-10) to allow multi-family residential use in the C-2 (General Commercial) and Aquifer Conservation Districts. The parcel is located at 4 Executive Park Drive. Tax Map 4D, Lot 076. Case # 2014-15.

The Board voted 5-0-0 to deny the request for a rehearing, on a motion made by Patrick Dwyer and seconded by Richard Conescu.

- 5. Raquel Perez (petitioner)** – Request for Appeal of an Administrative Decision under Section 2.02.1(A)(3) of the Zoning Ordinance regarding the interpretation of the Community Development Staff, that a dump trailer in a residential district does not constitute external evidence of a Home Occupation. The parcel is located at 46 Bean Road in the R (Residential) District. Tax Map 6B, Lot 101. Case # 2014-17.

Applicant was represented by: Raquel Perez and David Prunier, 48 Bean Road.

Public comment was received from Steve D'Eramo, 46 Bean Road.

The Board voted 4-0-1 to deny the appeal of an administrative decision, on a motion made by Phil Straight and seconded by Richard Conescu. Patrick Dwyer abstained.

- 6. David and Michelle LaCreta (petitioners/owners)** – Special Exception under Section 2.02.1(B)(2) of the Zoning Ordinance to permit an Accessory Dwelling Unit (ADU) in the R (Residential) and Aquifer Conservation Districts located at 34 Patten Road. Tax Map 6C, Lot 017. Case # 2014-18.

Applicant was represented by: Michelle LaCreta, 34 Patten Road.

There was no public comment.

The Board voted 5-0-0 to grant the Special Exception, with conditions, on a motion made by Patrick Dwyer and seconded by Tony Pellegrino.

- 7. Peter McClintick (petitioner/owner)** – Variance under Section 3.05 of the Zoning Ordinance to allow the construction of a (26' x 36') single family dwelling approximately 22'+/- from the front property line whereas 30' is required. The parcel is located at 15 East Chamberlain Road in the R (Residential) and Aquifer Conservation Districts. Tax Map 4D-3, Lot 081. Case # 2014-19.

Applicant was represented by: Peter McClintick, 16 Acacia Street.

There was no public comment.

The Board voted 5-0-0 to grant the variance, on a motion made by Tony Pellegrino and seconded by Patrick Dwyer.

- 8. Peter McClintick (petitioner/owner)** – Variance under Section 3.05 of the Zoning Ordinance to allow the construction of a deck (10' x 10') approximately 17'+/- from the rear property line whereas 40' is required. The parcel is located at 5 John Lane in the R (Residential) and Aquifer Conservation Districts. Tax Map 4C, Lot 265. Case # 2014-20.

Applicant was represented by: Peter McClintick, 16 Acacia Street.

There was no public comment.

The Board voted 5-0-0 to grant the variance, on a motion made by Richard Conescu and seconded by Tony Pellegrino.

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

Discussion only.

- 10. Approval of Minutes – April 23, 2014.**

The minutes of April 23, 2014, were approved, as submitted, by a vote of 4-0-1, on a motion made by Tony Pellegrino and seconded by Phil Straight. Richard Conescu abstained.

- 11. Adjourn.**

The meeting adjourned at 8:15 p.m., by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Patrick Dwyer.