



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, NOVEMBER 19, 2014

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

Member absent: Richard Conescu.

Staff present: 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 Leonard Worster to sit for Richard Conescu.

2. Roll Call.

Phil Straight led the pledge of allegiance. Patrick Dwyer read the preamble and swore in members of the public who would be testifying.

- 3. Lynn M. Waller (petitioner) –** Variance under Section 3.02 of the Zoning Ordinance to permit a single-family residential lot without the required 250 feet of Frontage. The parcel is located at 9 Lester Road in the R-1 (Residential) District. Tax Map 4B, Lot 014. Case #2014-48.

At the applicant's request, the Board voted 5-0-0 to continue this item to December 17, 2014, in the Matthew Thornton Meeting Room, at 7:00 p.m., on a motion made by Phil Straight and seconded by Patrick Dwyer.

- 4. Mark McDonough (petitioner) and 641 DW Highway, LLC. (owner) –** Variance under Section 3.02 of the Zoning Ordinance to permit the construction of a 12'x16' storage shed within 3 feet of the side property line whereas 20 feet is required. The parcel is located at 641 D.W. Highway in the C-1 (Limited Commercial) and Aquifer Conservation Districts. Tax Map 6E-2, Lot 022. Case # 2014-49.

Applicant was represented by: Mark McDonough, Owner, Homestead Restaurant.

There was no public comment.

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

- 5. Kevin Duggan of Metro Sign & Awning for Go Wireless, LLC. (petitioner) and KRG Merrimack, LLC. (owner) –** Variance under Section 17.10(4)(g) of the Zoning Ordinance to permit a wall sign to be 47 s.f. whereas 29 s.f. is required. The parcel is located at Unit H at 7

Continental Boulevard in the I-1 (Industrial), C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 3D, Lot 003-01. Case # 2014-50.

This agenda item was considered after agenda item #6.

At the applicant's request, the Board voted 5-0-0 to continue this item to December 17, 2014, in the Matthew Thornton Meeting Room, at 7:00 p.m., on a motion made by Tony Pellegrino and seconded by Phil Straight.

- 6. Christopher Ross, LLC. (petitioner/owner)** – Variance under Section 3.02 of the Zoning Ordinance to permit the construction of a 9' x 9' egress within 11 feet of the side property line whereas 20 feet is required. The parcel is located at 401 D.W. Highway in the C-1 (Limited Commercial), Aquifer Conservation and Flood Hazard Districts. Tax Map 4D-3, Lot 083. Case #2014-51.

This agenda item was considered before agenda item #5.

Applicant was represented by: Christopher Ross, 401 D.W. Highway.

There was no public comment.

The Board voted 5-0-0 to grant the Variance, with one condition, on a motion made by Patrick Dwyer and seconded by Phil Straight.

- 7. College Bound Movers (petitioner) and Benjamin M. Bosowski, Jeffrey L. Clegg, Jessica L. Clegg, Jacob J. Mitchell and Ethan L. Mitchell (owners)** – Re-hearing regarding Case # 2014-40, for a variance under Section 2.02.1.A of the Zoning Ordinance to permit parking for employees, customer vehicles and temporary mobile storage units located in the I-1 (Industrial), R (Residential) and Aquifer Conservation Districts and Wellhead Protection Area at 22 Continental Boulevard. Tax Map 3C, Lot 085. Case # 2014-47.

Applicant was represented by: Attorney Greg Michael, Bernstein Shur; and Richard A. Maynard, Site Engineer, Maynard & Paquette Engineering Associates, LLC.

Public comment was received from: Christopher Ross, 401 D.W. Highway; and Gary Petas, 3 Tallant Road.

The Board voted 4-1-0 to deny the Variance, on a motion made by Phil Straight and seconded by Tony Pellegrino. Patrick Dwyer voted in the negative.

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

Discussion only.

- 9. Approval of Minutes – October 29, 2014.**

The minutes of October 29, 2014, were approved, with one change, by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Patrick Dwyer.

- 10. Adjourn.**

The meeting adjourned at 8:35 p.m., by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Patrick Dwyer.