



# 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, DECEMBER 17, 2014

**Members present: Fran L'Heureux, Patrick Dwyer, Tony Pellegrino, Richard Conescu, and Alternate Leonard Worster.**

**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 the vacant member position.*

### 2. Roll Call.

*Tony Pellegrino led the pledge of allegiance. Patrick Dwyer read the preamble and swore in members of the public who would be testifying.*

*The election of a Vice Chair resulted in a tie vote with both nominees receiving two votes. Patrick Dwyer deferred to Tony Pellegrino who accepted the position.*

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. *This agenda item is continued from the November 19, 2014, meeting.*

*Applicant was represented by Attorneys Greg Michael and Michael Klass, Bernstein Shur.*

*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 Leonard Worster.*

4. **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 is continued from the November 19, 2014 meeting.*

*As the applicant did not appear, the Board voted 5-0-0 to continue this item to January 28, 2015, in the Matthew Thornton Meeting Room, at 7:00 p.m., on a motion made by Tony Pellegrino and seconded by Richard Conescu.*

- 5. Robert T. Bevill (petitioner)** – Request for Rehearing regarding Case # 2014-40, in which the Board voted to deny an Appeal of an Administrative Decision seeking to overturn the Community Development Department Staff decision to classify a fire arms service, maintenance, transfers and assembly business as being eligible for a Home Occupation, which allowed the Planning Board’s approval of such a business located at 11 Blair Road in the R (Residential) and Aquifer Conservation Districts. Tax Map 6C, Lot 170. Case # 2014-53.

*The Board voted 4-1-0 to deny the request for a Rehearing, on a motion made by Richard Conescu and seconded by Tony Pellegrino. Patrick Dwyer voted in the negative.*

- 6. 480 D.W. Highway-Choueiri Realty, Madi E. Choueiri Trustee (petitioner/owner)** – Special Exception under Section 2.02.2(C) of the Zoning Ordinance to permit a restaurant in the C-1 District. The parcel is located at 480 D.W. Highway in the C-1 (Limited Commercial) and Aquifer Conservation Districts. Tax Map 5D-3, Lot 046. Case # 2014-54.

*Applicant was represented by: Madi Choueiri, 480 D.W. Highway.*

*There was no public comment.*

*The Board voted 5-0-0 to grant the Special Exception, with one condition, on a motion made by Patrick Dwyer and seconded by Richard Conescu.*

- 7. Frederick and Kristyne Hayden & Donzi Realty, LLC. (petitioners/owners)** – Variance under Section 3.02 of the Zoning Ordinance to permit the construction of a 5,000 s.f. garage/barn within 13.3 ft. of the side property line whereas 20 ft. is required. The parcel is located at 7 Priscilla Lane in the C-1 (Limited Commercial) and Aquifer Conservation Districts. Tax Map 6D-2, Lot 004. Case # 2014-55.

*This item was discussed after item #8.*

*Applicant was represented by: Frederick Hayden, 5 and 7 Priscilla Lane.*

*There was no public comment.*

*The Board voted 5-0-0 to grant the Variance, with one condition, on a motion made by Richard Conescu and seconded by Tony Pellegrino.*

- 8. Frederick and Kristyne Hayden & Donzi Realty, LLC. (petitioners/owners)** – Variance under Section 1.03(A)(3) of the Zoning Ordinance to permit the construction of a 5,000 s.f. garage/barn not incidental and subordinate to the principal dwelling residence. The parcel is located at 7 Priscilla Lane in the C-1 (Limited Commercial) and Aquifer Conservation Districts. Tax Map 6D-2, Lot 004. Case # 2014-56.

*This item was discussed before item #7.*

*Applicant was represented by: Frederick Hayden, 5 and 7 Priscilla Lane.*

*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 Tony Pellegrino.*

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

*Discussion only.*

**10. Approval of Minutes – November 19, 2014.**

*The minutes of November 19, 2014 were approved as submitted, by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Patrick Dwyer.*

**11. Adjourn.**

*The meeting adjourned at 8:10 p.m., by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Richard Conescu.*