



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

Memorandum

Date: March 18, 2015
To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment
From: Timothy J. Thompson, AICP, Community Development Director
Subject: **526 DW LLC. (petitioner/owner)** – Variance under Section 2.02.3.B of the Zoning Ordinance to permit an industrial use (light manufacturing) in the C-2 (General Commercial) District and Elderly, Aquifer Conservation, and Wellhead Protection Overlay Districts. The parcel is located at 526 Daniel Webster Highway. Tax Map 5D-2, Lot 001. Case 2015-11.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background:

The subject property is an 8.353 acre parcel located at 526 DW Highway in the C-2 (General Commercial) District and Elderly, Aquifer Conservation, and Wellhead Protection Overlay Districts. The property is serviced by public water (MVD) and sewer. The site is abutted by commercial property to the east, Eversource (PSNH) property to the west, commercial and multi-family residential to the south, and the FE Everett Turnpike to the north.

The petitioner is proposing to construct both an 11,520 square foot self-storage building addition (which is permitted in the C-2 District) and a 30,640 square foot light manufacturing building toward the rear portion of the property (which is the use requiring the variance, as industrial use is not permitted in the C-2 District). The proposed tenant of the manufacturing building would be AirMax Industrial Air Ventilation Systems, a manufacturer of custom designed ventilation systems for industrial and commercial buildings. Additional information about the tenant is in the packet, and will likely be explained at the hearing.

The ZBA should focus the discussion of the variance to the use itself, and not to the specific layout presented by the applicant on the plan in your packet (though the petitioner should correct an error in the provided exhibit plan, see proposed conditions should the Board decide to grant the variance). Should the variance be granted, the exact layout of the project will be dependent upon site plan review and approval by the Planning Board, with input from both the Conservation Commission and MVD due to the site's location within the Aquifer Conservation District and Wellhead Protection Area.

Standard of Review:

It is the burden of the petitioner to demonstrate that the five requirements for the granting of a variance from Section 2.02.3.B of the Zoning Ordinance have been met to permit a light

manufacturing use in the C-2 (General Commercial) District and Elderly, Aquifer Conservation, and Wellhead Protection Overlay Districts.

Staff recommends that should the Board vote to grant the variance that it be granted with the following conditions:

1. Petitioner to obtain Planning Board site plan approval for the proposed use of the subject parcel, incorporating any review comments from the Merrimack Conservation Commission and Merrimack Village District for impacts to the Aquifer Conservation District and Wellhead Protection Area;
2. Petitioner to provide an updated "ZBA Exhibit Plan" correcting the error in Note #1 regarding the size of the proposed self-storage building addition (note indicates 44,000 square feet, plan indicates 11,520 square feet).

cc: Correspondence & Zoning Board File

ec: 526 DW LLC, Petitioner
Eric C. Mitchell & Assoc. Inc.
Tim Tenhave, Chair, Merrimack Conservation Commission
Ron Miner, Merrimack Village District
Carol Miner and Fred Kelley, Building Department