



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

Memorandum

Date: April 23, 2015
To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment
From: Jillian M. Harris, AICP, Planning & Zoning Administrator
Subject: **Ben Forleo (petitioner) and Leo Bosse Rev. Trust (owner)** – Variances under Section 3.05 of the Zoning Ordinance to permit the construction of a single-family home 22.9 ft. from the front property line whereas 30 ft. is required and 35.8 ft. from the rear property line whereas 40 ft. is required. The parcel is located at 3 Sunset Drive in the R (Residential) District, Aquifer Conservation District and Wellhead Protection Area. Tax Map 3C, Lot 008. Case # 2015-12.

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 approximately 0.23 acre lot located at 3 Sunset Drive. The property lies within the R (Residential) District, Aquifer Conservation District and Wellhead Protection Area, as well as the Shoreland Protection Overlay District and Flood Hazard Conservation District. The property has an existing camp that is to be removed and is abutted by similar lakefront residential properties. MVD water and municipal sewer is available in this area to service the proposed single family home.

The applicant seeks variances under Section 3.05 to permit the construction of a single-family home 22.9 ft. from the front property line whereas 30 ft. is required and 35.8 ft. from the rear property line whereas 40 ft. is required. NHDES approval is also required for the single-family home to be constructed in the Shoreland Protection District 35.8 ft. from the lake's reference line whereas 50 ft. is required.

Standard of Review: It is the burden of the Petitioner to demonstrate that the five requirements for the granting of a Variance under Section 3.05 of the Zoning Ordinance have been met to permit the construction of a single-family home 22.9 ft. from the front property line whereas 30 ft. is required and 35.8 ft. from the rear property line whereas 40 ft. is required.

Should the Board vote to grant the request for the Variance, Staff recommends that approval be conditioned upon the following:

1. Applicant to provide a copy of the NHDES Shoreland Permit to the Community Development Department file.

Ec: Ben Forleo, Applicant
Leo Bosse Rev. Trust c/o Janet Pearson, Owner
Michael D. Ploof, LLA, Fieldstone Land
Consultants
Carol Miner and Fred Kelley, Building Dept.

Cc: File
Correspondence