



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

Memorandum

Date: August 19, 2015
To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment
From: Timothy J. Thompson, AICP, Community Development Director
Subject: **Rob Lavoie (petitioner) and Gregg Kennedy (owner)** – Variance under Section 3.02 of the Zoning Ordinance to permit the subdivision of a lot with less than the required minimum lot area, frontage and lot depths. The parcel is located at 8 Fuller Mill Road in the R-1 (Residential) District. Tax Map 4B, Lot 153. Case # 2015-31.

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:

Please review the staff memo dated July 22 (for the previously submitted, and still pending Appeal of Administrative Decision) for a detailed background on the proposed subdivision of the property. At the time of this memo, the petitioner has not withdrawn the Appeal of Administrative Decision, but has now also filed this additional petition for 4 variances to permit the proposed subdivision.

The subject parcel is located at 8 Fuller Mill Road in the R-1 (Residential, by map) District. The parcel is surrounded by similar single family residential development and vacant residential land. The lots are proposed to be serviced by on-site wells and on-site septic systems.

The proposed subdivision does not conform to the requirements of the R-1 District under Section 3.02 of the Ordinance, as the proposal calls for the following:

- Creation of a lot (proposed lot 153-2) with less than the required 100,000 square feet of lot area (approximately 70,300 square feet is proposed);
- Creation of a lot (proposed lot 153-2) with less than the required 250 feet of frontage (232.67 feet is proposed);
- Creation of a lot (proposed lot 153-2) with less than the required 300 feet of lot depth (211 feet is proposed);
- Creation of a lot (existing lot 153, which is reduced in size by the proposed subdivision) with less than the required 300 feet of lot depth (292 feet is proposed/existing).

Standard of Review: It is the burden of the Petitioner to demonstrate that the five requirements for the granting of a Variance under Section 3.02 of the Zoning Ordinance have been met to permit the subdivided lots to have less than the required lot area, frontage, and lot depths in the R-1 (Residential) District.

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

- The applicant shall obtain subdivision approval from the Planning Board for the proposed 2-lot subdivision.

cc: Correspondence & Zoning Board File

ec: Robert Lavoie, Petitioner
Gregg R. Kennedy, Owner
Attorney Greg Michael, Bernstein-Shur
Kenneth C. Clinton, Land Surveyor
Carol Miner and Fred Kelley, Building Department