



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

Memorandum

Date: April 20, 2016

To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment

From: Jillian Harris, Planning and Zoning Administrator

Subject: **17 Outlets, LLC. (petitioner/owner)** – Variance under Section 2.02.4 of the Zoning Ordinance to permit a retail use in an Industrial-2 (I-2) District. The parcel is located at 17 Premium Outlets Boulevard in the I-2 (Industrial), and Aquifer Conservation Districts, and Wellhead Protection Area Tax Map 3C, Lot 191-03. Case # 2016-18.

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:

17 Premium Outlets Boulevard is a commercially developed outparcel abutting the Merrimack Premium Outlets. It was approved under a conventional site plan application in 2012 and was not included in the Conditional Use Permitting process for the mall. Site plan approval included the development of three restaurants in a single building (Starbucks and Qdoba currently occupy two of the restaurant units), and DCU bank occupies a separate building on the property.

The applicant proposes to lease the vacant unit to a cell phone provider as a retail use. This parcel is located in the I-2 (Industrial) District which does not include retail as a permitted use; therefore the petitioner seeks a variance under Section 2.02.4 of the Zoning Ordinance to permit a retail use in an Industrial-2 (I-2) District. Required parking for the retail use is less than what is required for the approved restaurant use in this unit and the number of customers per day is anticipated to be much less than a restaurant use as well. In addition no site changes are proposed and therefore the change of use was approved administratively by CDD staff (pending the variance for the use).

Standard of Review: It is the burden of the Petitioner to demonstrate that the five requirements for the granting of a Variance under Section 2.02.4 of the Zoning Ordinance are met to permit a retail use in an Industrial-2 (I-2) District.

cc: Correspondence & Zoning Board File
ec: Rob Csendes, 17 Outlets, LLC, petitioner/owner
Building Department staff