



Town of Merrimack, New Hampshire

Community Development Department

603 424-3531

6 Baboosic Lake Road

Fax 603 424-1408

Town Hall - Lower level - East Wing

www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

Memorandum

Date: October 19, 2016

To: Patrick Dwyer, Chair, & Members, Zoning Board of Adjustment

From: Timothy J. Thompson, AICP, Community Development Director

Subject: **Peter McClintick of McClintick Real Estate, Inc. (petitioner/owner)** – Variance under Section 2.02.13E.46 of the Zoning Ordinance to permit a Two-Family Residence 11 feet from the side property line whereas 15 feet is required. The parcel is located at 448 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation and Town Center Overlay Districts. Tax Map 5D-4, Lot 053. Case # 2016-36.

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 parcel, located at 448 Daniel Webster Highway, is comprised of approximately 0.2 acres in the C-2, Aquifer Conservation, and Town Center Overlay Districts. The lot is abutted by a mix of various commercial (including retail, restaurant, and professional service uses) and residential uses. The lot is served by water from MVD and municipal sewer.

The petitioner proposes to demolish the existing, dilapidated, structure (built in approximately 1850 according to the Assessing Database) on the lot, and replace it with a new residential duplex. Access to the lot is through an existing easement on the shopping plaza lot to the immediate north. Staff notes that there is no requirement for this project to obtain site plan approval from the Planning Board, as development of a duplex on an existing lot is not subject to any Planning Board jurisdiction under NH law.

The petitioner is requesting a variance to allow the new duplex to be located 11 feet from the side (northerly) property line whereas 15 feet is required for residential uses in the Town Center Overlay per the requirements of Section 2.02.13E.46.

Standard of Review:

It is the burden of the Petitioner to demonstrate that the five requirements for the granting of a Variance under Section 2.02.13E.46 of the Zoning Ordinance to permit the new duplex to be located 11 feet from the side property line whereas 15 feet is required.

Should the Board vote to grant the request for the variance, Staff recommends that approval be conditioned upon the obtaining an updated right-of-way permit from the Public Works Department (if determined applicable) for any modification to the access to DW Highway.

Ec: Peter McClintick, Petitioner/Owner
Building Department Staff
Captain John Manuele, Merrimack Fire Department
Dawn Tuomala, PE, Deputy Director of Public Works/Town Engineer
Assessing Department

Cc: File
Correspondence