



Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT

WEDNESDAY, MAY 29, 2013
MATTHEW THORNTON ROOM

Members present: Phil Straight, Fran L'Heureux, Tony Pellegrino, Patrick Dwyer, Kevin Shea and Alternates Leonard Worster and Richard Conescu.

Members absent: Nathan Barry

Staff present: Planning and Zoning Administrator Nancy Larson and Recording Secretary Zina Jordan.

1. Call to Order.

Phil Straight called the meeting to order at 7:00 p.m.

2. Roll Call.

Patrick Dwyer read the preamble. Phil Straight swore in members of the public who would be testifying. Fran L'Heureux led the pledge of allegiance.

3. Jeanine Tamulonis (petitioner) and Dennis & Deanna Foley (owners) – Special Exception under Section 2.02.1(B)(2) of the Zoning Ordinance to permit an Accessory Dwelling Unit (ADU) in the R (Residential) District. The parcel is located at 232 Amherst Road. Tax Map 3A, Lot 050. Case # 2013-13.

Applicant was represented by: Deanne Foley, 232 Amherst Road.

There was no public comment.

The Board voted 5-0-0 to grant the Special Exception with conditions, on a motion made by Tony Pellegrino and seconded by Fran L'Heureux.

4. Helen Tognetti (petitioner) and Michael & Mary Super (owners) – Appeal of an Administrative Decision under Section 2.02.1(B)(2)(d) of the Zoning Ordinance that determined that the foyer leading to the ADU does not clearly meet the spirit and intent of the internal connection required by zoning. The parcel is located at 30 Sarah Drive. Tax Map 4C, Lot 048-40. Case # 2013-14.

Patrick Dwyer recused himself from discussing and voting on items 4, 5, and 6.

Chairman Straight designated Richard Conescu to sit for Patrick Dwyer.

Applicant was represented by: Michael Super, 30 Sarah Drive.

A motion to deny the appeal, made by Kevin Shea and seconded by Richard Conescu, failed, by a vote of 2-3-0. Phil Straight, Fran L'Heureux and Tony Pellegrino voted in the negative.

The Board voted 3-2-0 to grant the appeal, on a motion made by Fran L'Heureux and seconded by Tony Pellegrino. Kevin Shea and Richard Conescu voted in the negative.

- 5. Helen Tognetti (petitioner) and Michael & Mary Super (owners) –** Variance under Section 2.02.1(B)(2)(d) of the Zoning Ordinance to permit the construction of an ADU above the garage where the foyer leading to the ADU does not clearly meet the spirit and intent of the internal connection required by zoning. The parcel is located at 30 Sarah Drive. Tax Map 4C, Lot 048-40. Case # 2013-15.

Not necessary, since appeal of administrative decision was granted (see item #4).

- 6. Helen Tognetti (petitioner) and Michael & Mary Super (owners) –** Special Exception under Section 2.02.1(B)(2) of the Zoning Ordinance to permit an Accessory Dwelling Unit (ADU) in the R (Residential) District. The parcel is located at 30 Sarah Drive. Tax Map 4C, Lot 048-40. Case # 2013-16.

There was no public comment.

The Board voted 5-0-0 to grant the Special Exception, with conditions, on a motion made by Kevin Shea and seconded by Fran L'Heureux.

- 7. Discussion/possible action regarding other items of concern.**

Patrick Dwyer returned to the Board.

Discussion only.

- 8. Approval of Minutes – April 24, 2013**

The minutes of April 24, 2013, were approved, with one change, by a vote of 4-0-2, on a motion made by Fran L'Heureux and seconded by Patrick Dwyer. Tony Pellegrino and Patrick Dwyer abstained.

- 9. Adjourn.**

The meeting adjourned at 8:20 p.m., by a vote of 5-0-0, on a motion made by Fran L'Heureux and seconded by Patrick Dwyer.