



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT

WEDNESDAY, JUNE 26, 2013

MATTHEW THORNTON ROOM

**Members present:** Phil Straight, Fran L'Heureux, Tony Pellegrino, Patrick Dwyer and Alternates Leonard Worster and Nathan Barry.

**Members absent:** Kevin Shea and Alternate Richard Conescu.

**Staff present:** Community Development Director Tim Thompson and Recording Secretary Zina Jordan.

### 1. Call to Order.

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

### 2. Roll Call.

*Fran L'Heureux led the pledge of allegiance. Patrick Dwyer read the preamble. Phil Straight swore in members of the public who would be testifying and designated Nathan Barry to sit for Kevin Shea.*

- 3. Denis P. & Claudette G. Odesse (applicants/owners)** – Variance under Section 3.05(1) of the Zoning Ordinance to permit the construction of a garage (26'x24') to 15 feet 6 inches from the front property line along Park Avenue whereas 30 feet is required in the R (Residential) District. The parcel is located at 9 Forsythia Lane. Tax Map 4C, Lot 189. Case # 2013-17.

*Applicant was represented by: Denis Odesse, 9 Forsythia Lane.*

*There was no public comment.*

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

- 4. XTL, Inc. (applicant) and Sam A. Tamposi, Harold Watson, Ethan & Jacob Mitchell, Benjamin M. Bosowski, Jeffrey & Jessica Clegg (owners)** – Variance under Section 3.02 of the Zoning Ordinance to permit the reduction of a front yard setback to 22 feet whereas 50 feet is required. The parcel is located on Mast Road in the I-1 (Industrial) & Aquifer Conservation Districts. Tax Map 2D, Lot 021. Case # 2013-18.

*Applicant was represented by Robert Baskerville, President; and Katie Weiss, Project Manager, Bedford Design Consultants, Inc.*

*There was no public comment.*

*The Board voted 4-1-0 to grant the Variance, with one condition, on a motion made by Nathan Barry and seconded by Fran L'Heureux. Patrick Dwyer voted in the negative.*

- 5. First Sign, Inc. (applicant) and Gamache Enterprises (owner)** – Variance under Section 17.10 (5) of the Zoning Ordinance to permit a directional sign to be installed as a wall sign and in excess of four square feet. The parcel is located at 416 Daniel Webster Highway in the C-2 (General Commercial) the Elderly Overlay & Aquifer Conservation Districts. Tax Map 5D-4, Lot 003. Case # 2013-19.

*Applicant was represented by: Jason Haley, First Sign, Inc.; and Ben Gamache, Gamache Enterprises.*

*There was no public comment.*

*The Board voted 5-0-0 to grant the variance, on a motion made by Patrick Dwyer and seconded by Tony Pellegrino.*

- 6. Merrimack Premium Outlets, LLC. (applicant/owner)** – Variance under Section 2.02(4)(D)(9)(b)(7)(i) of the Zoning Ordinance to permit the reduction of the parcel for the Outlet Village Shops to a nonconforming lot size of 32 acres whereas 100 acres is required. The parcel is located at 30 Premium Outlets Boulevard in the I-2 (Industrial), R (Residential) & Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lot 191-1. Case # 2013-20.

*Phil Straight recused himself from discussing and voting on this item. He passed the gavel to Fran L'Heureux to chair the Board for this item and designated Leonard Worster to sit in his stead.*

*Applicant was represented by: Gordon Leedy, Managing Director Land Development/Certified Planner, Vanasse Hangen Brustlin Inc.; and Attorney Morgan Hollis, Gottesman and Hollis.*

*Public comment was received from: Yang Pin Kong, 3 Danville Circle.*

*The Board voted 5-0-0 to grant the Variance, with conditions, on a motion made by Patrick Dwyer and seconded by Leonard Worster.*

- 7. Northview Homes & Development, Inc. (applicant) and Raymond A. Cota and David R. & Dorothy E. Cota (owners)** – Variance under Section 3.08(9) of the Zoning Ordinance to permit less than the required 100 foot landscape buffer within a proposed residential cluster development. The parcels are located at 14 & 16 Pearson Road within the R (Residential) District. Tax Map 6D, Lots 046, 047, 047-2, 047-3, & 047-4. Case # 2013-21.

*Phil Straight returned to the Board.*

*At the applicant's request, the Board voted 5-0-0 to postpone this item to July 31, 2013, in the Matthew Thornton Meeting Room, at 7:00 p.m., on a motion made by Fran L'Heureux and seconded by Patrick Dwyer.*

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

*Discussion only.*

- 9. Approval of Minutes – May 29, 2013.**

*The minutes of May 29, 2013, were approved, with changes, by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Fran L'Heureux.*

**10. Adjourn.**

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