



# 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, MARCH 30, 2016

**Members present:** Fran L'Heureux, Patrick Dwyer, Tony Pellegrino (arrived 7:05 p.m.), Richard Conescu, and Alternate Leonard Worster.

**Member absent:** Lynn Christensen.

**Staff present:** Planning and Zoning Administrator Jillian Harris and Recording Secretary Zina Jordan.

### 1. Call to Order

*Fran L'Heureux called the meeting to order at 7:00 p.m. and designated Leonard Worster to sit for Lynn Christensen.*

### 2. Roll Call

*Leonard Worster led the pledge of allegiance. Richard Conescu read the preamble. Patrick Dwyer swore in members of the public who would be testifying.*

### 3. Bernstein, Shur, Sawyer & Nelson, PA. (petitioner) and 427 DW Highway, LLC.

(owner) - Variance under Section 3.02 to permit the creation of a third dwelling unit in an existing detached garage on a property with 15,200 square feet whereas 120,000 square feet is required. The parcel is located at 427 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, Elderly and Town Center Overlay Districts. Tax Map 5D-4, Lot 76. Case #2016-011. **This agenda item is continued from the February 24, 2016 meeting.**

*Tony Pellegrino arrived at 7:05 p.m.*

*At the applicant's request, this item was continued to April 27, 2016, at 7:00 p.m., in the Matthew Thornton Room, by a vote of 5-0-0, on a motion made by Patrick Dwyer and seconded by Richard Conescu.*

### 4. Fieldstone Land Consultants, PLLC and College Bound Movers (petitioners) and Sam A. Tamposi, Harold Watson and Benjamin & Clegg Bosowski (owners) – Variance under Section 3.02 of the Zoning Ordinance to permit the construction of a 4,800 square foot building addition with a front setback of 39 feet whereas 50 feet is required. The parcel is located at 14 Continental Boulevard in the I-1 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lot 089. Case #2016-013.

*Applicant was represented by: Chad Branon, Project Manager, Fieldstone Land Consultants, PLLC.*

*There was no public comment.*

*The Board voted 5-0-0 to grant the Variance, with one condition, on a motion made by Patrick Dwyer and seconded by Richard Conescu.*

5. **David Sanderson (petitioner/owner)** – Variance under Section 3.02 of the Zoning Ordinance to permit a multi-family dwelling in the R-2 (Residential) District. The parcel is located at 81 Seaverns Bridge Road in the R-2 (Residential) District. Tax Map 3A, Lot 029. Case #2016-014.

*Applicant was represented by: David Sanderson, 81 Seaverns Bridge Road.*

*Public comment was received by letter from Lynda and Ken Taylor, 81 Seaverns Bridge Road, Amherst.*

*The Board voted 4-0-1 to grant the Variance, with one condition, on a motion made by Tony Pellegrino and seconded by Richard Conescu. Leonard Worster abstained.*

6. **Richard Elliott (petitioner) and Toby & Lorrie Russell (owners)** – Special Exception under Section 2.02.1(B)(2) of the Zoning Ordinance to permit an Accessory Dwelling Unit (ADU). The parcel is located at 25 Scott Drive in the R-2 (Residential) District and Wellhead Protection Area. Tax Map 3C, Lot 094-10. Case #2016-015.

*Applicant was represented by: Richard Elliott, 25 Scott Drive.*

*There was no public comment.*

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

7. **OM Shanti OM Realty Management, LLC (petitioner/owner)** – Variance under Section 3.02, Note 6 of the Zoning Ordinance to permit the replacement of a gasoline station canopy with a setback from Daniel Webster Highway of 30 feet whereas 50 feet is required. The parcel is located at 392 Daniel Webster Highway in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 4D-3, Lot 031. Case # 2016-16.

*Applicant was represented by: Steve Keach, Project Engineer, Keach-Nordstrom Associates, Inc.; and Dipak Bhagat, Owner, 27 Kelley Circle.*

*There was no public comment.*

*The Board voted 5-0-0 to grant the Variance, with one condition, on a motion made by Patrick Dwyer and seconded by Richard Conescu.*

8. **Ginnie Lutze (petitioner) and FMR Merrimack Realty Trust FID (owner)** – Variance under Section 17.09(3) to allow an illuminated sign of up to seventy (70) square feet in a residential zone whereas only non-illuminated signs up to six (6) square feet in a residential zone are allowed. The parcel is located at 1 Spartan Way in the R-1 (Residential), I-2 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lot 191. Case #2016-017.

*Richard Conescu recused himself from discussing and voting on this item.*

*Applicant was represented by: R. Gordon Leedy, Managing Director, Land Development, Vanasse Hangen Brustlin, Inc.; and Ginnie Lutze, Senior Campus Director, Fidelity Investments, Inc.*

*Public comment was received from: Mary Demers, 26 Thornton Road.*

*The Board voted 4-0-0 to grant the Variance, on a motion made by Patrick Dwyer and seconded by Tony Pellegrino.*

**9. Discussion/possible action regarding other items of concern**

*Richard Conescu returned to the Board.*

*Discussion only.*

**10. Approval of Minutes – February 24, 2016**

*The minutes of February 24, 2016, were approved as submitted, by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Richard Conescu.*

**11. Adjourn**

*The meeting adjourned at 8:35 p.m., by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Patrick Dwyer.*