



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT

OCTOBER 26, 2016

Members present: Patrick Dwyer, Fran L'Heureux, Tony Pellegrino and Alternate Leonard Worster.

Members absent: Richard Conescu, and Lynn Christensen.

Staff present: Planning and Zoning Administrator Jillian Harris.

1. Call to Order

Patrick Dwyer called the meeting to order at 7:00 p.m. and designated Leonard Worster to sit for Lynn Christensen.

2. Roll Call

Tony Pellegrino led the pledge of allegiance. Patrick Dwyer read the preamble and swore in members of the public who would be testifying.

- 3. Chad Brannon, PE of Fieldstone Land Consultants, PLLC. (petitioner) and Brett W. Vaughn Revocable Trust (owner)** — Variances under Section 3.02 of the Zoning Ordinance to permit an 12-lot subdivision with a lot with an area of 89,733 s.f. whereas 100,000 s.f. is required, a lot with a frontage of 107.80 feet whereas 250 feet is required, a lot with a frontage of 75 feet whereas 250 feet is required and a lot 8 with a frontage 89.20 feet whereas 250 feet is required. The parcel is located at 123 Wilson Hill Road in the R-1 (Residential) District by Zoning Map. Tax Map 4A, Lot 023. Case # 2016-32, 33, 34, and 35. *This item is continued from the September 28, 2016 meeting.*

Applicant was represented by: Attorney Greg Michael, Bernstein Shur.

Public comment was received from: James Wood, 119 Wilson Hill Road; and Tony Cappuccio, 111 Wilson Hill Road.

The Board voted 4-0-0 to grant the variances, with one condition, on a motion made by Fran L'Heureux and seconded by Tony Pellegrino.

- 4. 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.

Applicant was represented by: Peter McClintick, McClintick Real Estate, Inc.

There was no public comment.

The Board voted 4-0-0 to grant the variance, with one condition, on a motion made by Tony Pellegrino and seconded by Fran L'Heureux.

- 5. Jenn Robichaud of Barlo Signs (petitioner) and Hotel at Daniel Webster, LLC. (owner)** — Variance under Section 17.10.3 of the Zoning Ordinance to permit the addition of a 48 s.f. sign to an existing ground sign whereas the combined square footage of the existing signage already exceeds the permitted allowance by the sign ordinance. The parcel is located at 248 Daniel Webster Highway in the I-1(Industrial) and Aquifer Conservation Districts. Tax Map 3D-2, Lot 005-01. Case # 2016-37.

Applicant was represented by: Paul Martin, Barlo Signs; and Todd Wilson, Diversified Funding, Inc.

There was no public comment.

The Board voted 3-0-1 to grant the variance, on a motion made by Tony Pellegrino and seconded by Leonard Worster. Fran L'Heureux abstained.

- 6. Skip John M. Moir, Jr. of Skippers Marine Corp. (petitioner/owner)** — Variance under Section 3.02.A (Note 3) of the Zoning Ordinance to permit parking within 50 feet of Daniel Webster Highway whereas a 50 foot setback is required. The parcel is located at 54 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 029. Case # 2016-38.

Applicant was represented by: Skip John M. Moir, Jr.

There was no public comment.

The Board voted 4-0-0 to grant the variance, with one condition, on a motion made by Fran L'Heureux and seconded by Tony Pellegrino.

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

Discussion only.

- 8. Approval of Minutes — September 28, 2016**

The minutes of August 31, 2016, were approved, by a vote of 3-0-1, on a motion made by Fran L'Heureux and seconded by Tony Pellegrino. Leonard Worster abstained.

The minutes of September 28, 2016, were approved, by a vote of 3-0-1, on a motion made by Fran L'Heureux and seconded by Leonard Worster. Tony Pellegrino abstained.

- 9. Adjourn**

The meeting was adjourned at 8:25 p.m., by a vote of 4-0-0, on a motion made by Tony Pellegrino and seconded by Fran L'Heureux.