



# Town of Merrimack, New Hampshire

Community Development Department

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Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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## MERRIMACK ZONING BOARD OF ADJUSTMENT

### APPROVED MINUTES

WEDNESDAY, APRIL 29, 2015

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

Members absent: Patrick Dwyer, Richard Conescu and Lynn Christensen.

Staff present: Assistant Planner Donna Pohli 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 Richard Conescu.

#### 2. Roll Call

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

- 3. Ben Forleo (petitioner) and Leo Bosse Rev. Trust (owner)** – Variances under Section 3.05 of the Zoning Ordinance to permit the construction of a single-family home 22.9 ft. from the front property line whereas 30 ft. is required and 35.8 ft. from the rear property line whereas 40 ft. is required. The parcel is located at 3 Sunset Drive in the R (Residential) District, Aquifer Conservation District and Wellhead Protection Area. Tax Map 3C, Lot 008. Case # 2015-12.

Because he preferred to wait until there were more than three voting members, Ben Forleo requested a continuance.

**At the petitioner's request, the Board voted 3-0-0 to continue this item to May 27, 2015, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Leonard Worster and seconded by Tony Pellegrino.**

- 4. Ducal Development, LLC. (petitioner) and Burke Family Revocable Trust (owner)** - 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 located at 7 Tomasian Drive. Tax Map 4B, Lot 012-01. Case # 2015-13.

Erol Duymazlar, Ducal Development, LLC, read the statutory criteria into the record and clarified that the home is already connected to Town water and private septic system.

There was no public comment.

**The Board voted 3-0-0 to grant the Special Exception, with the following conditions, on a motion made by Tony Pellegrino and seconded by Leonard Worster.**

1. Execution of Declaration of Covenants for the Accessory Dwelling;

2. Payment of the Hillsborough County registry of Deeds recording fee for the recording of the Declaration of Covenants for the Accessory Dwelling Unit.

### **Findings of Fact**

1. *The site is an appropriate location for the proposed use in terms of overall community development because:* creating spaces that allow families the flexibility to “age in place” benefit the community by creating more affordable housing options for Merrimack residents. This is a residential use in a residential neighborhood;
2. *The use as developed will not adversely affect the neighborhood and shall produce no diminution of real estate values in the neighborhood because:* the new home is consistent in size and price range with surrounding residences. It is aesthetically pleasing and consistent with the quality and nature of surrounding homes;
3. *There will be no nuisance or serious hazard to vehicles or pedestrians because:* the ADU will be used as a residence. It is designed for easy access, with 3'-wide door openings, bathroom with grab bars, and proper egress windows for easy access in case of emergency. The use will not add any noticeable vehicle or pedestrian traffic;
4. *An adequate parking area for motor vehicles is provided on the premises because:* there is paved parking for at least six cars plus three cars in the attached garage. The amount of parking exceeds that of most four-bedroom homes;
5. The ADU is contained within the proposed single-family detached dwelling in the walk-out level of the basement. It will be accessed through the main house and the rear of the house where the grade gently slopes to the doors for comfortable and safe access;
6. The ADU contains one bedroom with several egress windows;
7. *The ADU does not exceed 1,000 square feet in area or fifty per cent (50%) of the area of heated living space within the principal dwelling unit in area, whichever is smaller:* The main home is 1,800 square feet, allowing up to 900 square feet for an ADU. The ADU will be 680 square feet, less than the maximum allowed by the Ordinance;
8. The ADU is connected internally to the principal dwelling unit.
9. *The ADU occupancy will be restricted to family members only, with the term “family” as defined as individuals related by blood, marriage or adoption to the fee simple owner-occupant(s) of the principal dwelling unit:* The occupant is the owner's mother.
10. The ADU is designed to remain functionally dependent on the principal unit and will not have provisions for separate utilities, garages, driveways, yards and other similar amenities.

### **5. Discussion/possible action regarding other items of concern**

None.

### **6. Approval of Minutes – March 25, 2015**

The Board voted 3-0-0 to continue this item to May 27, 2015, in the Matthew Thornton Meeting Room, on a motion made by Leonard Worster and seconded by Tony Pellegrino.

### **7. Adjourn**

**The meeting adjourned at 7:17 p.m., by a vote of 3-0-0, on a motion made by Tony Pellegrino and seconded by Leonard Worster.**