



# Town of Merrimack, New Hampshire

Community Development Department  
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Town Hall - Lower level - East Wing

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Planning - Zoning - Economic Development - Conservation

**MERRIMACK ZONING BOARD OF ADJUSTMENT**  
**“VIRTUAL MEETING” AGENDA**  
**WEDNESDAY, AUGUST 26, 2020**  
**7:00 P.M.**

**PLEASE TAKE NOTICE THAT,** The Zoning Board of Adjustment for the Town of Merrimack will hold a VIRTUAL PUBLIC HEARING on Wednesday, August 26, 2020, at 7:00 p.m. In response to the state of emergency in New Hampshire regarding COVID-19, the hearings will be held remotely via videoconference until further notice. Refer to Zoning Board webpage for meeting links on the Town Website - [www.merrimacknh.gov](http://www.merrimacknh.gov)

**To View the Virtual Meeting:**

Merrimack TV Channel 20 (Comcast)

Merrimack TV Facebook Live Page <http://www.facebook.com/merrimacktv>

**To Listen via Telephone:**

Dial either of the following phone numbers and enter the Meeting ID number when prompted:

1-312-626-6799 US

1-929-205-6099 US

Meeting ID: 966 1559 6289

**If you wish to speak during the public hearing:**

For telephone access dial either of the above phone numbers and enter the Meeting ID number when prompted:

During the meeting, (and when prompted to do so by the Chair), you may press \*9 to be placed in the queue. When it is your turn to speak, the Chair or designee will recognize you by the last three digits of your phone number. You will be asked to state your name and address for the recorded minutes.

**Submit public comments to:** [CommDev@MerrimackNH.gov](mailto:CommDev@MerrimackNH.gov)

Emails must contain your name and address for the record. Public comments must be received prior to the start of the meeting on 8/26/2020 by 4:30PM. The Zoning Board Chair will determine if they can read all public comments. These e-mails can be read at the discretion of the participants or recorded for the meeting minutes as part of the public record.

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*(clicking on a link in **blue text** will display the staff report for the selected application, clicking a link in **green text** will display a Google Map photo of the site location)*

1. **Call to Order**
2. **Roll Call**
3. **[Annual Meeting - Election of Officers and Review of Rules of Procedure](#)**
4. **RCL Realty, LLC (petitioner/owner) – [Variances under Section 3.02 of the Zoning Ordinance to permit a lot \(following a lot line adjustment\) with 42,996 square feet of lot area whereas 80,000 square feet is required, and 186.77 feet of depth whereas 200 feet is required.](#)** The parcel is located at 21 Elizabeth Drive in the R-2 (Residential) District. [Tax Map 3A, Lot 010](#). Case #ZBA 2020-10. **This item is continued from the July 29, 2020 meeting.**

5. **RCL Realty, LLC (petitioner/owner)** – [Variances under Section 3.02 of the Zoning Ordinance to permit a lot \(following a lot line adjustment\) with 41,268 square feet of lot area whereas 80,000 square feet is required, 182.89 feet of depth whereas 200 feet is required, and 50 feet of frontage whereas 200 feet is required.](#) The parcel is located at 15 Elizabeth Drive in the R-2 (Residential) District. [Tax Map 3A, Lot 013.](#) Case # ZBA 2020-11. **This item is continued from the July 29, 2020 meeting.**
6. **RCL Realty, LLC (petitioner/owner)** – [Variances under Section 3.02 of the Zoning Ordinance to permit a lot \(following a lot line adjustment\) with 50,174 square feet of lot area whereas 80,000 square feet is required, 155.68 feet of depth whereas 200 feet is required, and 59.19 feet of frontage whereas 200 feet is required.](#) The parcel is located at 11 Elizabeth Drive in the R-2 (Residential) District. [Tax Map 3A, Lot 014.](#) Case # ZBA 2020-12. **This item is continued from the July 29, 2020 meeting.**
7. **RCL Realty, LLC (petitioner/owner)** – [Variances under Section 3.02 of the Zoning Ordinance to permit a lot \(following a lot line adjustment\) with 49,524 square feet of lot area whereas 80,000 square feet is required, and 25 feet of frontage whereas 200 feet is required.](#) The parcel is located at 4 Squires Drive in the R-2 (Residential) District. [Tax Map 3A, Lot 015.](#) Case # ZBA 2020-13. **This item is continued from the July 29, 2020 meeting.**
8. **RCL Realty, LLC (petitioner/owner)** – [Variances under Section 3.02 of the Zoning Ordinance to permit a lot \(following a lot line adjustment\) with 48,258 square feet of lot area whereas 100,000 square feet is required, and 185 feet of depth whereas 300 feet is required.](#) The parcel is located at 14 Elizabeth Drive in the R-1 (Residential, by soils) District. [Tax Map 3A, Lot 025.](#) Case # ZBA 2020-14. **This item is continued from the July 29, 2020 meeting.**
9. **RCL Realty, LLC (petitioner/owner)** – [Variances under Section 3.02 of the Zoning Ordinance to permit a lot \(following a lot line adjustment\) with 61,913 square feet of lot area whereas 100,000 square feet is required, and 185 feet of depth whereas 300 feet is required.](#) The parcel is located at 18 Elizabeth Drive in the R-1 (Residential, by soils) District. [Tax Map 3A, Lot 026.](#) Case # ZBA 2020-15. **This item is continued from the July 29, 2020 meeting.**
10. **RCL Realty, LLC (petitioner/owner)** – [Appeal of Administrative Decision that determined pre-existing nonconforming lots of record are required to conform to current zoning requirements upon the modification of the lot following a lot line adjustment even though such adjustments would result in each lot becoming less nonconforming than presently constituted.](#) The parcels are located at Elizabeth Drive, Charles Road and Squires Drive in the R-1 (Residential by soils) and R-2 (Residential) Districts. [Tax Map 3A, Lots 010, 013, 014, 015, 025, and 026.](#) Case # ZBA 2020-16. **This item is continued from the July 29, 2020 meeting.**
11. **As Life Goes On, LLC (petitioner) and Laura Benson (owner)** - [Appeal of Administrative Decision that determined an assisted living group home is not exempt from the three-acre minimum lot area requirement of Section 2.02.9\(b\) \(6\) of the Zoning Ordinance.](#) The parcel is located at 585 Daniel Webster Highway in the C-1 (Limited Commercial) and R-4 (Residential), Aquifer Conservation, and Elderly Housing Overlay Districts. [Tax Map 6D-1, Lot 046.](#) Case # ZBA 2020-23. **This item is continued from the July 29, 2020 meeting.**
12. **Brian Labrie (petitioner) and BHL Real Estate Holdings, LLC (owner)** – [Variance under Section 3.02 of the Zoning Ordinance to permit the construction of a garage 5 feet from the side property line whereas 20 feet is required.](#) The parcel is located at 660 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, and Wellhead Protection Districts. [Tax Map 6E-2, Lot 014.](#) Case # ZBA 2020-25.
13. ~~**Ultimate Bimmer Services (petitioner) and Sanco Realty Trust (owner)** – [Variance under Section 2.02.4 of the Zoning Ordinance to permit an automobile sales use in the I-1 \(Industrial\) District.](#) The parcel is located at 106 Herrick Street in the C-2 (General Commercial), I-1 (Industrial), and Aquifer Conservation Districts. [Tax Map 3D-2, Lot 021.](#) Case # ZBA 2020-26. *(Determined unnecessary by Planning & Zoning Administrator, as lot is incorrectly shown to be split zoned in GIS, when it is actually only C-2)*~~
14. **Ultimate Bimmer Services (petitioner) and Sanco Realty Trust (owner)** – [Special Exception under Section 2.02.3 \(C\) \(1\) of the Zoning Ordinance to permit the sale or storage of used and new cars and an automobile service and repair station in the C-2 \(General Commercial\) District.](#) The parcel is located at 106 Herrick Street in the C-2 (General Commercial), I-1 (Industrial), and Aquifer Conservation Districts. [Tax Map 3D-2, Lot 021.](#) Case # ZBA 2020-27.

**15. PMG Northeast, LLC (petitioner/owner) – [Variance under Section 17.10.3 \(b\) of the Zoning Ordinance to permit the installation of a ground sign within 2 feet of the public right-of-way whereas 20 feet is required.](#)** The parcel is located at 1 Continental Boulevard in the C-2 (General Commercial), and Aquifer Conservation Districts. [Tax Map 4D, Lot 054-01.](#) Case # 2020-28.

**16. PMG Northeast, LLC (petitioner/owner) – [Variance under Section 17.10.4 \(h\) of the Zoning Ordinance to permit the installation of two wall signs on the northern face of a gasoline station canopy whereas one wall sign is permitted.](#)** The parcel is located at 1 Continental Boulevard in the C-2 (General Commercial), and Aquifer Conservation Districts. [Tax Map 4D, Lot 054-01.](#) Case # 2020-29.

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

**18. Approval of Minutes — July 29, 2020**

**19. Adjourn**

Copies of application materials are available at the Merrimack Community Development Department Office in Merrimack Town Hall for review by the general public between the hours of 8:30 A.M. and 4:30 P.M., Monday through Friday. It is the policy of the Board not to take up any new business after 10:00 P.M. and to adjourn by 10:30 P.M.

Posted to website - 8/20/2020