



Town of Merrimack, New Hampshire

Community Development Department
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Planning - Zoning - Economic Development - Conservation

MERRIMACK ZONING BOARD OF ADJUSTMENT
“VIRTUAL MEETING” AGENDA
WEDNESDAY, SEPTEMBER 30, 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, September 30, 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

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: 943 9898 0602

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

Emails must contain your name and address for the record. Public comments must be received prior to the start of the meeting on 9/30/2020 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.

*(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. 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 and August 26, 2020 meetings. (It is anticipated that this petition will be withdrawn when the appeal period for associated variance approvals expires on 9/29/2020)****

4. ~~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 and August 26, 2020 meeting.~~ **WITHDRAWN BY PETITIONER.**
5. **John Downie (petitioner/owner)** – [Variance under Section 2.02.1.A.4.e of the Zoning Ordinance to permit the petitioner to request from the Planning Board a Conditional Use Permit to allow for the installation of an Accessory Dwelling Unit in an existing detached garage with 1,039 sq. ft. whereas 1,000 sq. ft is permitted.](#) The parcel is located at 2 Landau Way in the R-2 (Residential) District. [Tax Map 3A, Lot 089.](#) Case # ZBA 2020-30.
6. **Michael LeCorney (petitioner/owner)** – [Special Exception under Section 3.09 of the Zoning Ordinance to permit the construction of a second story onto an existing single family dwelling, constructed before June 29, 1953.](#) The parcel is located at 154 Amherst Road in the R-1 (Residential, by map) District. [Tax Map 4B, Lot 142.](#) Case # ZBA 2020-31.
7. **Michael Ericsson (petitioner/owner)** – [Variance under Section 3.05 of the Zoning Ordinance to permit the construction of a covered entry and stairway with a front setback of 20 feet whereas 30 feet is required.](#) The parcel is located at 4 Cathy Street in the R-1 (Residential, by soils), and Aquifer Conservation Districts. [Tax Map 6D, Lot 094.](#) Case # ZBA 2020-32.
8. **Executive Building Systems, Inc. (petitioner) and ANMI Merrimack Realty, LLC (owner)** – [Variance under Section 2.02.1 of the Zoning Ordinance to permit professional offices in the R-1 \(Residential, by soils\) District.](#) The parcel is located at 25 Craftsman Lane in the R-1 (Residential, by soils), Aquifer Conservation Districts and Wellhead Protection Area. [Tax Map 2A, Lot 005.](#) Case # ZBA 2020-33.
9. **Executive Building Systems, Inc. (petitioner) and ANMI Merrimack Realty, LLC (owner)** – [Variance under Section 2.02.1 of the Zoning Ordinance to permit a warehouse use in the R-1 \(Residential, by soils\) District.](#) The parcel is located at 25 Craftsman Lane in the R-1 (Residential, by soils), Aquifer Conservation Districts and Wellhead Protection Area. [Tax Map 2A, Lot 005.](#) Case # ZBA 2020-34.
10. **Garrett Burbee (petitioner) and 385 DW Hwy, LLC (owner)** – [Variance under Section 2.02.2 of the Zoning Ordinance to permit Mixed-Use \(residential and contractor storage yard\) in the C-1 \(Limited Commercial\) District.](#) The parcel is located at 385 Daniel Webster Highway in the C-1 (Limited Commercial), Aquifer Conservation, and Elderly Housing Overlay Districts. [Tax Map 4D-3, Lot 090.](#) Case # ZBA 2020-35.

11. Discussion/possible action regarding other items of concern

12. Approval of Minutes – August 26, 2020

13. 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 9/18/2020