



# Town of Merrimack, New Hampshire

Community Development Department  
6 Baboosic Lake Road  
Town Hall - Lower level - East Wing  
Planning - Zoning - Economic Development - Conservation

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**MERRIMACK ZONING BOARD OF ADJUSTMENT**  
**“VIRTUAL MEETING” AGENDA**  
**WEDNESDAY, OCTOBER 28, 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, October 28, 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: 980 6463 4303

**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 10/28/2020 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. Request for Re-Hearing**— Regarding Case # ~~ZBA 2020 11, 2020 12, and 2020 13, in which the Board granted Variances under Section 3.02 of the Zoning Ordinance to permit three lots (following lot line adjustments) without the required minimum area, frontage, and depth (2020 11 & 2020 12) and minimum area and frontage (2020 13). The parcels are located at 15 and 11 Elizabeth Drive and 4 Squires Drive respectively in the R 2 (Residential) District. Tax Map 3A, Lots 013, 014, and 015. – **Item cannot be heard, as it was not filed in a timely manner as required by RSA 677:2**~~

4. **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, August 26, and September 30 2020 meetings.~~ – **Withdrawn by the Petitioner**
5. **Russell Goldman (petitioner/owner)** – [Request for an extension regarding Case # 2018-30, 2018-31, and 2018-32, in which the Board granted Variances on December 19, 2018 under Section 2.02.7\(6\) of the Zoning Ordinance to permit the construction of a single-family dwelling 23 feet from a wetland whereas 40 feet is required \(2018-30\), and Section 3.02.4 to permit the installation of a septic system 10 feet from the side property line whereas 20 feet is required \(2018-32\), and granted a Special Exception under Section 2.02.7\(A\)\(4\) of the Zoning Ordinance to permit the construction of a single-family dwelling within the 25' wetland buffer \(2018-31\).](#) Each approval is scheduled to expire on December 19, 2020. The parcel is located at 12 Carrie Drive in the R-1 (Residential by soils) and Aquifer Conservation Districts. [Tax Map 5B, Lot 176.](#)
6. **Eric & Jennifer Gould (petitioner/owner)** – [Variance under Section 2.02.1.C.2.d 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 on a lot with less than the required 125% of the minimum lot area.](#) The parcel is located at 12 Springfield Circle in the R-1 (Residential by map) and Aquifer Conservation Districts. [Tax Map 4A, Lot 004-71.](#)
7. **Streif, LLC (petitioner/owner)** – [Special Exception under Section 2.02.3\(C\)\(1\) of the Zoning Ordinance to allow for a residential use in the C-2 \(General Commercial\) District.](#) The parcel is located at 406 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. [Tax Map 5D-4, Lot 099.](#) Case # 2019-41. *This petition was continued (indefinitely) by the Board on June 2, 2020.*
8. **Streif, LLC (petitioner/owner)** – [Variance under Section 3.02 of the Zoning Ordinance to permit a density of 3 multi-family residential units in the C-2 \(General Commercial\) District whereas 1 per 40,000 square feet is allowed.](#) The parcel is located at 406 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. [Tax Map 5D-4, Lot 099.](#) Case # ZBA 2020-03. *This petition was continued (indefinitely) by the Board on June 2, 2020.*
9. **Streif, LLC (petitioner/owner)** – [Variance under Section 3.02, Note 6 of the Zoning Ordinance to permit the construction of a 2,950 sq. ft. building 22 feet from the Daniel Webster Highway right-of-way whereas 50 feet is required.](#) The parcel is located at 406 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. [Tax Map 5D-4, Lot 099.](#) Case # ZBA 2020-04. *This petition was continued (indefinitely) by the Board on June 2, 2020.*

#### 10. Discussion/possible action regarding other items of concern

#### 11. Approval of Minutes — September 30, 2020

#### 12. 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: 10/22/2020