



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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RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT

WEDNESDAY, SEPTEMBER 30, 2015

Members present: Fran L'Heureux, Patrick Dwyer, Tony Pellegrino, Richard Conescu, and Lynn Christensen (arrived 7:07 p.m.).

Members absent: Alternate Leonard Worster.

Staff present: Community Development Director Tim Thompson and Recording Secretary Zina Jordan.

1. Call to Order.

Fran L'Heureux called the meeting to order at 7:00 p.m.

2. Roll Call.

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

Lynn Christensen arrived at 7:07 p.m.

3. **Madi Choueiri (petitioner/owner)** – Variance under Section 2.02.13(E)(4)(a) of the Zoning Ordinance to permit an enclosed porch 10 ft. from the front property line whereas 30 ft. is required. The parcel is located at 480 Daniel Webster Highway in the Town Center Overlay, C-1 (Limited Commercial) and Aquifer Conservation Districts. Tax Map 5D-3, Lot 046. Case # 2015-32.

Applicant was represented by: Steve Keach, Keach-Nordstrom Associates, Inc.

There was no public comment.

The Board voted 5-0-0 to grant the Variance, on a motion made by Richard Conescu and seconded by Lynn Christensen.

The Board voted 5-0-0 to take up agenda item #6 before agenda item #4, on a motion made by Richard Conescu and seconded by Patrick Dwyer.

6. **Sandford Survey and Engineering, Inc. (petitioner) and Ralph & Jeanne Reed (owners)** – Variance under Section 3.02 of the Zoning Ordinance to permit a subdivision of one lot into two lots with less than the required minimum lot areas (70,385 and 43,571 sf. whereas 100,000 s.f. is required) and frontages (150' and 133.03') whereas 250' is required. The parcel is located at 50 Wilson Hill Road on the R-1 (Residential) and Aquifer Conservation Districts. Tax Map 4B, Lot 105. Case #2015-35.

Applicant was represented by: Earl Sandford, Land Surveyor and Professional Engineer, Sandford Surveying and Engineering.



Public comment was received from: Joseph Herlihy, 49 Wilson Hill Road; and David Elliott, 54 Wilson Hill Road.

A motion to grant the variance, with one condition, failed 1-4-0, on a motion made by Richard Conescu and seconded by Fran L'Heureux. Fran L'Heureux, Tony Pellegrino, Patrick Dwyer, and Lynn Christensen voted in the negative.

The Board voted 4-1-0 to deny the Variance, on a motion made by Patrick Dwyer and seconded by Tony Pellegrino. Richard Conescu voted in the negative.

4. **Peter Stoddard of S&H Land Services, LLC. (petitioner) and MDR Rehab and Development, LLC. (owner)** – Variance under Section 3.05 of the Zoning Ordinance to permit a single-family home to be built 9 ft. from the front property line whereas 30 ft. is required and 9 ft. from the side property line whereas 15 ft. is required. The parcel is located on 1 Donald Road in the R (Residential) District. Tax Map 6A-1, Lot 138. Case # 2015-33.

Applicant was represented by: Peter Stoddard, S&H Land Services, LLC.

Public comment was received from: Jeff Mulligan, 34 Scenic Vista Way; and in writing from Peter Flood, 6 Shore Drive; Michael Martines, 5 Shore Drive; and Paula Chaffe, 6 Donald Road.

The Board voted 5-0-0 to grant the Variance, on a motion made by Patrick Dwyer and seconded by Lynn Christensen.

5. **JWS Custom Decks (petitioner) and Steve and Pauline Desmarais (owners)** – Variance under Section 3.05 of the Zoning Ordinance to permit the construction of a garage 27.5 ft. from the rear property line whereas 40 ft. is required. The parcel is located on 25 Amherst Road in the R (Residential) and Aquifer Conservation Districts. Tax Map 4C, Lot 175-1. Case # 2015-34.

Applicant was represented by: Renée Shankle, JWS Custom Decks.

There was no public comment.

The Board voted 5-0-0 to grant the Variance, on a motion made by Tony Pellegrino and seconded by Patrick Dwyer.

The Board was in recess from 8:25-8:30 p.m.

7. **Michael Alukonis (petitioner/owner)** – Variance under Section 3.02 of the Zoning Ordinance to permit a shed approximately 5 ft. from the side property line whereas 20 ft. is required. The parcel is located at 6 Mullikin Road in the R (Residential) and Aquifer Conservation Districts. Tax Map 5B, Lot 215-02. Case # 2015-36.

Applicant was represented by: Erin and Michael Alukonis, 6 Mullikin Road.

Public comment was received from: Denise Levesque, 5 Mullikin Road; Bob McCabe, 30 Wilson Hill Road; and Finlay Rothhaus, 14 Kittredge Lane.

The Board voted 4-1-0 to deny the Variance, on a motion made by Patrick Dwyer and seconded by Tony Pellegrino. Richard Conescu voted in the negative.

8. Discussion/possible action regarding other items of concern.

The Board 5-0-0 to adopt the 2016 meeting schedule, on a motion made by Patrick Dwyer and seconded by Richard Conescu.

9. Approval of Minutes – August 26, 2015.

The minutes of August 25, 2015, were approved as submitted, by a vote of 5-0-0, on a motion made by Lynn Christensen and seconded by Tony Pellegrino.

10. Adjourn.

The meeting adjourned at 9:38 p.m., by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Patrick Dwyer.