



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT

WEDNESDAY, NOVEMBER 18, 2015

**Members present: Fran L'Heureux, Patrick Dwyer, Tony Pellegrino, Richard Conescu, Lynn Christensen, and Alternate Leonard Worster.**

**Staff present: Planning and Zoning Administrator Jillian Harris, Assistant Planner Robert Price and Recording Secretary Zina Jordan.**

### 1. Call to Order.

*Patrick Dwyer called the meeting to order at 7:00 p.m.*

### 2. Roll Call.

*Patrick Dwyer led the pledge of allegiance and swore in members of the public who would be testifying. Richard Conescu read the preamble.*

- 3. Morgan Hollis of Gottesman & Hollis on behalf of Ralph & Jeanne Reed and Sunrise Homes, LLC (owners) - Request for Rehearing regarding Case # 2015-35, in which the Board voted to deny a 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 sf. is required) and frontages (150' and 133.03' whereas 250' is required). The parcel is located at 50 Wilson Hill Road in the R-1 (Residential) and Aquifer Conservation Districts. Tax Map 4B, Lot 105. Case # 2015-40.**

*A vote to grant the rehearing failed on a vote of 2-3-0, on a motion made by Lynn Christensen and Tony Pellegrino. Fran L'Heureux, Patrick Dwyer and Richard Conescu voted in the negative.*

*The Board voted 3-2-0 to deny a Rehearing, on a motion made by Richard Conescu and seconded by Patrick Dwyer. Lynn Christensen and Tony Pellegrino voted in the negative.*

- 4. 53 Pearson Street Realty Trust, Joshua Naughton, Trustee (petitioner/owner) - Variance under Section 2.02.7(A)(4) of the Zoning Ordinance to permit a residential dwelling to be constructed 36.3 feet from a wetland area whereas 40 feet is required. The parcel is located at 53 Pearson Road in the R (Residential) District. Tax Map 7D, Lot 011-01. Case # 2015-41.**

*Applicant was represented by: Jeffrey Burd, Agent, RJP Engineering.*

*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 Fran L'Heureux.*

- 5. The Monahan Companies (petitioner) and Merrimack Premium Outlets, LLC. (owner)** - Variances under Section 2.02.4(D) of the Zoning Ordinance to permit a mixed use development Conditional Use Permit (CUP) to be sought from the Planning Board on a lot in the I-2 District; Section 2.02.4(D)(1)(a) to permit a mixed use CUP to be sought from the Planning Board on a lot with less than 50 acres, and Section 2.02.4(D)(1)(d) to permit a mixed use CUP to be sought from the Planning Board on a lot without 500 feet of contiguous frontage on the State maintained portions of Daniel Webster Highway. The parcel is located on 10 Premium Outlets Boulevard in the I-2 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lot 191-02. Case # 2015-42.

*Applicant was represented by: Gordon Leedy, Managing Director Land Development, Vanasse Hangen Brustlin, Inc.; and Attorney Thomas Leonard, Welts, White & Fontaine.*

*Public comment was received from: Chris Ross, 401 & 403 D.W. Highway; Barbara Amaral, 1 Spruce Street; and Charles Parenteau, 3 Spruce Street.*

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

*The Board recessed from 8:30-8:38 p.m.*

- 6. Shawn Farrell (petitioner) and Brett W. Vaughn Revocable Trust (owner)** - Variance under Section 3.02 of the Zoning Ordinance to permit a subdivision with a lot containing 209.90 feet of frontage whereas 250 feet is required. The parcel is located on Wilson Hill Road in the R-1 (Residential) and Aquifer Conservation Districts. Tax Map 4A, Lot 004. Case # 2015-43.

*Applicant was represented by: Chad Branon, Fieldstone Land Consultants, PLLC.*

*Public comment was received from: James Wood, 119 Wilson Hill Road.*

*The Board voted 4-1-0 to grant the Variance, on a motion made by Fran L'Heureux and seconded by Richard Conescu. Patrick Dwyer voted in the negative.*

- 7. Mark Rivet of 427 D.W. Highway, LLC. (petitioner/owner)** - Variance under Section 2.02.13(E)(4)(b) of the Zoning Ordinance to permit the construction of an additional 24'x32' two-car garage 2.3 feet from the side property line whereas 15 feet is required. The parcel is located at 427 D.W. Highway in the C-2 (General Commercial) and Aquifer Conservation, Elderly and Town Center Overlay Districts. Tax Map 5D-4, Lot 076. Case # 2015-44.

*Applicant was represented by: Chad Branon, Fieldstone Land Consultants, PLLC; and Mark Rivet, 427 D.W. Highway.*

*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 Fran L'Heureux.*

- 8. Thomas L. Werst (petitioner/owner)** - Variance under Section 3.05 of the Zoning Ordinance to permit the placement of solar panels approximately 3 feet from the side property line whereas 15 feet is required and 30 feet from the rear property line whereas 40 feet is required. The parcel is located at 3 Laurel Street in the R (Residential) and Aquifer Conservation Districts. Tax Map 4C, Lot 139. Case # 2015-45.

*Applicant was represented by: Thomas Werst, 3 Laurel Street.*

*Public comment was received from: Michael Phillips, 1 Laurel Street.*

*The Board voted 5-0-0 to deny the Variance, on a motion made by Lynn Christensen and seconded by Fran L'Heureux.*

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

*Discussion only.*

**10. Approval of Minutes – October 28, 2015.**

*The minutes of October 28, 2015, were approved as submitted, by a vote of 3-0-2, on a motion made by Lynn Christensen and seconded by Tony Pellegrino. Fran L'Heureux and Richard Conescu abstained.*

**11. Adjourn.**

*The meeting adjourned at 9:50 p.m., by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Richard Conescu.*