



# 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, FEBRUARY 24, 2016

**Members present:** Fran L'Heureux, Patrick Dwyer, Tony Pellegrino (arrived 7:13 p.m.), Richard Conescu, and Alternate Leonard Worster.

**Member absent:** Lynn Christensen.

**Staff present:** Planning and Zoning Administrator Jillian Harris and Recording Secretary Zina Jordan.

### 1. Call to Order

*Fran L'Heureux called the meeting to order at 7:00 p.m. and designated Leonard Worster to sit for Lynn Christensen.*

### 2. Roll Call

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

- 3. Philip Worster (petitioner/owner)** - Variance under Section 3.02 of the Zoning Ordinance to permit the construction of a 22' x 24' two car garage 12 feet from the front property line whereas 30 feet is required. The parcel is located at 8 Freedom Street in the R (Residential) District. Tax Map 5C, Lot 471. Case # 2016-06.

*Leonard Worster recused himself from discussing and voting on this item.*

*Applicant was represented by: Philip and Kristin Worster, 8 Freedom Street.*

*Tony Pellegrino arrived at 7:13 p.m.*

*Public comment was received in writing from: Merrimack Fire Chief Michael Currier; Jeff Strong, Highway/Construction Inspection Foreman, Public Works Department; and Sean Cobb, 5 Worster Avenue.*

*The Board voted 4-0-0 to grant the Variance, with one condition, on a motion made by Patrick Dwyer and seconded by Richard Conescu.*

*Leonard Worster returned to the Board.*

- 4. Hayner/Swanson (petitioner) and Pennichuck Water Works, Inc. (owner)** - Special Exception under Section 2.02.7(A)(4) of the Zoning Ordinance to permit the construction of a headwall and associated rip rap within the 25 foot Wetland Buffer. The parcel is located at 16 Daniel Webster Highway and Manchester Street in the I-1 (Industrial) and Aquifer Conservation Districts and 100-year and 500-year Flood Hazard Areas. Tax Map 1D, Lot 001-1. Case #2016-07.

*Applicant was represented by: Jason Reimers, BCM Environmental Services; John Boisvert, Chief Engineer, and Mark Filion, Construction Services Manager, Pennichuck Water Works; and Steve Auger, Project Manager, Hayner/Swanson.*

*There was no public comment.*

*The Board voted 5-0-0 to grant the Special Exception, on a motion made by Patrick Dwyer and seconded by Richard Conescu.*

5. **Meridian Land Services, Inc. (petitioner) and M. Robin Warren Revocable Trust (owner)** - Variance under Section 3.02 of the Zoning Ordinance to permit a two-lot subdivision with one of the lots having 40 feet of frontage whereas 250 feet is required. The parcel is located at 17 Knollwood Drive in the R-1 (Residential) and Aquifer Conservation Districts. Tax Map 6C, Lot 292-2. Case #2016-08.

*Applicant was represented by: Mike Hammer, Land Surveyor, Meridian Land Services, Inc.*

*Public comment was received from: Ken Paige, 6 Ridgewood Drive.*

*The Board voted 5-0-0 to grant the Variance, with one condition, on a motion made by Richard Conescu and seconded by Tony Pellegrino.*

8. **Bernstein, Shur, Sawyer & Nelson, PA. (petitioner) and 427 DW Highway, LLC. (owner)** - Variance under Section 3.02 to permit the creation of a third dwelling unit in an existing detached garage on a property with 15,200 square feet whereas 120,000 square feet is required. The parcel is located at 427 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, Elderly and Town Center Overlay Districts. Tax Map 5D-4, Lot 76. Case #2016-011.

*This agenda item was taken up after agenda item #5.*

*At the applicant's request, this item was continued to March 30, 2016, at 7:00 p.m., in the Matthew Thornton Meeting Room.*

7. **Fieldstone Land Consultants, PLLC. and College Bound Movers (petitioners) and Sam A. Tamposi, Harold Watson and Benjamin & Clegg Bosowski (owners)** - Variance under Section 3.02 of the Zoning Ordinance to permit the construction of a 3,000 square foot building addition with a front setback of 39 feet whereas 50 feet is required. The parcel is located at 14 Continental Boulevard in the I-1 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lot 089. Case #2016-010.

*This agenda item was taken up after agenda item #8.*

*Applicant was represented by: Chris Guida, Wetland and Soil Scientist, Fieldstone Land Consultants, PLLC.*

*There was no public comment.*

*The Board voted 5-0-0 to grant the Variance, with one condition, on a motion made by Patrick Dwyer and seconded by Richard Conescu.*

- 9. Arthur D. King (petitioner/owner)** - Variance from Section 2.02.1.A.2(a) to permit a home occupation with more than one employee not residing at the premises whereas only one person not residing at the premises is allowed. The parcel is located at 43 Bates Road in the R-2 (Residential) District. Tax Map 3A, Lot 008. Case #2016-12.

*This agenda item was taken up after agenda item #7.*

*Applicant was represented by: Arthur King, 43 Bates Road.*

*There was no public comment.*

*The Board voted 5-0-0 to grant the Variance, with conditions, on a motion made by Richard Conescu and seconded by Patrick Dwyer.*

- 6. Meridian Land Services, Inc. (petitioner) and North View Homes & Development, Inc. (owner)** - Variances under Section 1.03 (A) (25) of the Zoning Ordinance to permit a four-lot subdivision with two of the lots having frontage on a Class VI road. The parcel is located at 190 Baboosic Lake Road in the R-3 (Residential) District. Tax Map 5B, Lot 045. Case #2016-09.

*This agenda item was taken up after agenda item #9.*

*Applicant was represented by: Attorney Greg Michael, Bernstein Shur; and Ken Clinton, President, Meridian Land Services, Inc.*

*Public comment was received from: Donald and Nancy Warner, 15 Marty Drive; Janice Tibbetts and Leon Luksha, 1 Marty Drive; and David Pauly, 9 Marty Drive.*

*The Board voted 5-0-0 to grant the Variance, with one condition, on a motion made by Richard Conescu and seconded by Leonard Worster.*

- 10. Discussion/possible action regarding other items of concern**

*Discussion only.*

- 11. Approval of Minutes – January 27, 2016**

*The minutes of January 27, 2016, were approved as submitted, by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Richard Conescu.*

- 12. Adjourn**

*The meeting adjourned at 10:12 p.m., by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Patrick Dwyer.*