



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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MERRIMACK ZONING BOARD OF ADJUSTMENT APPROVED MINUTES WEDNESDAY, APRIL 26, 2023

A regular meeting of the Merrimack Zoning Board of Adjustment was conducted on Wednesday, April 26, 2023 in the Matthew Thornton Room.

Members Present:

- Richard Conescu (Chair)
- Rod Buckley (Vice Chair)
- Lynn Christensen
- Charles Mower (Alternate)

Members Absent:

- Ben Niles
- Patrick Dwyer

Staff Present: Colleen Olsen, Assistant Planner

1. Call to Order

Chair Rich Conescu called the meeting to order at 6:30 p.m. Rod Buckley read the preamble. Rich Conescu seated Alternate Charles Mower for Ben Niles.

2. Roll Call

Mr. Conescu led the Pledge of Allegiance and swore in members of the public who would be testifying. He then announced that there are only 4 members of the Board present at the meeting and a minimum of three affirmative votes is required for a motion to pass. He then stated that all petitioners have the option to proceed forward or request a continuance to the next meeting to allow for a full Board to be present before their petition is heard.

The Board heard agenda items 3, 4, 5, 6, 7, and 8 together.

- 3. 526 DW, LLC (petitioner/owner)** – Variance under Section 17.07.3 of the Zoning Ordinance to permit a billboard sign to be erected in the (C-2) General Commercial District. The parcel is located at 526 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, Elderly Housing Overlay Districts and the Wellhead Protection Area. Tax Map 5D-2 Lot 001. Case # ZBA 2023-11. ***This item is continued from the March 29, 2023 meeting.***

- 4. 526 DW, LLC (petitioner/owner)** – Variance under Section 17.10.3 of the Zoning Ordinance to permit a second ground sign (520.8 square foot billboard sign) to be erected with less than 300 feet of contiguous frontage along the same right-of-way. The parcel is located at 526 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, Elderly Housing Overlay Districts and the Wellhead Protection Area. Tax Map 5D-2 Lot 001. Case # ZBA 2023-15.

5. **526 DW, LLC (petitioner/owner)** – Variance under Section 17.11 of the Zoning Ordinance to permit a sign devoted to off-premise advertising where a sign advertising the on premise uses already exists. The parcel is located at 526 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, Elderly Housing Overlay Districts and the Wellhead Protection Area. Tax Map 5D-2 Lot 001. Case # ZBA 2023-16.
6. **526 DW, LLC (petitioner/owner)** – Variance under Section 2.02.7 (A) (6) of the Zoning Ordinance to permit the placement of a structure (two sign posts) to be located 28.2 feet and 33 feet from a wetlands boundary whereas 40 feet is required. The parcel is located at 526 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, Elderly Housing Overlay Districts and the Wellhead Protection Area. Tax Map 5D-2 Lot 001. Case # ZBA 2023-12. ***This item is continued from the March 29, 2023 meeting.***
7. **526 DW, LLC (petitioner/owner)** – Variance under Section 17.10.3 (b) of the Zoning Ordinance to permit placement of a ground sign to be setback 3 feet from the edge of a public right-of-way whereas a 20 foot setback is required. The parcel is located at 526 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, Elderly Housing Overlay Districts and the Wellhead Protection Area. Tax Map 5D-2 Lot 001. Case # ZBA 2023-13. ***This item is continued from the March 29, 2023 meeting.***
8. **526 DW, LLC (petitioner/owner)** – Variance under Section 17.10.3 of the Zoning Ordinance to permit a ground sign with a maximum area greater than 100 square feet and visible from the F.E. Everett Turnpike in an area with a posted speed limit of 65 miles per hour. The parcel is located at 526 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, Elderly Housing Overlay Districts and the Wellhead Protection Area. Tax Map 5D-2 Lot 001. Case # ZBA 2023-14. ***This item is continued from the March 29, 2023 meeting.***

Attorney Greg Michael requested that each petition before the Board tonight be continued due to lack of a full five member Board being present.

The Board voted 4-0-0 to continue the public hearings for ZBA Cases #2023-11, #2023-15, #2023-16, #2023-12, #2023-13 and #2023-14 to May 31, 2023 at 6:30 p.m. in the Matthew Thornton Room, with no further written notice to abutters, on a motion made by Rod Buckley and seconded by Lynn Christensen.

9. Discussion/possible action regarding other items of concern

Vice Chair Buckley asked when the election of Board Members is scheduled for and Colleen Olsen confirmed that it occurs during the annual meeting.

The Board discussed the option of saving their packets for this meeting since the cases were all continued and Ms. Olsen stated she would let staff know.

10. Approval of Minutes – March 29, 2023

The Board voted 3-0-1 to approve the minutes of March 29, 2023, as submitted, on a motion made by Rod Buckley and seconded by Lynn Christensen. Charles Mower abstained.

11. Adjourn

The Board voted 4-0-0 to adjourn at 6:39 p.m. on a motion made by Rod Buckley and seconded by Charles Mower.