



# Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

[www.merrimacknh.gov](http://www.merrimacknh.gov)

## MERRIMACK ZONING BOARD OF ADJUSTMENT

### MEETING MINUTES

WEDNESDAY, DECEMBER 28, 2016

Members present: Patrick Dwyer, Fran L'Heureux, Lynn Christensen, and Alternate Leonard Worster.

Members absent: Tony Pellegrino and Richard Conescu.

Staff present: Assistant Planner Robert Price and Recording Secretary Zina Jordan.

#### 1. Call to Order

Patrick Dwyer called the meeting to order at 7:30 p.m. and designated Leonard Worster to sit for Richard Conescu.

#### 2. Roll Call

Fran L'Heureux led the pledge of allegiance. Patrick Dwyer and read the preamble and swore in members of the public who would be testifying.

**3. John Paul for Chris Burke of Chris Burke Painting & Carpentry (applicant/owner)** -Variance under Section 2.02.1 (A)(2)(c) of the Zoning Ordinance to permit a sign for a home occupation of 4.58 s.f. whereas 2 s.f. is allowed. The parcel is located at 78 Baboosic Lake Road in the R (Residential) and Aquifer Conservation Districts. Tax Map 5C, Lot 568. Case # 2016-43.

John Paul, 3 Sunnyside Drive, a friend of Chris Burke, represented the applicant. Opting to continue with only four ZBA members in attendance, he read the statutory criteria into the record.

John Paul stated the following in response to Board questions. The sign would be a 29" circle that would hang on two eye hooks with three pieces of non-permanent plastic chain link. The sign would be approximately 37" from the post and should have been shown in its proper position on the plan. It would be approximately 9' from Baboosic Lake Road to the post.

Robert Price explained that there would be plenty of room to place the sign properly when the applicant appears before the Planning Board and that the ZBA's concern is only the sign's square footage.

### **Public comment**

Robert Ketchie, 80 Baboosic Lake Road, who has a home at the end of the Burke driveway, opposes advertising in a residential area. He informed the Board that the applicant was told to take down a round sign that was on a metal pole. Chris Burke already advertises on Angie's List and on Facebook.

Leonard Worster saw the sign before it was taken down and said it is neither big, offensive nor unrealistic, although it might blow down during a heavy snowstorm.

Lynn Christensen pointed out that the petition before the ZBA is for 4.58 square feet, which is twice as large as a 29" circular sign. A 29" circular sign would be 3x5 square feet. John Paul stated that the Community Development Department, not he, had submitted the 4.58 square feet figure.

Chairman Dwyer explained that the petition before the Board could not be changed at this meeting. The applicant could either continue with the petition, which would probably be denied, or withdraw it and return to the ZBA on January 25, 2017, with a corrected petition if the Planning Board approves the Home Occupation at its January 3, 2017, Planning Board meeting. If the Planning Board denies the Home Occupation, the issue is moot.

The applicant withdrew the petition.

### **4. Discussion/possible action regarding other items of concern**

None.

### **5. Approval of Minutes — November 30, 2016**

The minutes of November 30, 2016, were approved, with changes, by a vote of 3-0-1, on a motion made by Lynn Christensen and seconded by Leonard Worster. Fran L'Heureux abstained.

### **6. Adjourn**

The meeting was adjourned at 7:40 p.m., by a vote of 4-0-0, on a motion made by Lynn Christensen and seconded by Fran L'Heureux.