



# 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 17, 2014

**Members present: Fran L'Heureux, Patrick Dwyer, Phil Straight, Tony Pellegrino, and Alternates Leonard Worster and Richard Conescu.**

**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.

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

- 3. New Cingular Wireless PCS, LLC. (petitioner) and Alan & Erin Walsh (owners) –** Request for Re-Hearing regarding Case # 2014-16 in which the Board voted to deny a Special Exception under Section 2.02.1(B)(3), Section 2.02.1(B)(1)(a-e), and Section 2.02.4(B)(21)(a) of the Zoning Ordinance to allow the construction of a Telecommunication Tower in the R (Residential) and Aquifer Conservation Districts. The parcel is located at 121 Joppa Road. Tax Map 6C, Lot 329. Case # 2014-37.

*Patrick Dwyer recused himself from discussing and voting on this item.*

*Fran L'Heureux designated Leonard Worster to vote for Patrick Dwyer.*

*The Board voted 5-0-0 to grant the Request for Re-Hearing, on a motion made by Richard Conescu and seconded by Leonard Worster.*

- 4. Wayne Doyle (petitioner), Payless Used Car Sales and Frank Twardosky (owner) –** Variance under Section 2.02.4(B) of the Zoning Ordinance to allow a used car sales in the I-1 (Industrial) and Aquifer Conservation Districts located at 759 D.W. Highway. Tax Map 7E, Lot 042-01. Case #2014-35. *This item is postponed from the August 27, 2014 Zoning Board meeting.*

*Patrick Dwyer returned to the Board.*

*Leonard Worster recused himself from discussing this item.*

*There being no applicant in attendance for the second consecutive meeting, the Board voted 5-0-0 to table this item indefinitely, on a motion made by Tony Pellegrino and seconded by Phil Straight.*

- 5. Shane Poole (petitioner/owner)** – Special Exception under Section 2.02.1(B)(2) of the Zoning Ordinance to permit an Accessory Dwelling Unit (ADU) in the R (Residential) District located at 81 Belmont Drive. Tax Map 7D, Lot 345. Case # 2014-38.

*Leonard Worster returned to the Board.*

*Applicant was represented by: Shane Poole, 81 Belmont Drive.*

*There was no public comment.*

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

- 6. Charles Caron (petitioner) and David & Courtney Swan (owners)** – Special Exception under Section 2.02.1(B)(2) of the Zoning Ordinance to permit an Accessory Dwelling Unit (ADU) in the R (Residential) and Aquifer Conservation Districts located at 6 Wilson Hill Road. Tax Map 5B, Lot 208. Case # 2014-39.

*Applicant was represented by: Courtney Swan, 6 Wilson Hill Road.*

*There was no public comment.*

*The Board voted 5-0-0 to grant the Special Exception, with conditions, on a motion made by Patrick Dwyer and seconded by Phil Straight.*

- 7. College Bound Movers (petitioner) and Benjamin M. Bosowski, Jeffrey L. Clegg, Jessica L. Clegg, Jacob J. Mitchell and Ethan L. Mitchell (owners)** – Variance under Section 2.02.1.A of the Zoning Ordinance to permit parking for employees, customer vehicles and temporary mobile storage units located in the I-1(Industrial) and R(Residential) Districts and Wellhead Protection Area at 22 Continental Boulevard. Tax Map 3C, Lot 085. Case # 2014-40.

*Applicant was represented by: Richard Maynard, Site Engineer, Maynard & Paquette; and Attorney Ray Tisley, Bernstein-Shur.*

*Public comment was received from: Gary Petas, 20 Tallant Road; Anthony Santos, 4 Tallant Road; and Russell Dionne, 45 Camp Sargent Road.*

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

- 8. Mark P. Rioux (petitioner) and Catherine M. Coughlin (owner)** – Variance under Section 3.05 of the Zoning Ordinance to permit a 16'x18' screened in porch within 14' of the rear property line whereas 40' is required. The parcel is located at 6 Independence Drive in the R (Residential) and Aquifer Conservation Districts. Tax Map 5C, Lot 472-015. Case # 2014-41.

*Applicant was represented by: Mark Rioux and Catherine Coughlin, 6 Independence Drive.*

*There was no public comment.*

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

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

*Comment was received from: Adam Knott, Anderson & Krieger.*

*Discussion only.*

**10. Approval of Minutes – August 27, 2014.**

*The minutes of August 27, 2014, were approved as submitted, by a vote of 5-0-0, on a motion made by Patrick Dwyer and seconded by Tony Pellegrino.*

**11. Adjourn.**

*The meeting adjourned at 8:08 p.m., by a vote of 5-0-0, on a motion made by Richard Conescu and seconded by Patrick Dwyer.*