

NASHUA CITY PLANNING BOARD  
STAFF REPORT

TO Nashua City Planning Board  
FROM: Matt Sullivan, Planning Department Manager  
DATE: April 30<sup>th</sup>, 2021  
RE: **New Business – Site Plans A21-0074**

**I. Project Statistics:**

Owner: Alla Maak Properties, LLC  
Applicant: TMC CF of New England, LLC  
Proposal: Amendment to NR 0946 to Demolish Existing Building and Construct a Convenience Store and Fuel Service Station  
Location: 452 Amherst Street  
Total Site Area: 1.156 acres (50,345 sf)  
Existing Zoning: PI-Park Industrial/MU-Mixed Use  
Surrounding Uses: Commercial

**II. Background Information:**

The building at 452 Amherst Street, known as the Country Tavern, has stood on its site for over two hundred years; recently they announced its permanent closure. Once part of a small farm with 40+ acres, it was renovated for use as a restaurant in the early 1980s. The Zoning Board of Adjustment granted a Use Variance in 1981 to convert the existing house and barn to a restaurant use with a Special Exception to increase parking. In 1982, an easement was placed on the property to preserve the appearance of the façade as it then existed in perpetuity.

On September 12, 2019 the applicant received a favorable recommendation from this board to release the façade easement and on October 8, 2019 the Board of Alderman approved the release of the façade easement.

In 2018 the Board of Alderman rezoned a portion of Amherst Street from Airport Industrial to Park Industrial/Mixed Use to allow for greater flexibility and reflect what is going on these lots.

On June 9, 2020 the ZBA approved a Use Variance to allow a convenience store/gas station where 75% of the building gross floor area is otherwise required to be reserved for used in the “industrial and manufacturing” category to allow this project to move forward.

*A site plan and conditional use permit were conditionally approved by the Planning Board on September 24<sup>th</sup>, 2020. Those approvals contemplated a 4,996 sq. ft. convenience store, 5 pumps, and 10 vehicle filling stations. At that time, egress to the site was proposed to remain along Amherst Street as-is with the Country Tavern, with a slight modification proposed to the location of the driveway on Townsend West into NHDOT’s Controlled Access Right of Way (CAROW). In January of 2021, NHDOT denied the relocation request along in the CAROW.*

**III. Project Description:**

*Due to the Townsend West access modification denial by NHDOT, the applicant has proposed an amended site plan from that approved by the Planning Board in 2020. The proposed modifications to the approved plan include, but are not limited to the following:*

- *Reorientation of the convenience store footprint, pumps, and other site elements*
- *Reduction in convenience store footprint from 4,996 sq. ft. to 4,650 sq. ft.*
- *Reduction in pumps/filling stations from 5/10 to 4/8.*
- *Relocation of the Townsend West egress closer to southern property line outside of the Controlled Access Right of Way (CAROW).*
- *Reduction in parking space count from 25 to 23, excluded pump parking.*
- *Increase in proposed impervious surface from 68.8% to 70.9%.*
- *Adjustment to sign location.*

*Please note that both the previously granted Variance (June 10<sup>th</sup>, 2020) and Conditional Use permit (September 24<sup>th</sup>, 2020) are still valid and do not require new approval.*

*A revised Traffic Impact Report has not been prepared based on discussions with the City's Engineering Department (correspondence included) based on the reduction in pump count and convenience store square footage. Mr. Joe Mendola states "we agree that the reduced number of vehicle-fueling positions would render the current Traffic Impact Report conservative and we will not need a revised Traffic Impact Report".*

*A revised Stormwater Management Report that reflects increases in impervious area have been submitted and the executive summaries are attached as well as an amended site plan suitability report as this property is located in the Mixed Use Overlay District.*

*Two waivers are requested, consistent with the previously approved waivers. The waivers must be granted again with the new application. The first waiver is from the requirement to have customer entryways on all sides of the building that face an abutting public street. The second waiver is for lighting fixtures, which are not to exceed 0.2 footcandles at the property lines.*

#### **Staff Recommendations and Findings:**

The Planning Board should make a determination that the plan meets, or does not meet, the requirements outlined in the Site Plan NRO § 190-146(D). The Board should review these prior to making a motion. If the Planning Board chooses to disapprove the plan, specific reasons should be given. If the Planning Board chooses to approve this plan, staff recommends the following stipulations be made part of that approval:

1. The request for a waiver of § 190-172(E)(1), which requires all sides of a principal building that directly face an abutting public street shall feature at least one customer entrance, **is/is not** granted, finding that the waiver **will/will not** be contrary to the spirit and intent of the regulation.
2. The request for a waiver of § 190- 89, which requires light levels not to exceed 0.2 footcandles at certain property lines depicted on the site plan, **is/is not** granted, finding that the waiver **will/will not** be contrary to the spirit and intent of the regulation.
3. Prior to the Chair signing the plan, minor drafting corrections and standard notes will be added to the plan.

4. Prior to the Chair signing the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final mylar and paper copies submitted to the City.
5. Prior to the Chair signing the plan, all comments in an e-mail from Joe Mendola, Street Construction Engineer, \_\_\_\_\_ shall be addressed to the satisfaction of the Engineering Department.
6. Prior to the issuance of a building permit, the electronic copy of the plan will be submitted to the City of Nashua.
7. Prior to the issuance of a building permit, stormwater documents will be submitted to City staff for review and recorded.
8. Prior to any work and a pre-construction meeting, a financial guarantee shall be approved.
9. Prior to the issuance of a certificate of occupancy, all off-site and on-site improvements will be completed.
10. Prior to the Chair signing the plan, the applicant shall provide a revised plan set including vegetative or alternative screening for the proposed transformer and pad.
11. All conditions of the previous conditional Site Plan Review approval of September 24<sup>th</sup>, 2020 are hereby incorporated as part of this approval.