

NASHUA CITY PLANNING BOARD  
STAFF REPORT

TO: Nashua City Planning Board  
FROM: Linda McGhee, Deputy Planning Manager  
FOR: December 2, 2021  
RE: **New Business A21-0256 - Site Plan**

**I. Project Statistics:**

Owner: SD Realty, LLC  
Applicant: Zafar Chaudhary  
Proposal: Site plan to convert a vacant restaurant into a smoke shop with associated site improvements  
Location: 303 Main Street  
Total Site Area: 0.226 acres (9,877 sf)  
Existing Zoning: D3/MU-Downtown 3/Mixed Use  
Surrounding Uses: Commercial and residential

**II. Background Information:**

A variance was approved by the Zoning Board of Adjustment (ZBA) for the property in 1966 to allow a restaurant and was home to Poor Pierre's restaurant for many years.

On December 10, 2019 the Zoning Board of Adjustment granted two variances, one for minimum stacking space and the second for minimum distance to drive-thru exit with one stipulation. On February 6, 2020 the Planning Board approved a site plan to convert the existing restaurant into a Pizza Hut with a drive thru window, however that approval has since lapsed. The approval letter, staff report and minutes are attached.

**III. Project Description:**

The purpose of this plan is for a change of use for this property. The site was home to a restaurant, but is now vacant and located on the corner of Lake and Main Street. The applicant is proposing a smoke shop with some updates to the lot. The site is almost entirely paved. The building will be painted, but the building footprint will remain. On-site parking is not required in this zone; however, the applicant is providing 4 spaces, including one handicapped space as well as one employee space and a loading area. Hours of operation will be 7 am to 10 pm Monday thru Saturday and 8 am to 9 pm on Sunday.

Several waivers are being requested as outlined in Katie A. Weiss letters dated October 7, 2021 as follows:

- Building Design in Non-Residential Buildings
- Lighting Plan

- Stormwater Management Report and Maintenance Plan
- Traffic Impact Analysis

Within the Mixed Use Districts, all site plans submitted to the planning board for approval shall be accompanied by a site plan suitability report and is subject to the provisions of the code. The report has been attached for the Board's review. In approving any site plan under the provisions of this section, §190-23F, the planning board may vary the dimensional requirements of the underlying zone.

City Staff has reviewed the plans. Although Engineering comments are pending, Engineering is comfortable with the latest submitted plan going to the planning board.

#### **IV. 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) and §190-23F. 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, which requires building elevations for non-residential buildings, **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 § 190-275, which requires a lighting plan, **is/is not** granted, finding that the waiver **will/will not** be contrary to the spirit and intent of the regulation.
3. The request for a waiver of § 190-279(CC) and § 190-214-218, which requires a stormwater report and management plan, **is/is not** granted, finding that the waiver **will/will not** be contrary to the spirit and intent of the regulation.
4. The request for a waiver of § 190-283, which requires a Traffic Impact Analysis, **is/is not** granted, finding that the waiver **will/will not** be contrary to the spirit and intent of the regulation.
5. Prior to the Chair signing the plan, all comments in a letter from Joe Mendola, Street Construction Engineer, dated \_\_\_\_\_ shall be addressed to the satisfaction of the Engineering Department.
6. Prior to the chair signing the plan, minor drafting corrections will be made.
7. 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.

8. Prior to the issuance of a building permit, the electronic copy of the plan will be submitted to the City of Nashua.
9. Prior to any work on site, a pre-construction meeting shall be held and a financial guarantee shall be approved.
10. Prior to the issuance of a certificate of occupancy, all site improvements will be completed.