



Town of Merrimack, New Hampshire

Community Development Department
6 Baboosic Lake Road
Town Hall - Lower level - East Wing

603 424-3531
Fax 603 424-1408
www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: March 10, 2015
To: Robert Best, Chairman, & Members, Planning Board
From: Donna F. Pohli, Assistant Planner
Subject: **G. Nasr Realty, LLC. (applicant/owner)** – Review for consideration of a reinstatement of conditional final site plan approval and a six-month extension to comply with conditions of approval (granted by the Planning Board on February 18, 2014) for a site plan proposing to construct a 530 s.f. donut shop addition with a drive-thru and related parking at 715 Daniel Webster Highway. The parcel is located in the C-2 (General Commercial) District. Tax Map 7E, Lot 010 & 054-01.

At the September 9, 2014 Planning Board meeting, the applicant was granted an extension of conditional Final Approval (originally conditionally approved on February 18, 2014) for an application proposing to construct a 530 s.f. donut shop addition with a drive-thru and related parking at 715 Daniel Webster Highway. The parcel is located in the C-2 (General Commercial) District.

To date, the conditions of approval have not been fully met and both the initial six-month conditional approval and initial extension deadlines have now lapsed. Therefore, the applicant will need to request a reinstatement as well as an additional six-month extension due to a failed lease agreement with a prospective tenant, which made them unable to fulfill the February 18, 2014 conditions of approval prior to the initial six-month expiration as well as the six month extension deadline of March 9, 2015.

Given that there have been no changes to any ordinances or regulations that impact this project, **staff recommends that the Board grant the request for reinstatement and a six-month extension [of conditional final approval]**, effective from March 17, 2015 creating the new deadline of September 17, 2015. Staff recommends that the Board place the same conditions outlined in the February 19, 2014, decision letter (attached) on this extension.

Cc: File
Correspondence
Jack Nasr, G. Nasr Realty, LLC
Steve Keach and Katherine Basso, Keach-Nordstrom, Associates, Inc.

Ec: Carol Miner and Fred Kelley, Building Department

P&Z:PB Memos 2015/PB_Memo_2015-03-17_GNasrRealty_Extension.doc



Town of Merrimack, New Hampshire

Community Development Department

603 424-3531

6 Baboosic Lake Road

Fax 603 424-1408

Town Hall - Lower level - East Wing

www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

February 19, 2014

Jack Nasr
G. Nasr Realty, LLC.
30 Pasture Lane
Bedford, NH 03110

Re: **G. Nasr Realty, LLC. (applicant/owner)** – Review for acceptance and consideration of final approval of an application for a site plan proposing to construct a 530 s.f. donut shop addition with a drive-thru and related parking at 715 Daniel Webster Highway. The parcel is located in the C-2 (General Commercial) District.

Dear Mr. Nasr:

The Planning Board, at its meeting on February 18, 2014, voted 4-0-0 to accept the application for review, 4-0-0 to waive Sections 7.03 (C)(1)-Restaurant Drive-Thru Windows and 7.05.D.19 Submission Requirements-Paved Pedestrian Way or Sidewalk of the Site Plan Regulations. Lastly, the Board voted 4-0-0 to **grant conditional final approval of the site plan application, subject to the following precedent conditions to be fulfilled within six months and prior to signing of the plan, unless otherwise specified:**

1. Final plans and mylars to provide all professional endorsements and be signed by all property owners;
2. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) and any related documents at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
3. The applicant shall obtain an Equitable Waiver from the Zoning Board of Adjustment, and note such approval on the final plan;
4. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
5. Any signage changes must comply with the sign regulations (Section 17 of the Zoning Ordinance and if illuminated, Section 11.10 of the Subdivision Regulations) and be properly permitted by the Building Department;

6. The applicant shall address any forthcoming comments from the Fire Department, Building Department, and Public Works Department as applicable;
7. The applicant shall address all forthcoming comments from the Town's peer-review consultant, CLD;
8. Applicant to add a striped crosswalk from ADA compliant parking spaces to convenience store entrance to Staff's satisfaction;
9. Address the following planning staff technical comments:
 - a. Please also note on the Landscaping and Lighting Plan where the "Employee Parking Only" sign(s) will be placed;
 - b. Please revise the parking calculations on Sheet 3 of 7 to state: "858 s.f. of warehouse/storage (1 space), 42 s.f. of office (1 space), 1,690 s.f. of convenience store (8.45 spaces), 3 employees for gas station (3 spaces) totaling 13.45 rounded to 14 spaces required, 14 provided (including 1 ADA space)";
 - c. Please add architectural renderings noting materials, colors, and roof height, to the plan set and number the pages accordingly.

The following general and subsequent condition is placed on the approval:

1. The applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor) detailing site improvements to the Community Development Department prior to the issuance of a Certificate of Occupancy.

Please be advised that any party to the action or proceedings, or any party directly affected thereby, may appeal the Board's decision within 30 days, in accordance with RSA 677:15.

If you have any questions, please feel free to call me at 424-3531.

Sincerely,



Donna Pohli
Assistant Planner, Community Development

ec: Steve Keach and Katherine Basso, Keach-Nordstrom Associates, Inc.
Carol Miner and Fred Kelly, Building Department
Captain John Manuele, Merrimack Fire Department

cc: File
Correspondence