



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: November 25, 2015

To: Robert Best, Chairman, & Members, Planning Board

From: Robert Price, Assistant Planner

Subject: **Energy North Group Inc. (applicant) and ENI Daniel Webster Highway, LLC. (owner)**
- Review for acceptance and consideration of a waiver of full site plan review for a building renovation and addition of a drive through service window to an existing fuel dispensing station/convenience store/truck stop. The parcel is located at 140 D.W. Highway in the I-1 (Industrial) and Aquifer Conservation Districts and 500 year Flood Hazard area. Tax Map 2D, Lot 007.

Background

The subject property is home to the BonBon's Mobil station, and is abutted by BAE Systems to the north, west and south. Across D.W. Highway is Marvell Plate Glass, Co. and vacant land. The site currently operates as a fueling station, convenience store and truck stop.

According to the project narrative, the applicant is proposing to renovate the existing convenience store and trucker lounge, thereby increasing the amount of retail space and adding a sandwich shop and drive-thru coffee shop. The size of the store will increase from approximately 5,367 square feet to 5,898 s.f.

Part of the proposal calls for a slight reduction to the rear parking lot area by creating additional green space. This is being done to offset the expansion of the building, resulting in a decrease (172 s.f.) in overall impervious coverage on the site.

Parking

The parking required is calculated as follows:

- Gasoline Station: 1 space per employee x 4 employees max
 - $1 \times 4 = 4$ spaces required
- Restaurant, fast food: 1 per 4 seats PLUS 1 per employee
 - $3 + 3 = 6$ spaces required

Total Spaces Required = 10 spaces

It appears that the applicant is providing more than the required amount of parking spaces as there is an area of existing parking which is not striped that is noted along the northerly property line. Providing striping on the plan for this area would provide clarity.

Also, it is not clear exactly what is taking place with the existing parking around the building. It is suggested that the applicant add notes to the plan to indicate if the existing parking spaces on the north side of the building will be retained or eliminated. Additionally, the applicant is accounting for the 6 spaces (2 per fuel dispenser) under the canopy closest to DW Highway. Adding notes to the plan to clarify the number of spaces in each of these locations for clarity would be helpful.

Section 7.03(C)(1) requires a minimum of 10 stacking spaces for restaurants with drive-thru windows. The plan shows only 9 stacked vehicles. Therefore, the Board may want to discuss either a revision to the plan or a waiver with the applicant, as noted below.

Completeness

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

Waivers

The Board should consider the following waivers:

1. Waiver of full site plan review as requested by the applicant;
2. Waiver from Section 7.05(D)(19) requiring a paved pedestrian way or sidewalk along the existing roadway, as requested by the applicant; and
3. Waiver from Section 7.03(C)(1) requiring a minimum of 10 stacking spaces for restaurants with drive-thru windows. **In lieu of this waiver, the Board could require the applicant to revise the plan to show the additional stacking space needed.**

Recommendation

Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 647:44:

- Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
- Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Staff recommends that the Board grant conditional final approval with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:

1. Final plans to be signed by the Applicant and Property Owner;
2. Applicant shall obtain all required State permits, provide copies of the permits to the Community Development Department and note the approvals in the notes on the plan;
3. Any waivers granted (including Section and date granted) or any changes requested by the Board shall be listed and fully described on the final plan, as applicable;
4. Applicant shall address the following comments from the Conservation Commission, as applicable:
 - a. The Commission realizes this site has an established use that will continue and that this application will not drastically change the use of the site. But given that, the

Commission recommends that the applicant keep in mind its general recommendations for:

- i. Using a NH Green SnowPro certified contractor for snow maintenance at the site with the hopes of limiting by proper application of salt, de-icing compounds, and sand;
 - ii. That only low phosphate, slow release nitrogen fertilizers be used. The Commission further recommends that the applicant's contractor first utilize a soil testing facility to determine what levels and applications rates may be necessary before doing any application of fertilizes on the site especially in the newly created pervious area.
 - iii. Native plantings be considered for any landscaping activities.
 - b. The Commission encourages the applicant to remove all base material where removal of asphalt is being done so that the newly opened pervious area has the best chance to capture and drain storm water thereby providing recharge to the underlying aquifer.
5. Applicant shall address any comments from the following entities, as applicable:
 - a. Assessing Department;
 - b. Building Department;
 - c. Fire Department;
 - i. The plans show a drive through lane with a partial bypass lane. This bypass lane shall be extended for the full length of the drive through lane to allow emergency vehicle access when vehicles are blocking the drive through lane
 - d. Pennichuck Waterworks;
 - e. Public Works Department; and
 - f. Wastewater Division.
6. The applicant shall address the following staff technical comments:
 - a. Please show striping of "existing parking" along northerly property line;
 - b. Please confirm that Note 11 on the Site Plan sheet is accurate;
 - c. Please add a note referencing sewer and water sources.
 - d. Please add notes clarifying if the existing parking spaces along the north side of the building will be retained or eliminated.
 - e. Please revise the parking requirements chart on the Site Plan by updating the total number of provided spaces after adding striping along the northerly property line.

Staff also recommends that the following general and subsequent conditions be placed on the approval:

1. Applicant shall address the following comments from the Fire Department:
 - a. The building on this property shall comply with all current NFPA codes for its intended use. This includes emergency lighting, fire alarm and sprinkler system additions/changes and fire extinguisher placement; and
 - b. The existing spill control plan (SPCC) shall be updated to reflect any changes in use and ownership and be submitted to this office for review and approval.

Cc: File
Correspondence

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Captain John Manuele, Fire Marshal
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Loren Martin, Assessing Department
Ken Conaty, Public Works Department/Wastewater Division