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Town Planner's Project Review
Wednesday, June 22, 2016

- X. **Mei Wei Restaurant – Proposed Expansion.** The owner of Mei Wei Restaurant, located in the rear building of the Mill Plaza, is considering expanding into the adjacent space recently vacated by New Hampshire Federal Credit Union. The proposed use would be for restaurant expansion, a bar, dancing, and a private karaoke room. This prospective plan is presented to the Planning Board for determination whether it should be reviewed administratively or as a site plan. En Qing Lin, proprietor of Mei Wei. Map 5, Lot 1-1. Central Business District.
- I recommend that the Planning Board support the following motion, if acceptable (See background information below):

"I move that the proposed expansion of Mei Wei Restaurant into the former New Hampshire Federal Credit Union space not be considered a significant change of use and thus not be subject to formal site plan review based upon the Town Planner's review and the discussion this evening provided, however, that: a) prior to issuance of any Town permits, the appropriate Town staff will meet on site with the applicant to review exactly what is proposed, to clarify and address potential sound emanating from the building, and to address other potential concerns including building and fire code issues; b) following this meeting, if the Town Planner concludes that this expansion should likely be subject to formal site plan review he will coordinate with the Planning Board chair on the next steps; and c) the Building Official/Zoning Administrator will determine whether the proposed expansion is an accessory to the restaurant use, and if it is not considered an accessory then formal site plan review would be required."

Please note the following:

- 1) **Expansion.** En Qing Lin, the proprietor of Mei Wei Chinese Restaurant, would like to expand into the vacant space adjacent to his restaurant. This space was occupied by New Hampshire Federal Credit Union, who has left the site.
- 2) **Floor plan.** See the enclosed floor plan showing the proposed use for the space. There would be an enclosed karaoke room ("KTV" on the plan), an area for dancing, and a bar.
- 3) **Karaoke.** Mr. Qing Lin says that the karaoke rooms would be used by reservation only and would not simply be open to the public. Each room (more than one room?) has

booths, a television, and a monitor to select songs. He says that the main market for this use is Chinese people.

- 4) Noise. The main potential concern would seem to be noise. Mr. Qing Lin says that soundboards would be installed around the walls. Normal speakers would be installed inside only.

Mr. Qing Lin has emphasized his good relationships with the town and neighbors and that he does not wish to disturb them.

- 5) Aerial view. See the enclosed aerial view of the rear building at Mill Plaza containing Mei Wei and the space they wish to expand into. The vacant space is at the right end of the building. The exterior of the building is brick. There is glass at the entrance but there is a contained foyer (which appears to be removed in the proposed floor plan). There are several small windows on the side of the building toward the rear. There are no windows in the rear of the building. From a look at the proposed floor plan we will clarify how Mr. Qing Lin plans to treat the existing windows and the rear of the space which is not shown on the plan.
- 6) Nearest residences. Mei Wei is over 400 feet to the nearest single family houses located to the southeast off Chesley Drive and Main Street and to the southwest on Faculty Road, and about 300 feet to the nearest townhouse at Brookside Commons to the southwest. The property is buffered with fairly dense vegetation in those directions.
- 7) Site Regs. Under the Site Plan Regulations review is held for “*development*,” which is defined as follows: **Development**. *Any man-made change to improved or unimproved land, including but not limited to changes to buildings or other structures [Planner’s note: This usually refers to changes that would be visible from the exterior of the building, as interior building changes do not generally trigger site plan review], paving, adding or eliminating parking spaces or driveways, excavation or mining, dredging, significant filling or grading, drilling operations, storage of materials or equipment, or **significant change of use**.*
- 8) Change of use. Generally, in my experience, within a well-established shopping center, new activities are not considered a “significant change of use” as long as the proposed use is fairly similar in character and potential impacts to historical uses in the larger center, and as long as there are not anticipated likely meaningful impacts upon the public. I don’t think that parking is a concern here, so my sense is that if the potential noise issue, including patrons hanging around outside of the site, can be satisfactorily addressed this may not be appropriate for site plan review.
- 9) Operation. The existing space for Mei Wei is about 2,800 square feet and the new area is about 1,400 square feet (This probably does not include the rear of the space, not shown on the plan). The restaurant hours are 11:00 am to 11:00 pm. Mr. Qing Lin says that they would also serve food in the new space. He plans to have the new facility open Thursday, Friday, and Saturday until 1:00 a.m. with last call at 12:30 am.

- 10) Zoning use determination. The closest listed use in the Table of Uses is “restaurant.” There is no bar, tavern, dance hall, karaoke bar, or night club listed. Thus, I will review this with Audrey Cline to clarify whether the proposed activity is considered a restaurant or accessory to the restaurant.

Audrey will make a determination whether or not this is allowed as an accessory use to the restaurant. Note that this is a different, but related, question from the applicability of site plan review.

- 11) Fees. For what it is worth, the cost for a formal site plan review would be \$500 for the review + \$150 for the public notice + \$7/abutter notification. I point this out because the question of site plan review is on the margin for this proposal.
- 12) Fire Department. John Powers, Deputy Fire Chief said: “I recommend this be discussed via the TRG process. If the project does not seem to meet the TRG scope and mission, then we would request a meeting with the owner, the fire department, and the building department to discuss the questions and concerns posed. Having DFD and DBD in the same room while discussing would be most helpful to avoid recommending something that may cause conflict between the building and fire codes. Another potential complication is that New Hampshire will begin using the 2015 edition of the NFPA 101 Life Safety Code at the end of this month. Training for the new codes is slated to be given by the state at UNH on October 13th, therefore a careful review of any projects between now and then will need to be conducted since we will be ‘learning as we go’.

(Note that this suggested on-site meeting is different from the formal review process for the “Technical Review Committee” specified in the Zoning Ordinance. That review process is no simpler for applicants as the fee is the same and notices and a public hearing are required. The “Technical Review Committee” in this process and the “Technical Review Group” that meets on Tuesdays are different entities.)