

EXPANDED DRAFT MEETING SUMMARY
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NASHUA CITY PLANNING BOARD
March 23, 2023

The regularly scheduled meeting of the Nashua City Planning Board was held on March 23, 2023 at 7:00PM in the 3rd floor auditorium in City Hall AND via Zoom virtual meeting.

Members Present: Scott LeClair, Chair
 Maggie Harper, Secretary
 Ald. Patricia Klee
 Ald. Derek Thibeault, Alt.
 Bob Bollinger
 Larry Hirsch

Also Present: Matt Sullivan, Comm. Dev. Dir.
 Sam Durfee, Planning Manager
 Linda McGhee, Deputy Planning Manager
 Christine Webber, Planning Coordinator

APPROVAL OF MINUTES

March 9, 2023

MOTION by Mr. Bollinger to approve the minutes, as written

SECONDED by Ald. Klee

MOTION CARRIED 6-0

COMMUNICATIONS

Ms. McGhee went over the following items that were received after the case packets were mailed:

- **A23-0015 - 37 Will Street**
 - o Updated Engineering comments from Joe Mendola, Senior Staff Engineer
 - o Applicant engineer comments from Earl Blatchford, Hayner Swanson Inc.
- **A21-0299, A21-0300, A21-0301, & A21-0302 - 145-149 Temple St**
 - o Memo from Economic Development Director Tim Cummings
 - o Email from Atty. Andrew Prolman, Prunier & Prolman
 - o Appraisal of site
 - o Multiple abutter correspondences

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REPORT OF CHAIR, COMMITTEE, & LIAISON

Nashua Regional Planning Commission: Mr. Bollinger provided a brief recap of the March 15, 2023 meeting.

PROCEDURES OF THE MEETING

After the legal notice of each conditional, special use permit, site plan or subdivision plan is read by the Chair, the Board will determine if that the application is complete and ready for the Board to take jurisdiction. The public hearing will begin at which time the applicant or representative will be given time to present an overview and description of their project. The applicant shall speak to whether or not they agree with recommended staff stipulations. The Board will then have an opportunity to ask questions of the applicant or staff.

The Chair will then ask for testimony from the audience. First anyone wishing to speak in opposition or with concern to the plan may speak. Please come forward to the microphone, state their name and address for the record. This would be the time to ask questions they may have regarding the plan. Next public testimony will come from anyone wishing to speak in favor of the plan. The applicant will then be allowed a rebuttal period at which time they shall speak to any issues or concerns raised by prior public testimony.

One public member will then be granted an opportunity to speak to those issues brought by the applicant during their rebuttal period. The Board will then ask any relevant follow-up questions of the applicant if need be.

After this is completed the public hearing will end and the Board will resume the public meeting at which time the Board will deliberate and vote on the application before us. The Board asks that both sides keep their remarks to the subject at hand and try not to repeat what has already been said.

Above all, the Board wants to be fair to everyone and make the best possible decision based on the testimony presented and all applicable approval criteria established in the Nashua Revised Ordinances for conditional, special use permits, site plans and subdivisions. Thank you for your interest and courteous attention. Please turn off your cell phones and pagers at this time.

OLD BUSINESS - CONDITIONAL USE PERMITS

None

Mr. LeClair said he would hear Case A23-0015 first.

NEW BUSINESS - SUBDIVISION PLANS

A23-0015 Bronze Craft Corp. (Owner) Geoffrey Lynch (Applicant) - Application and acceptance of proposed two-lot subdivision. Property is located at 37 Will Street. Sheet 87 - Lot 220. Zoned "PI" Park Industrial. Ward 4.

MOTION by Mr. Bollinger that the application is complete and the Planning Board is ready to take jurisdiction.

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0

Earl Blatchford, Civil Engineer, Hayner Swanson Inc., 3 Congress St, Nashua NH

Mr. Blatchford introduced himself to the Board as representative for the applicant. He provided a brief overview of the application. He described the existing lot, surrounding properties, available utilities, and physical features. The site contains a one-story 40,000-sqft structure, home to Bronze Craft since 1987. There are no changes proposed to the existing site, no physical improvements as part of the application.

Mr. Blatchford said the new lot will encompass the undeveloped portion of the site, with frontage on Ledge Street and Simon Street. Because there is no proposed development, there are no adverse impacts to stormwater on the site. They have submitted a stormwater inspection and maintenance plan to the owner's attorney, which will be recorded, and is in relation to the existing Bronze Craft site. Both lots conform to current zoning requirements. They have received comments from staff departments, and have responded to all. They are requesting two waivers, as detailed in the staff report.

Mr. Blatchford said they think everything with this proposal is conforming. They have addressed all staff comments, and feel what they are proposing is responsible. They seek approval and would be happy to answer any questions.

Mr. LeClair asked if they have reviewed the latest comments from Senior Staff Engineer Joe Mendola.

Mr. Blatchford said yes. They responded to them on the 21st. If there is any follow-up they will address it.

Mr. Bollinger asked if there was any discussion of payment in lieu for sidewalks not being constructed along Ledge Street.

Ms. McGhee said this property is located in the Park Industrial zone, and sidewalk contributions are for residential areas only.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

PUBLIC MEETING

Mr. LeClair closed the public hearing and moved into the public meeting. He said this seems like a straightforward plan.

MOTION by Mr. Bollinger to approve New Business - Site Plan A23-0015. It conforms to §190-138(G) with the following stipulations or waivers:

1. The request for a waiver of § 190-282(B)(9), which requires physical features on adjacent parcels within 1,000 feet, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. The request for a waiver § 190-212(A)(1), which requires that a sidewalk be located on at least one side of the street, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. Prior to the Chair signing the plan, any minor drafting corrections will be made.
4. Prior to the Chair signing the plan, all comments in a letter dated March 20, 2023, from Joe Mendola, Senior Staff Engineer, shall be addressed to the satisfaction of the Division of Public Works.

5. Prior to the Chair signing the plan, stormwater documents and easements will be submitted to City Staff for review and recorded at the applicant's expense.
6. Prior to recording the plan, site plan NR1451 for Bronze Craft shall be amended to show the subdivision.

SECONDED by Ms. Harper

MOTION CARRIED 6-0

Mr. LeClair said they have a full crowd, so he wants to give everyone an understanding of how this is going to run. The Board will step through the four cases that are on the table right now, and decide whether or not to take them off the table. If they do, it will result in the start of a hearing. During that hearing, the first thing they are going to see is the applicant presenting their case. There are revisions to this case, there is quite a bit more information that has been provided to the Board since the last time they tabled it. The applicant will be given time to present all of that information.

Mr. LeClair said the next step is going to be the Board asking questions of the applicant. Once the Board is done with that, he will open it up to public comment and public testimony. For this evening, it will be limited to two hours. At that point he will recommend to the Board that this application be tabled again. They will not go into the public meeting portion tonight, given that there is quite a bit of information that has been received and they are anticipating more by the next meeting on April 6th. It's likely that this is the process this will move to, and possible that there will be another public comment session on April 6th. Subsequent to any Board discussions, public comments, and additional presentations, the applicant would be given another rebuttal period after that. This is likely going to go on for at least a couple more weeks.

Ald. Klee said she will be recusing herself.

OLD BUSINESS - SUBDIVISION PLANS

A21-0299 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed three lot subdivision. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD" Transit Oriented Development. Ward 7. **[TABLED TO THE MARCH 23, 2023 MEETING]**

OLD BUSINESS - SITE PLANS

A21-0300 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed site plan to show a 4-bay garage, office and storage. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD" Transit Oriented Development. Ward 7. **[TABLED TO THE MARCH 23, 2023 MEETING]**

A21-0301 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed site plan to add asphalt manufacturing. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD"-Transit Oriented Development. Ward 7. **[TABLED TO THE MARCH 23, 2023 MEETING]**

A21-0302 145 Temple Street, LLC (Owner) - Greenridge LLC (Applicant) - Proposed site plan to add proposed office use. Property is located at 145-149 Temple Street. Sheet 38 - Lot 93. Zoned "GI" General Industrial/"TOD" Transit Oriented Development. Ward 7. **[WITHDRAWN BY APPLICANT]**

Mr. Durfee said A21-0302 has been withdrawn by the applicant. He reminded the Board to speak loudly and clearly.

MOTION by Ms. Harper to remove A21-0299, A21-0300, and A21-0301 from the table

SECONDED by Mr. Hirsch

Mr. Bollinger said given the lateness of some of the documentation they received, he wasn't sure what they would be discussing here tonight. If they plan to have subsequent meetings, he would remind everyone involved that this is a lay Board. Folks do other things during the day and when they have a huge document dropped the day of the meeting it's very difficult to get caught up and give full attention to the materials received. With that said, he would be comfortable voting.

MOTION CARRIED 5-0

MOTION by Ms. Harper to reopen the hearing for A21-0299, A21-0300, and A21-0301

SECONDED by Mr. Hirsch

MOTION CARRIED 5-0

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Atty. Andy Prolman, Prunier & Prolman, 20 Trafalgar Sq., Nashua NH

Atty. Prolman introduced himself as representative for the owner and applicant. With himself tonight is owners Rick DeFelice Sr. and Rick Defelice Jr., civil engineer Richard Maynard of Maynard & Paquette Engineering Associates, Toxicologist Dr. Laura Green, and Traffic Engineer Jason Plourde from VHB.

Atty. Prolman said this application was before the Board on June 2nd, and August 4th, 2022, with his partner, Atty. Gerry Prunier. At the risk of some repetition, they will be representing most of what they heard before as the project and plan have developed.

Atty. Prolman said he wanted to emphasize that they have a permitted use with the proposed asphalt plant. They have a subdivision of one lot into two, not one lot into three anymore, and they have an office building for Newport Construction, pretty straightforward subdivision, and what everyone is here for tonight is the asphalt plant. The asphalt plant is an allowed use under the Land Use Code #177 in the General Industrial district. This is an important piece to keep in mind throughout.

Atty. Prolman said Newport Construction moved onsite in 2013. They sought out this site because their long-term plans were to have an asphalt plant. The asphalt plant is allowed in the industrial district, and they relied on the zoning ordinance in acquiring this property. They moved onsite before there was a Transit Oriented District Overlay enacted. The ordinance was relied upon by the applicant, looking long-term at this site.

Atty. Prolman said one of the criteria for site plan approval is that our proposal, the asphalt plant, has to coexist and not significantly impact surrounding uses. Their surrounding uses are general industrial uses. They do have some apartments behind, but he'll speak to that. The ordinance does not speak to future surrounding uses, only the surrounding uses as of today. Today they have surrounding uses that are general industrial. There was testimony before about the Henry Hanger building, but today that is an old vacant run-down mill. They have to work with their surround uses.

Atty. Prolman said a few years ago this Board approved a plan across Temple Street for 168-units. It's still just a big parking lot, a contractor's yard. Again, their surround uses are industrial. The ordinance speaks to what is there today. They are here tonight, not five or ten years from now. Likewise with the

commuter rail, there has been a lot of talk about a station. Currently it's shut down by the executive council in Concord, and it's not a surrounding use today. He feels they are being judged by projects and properties that may or may not exist in the future.

Atty. Prolman said they have likewise received a lot of information late in the game. They received the Mayor's appraisal by the BBEG Company. He doesn't think this Board should consider that appraisal at all, for two reasons. First, the New Hampshire Supreme Court has said in a number of occasions that municipalities and Planning Boards have an affirmative obligation to assist applicants through the process, not to fight or impede. The thought that the City of Nashua is putting forth an appraisal to fight this is contradictory to case law. Secondly, it calls into question whether or not the applicant can get a fair hearing, where the Mayor's appraisal is introduced to this Board. The Mayor is a member of this Board, and the Mayor appoints Board members. Where a member of the Board brings his own appraisal for discussion, it calls into question whether the applicant can get a fair hearing.

Atty. Prolman said don't forget the role the NH Dept. of Environmental Services (DES) plays. The DES has concurrent jurisdiction, and administers the permitting for the asphalt plant.

Atty. Prolman said these are his introductory comments. He has some slides he would like to present to get to some of the character of the neighborhood.

Atty. Prolman showed an aerial of the site and surrounding properties. The Supply Shop is across the street, the Granite Group plumbing supply store, and the Corriveau Routhier building right next to them. The Inner City Materials has been there for years. Then there's Rpiano Stoneworks and Budget Rental cars. They have a general industrial district right in here. There are some apartments and some homes behind us on Murray Court and Sheds Ave, which he will speak to later.

Atty. Prolman showed a picture of the Newport Construction site. He said whether or not this asphalt plant is approved and built out, Newport Construction is not going anywhere. They bought this property and are staying there. They run a construction company out of this site. It's not as if this asphalt plant isn't approved, it will miraculously turn into housing. This is for the long term.

Atty. Prolman showed several ground-level photos of the existing neighborhood. He showed pictures of the railroad line and Inner City Materials. When you stand on Shedd's Ave, the Inner City Materials building and the Newport Construction building block the views of where the asphalt plant is proposed. Even though Shedd Ave is elevated, these buildings are blocking the viewshed to the east. Murray Court has two apartment buildings, and the Newport Construction building blocks where the asphalt plant will be going.

Atty. Prolman showed additional photos of the viewshed from the site from various directions. He said Mr. DeFelice will come up and talk about how an asphalt plant works, what would go on this site, how the trucks go, and general operations.

Richard DeFelice Sr., Owner

Mr. DeFelice said he would like to touch on how you make asphalt. You have coarse aggregate stone, sand, and they get fed into a drum mixer. They get heated to 325-degrees, if you use a warm mix additive it would be 275-degrees.

Ms. Harper asked Mr. DeFelice to speak closer to the microphone.

Mr. DeFelice said on a counterflow drum the material heats itself and walks itself down the drum. Halfway through you have an induction of the wrap, which is the recycled asphalt pavement. That gets introduced halfway through, gets heated with the stone, and on the tail end of the drum it becomes impregnated with liquid asphalt. Once fully mixed, it enters onto the drag slat conveyor. That material will head up to the top of the silos and get dropped into the storage. They have three silos.

Mr. DeFelice said an asphalt plant is not a major magical plant where there's a lot of unknown. It's a mixing drum that's heated by natural gas. It does mix the asphalt, and creates bituminous concrete, and gets entered into the silos. Once it's entered into the silos, we go to the trucks.

Mr. DeFelice said you would have the trucks entering in from Temple Street, and basically enter the load-out building. At his Westford plant, trucks will enter an I. Once they're about 12-ft away from the entrance, the doors will open, much like a carwash. Once the truck enters, the door comes down. The truck pulls under the silo, and the plant operator will empty the silo into the truck. When that happens, any emissions, steam, because they have the load-out building, are captured by ventilation system. In this load-

out building, they have two bag houses. Those emissions get entered into the bag house and through a filter. Once the truck is loaded, there is a 10-12 second delay to make sure all those vapors get sucked through the ventilation system. When done, a green light will go on, the door opens, and the truck exits. When the truck exits it will put its top down, pull out 40-ft, and the driver will sign his ticket. Then the driver exits the property onto Commercial Street.

Mr. DeFelice said this is a high-level view of what they are dealing with here. He is happy to answer any questions.

Mr. LeClair asked for an explanation of the difference between a drum based plant and a batch based plant.

Mr. DeFelice said the drum based plant is a counterflow drum. If you had a batch plant, you would have two pieces of equipment. You would have a drum dryer that would heat the stone, which would feed the 50-ft high batch plant. What happens is there are components with the different sized stone. The computer would call for different stone to make whatever you wanted to make. The batch is a situation where you can make as little as you want or the 4-ton per minute or however you wanted. In Westford they have a drum mix plant. After the first couple of meetings and listening to things, he decided to go to the drum plant next. It would be one less piece of equipment. The other thing is that they're already in the drum mix mode, there is ease of use and familiarity. That's the difference between the two. They negated the 45-ft batch tower, and that's what they're doing.

Mr. DeFelice said the reason he originally went with the batch plant is you can make as little as a half-ton or ton of asphalt. In this case, they're going to put the mix in the silos. It was really for the winter business where you can only make 2-ton if needed. In this case they'll make the mix and keep it in the silo and do it that way.

Ms. Harper asked if the bag house and filtration system is designed specifically for asphalt plants. Is this used for other industries?

Mr. DeFelice said to the best of his knowledge these are designed specifically for asphalt plants.

Mr. Bollinger asked what state permits or federal permits he would need.

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Mr. DeFelice said they have already filed for their DES permit, which is basically the permit that governs all asphalt plants in the state.

Mr. Bollinger asked if the permit is a one-time permit or annual. Is there a monitoring requirement?

Mr. DeFelice said you get a temporary permit. If they get the application approved, you would have an 18-month period to build the plant and get it up and running. Then the DES comes in, it has to meet certain criteria. If you meet it, you get a 5-year permit. It reoccurs every 5-years, where you have to do testing for air quality and all those sort of things.

Mr. Bollinger asked if during the 5-years they would be doing testing intermittently.

Mr. DeFelice said in Massachusetts they have to do a stack test every 3-years. They adhere to all the rules and regulations. He doesn't believe there is any testing required in New Hampshire, but he believes it is every 5-years. With that said, routine and good maintenance of your equipment, constantly changing bags in the bag house to make sure everything is what it's supposed to be, then it should maintain itself.

Mr. Hirsch asked how many trucks per day would be going in and out of the facility.

Mr. DeFelice said if he knew the exact answer he would say. They're probably thinking 150 in and out, possibly 200. But this would be an 8-hour period. It's hard to say.

Mr. Hirsch asked if it could be 300-500 trucks.

Mr. DeFelice said you could say that. He thinks that's a little aggressive. He thinks 300 is more realistic. It's hard to say.

Mr. Hirsch asked if the facility would operate year-round.

Mr. DeFelice said construction season full operation is probably 8.5-months. Then the winter months you cut down to about 10%. He would like to keep operating all 12-months, but you're not doing that much business in the wintertime.

Atty. Prolman, Prunier & Prolman

Atty. Prolman said they will next hear from the project engineer, Richard Maynard.

Richard Maynard, Civil Engineer, Maynard & Paquette Engineering Associates, 31 Quincy St, Nashua NH

Mr. Maynard introduced himself as the project engineer. He said the project is located at 145-149 Temple Street. The property contains 177,756-sqft. It was originally proposed to be subdivided into three-lots. This has been revised to be a subdivision of two-lots, one 74,567 lot with the existing 23,920-sqft building, to be utilized by Newport Construction. It includes 45-parking space, offices, four bays for vehicle maintenance and repair, and 7,200-sqft of storage. The other lot to the east would be roughly 103,000-sqft in size and would contain the asphalt manufacturing facility. Several existing buildings onsite would be raised. This lot and the Newport Construction lot would share a common entrance on Temple Street, and an entrance along the southerly property line on Commercial Street.

Mr. Maynard said abutting this property is an area formerly occupied by the Redimix concrete corporation, now occupied by Inner City Materials, which is a sand, gravel, and loam operation, year-round. To the south is the B&M railroad right of way, which will someday become the Nashua Rail Trail in several decades. The asphalt plant lot would have 45-parking spaces plus the asphalt plant facility. The lot would be entered from Temple Street and exited from Commercial Street over to East Hollis Street. Drainage for the lots is handled by a series of leaching catch basins that have been successfully servicing the property for decades. The catch basins are cleaned out regularly, and his observation is that they are working as intended.

Mr. Maynard reiterated that traffic to the plant is anticipated to enter in off of Temple Street. The queue line can accommodate 14-trucks. The asphalt plant is anticipated to serve 15-20 trucks per hour. Trucks in excess of that would be directed to the 45-parking spaces to the east of the plant or to the west of the plant, which is labeled as overflow parking. There will be a traffic person yardman on site at all times during asphalt plant operations to ensure that the trucks do not back up into the Temple Street right-of-way or interfere with Temple Street traffic.

Mr. Maynard said the perimeter of the asphalt plant will be screened with an 8-ft tall chain-link fence, with slats. This includes the railway property line and Temple Street property line for both lots. These have been zoned General Industrial for many decades, and just recently the TOD overlay zone was added to encourage residential development for commuters to Boston from the

Crown Street rail station. Right now the rail station is in limbo and may never happen. The asphalt plant is an allowed use by right in this zone.

Atty. Prolman, Prunier & Prolman

Atty. Prolman said they will have updated plans for the Board by the next hearing, as they removed the lot along the railroad track. There will be updated subdivision and site plans available. Next up is toxicologist Dr. Laura Green, who can speak to air dispersion testing and the environmental report performed by Sanborn on the city's behalf.

Dr. Laura Green, Green Toxicology LLC, 106 Sumner Rd, Brookline MA

Dr. Green introduced herself to the Board. She is a chemist and board certified toxicologist, and for every project she works on she tries to make certain that the proposal will protect public health. The way that they do that in regards to air emissions is adhere to standards and guidelines that have been developed over five decades. Before 1970, they did not have an Environmental Protection Agency (EPA). People could pretty much do what they wanted. Starting in 1970, Congress passed the Clean Air Act, which is their guide. It was amended substantially in 1977 and again in 1990. At the state level they now have scientists and toxicologists working to determine what level of emissions to air are safe. The same sort of process that engineers and scientists undergo at the federal level and state level is what she did when she evaluated this project.

Dr. Green said to the question of what the DES requires, she went above and beyond that. This is a minor source of emissions according to the DES. The DES has two categories, with a major source as a power plant, for example. Decades of data have shown that if all you're doing is making hot mix asphalt, in their mind it is a minor source. They don't actually require a lot of modeling. She said she went above and beyond because it's important for the community to know whether a facility proposed is going to adversely affect their health.

Dr. Green said she applied a computerized air dispersion model. It essentially predicts what impact the emissions will have at any given point. In the model you set up what are essentially receptors, or points on a map. In this neighborhood in particular, because some of the homes are on the second or above story, and because someday the Henry Hanger building might become homes, she

didn't just put receptors at the ground level. She made certain that if someone was living on a fourth story apartment, even at the closest residences, that their air quality would not be affected. When you do this sort of model, there's only two possibilities. If the impacts are too high, too much sulfur dioxide for example, you go back to the people planning the facility and tell them it isn't going to work. You have to either scale back production, add additional pollution controls. It's very important that every single air quality standard set at the federal level, and every single guideline set at the state level, are met. If they aren't met, regardless of whether this is a "by right" use or not legally, it's not appropriate for public health.

Dr. Green said when she ran this model, she found that the proposal does meet all of the air quality guidelines and standards. Not only the enforceable ones, but also the guidelines. For example, Dr. Steven Zemba, the environmental engineer working as the city's environmental consultant, mentioned in one of his commentaries that he was particularly interested in two pollutants, formaldehyde and benzene. He and his colleagues at Sanborn wanted to make certain that the impacts from those two pollutants were sufficiently small. So they made certain that was the case, and the impacts are small fractions of the health based guidelines.

Dr. Green said she did not have much of a chance to read the comments that came in, but she did see comments mentioning what they know to be true; not everyone in the area has perfect health. Some of us have heart conditions, breathing conditions, some of us are senior citizens or otherwise vulnerable. It is important to appreciate that when the toxicologists at the EPA and the DES, when they set those standards and guidelines, they have those people in mind. It is the vulnerable people for whom the standards are set, not otherwise perfectly healthy people. It is vulnerable people that toxicologists have in mind when they set health protection standards for pollutants.

Dr. Green said the whole point of doing this exercise, and for a facility that hasn't been built yet, they don't have any data yet, there are no exhaust stacks to measure yet, but starting about 25 years ago the EPA went to operating asphalt plants and took measurements. Although they don't have data from a proposed facility by definition that hasn't been built, they have decades of data from similar facilities, which is used to make their predictions. In this case, the predictions are that public health would be protected, not only for pedestrians and residents. She appreciates that there is no Henry Hanger residential building

right now, but she wants the Board to know that when she looks at a facility like this she imagines that someone could live right beyond the fence line with a condition that makes them vulnerable to air pollution.

Mr. LeClair said with regards to the measurement of contaminant concentrations, can she explain the relationship between those and the perceptibility of odor? Can something be within the guidelines of not toxic but still perceptible?

Dr. Green said yes. There are things that you can smell that don't harm you, and things that do harm you that can smell. The city has a landfill, so they are familiar with odors that are sometimes problematic. Those odors are sulfur based compounds, which tend to smell, but are not really harmful.

Dr. Green said with hot mix asphalt, it is true that there is a characteristic smell. It turns out that because there are a couple thousand hot mix sites in the US, people have been working for a long time on agents that you can add to the liquid asphalt to dampen those odors and counteract them. It turns out that the best product is something called Descent, and it masks that odor. It's an important thing to consider when loading of hot mix might be in someone's neighborhood. It's probably the case that the odors you might get driving by a paving site are going to be a lot more noticeable. When you're applying asphalt and spreading it out, the vapors are coming off. When you're making asphalt and storing it in silos, you're not spreading it out. You don't want it to spread out and cool, you want to keep it hot and contained. When you think about it, not only is it important to add this deodorizer, but to the extent that there is going to be odors, it's going to be where the pavement is actually happening. At the plant it's going to be hot and contained, and when you pour it into a truck you don't want it to cool either so you have to tarp the thing.

Mr. LeClair asked whether or not the dispersion model accounts for off-gassing while in the truck.

Dr. Green asked if he meant the tail pipe emissions.

Mr. LeClair said the mix that is off-gassing in the truck as it leaves the site.

Dr. Green said the truck is not going to leave the site unless it's tarped. You have to be kind of an idiot not to tarp a truck. It's going to cool and harden before you get to the job site, then

it's no good. That's not really an issue. She did not include in her model impacts from the tailpipes from the trucks. 200-300 trucks sounds like a lot, but relative to the traffic we have around us, no one ever models that. Everyone knows that it's not a significant increment. It could be done, she's never seen it done on a small project. She's only seen it done on major highway project. She assumes that in New Hampshire, the trucks are tested for emissions, as they are done in Massachusetts, and are not allowed to operate on the roads if they are not in compliance with emission standards.

Mr. LeClair said regarding emission of particulates, does her model account for loading of aggregate from the trucks?

Dr. Green said yes. There are lot of different things that went into their model. There's the main exhaust stack, there's the exhaust from the hot oil heater, a little bit of exhaust from the silos, there will be sand and stone and certain emissions associated with using those materials. She took all of that into account. There are also very small aerosols that come off of combustion, which are a type of particle. She accounted for the aerosols and microscopic dust associated with sand and gravel.

Ms. Harper asked how many plants and how many years of data did she use to come up with this evaluation.

Dr. Green said in the late 1990 timeframe the EPA spent about \$2 mil testing facilities. Both before then and after, lots of data has accumulated from facilities that are of this design. At this point there are scores of datasets. North Carolina is a state that has a lot of data, so she uses a lot from there. It's compiled in something called the Air Pollution Volume 42, so that people like her can make predictions for facilities that haven't been built yet. There is at this point quite a lot of data. Frankly, it's not new technology. People have been making asphalt for a long time. Although the pollution controls have gotten better, the basic idea of heating rock and gluing it together with asphalt cement has been going on for a long time. She is confident that the dataset she relies on is reliable.

Dr. Green said they also building in some worst-case aspects of this. When you do this kind of thing, you take five years' worth of data from meteorological stations. Wind speed, direction, cloud cover, they take five years of data and pick out the worst case hour for an hourly standard. Then they pick at the worst 24-hrs when looking at a fully day. Then they pick out the worst year

from the five years for the annual averages. They focus on the worst case point. One of the commenters noted that there is an elementary school a half mile away as the crow flies. That elementary school is much too far away to be nearly as impacted as the closest apartment. At a facility like this, both because it is a sand and gravel plant and because unlike a power plant with a huge exhaust stack, the impacts at the fence line are the highest. That's why she is focused on apartments right there, whether they exist today or not. As you go farther out, the impacts get proportionally smaller and there's on'y one worst case over five years. There's a lot of things they do in this to try and make it worst case.

Mr. LeClair said he assumes that she is not an asphalt plant designer, but in her own opinion having evaluated several of these plants, are the pollution prevention measures proposed typical of what she sees? Are there enhanced measures she has evaluated before that have improved results? He can only expect her to comment on what she has seen and personally evaluated.

Dr. Green said she is not a pollution engineer and can only tell them a couple things she knows. Dr. Zemba is the better person to ask. In her experience the tightest regulated plants in the country are in California, and the kind of containment of the load-out area is the same proposed here. You don't see that in too many other places. In her experience what is being proposed is state of the art. She doesn't know of any facilities that are as tightly controlled as in California, and what is being proposed here is essentially a California level control.

Atty. Prolman, Prunier & Prolman

Atty. Prolman said there has been a lot of discussion about traffic. Next they will hear from Jason Plourde, a traffic engineer with VHB, who will address the traffic patterns. They have been working with the city traffic engineer, Wayne Husband, who sent a long memo after a number of staff meetings. Mr. Plourde will address that as well.

Jason Plourde, Traffic Engineer, VHB, 2 Bedford Farms Dr., Suite 200, Bedford, NH

Mr. Plourde introduced himself to the Board. He said what he will do is walk everyone through the process they followed to evaluate the traffic impacts of the development.

Mr. Plourde said what they do is generate site trips based on different standard engineering practices. One of these is the Institute of Transportation Engineers (ITE) trip generation manual. That helps them understand the volume of traffic that would be generated by the development, and helps to set the scope of study. The city has some specific guidelines for the preparation of traffic impact reports and traffic management plans.

Mr. Plourde said there are certain thresholds based on the estimated volume of traffic, based on the adjacent roadway peak hours, usually the highest commuting time periods. The development peak hour could occur outside of those commuting time periods, and the city has different thresholds for that. Then there is also the weekday daily threshold. The adjacent roadway peak hour allows 75 trips per hour. The development peak hour allows 100 trips per hour. The maximum over a 24-hour period is 1,200 vehicle trips, on a daily basis. If they trigger any of those thresholds, they have to perform a full study on the impacts of that development.

Mr. Plourde said they also took a look at the ITE and NHDOT guidelines for when a development may have noticeable impact on an intersection. That is when you have traffic that increases by 100 vehicles per hour through an intersection. Not on an approach, but through an intersection. They don't trigger that.

Mr. Plourde said they submitted their data to Senior Traffic Engineer Wayne Husband, who reviewed that information and has the ability to request more. He asked for a better understanding of the operations, since right now there is full access on Temple Street for this development. There is a curb cut on Commercial Street, and as part of this development they are proposing to change the flow of the circulation to one-way. Vehicles enter on Temple Street and exit on Commercial Street. Mr. Husband asked for information in respect to that, and they provided it accordingly.

Mr. Plourde said that Mr. Husband provided an email correspondence that there is sufficient capacity available in the study area to accommodate the increase in traffic. Then he asked for a financial contribution based on the vehicles per hour times a certain dollar figure to be provided for future traffic mitigation measures. That's a common practice with different municipalities and within the city of Nashua. They have no objections to it.

Mr. Plourde said at the June 1, 2022 meeting, City Engineer Mr. Dan Hudson stated that there proposed development would add traffic, but the estimated volume of site trips is low and there

are no concerns with capacity along Temple Street and Commercial Street.

Mr. Plourde said on December 12, 2022, Mr. Husband sent a memo that he had received input from Planning Board members and the public that required further evaluation. That wasn't a problem. You want to make sure the Board is making a complete and informed decision. On January 31, 2023, they provided Mr. Husband with the information he was looking for. Mr. Husband requested aerial images that would show 21 different intersections, and additional traffic that would be going through those intersections from this site. That was for the weekday morning, peak day generator, weekday evening, and Saturday peak. He also requested that at six specified intersections they show the turning movements of their trucks, with four different sized trucks. They have a bus, FedEx vehicle, a dump truck, and an asphalt tanker truck. They have not received anything back from Mr. Husband since submitting this information, but the Engineering Dept. issued a letter that they need to take a look at.

Mr. Plourde said in conclusion, they used ITE trip generation methodologies to estimate the trips during peak hours and on a daily basis. Those volumes of traffic do not exceed the city's thresholds, and that methodology was approved and accepted by Mr. Husband. They then made a comparison between the City of Nashua, NHDOT, and ITE methodologies, and because of those thresholds, the development would not exceed them and would not have an impact from a vehicular increase within those study areas. In regards to the truck movements, those turning movements are very similar to the bus and delivery trucks, and are not showing any type of additional impact such as wider turns or movement into other lanes, any more than what existing vehicles are already doing.

Mr. Plourde said he will review the letter submitted by Mr. Mendola and be able to provide further comment at the April 6th meeting.

Ald. Thibeault asked if the study is just looking at the trucks, or literally anything that could go to this asphalt plant. Deliveries, employees, anything that could be added to that traffic.

Mr. Plourde said the ITE trip generation methodology is a database of all different land use codes. It's not an arbitrary number, it's based on counts at driveways of existing facilities, put into a database for land use codes. It doesn't separate out delivery vehicles, trucks, or passenger vehicles. There may be different

trip generations that show the difference between total trips and truck trips, but it doesn't break down to delivery vehicles or asphalt truck. The driveway counts, total, is what they use for the rates. Those would be included.

Mr. LeClair said they have heard some testimony about the anticipated truck volumes being in the 200-300 range per day. Are the ITE calculations for more or less than that?

Mr. Plourde said they are less. The ITE numbers came out to be 250 trips per day.

Mr. LeClair said that is in the middle.

Mr. Plourde said it seems to be. It would be dependent on a few things. The information in ITE database is for an average weekday, not the peak. When Mr. DeFelice said there could be up to 300 trucks, that is a peak, not an average.

Mr. Bollinger asked if there was any consideration of having a designated truck route. If you're going to Hudson that seems fairly direct, but if you want to get to the Everett Highway there's a number of different ways you could meander. You have residential neighborhoods in some portions. Is there any consideration of designated routes, or alternatively any prohibitions in regards to vehicle weight?

Mr. Plourde said they tried to look at the most direct routes without going through residential neighborhoods. Truck drivers don't want to be driving through residential neighborhoods, especially where there is on street parking. You want to be able to use the main roads. On the graphics they showed, they were using the major routes. All of that being said, it's going to be dependent on where the project site is and where the truck is coming from. When they're coming to the facility, they know the destination point. When they're leaving, they don't know where the project site is going to be. To say that they want to restrict trucks from going on a residential road where they're actually delivering the asphalt to a residential road, it might be a little tricky to prevent them from using that road.

Mr. Bollinger said he appreciates that point. He was more implying big picture. He suggested that is something that should be addressed with staff, having designated truck routes.

Mr. Bollinger said he appreciates the turning templates that were included. However, as far as he knows, the city will continue its Outdoor Dining program with barricades on Main Street. The area he would be most concerned about is between Canal Street and Eldridge Street, where you have constriction of lanes. There has been commentary from the Fire Dept. in the past about the tightness of those spaces. That is going to occur during the warmer months, when the site is at a higher level of activity. Maybe having those designated truck routes would create greater impetus to speculate on the best way in and out of the facility.

Mr. Plourde said they are open to working with city staff if there are certain routes they want the trucks to use.

Ald. Thibeault said the traffic study estimated 250-300 trucks per day. If you're not accounting for cars, employees, other drop-offs, all that other stuff, it's going to be even more. Is the study now low?

Mr. Plourde said this is just for the proposed asphalt plant, not the existing vehicles going to Newport Construction. As far as the employees coming to the site, there will be a handful of them. As far as anything going for UPS or FedEx deliveries, they would be going to the Newport Construction site, that's not part of this at all. The asphalt facility is not going to be getting FedEx deliveries. They will be getting deliveries of supplies, which would be accounted for within the database from ITE for the driveway counts.

Ald. Thibeault asked if there would be nothing from Amazon.

Mr. Plourde said he can't guarantee that.

Mr. LeClair asked for more detail on the studies they performed at the intersections. What was the nature of that? Did those studies account for the other developments that have been approved?

Mr. Plourde said going back to stage one on the city's thresholds, they didn't meet them for the full-blown traffic study for traffic counts at all intersections. As part of a regular study they would do existing conditions and then grow those to peak month conditions, apply a pandemic adjustment factor, then grow them out to design condition. Then they would include all different types of background development which may be under review by the Planning Board or already approved but not constructed, to set the future "no build" condition. Then they add their own site trips on top of that. That's a typical full traffic study. That was not required

of them. Even though they didn't hit the minimum thresholds, Mr. Husband didn't require them to do a full blown traffic study. He asked for specific information, which they have been able to provide.

Mr. LeClair said he is trying to understand what they actually studied at these intersections.

Mr. Plourde said at the 21 intersections, Mr. Husband wanted to know their distribution pattern. Where vehicles would be going to and from. And because it's unpredictable as far as where each project would be, they took those volumes and assumed a certain percentage would be going east or west, then used the major roadway system to go either way. Those are on the graphics for those 21 intersections. And it's not just the directional routes, it's the volume of traffic based on what was provided previously.

Mr. LeClair asked volumes were used to do. They often see predictions for how those volumes change the level of services at intersections. For example, a B level service to a C or D.

Mr. Plourde said that wasn't required or requested of them. You would have to do traffic counts at each of those intersections and then do an intersectional analysis to find out the delays, levels of service, queuing levels, volume to capacity ratios, and all these other measures of effectiveness just to find out how the intersection is operating today, how it would operate in the future without the asphalt plant, and how it would operate with the asphalt plant. When he was talking about putting together a traffic study, and the conditions of today, no-build, and build, this was not required of them because it is such a load generator. It doesn't meet the city's thresholds of when a development may have a noticeable impact, and it doesn't meet the ITE or NHDOT thresholds either during peak hours or on a daily basis.

Mr. LeClair said he gets that. But he must be aware, as the Board is aware, that the intersections around that area have several traffic studies going on with proposed improvements. Is it his understanding that the data he provided to the city is really just additional input data toward that effort?

Mr. Plourde said what ends up happening is when you have a certain volume of traffic you're dispersing through the local roadway network, the volume of traffic is generally reflective of the traffic volumes that could change on the day of the week, week of the month, month of the year. It's part of that fluctuation. As

far as the volume, it's not having an impact at the intersections. He's not saying there aren't intersections that are or are not deficient, that was not asked of them to look at. It was a request to depict some of the distribution of the site trips at these 21 intersections. That's what they did.

Mr. Plourde said one of the other questions asked of them was about the vehicle camera detections. That was part of their response. Mr. Husband asked them to take a look at the existing traffic signals along East Hollis Street, Canal Street, and Bridge Street. They provided some documentation of those intersections. He asked the Board how familiar they are with GridSmart cameras.

Mr. LeClair said they have had a few applications that have included them.

Mr. Plourde said it's pretty much a camera that is able to be accessed from your desk and see what is going on. They found out which intersections had those cameras and which did not. There's also a performance plus module. The gridsmart camera stores different kinds of data, how many people are running a red light, people arriving at different time periods, queuing, all different variables. You can't unlock that from gridsmart unless you have the module. So they documented which traffic controllers have what.

Mr. LeClair asked if there are any proposed offsite improvements to any of these as part of the project.

Mr. Plourde said he wouldn't want to speak on behalf of the applicant, but they would be willing to work with the city to be able to help move this project along.

Atty. Prolman, Prunier & Prolman

Atty. Prolman said to answer the last question, the applicant has put \$100,000.00 on the table for the city. They're not going to tell the city where it needs gridsmart cameras, that would be to Public Works' discretion, but there is \$100,000.00 towards the gridsmart technology.

Atty. Prolman said he is hopeful that Zoom will bring a Gregory Tochi to them. He knows there is a limit to how many people can log on. Mr. Tocci performed a sound study for the development.

Gregory Tocci, Acoustic Engineer, Cavanaugh Tocci, 327F Boston Post Rd, Sudbury, MA

Mr. Tocci introduced himself to the Board. He said they performed a study of the sound produced by activities at the asphalt plant on behalf of Newport Construction.

Mr. Tocci said the first place they started was to see what the applicable regulations are. The applicable regulations are basically subjective. Section 190-19 of the Nashua's zoning district and supplement use regulations states that all noises, vibrations, emissions, smoke, and gases shall be controlled so not to be detrimental to cars or a nuisance to residential or commercial areas in conformance with the industrial performance standards of this chapter. The chapter does not spell out levels that are specific and measurable for engineering purposes.

Mr. Tocci said it is up to them to interpret what exactly constitutes a nuisance. When would people complain about something being a nuisance? Many years ago in the 1970s there was a lot of research done by the EPA and other agencies on when people complain about sound. Usually that is related to not how loud the sound is at a receptor location, but how it compares to the existing ambient sound level prior to the activity. A given sound in the city might be unacceptable in a suburban location, for example. The perception of sound as being a nuisance is related to how much that sound exceeds existing sound levels.

Mr. Tocci said what they found is that existing levels are best characterized as the lowest sound level that occurs during the day. The intrusive sound levels should try to be within 10 decibels of the lowest that occurs during operating hours, which in this case is 6AM-3:30PM, Monday through Saturday.

Mr. Tocci said in order to establish what the background sound levels are, they monitored sound levels in three locations along the edge of the property line. They measured at the south end along the railroad line, in the north towards Temple Street, and at the west by Commercial Street. Basically they wanted to establish the ambient sound levels at those locations and assign receptor locations in the neighborhood beyond.

Mr. Tocci said they ended with three design goals for facility sound. These range from 41-49 decibels, with 41 decibels being along Commercial Street and 49 decibels being along Temple Street. That gave them a baseline which will allow them to establish a design goal for facility sound.

Mr. Tocci said what they recommend is that sound levels produced by the asphalt plant at full operation should not exceed those limits by more than 10 decibels. The design goal should be 51-59 decibels.

Mr. Tocci said to give some perspective, the sound levels at those locations range up to 70 decibels with passing vehicles and average 50-60 decibels at operating hours. They are looking at design goals that are below the average sound levels that are occurring right now. For this reason, they believe the design goals are reasonable in terms of protecting against creating a noise nuisance.

Mr. Tocci said they used sound power data provided by manufacturers, some power levels they measured themselves in the field on similar projects, and have been involved with several other asphalt plants like this. They have a fairly significant database to draw from to estimate what the sounds will be at the receptor locations. The way that these sound levels were predicted was to use the baseline sound levels available from projects they made measurements at, and used that baseline in a computer model called CadnaA. CadnaA is a computer model that uses the relationships that are established by ISO standard 9613. This is a modeling technique for sound propagation loss that allows reference sound levels from equipment to be estimated at receptor locations, anywhere from 10-20 feet away to hundreds away. It's a comprehensive model that provides a worst case in the sense that it assumes that the wind is always blowing from the source to the receptor. That's a hypothetical case; the wind is always blowing in some direction or another but not every direction at the same time. It's a worst case estimate.

Mr. Tocci said they built the computer model and estimated sound levels from various sources, which are the mix material storage system, bag house motor and fan, the burner on the asphalt drum, sound from the drum rotation with aggregate, and broadband backup alarms from material handling equipment. The advantage of this site is that trucks float through; there is no reason for trucks to reverse in the yard. There would not be backup alarms triggered. The only place that backup alarms would occur are in the materials handling area, where front end loaders are used to load material into the bins and the asphalt drum. Those backup alarms could be a source of community annoyance because they are generally tonal, but there are alarms available now that are more innocuous and still serve the purpose of protecting workers behind moving vehicles. That's a widely used technique for reducing total alarms.

Mr. Tocci said there are two additional sound controls they recommended. One is a silencer on the bag house stack exhaust, which is a common application for silencing. Most bag houses anywhere near residential areas are outfitted with a silencer of the type that would be recommended here. They also have three barriers onsite, extending 2-ft above the top of the burners at the end of the mix drum. That burner is a fan that draws air into the combustion process. It runs at a fairly high static pressure, so it tends to make noise, but is easily controlled with screening. The barrier should be absorptive facing the burner itself, and they have provided some information on barrier systems used for this purpose. Some of the structures used in the facility to store materials act as barriers themselves, as well as buildings surrounding the project partly screening some of the residences at more distant locations.

Mr. Tocci said their determination is that the receptors have been broken into three groups. Residences along Commercial Street have the most stringent limit; the design goal there is 56 decibels. Sound levels with the facility fully operating would range between 56-59 decibels. Along the south side of the site the design goal they are recommending is 51 decibels; they are projected to range from 41-50 decibels. They're finding that sound levels there will be below the design goals. Along Temple Street, where the background is highest, sound levels will range from 42-54 decibels, within their recommended design goals.

Mr. Tocci said their conclusion is that with the implementation of controls and the design of the facility, they expect it will not be a noise nuisance, and that sound levels will be generally below what is existing for noise at these locations.

Mr. LeClair asked if he can give examples of what typical sounds that the layperson would be familiar with in the 45-50 decibel range, and 50-60 decibel range.

Mr. Tocci said it's hard to do that, as there are some contextual issues. The best way to look at it is in relation to existing conditions. A concert hall is 20 decibels, a soft whisper is below 30. Quiet residences may range from 35-40 decibels. The average office background with open seating would be 50-55 decibels. Normal conversation at about 5-10 feet would be 60 decibels. That's above all of the expected sound levels at receptor locations they analyzed. An air compressor at 100-ft is 70 decibels, and a bulldozer at 100-ft is 80 decibels. Being outdoors makes it a little difficult to adjust the context, but if they look at the

charts in their report, the reported sound levels average above the estimated sound levels produced by the facility in full operation. The facility from time to time would be audible, but much of the time would not be. Sound levels in the ambient are always going up and down, but for the most part on the average are going to be above facility sound levels at most locations.

Atty. Prolman, Prunier & Prolman

Atty. Prolman said he had a prepared follow-up for comments, but in the interest of time he will hold those so the audience can have their two hours to speak. He had a submittal dated February 3rd that had a lot of the information they have heard tonight, in addition to some property value submittals. They submitted two items for property values this week from Minco Corporation and Keller Williams. The city supplied the Board with the BBG appraisal, which he thinks is a flawed analysis. In the interest of time, he will allow them to continue with the hearing. After that he can come back to the rest of his materials, maybe tonight or next time.

Ald. Thibeault said he has a couple of comments he would like to make before they start the public hearing. One of the things Atty. Prolman said earlier is that the Board members are appointed by the Mayor. He wasn't. Setting it up that the Mayor sent in his appraisal is setting it up to think that the Board is going to vote that way, just because he's the Mayor or some of them might have been appointed by him to the Board. His votes are with integrity, and he wants to make sure that is clear. He has voted for things for clients for Atty. Prolman that he hasn't necessarily agreed with, but because it's the rule of law or right thing to do, that's how he voted. He wants to make it clear that he doesn't want that set up for later.

Ald. Thibeault said the last thing Atty. Prolman wrote in an email, where he had an objection to people from other wards making comments and sending in emails. It doesn't matter if it's a Ward 7 thing. Nashua is one community. People work in Ward 7, people drive through Ward 7, and people that live in Massachusetts work in Ward 7. He doesn't think whether you live near this piece of property matters, whether you are for or against it. They should be able to speak. He objects to Atty. Prolman's objection of it, as he thinks it's important that if someone wants to speak on this they should be able to, no matter what they feel.

Audience applause

Mr. LeClair said the Board would recess for five minutes. He asks that members of the public be seated by 9:15PM.

Five minute recess

Mr. LeClair said they are going to start public comment. He will leave this open until 11:15PM, at which point he will shut it down. As most of you are aware, this will keep going to other meetings. He's going to start with those who are present in person at this meeting with questions, concern, or opposition. There's a lot of people here, so he would ask people to keep their comments to 3-5 minutes, understanding that you are using up your neighbor's time if you go any further.

Mr. LeClair said he would like to start with anyone who has received an abutter notice. Anyone within the circle of abutters he would like to hear first.

SPEAKING IN FAVOR

None

SPEAKING IN OPPOSITION OR CONCERN

Alicia Gregg, NH State Representative, Nashua 7, 4 Eastbrook Drive, Nashua, NH

Ms. Gregg said she is a resident of Ward 7, and an elected representative of the ward where the project is proposed. Since the zoning was initiated, the neighborhood has changed. Our city has changed, as reflected in the zoning overlay and the master plan. How we do industry has changed, especially this type of industry. Specifically, with our knowledge of how close proximity of this kind of industry can be damaging to the health and safety of those in the close surrounding areas.

Ms. Gregg said according to Mr. DeFelice, it would be approximate 37 trucks per hour for 8 hours. One thing she knows a lot about, because her and her husband have worked closely with the firefighter cancer support network, is specifically how dangerous diesel is. That's one of the reasons they have exhaust facilities in their fire stations, because of the diesel fumes. When they are talking about this many trucks, they cannot just say, well I didn't think about air quality from these diesel trucks. If you go down there right now, you will undoubtedly see traffic built up there. To say that diesel trucks won't be idling is a problem.

Ms. Gregg said that's as technical as she is going to get. There are a lot of other people here with their specific specialties. Her specialty in this area is the people. She has talked to hundreds of them, she has knocked on every door down there. She has had conversations with them, they have talked. Something they were very thorough with is their pictures, and there was something really missing that bothered her. That is a walking school district. As the crow flies, that plant would be 1,300-ft from where that school is. There are kids walking through there all the time. Some of these houses, if they're lucky, have one car running. So they're walking everywhere.

Ms. Gregg said she asked her constituents if they knew an asphalt plant would be coming there. She thinks there were notices sent out to the landlords, but the residents didn't know. She felt bad to tell them, but they had a right to know. One poor woman broke down crying when she told her. She was worried not much necessarily about the asphalt plant, she was worried about the trucks and the exhaust from the trucks. She has emphysema, and said she can't afford to move. These people can't afford to move. Mr. DeFelice can move wherever he wants, but some of these people are barely existing where they are right now. They have been marginalized, and when we talk about putting this kind of industry right next to them, we have to talk about marginalizing our community, who deserves much better. She hopes they take that into consideration.

Ms. Gregg said the overlay shows that we are moving not from a time of industry when their family was actually doing this in the early 1900s, that we are blooming as a city. We have a performing arts center, we have all these other things. She hopes this is taken into consideration, because they people deserve much better.

Tim Sennott, 62 Underhill Street, Nashua, NH

Mr. Sennott said for those who don't know, Underhill Street is in Ward 7, it's in Crown Hill. That is, as the crow flies, less than half a mile from this proposed asphalt site, almost immediately adjacent to the neighborhood elementary school. He is a Ward 7 moderator, he serves on the city's Downtown Improvement Committee and the board of directors for the Great American Downtown. He considers himself a public servant. He illustrates that not to boast his own profile, but emphasize his investment in this neighborhood, city, and community.

Mr. Sennott said he is here tonight in his most and pressing role, as a father. A major concern of his is student safety, students

coming and going from the Dr. Crisp School, which is an existing use in this neighborhood. It serves a densely populated neighborhood and offers no bus service to its student population. All the students assigned to this school live within that half mile radius. Nashua School District determines that is close enough for them to find their own paths to school. The parents that are able, as emphasized by the previous speaker, that do have a vehicle available, can drive their students to school. The students that don't are left to walk. His son's best friend, is an abutter of this site and every day walked down Temple Street, crossed East Hollis Street, and over to Arlington Street to get to school.

Mr. Sennott said in the immediate are of this site there are 14 streets that could house future students or potential students of this school. This does not account for trickle out traffic that will be created as a result of this development, as most corridors to the highway will pass through routes that are neighborhoods serving the Dr. Crisp and Elm Street schools, the latter still in use for at least the next year. Those are their routes to school. None of the students in Crown Hill that attend Elm Street are bused to that school, they are walking in these same routes. They are crossing roads such as Allds and Harbor, which are going to be utilized by the trucks coming and going. The proposal cites 200-300 trips per day, traversing the neighborhood daily during the hours that intersect arrival and dismissal times for these schools.

Mr. Sennott said on another subject, the zoning overlay and master plan have primed this immediate location for aggressive community development. It hasn't happened yet, but it's coming. They're looking at this for housing, for retail, for rail, and for recreation. Developments at the Henry Hanger site across the street from Temple Street and the expansion of the Heritage Rail Trail will be potentially affected due to the stark contrast of the characteristics of this neighborhood, between them and an asphalt production plant.

Mr. Sennott said the neighborhood is old, and the zoning is industrial. These zoning laws are younger than some of the homes there. Many of the immediate homes on abutting streets predate the 1900s. The zoning is outdated and inconsistent with the evolving character of this neighborhood. There are entire blocks of developed areas that are zoned General Industrial, that have been entirely developed as residential zones.

Mr. Sennott said they need to pause on this plan. Not to evict existing commerce, nobody wants to see Newport Construction

evicted from the neighborhood. We want good commercial neighbors within Crown Hill. But we need to ensure that future development is within character of the neighborhood in 2023 and beyond.

Mr. Sennott said as a final note, he grew up in Nashua for most of his life, and has lived here for 30 years. In his childhood he lived up by the Anheuser Busch plant to the north, about ten years. Over the years he would drive by the asphalt plant that most people don't know is located in Amherst NH, just beyond Fredericks Pastries. That's about a block off of Route 101A. Every day he drives by that around 7:30AM, windows shut, air conditioning on, and you can smell it from two blocks away. The production does smell. He lived three miles from the Anheuser Busch plant, and every single morning you could smell the brewing beer. Fortunately he likes the smell of beer, he doesn't so much care for the smell of asphalt. These smells travel.

Mr. Sennet said he thinks it's willfully dishonest to suggest that they won't, that these neighborhoods around this would not be subject to these smells. We focused a lot on the immediate area, Temple Street, Commercial Street. What we didn't focus on is just over the stone wall on Commercial Street is an entirely residential neighborhood. Howard Street, Scripture Street, everything behind the church that's been developed as housing. Those are all homes, some owner occupied and some not. But that's a neighborhood, and they've paid no focus to them tonight. Those are the immediate abutters he is concerned of.

Mr. Sennott said if truck drivers do not to traverse the residential roads, this isn't the place for this plant.

Maria Perez, NH State Representative, Hillsborough 43

Ms. Perez said she is here speaking for the community who is more affected by this project. She is going to do a little bit of it in Spanish because she wants them to know that she is here speaking for them.

(A portion of Ms. Perez's commentary was in Spanish. A recording of this audio can be obtained at the Nashua Planning Department, and the video recording of this meeting is available on Youtube under the channel "Nashua BOA Meetings".)

Ms. Perez said the reason she is doing this in Spanish is because she wants them to understand that the people most affected by this project, the information is not getting to them in the language

they speak. You are all speaking in a language that the people getting affected by this project don't understand. Simple English language, and this information is not getting through to them. The information about how the people who's getting affected in the area is not even passed to them. What she is asking is that the people in charge of this project make a simple language for this project that the people who this affects can understand. If you really care about the people who are getting affected in the community, have translators.

Mr. LeClair asked Ms. Perez to address the Board, not the audience.

Ms. Perez said she had translators here because the people most affected in this community need them. When she heard about the project, because they reached out to one of the Latina representatives in the state, people didn't even know or understand what was happening in this neighborhood. What she is asking is, reach out to these people. Bring them the information in their own tongue and language. And when they come in to testify, have someone who can translate the information so they can understand what is happening in their neighborhood and how they will be affected. This is not the way that the information should be sent to them. They don't understand what is happening. People left tonight because they have little kids and they can't stay late waiting until they get a chance to speak.

Bob Simons, SMC Management, 100 Galen St STE 301, Watertown, MA

Mr. Simons said he works for SMC Management, and they developed the Residences at Riverfront Landing. They are currently building Phase II, which is just due north of this site by a couple of blocks. He said that Atty. Prolman had expressed the sentiment of not getting a fair shake from the city. From what he sees it seems like staff is trying every which way to work within their rules and give them a fair shake, but get information.

Mr. Simons said when he hears the traffic engineer talking about what he would consider loopholes in what the city requires for traffic counts at intersections, it misses the big discussion. There's no way in or out of this site on streets that aren't already overburdened by traffic. You can't leave this site and go to Hudson, the highway, the downtown, without fighting traffic. He gets the impression that the rules require him to have a certain number of traffic counts from the ITE, but the developer has already anticipated from his sales that he will double that traffic study. So if he's willingly telling the Board that he intends to

do twice as much traffic as the theoretical values are, maybe the Board should consider putting restraints on the development. If their traffic study says they're only going to do a certain number of vehicles, limit them to it. Put a traffic counter in the driveway, don't have more than that number out of the site. Shut down the site until you get below that number.

Mr. Simons said one of the other areas was the discussion of pollution. They modeled the universe, took the worst five years, worst days, worst wind, worst conditions, and they're never going to exceed those. We do work all the time and monitor environmental conditions, so perhaps a commitment that environmental monitoring will be set up. If they exceed the limits that they represent they're not going to exceed, shut it down.

Mr. Simons said sound is a great topic. No one said anything about jig brakes, but when a dump truck wants to slow down to get in a driveway they hit the jig brake and it makes a pretty significant noise. If they're committing that they're never never going to exceed 51-59 decibels, put some monitors out and make the equipment. If their equipment dumping stone into these bins, their backup alarms that are mandated to be a certain decibel by OSHA, if they exceed 70 decibels, shut them down. Make a commitment that they will not exceed the limits that they promise they don't anticipate exceeding.

Mr. Simons said they have seen a report that indicates that allowing this development to go through will cost their own development \$8-10 million dollars in reduced values down the road, because of what having this asphalt plant in this neighborhood will do to the property values around it.

Suzanne Vail, NH State Representative, Hillsborough 6, 28 Norton Street, Nashua, NH

Ms. Vail said she is representing the people of Ward 3 to the NH House. She introduced herself as a ranking member of the NH Resources, Recreation, Development Committee and the Health Chair Committee for the Greater Nashua Area NAACP, and second-generation clean water activist. Her family has advocated to clean up the Nashua River since the Clean Water Act in 1972.

Ms. Vail said she is here to ask the Board to proceed with caution and carefully review what the citizens have to say, and hear their concerns about the proposed asphalt plant near the Nashua River, a concern she shares. The proposed plant could produce harmful

toxins that could seep into the groundwater and contaminate the Nashua River, threatening the health of our community and all the communities around us in the silent way that groundwater tends to do.

Ms. Vail said on the resources committee she serves they are studying the importance of the hydrologic factors and potability of clean water, how water runs off. How fast the groundwater near the plant travels will make a difference in whether or not it should be sited where the developer would like to put it.

Ms. Vail said she is deeply concerned about the lack of argument in favor of protecting the environment by filtration. She takes it as a bad sign when it's put forth in a defensive way that we're not going to like the project. We would like the project to be brought to us with all the concerns right up front. We wouldn't be thinking that we should have to ask about how we are going to be protecting the environment. We would want you to be able to say that right up front.

Ms. Vail said it is her hope that the decision makers consider the expertise of the residents on the Nashua River going forward. The Board will be hearing from people who understand that the company that bring toxins into the city should make sure that they can bond a fund comparable to a superfund cleanup fund. That sounds extreme, but it's important to consider with the environmental impact of a project like this before it comes to Nashua, not once it is already here. Whether or not it's PFAS, a new company coming, a new gas station next to a lake, we need to look at what we're doing right now in terms of pollution control. The issue right here is not bringing toxins into the area where people live and to remember to protect the Nashua River. The people who live there and want to live there will always want to have it there, and they will always want it to be protected for the community we have, for the water we need, and the water that is needed in all the communities that use the river once it passes through Nashua.

Raymond Guarino, 59 Elgin Street, Nashua, NH

Mr. Guarino said he appreciates that VHB was here and Mr. Plourde filled in a lot of missing information in regards to traffic. He still has concerns. We are going to be putting 21st century trucks on streets that were laid out in the 19th century. He appreciates the analysis on turning radii, the templates, and from what he heard trucks will be able to navigate. His concern is that the truck rails are going to end up on the sidewalk or hurting

pedestrians or bicyclists. Turning templates do not account for human error. On Temple Street there's one spot if you're walking along the south side where the building is up close to the travel way. He'd hate to be a pedestrian there. He recommends the Board walk it themselves to get a feel of it.

Mr. Guarino said he is disappointed that they don't have a full blown traffic study. He knows that they met all the requirements, and they were helpful in coming back, but there was no crash analysis. We don't know what the crash experience would be on those intersections. We have the volumes, we know what the lays are, but what about bicycles and pedestrians? We don't know what their experience is going through those intersections.

Mr. Guarino said trip generation was done by the standards, but the standards don't cut the mustard. They use Land Use Code #140 for manufacturing, that includes any raw materials brought in and manufactured and brought out as a finished product. It could be an asphalt plant, but it could be manufacturing something else. To really do the job well, they should have got counts from specifically an asphalt plant. It would have given more confidence in their trip generation.

Mr. Guarino said no one has talked about environmental justice. This is an environmental justice issue. No one part of the city should have to bear the burdens of industrial development. It's a public safety and public health issue, especially with pedestrians. Pedestrian deaths in places like this in urban areas are going up in the United States. That's what the statistics are telling us.

Atty. Amy Manzelli, BCM Environmental & Land Law PLLC, 3 Maple St, Concord, NH

Atty. Manzelli said she is here to represent Riverfront Landing LLC, right on the Nashua River, just off the map here. She indicated the project on the aerial, the residential community that the applicant did not address in his presentation, the Henry Hanger Building, and her client's property by the river.

Atty. Manzelli said she would like to make a process request. It's obvious that a lot of members of the public were not able to stay to this late hour. She would like to request that when the meeting gets continued that at 7PM the meeting being with public comment, so that those who are not able to stay into the late hours also have a chance to share their views. Over the past several meetings

the applicant has held several hours of presentation time, so she thinks this is a reasonable request.

Atty. Manzelli apologized that she is one of the guilty parties who put in a late letter. She has a copy of the letter for the Board tonight. Applicants provide updated information, and it's hard for folks like her who want to make sure the legal analysis they provide reflects the most up to date plan. She doesn't want to provide analysis on the plan two revisions ago. So she apologizes for the lateness of her submittal.

Atty. Manzelli said it does matter if this use is a permitted use or not. But you still have to satisfy each and every requirement of the subdivision and site plan regulations for this use to be lawful. That's the Board's job, to make sure this project meets all the requirements. It's not DES's job. She works with the DES a lot, and they are not going to care about the character of Nashua, that is out of their jurisdiction. It would be unlawful for them to think about it. The DES is also not going to care about Nashua's property values. These are things that is the function of Planning. It's your job to do. These regulations are in place to make sure that each site is the right site for each project. This site is the wrong site for this project.

Atty. Manzelli said her letter goes over ten specific points why this application is not approvable. For the sake of brevity, she will go over three of those points tonight.

Atty. Manzelli said the first point is that the application is not consistent with Imagine Nashua. The law of Nashua requires that all applications be consistent with the city's Master Plan, and this project does not do that.

Atty. Manzelli said she wants to put some statistics to the environmental justice issue. In this neighborhood, where people live, which the applicant is not talking a whole lot about, and in your appraisal report the appraisal identifies several residential areas surrounding this proposed use, here are the characteristics of the people living there. People with limited English proficiency are five times higher than the NH average. You have heard residents testify to that tonight. People of color are 4.6 times the state average. People of low income 2.6 times the state average. Unemployment is 2.25 times the state average. People with less than a high school diploma, more than 2.5 times as high as the state average. All those little kids we heard about walking to school, there are more than 2 times the amount of people under the

age of 5 in this neighborhood. That is the data behind this environmental justice concern, and that is what makes this project inconsistent with all the equity and inclusion principles in Imagine Nashua.

Atty. Manzelli said another thing, and this is part of why the applicant is not paying so much attention to these residential areas, your laws do not say this project has to be consistent with the abutting properties. It says surrounding and nearby, that's a much bigger circle than abutting. So by law, you have to think about all these people and whether this proposed use is consistent with the Master Plan. Only if it is, is this application approvable.

Atty. Manzelli said the second point is that this project is not compatible with the existing character of the neighborhood in many ways, but the two she wants to talk about are the loss of tens or hundreds of millions of dollars of property values. Her client stands to lose over \$3 million dollars of property value. They had a study performed, and the city had a study done that came up with the same exact result. That is really strong evidence. When you add in the Henry Hanger building, when those units are ready in November- because they're under construction, it's not a vacant lot, they're being built right now- they're slated to being offered in November. That value is going to be about \$30 million dollars, and the 10% property value decrease the city's expert is estimating is another \$3 million dollar hit. When you apply the property tax rate, that's \$120,000.00 loss to city revenue. That's just two properties. When you add that impact for all of the properties, that's where you start to see that this project is projected to make a decrease of tens or hundreds of millions of dollars to Nashua property values.

Atty. Manzelli said the other way this doesn't fit with the character is because of pollution. In her materials, they hired Dr. John Durant and Dr. Neelakshi Hudda from EMP Consulting, who do environmental monitoring. They have a lot of concerns about this project. She said they started out with some important statistics about this area, current day. Diesel particulate matter is 2.25 times higher than state average. Air toxic cancer risk is almost 1.5 times higher than state risk. The traffic proximity and volume is already more than 3.5 times higher than state average. Lastly, the entire Temple Street community is at the highest possible level, 95%-100%, for asthma rates. That's what exists today.

Atty. Manzelli said EMP Consulting talks about diesel, but one of the earlier public comments addressed that so she won't repeat it. Bag houses are designed to remove particles in the sub-micron or hundreds microns in diameter, not gases or vapors. They require a special coating to remove particles in the nanometer range. Therefore, it is likely that substantial amounts of gases reach that reach the baghouse will be released untreated from the plant. Asphalt plants are a significant source of volatile and semi-volatile organic compounds to ambient air. Once released these compounds undergo photochemical transformation, giving rise to secondary organic aerosols, which can condense to form particles of different sizes, including ultrafine particles and PM 2.5, both of which are toxic. Health effects of ultrafine particles are well characterized in the literature. These particles can penetrate indoors, into these homes, and typical ventilation systems are not an effective strategy. Their report concludes that the proposed plant will exacerbate harmful air pollution exposures for the population within the vicinity and increase existing environmental disparities.

Atty. Manzelli said with respect to Dr. Green's testimony earlier, she is not a hot mix asphalt plant expert, but she thinks it's true that technology has changed. But one thing she does know a lot about is air pollution, and what we know about air pollution has changed significantly. The doctors they hired cite scientific material as recent as 2022. They are not relying exclusively on 20 year old data, as the applicant's materials are.

Atty. Manzelli said she wants to briefly tell them about what happened in Portsmouth. In Portsmouth there is an existing asphalt facility owned and operated by Pike Industries. A developer came in, and at the adjacent property proposed a new multifamily residential community, a large one with 100 some-odd units. It was appealed, and on the appeal the Portsmouth Health Officer issued a letter saying that asphalt plants are so dangerous for public health that the Zoning Board should absolutely reverse the approval. That's what the Zoning Board did. The city of Portsmouth decided that asphalt plants are so dangerous that it disallowed a new residential community to be built next to an existing asphalt plant. These are not compatible uses. She has included this in her letter.

Atty. Manzelli said in conclusion, their record contains sufficient credible materials to deny this application. On behalf of everyone here, but especially her client, she respectfully

requests that when it comes time to vote on this application, they vote to deny the asphalt plant.

Bob Keating, 111 Coburn Ave U-5A, Nashua, NH

Mr. Keating said he is a member of the Granite State Organizing Project, which is a community based organization which has been here 20 years. They have spent many hours meeting with residents, educating about what they know and learning from the residents what their concerns and their hopes and wishes. With the turnout tonight he suspects there will be a predominant amount of people speaking in opposition to this. That is an uncommon position. They often speak at various city bodies about preventing NIMBY projects, they want to expand the base in which people live. In this case it's a different position, that this is a particular use in this area that isn't warranted and there are very few people besides those who get economic benefits from it that would say this is a good place for this. Clearly we need asphalt plants, that's not the point.

Mr. Keating said the previous speak was powerful in terms of both the facts and the organization. Health has been noted. Safety for children, for pedestrians. Traffic, there was a remark from the study to say negligible. It started with 250, the applicant said up to 500, that is not negligible. For the safety and quality of life, he doesn't think this is a strong applicant that anybody would say they would like to locate their residence next to an asphalt plant.

Mr. Keating said he has heard the remarks from Portsmouth, and how they responded to their particular thing. He's thinking about the Henry Hanger, he can't imagine that they're going to advertise that their potential neighbor is going to be the asphalt plant.

Mr. Keating said the name they used for input to develop the master plan was Imagine Nashua. This area is not imagined this way. They're talking about hundreds of units of new housing there. This is a very desired community to live in, we're very fortunate in that way. This idea that this will be an economic generator, there has not been any arguments from the applicant that this project will be an economic generator in comparison to housing, restaurants, or more activity in this area. The Manchester Union Leader article from March 3rd had a big picture of next week's opening of the Nashua Performing Art Center. Think of what that would be for the art center coming right there, instead of an

asphalt plant. The Union Leader would not feature that as a boon to our community.

Mr. Keating said Nashua is the Gate City. As people come into this community, they have an asphalt plant as a welcome. It's not the way of the Master Plan, it's not the intention of the overlay district. They have a different vision to help with the economic development of this city.

Mr. Keating said many speakers have spoken about the economic justice. There will be a drop in economic values from this. It's hard to imagine that it will increase. They have already heard about the disparity in this community in terms of race and language. This is about environmental, economic, and racial justice. He asked the Board to consider all the expert opinions given, and the heartfelt and deeply thought out concerns about how this is not the right place for an asphalt plant. We can support this neighborhood who has come out en masse repeatedly to say they don't want this here.

Sue Newman, NH State Representative, Hillsborough 4, 25 Charlotte Ave, Nashua, NH

Ms. Newman said she originally intended only to listen and not to speak, because the people in the neighborhood have said it well. However, she listened carefully when the trucks were talked about, the different size trucks, and the daily trips. She has been a State Rep and served on the Public Works and Highways Committee for over 6 years up in Concord. What she took away from her time is the wear and tear on roads that the weight of vehicles cause. This is a huge issue. In all of the discussions this evening about trucks, volume, size, and so forth, she didn't hear about the weight of the largest truck empty and the weight of the largest truck full. The number of trips per day and the number of routes they take will affect our roadways. This will affect our city roadways, which makes somebody have to do repairs, that's a budget item. She hopes they will take the weight of the vehicles that could be expected into consideration.

Taylor Barry, 33 Wellman Avenue, Nashua, NH

Ms. Barry said she is a 17 year old student at Nashua High School North. As a young person she is deeply concerned about the future of our planet, especially in terms of climate change. For this reason, she is frustrated that the City of Nashua is even considering putting in an asphalt plant downtown. On average,

asphalt plants release 10,000-lb of emissions every year, which is 10,000-lb too many if we want to reduce global warming by 1.5-degrees Celsius from Pre-Industrial times.

Ms. Barry said in addition to the environmental effects, the proposed asphalt plant will have negative health impacts. Asphalt plants release hazardous chemicals, including carcinogens. Trucks heading to the asphalt plant will kick up dust and release greenhouse gases as well. This is particularly alarming considering that the asphalt plant would be located in a residential neighborhood. In the past several years, Nashua has made great strides in terms of promoting sustainability in the city. Municipal buildings have become more energy efficient, buses are more eco-friendly, and we have joined the Community Power Coalition. If we want to continue this sustainability, we must vote down the proposal to put an asphalt plant in the downtown. Not only will this protect the health of our environment, but also our citizens.

Mike Apfelburg, United Way of greater Nashua, 20 Broad St #1, Nashua, NH

Mr. Apfelburg said he comes to the Board tonight expressing concerns over the proposed construction of the asphalt plant in the downtown area near Temple Street. Their concerns are primarily based on the fact that while this area is designated for mixed use, has become an increasingly residential area. Within a few hundred yards of this site are many fellow Nashuans, who are our neighbors and for whom we as a city are responsible for. It is important to emphasize many neighbors, close by, that would live near this plant. As a community, and you as a Board, are responsible for their health and wellbeing, using that as the criteria for deciding whether or not to allow the siting for this plant.

Mr. Apfelburg said the applicant has shared their opinions that the plant will be safe and quiet. He appreciates their efforts to attempt to minimize the effects of the project. However, at the end of the day he asks them to consider whether they would want to live and raise their family, or live with their elderly parents, to live within earshot of a manufacturing facility such as this. It can be virtually guaranteed that no matter what assurances of the applicant, the plant will be louder, smellier, and more detrimental to the neighborhood than it would be without the plant. It is also not guaranteed that it will even be as minimal as the applicant has claimed.

Mr. Apfelburg said additionally of concern are the trucks and the traffic, which will contribute to the noise and air pollution of the area. There is absolutely nothing the applicant can do about that except to find a more suitable location. He asked that the board step back and forget for a moment about zoning regulations and rules- although there are questions about that too and the overlay district- and simply consider the health of our community and what is in the best interest of all Nashuans. We are not anti-business, not antigrowth, or even anti-asphalt. We all need a healthy economy and roads and sidewalks to have good lives. Nevertheless, this proposal in this location is a patently bad idea and one they encourage the Board not to allow to proceed.

Rev. Kristy Besada, 12 Nutmeg Drive, Nashua, NH

Rev. Besada said she comes here as a citizen, a housing advocate, and a member of the clergy representing the Main Street Methodist Church, whose parking lot comes off of Temple Street, and thinking about their sister congregation on Arlington Street, United Methodist Church, which is just a short distance across the street.

Rev. Besada said our zoning and land use codes reflect our carefully constructed and shared values as a community, and it is her understanding that the decision the Board makes regarding this proposal and any proposal in the Transit Oriented District hinges on the developer's suitability report. We have plenty of expert testimony that speaks to property values. It doesn't take an expert to understand that this proposal is unsuitable for this site. The suitability criteria are designed to prevent harm, specifically to abutters and the surrounding neighborhood.

Rev. Besada said she also understands that this body must not consider the proposal as things are today, but as things are approved. They have already approved over 270 units of housing abutting, whether they are built or not, and those are to be considered as built when considering this proposal whether they are built or not. She would urge them to do so.

Rev. Besada said they have heard a lot about hypothetical modeling this evening. This is interesting to her, as her first career was in engineering and manufacturing in the chemical industry. She knows a lot about modeling, and knows that modeling isn't perfect. It's often good, it's always hypothetical. We're talking tonight about real people. We have striving families in this neighborhood who will undoubtedly, despite the rainbow and unicorn scenarios we have heard tonight, be adversely affected by the noise, smells,

traffic, and exhaust as early as 6AM, which is when the noise ordinance requires 7AM.

Rev. Besada said the danger of having a hot flammable petroleum binding agent mixed with aggregate and dust so close to their homes, this project will reduce the quality of life for people who live in, worship in- including at least five Spanish speaking churches- walk in, bike in, and go to school in this neighborhood. Let's give these folks, who are clearly at a disadvantage in our community, a chance to rise with their neighborhood. Treat it as if it is your own neighborhood, which brings us back to shared values.

Rev. Besada said the city's Land use Code and our Master Plan are built around the idea that we can and must live well together. Treating our citizens equitably and with respect regardless of socioeconomic background. No one here tonight is proposing that Newport Construction should cease to operate as they have been, we are simply asserting that the proposed plant is an unsuitable use on this site.

Andre Osorio, 8 Jackson Street, Nashua, NH

Ms. Osorio said she is here to discuss the negative effects that the asphalt plant would bring. One of the greatest dilemmas would be the toxic emissions this proposal would produce. A Birzeit University study conducted in 2020 used a computerized program to simulate the spread of air pollutants caused by hot mix asphalt plants and found that a distance of no less than 3.6 kilometers should be maintained between the factory site and neighboring residential areas. Here in Nashua, we are talking yards. Less than one thousand yards from this site is the Southern NH Medical Facility. Less than 750 yards away is the Dr. Crisp Elementary School. Less than 350 yards away is Jackson Street, where she lives. Less than 60 yards away is the Nashua North bus stop for the area, which averages 35-40 kids to and from school every single day. That would be 35-40 children, each with their own families and guardians that would live directly next to this plant, and that's only high school. 700 yards away is the Dr. Crisp Elementary School, not to mention the countless number of residents in the area without children.

Ms. Osorio said these distances away from 145 Temple street seem quite short because they follow a linear path to and from each location. Wind doesn't follow street signs. Polycyclic aromatic hydrocarbons, also known as PAH, is an organic carbon that nearby

residents would have to live with, which occurs naturally when burning coal. Asphalt is made of up to 80% carbon, and requires high heating of the aggregates to form the pavement, consequently forming these PAH's among other emissions. A quote from OSHA states that "human studies have reported lung, stomach, and skin cancers following chronic exposures to asphalt fumes, increased risks were also noted for lung, stomach, bladder cancers, and leukemia." This includes the carcinogenicity of PAH's. You can de-scent all you want, but you won't succeed in eliminating the toxins. Deodorizing does not equal eliminating. Nearby residential and commercial buildings would be affected on a daily basis, increasing the health risks of hundreds if not thousands of Nashuans every single day, the majority of which being children.

Ms. Osorio said emissions aren't the only problem. Thirty percent of the population in the area is of Hispanic origin and descent. This isn't a rich neighborhood, and the placement of an asphalt plant in this neighborhood would further decrease property values of the surrounding apartments. The industrial-equivalent environment makes surrounding neighborhoods already unattractive, meanwhile an asphalt plant is being debated instead of the enhancement of this area. She guarantees there would be a much bigger uproar if the proposition was made in a wealthier part of town, but we have a voice too. Nashua is the second safest city and the fourth best run city in the United States, let's keep it that way.

Warren Chen, 16 Tanglewood Drive, Nashua, NH

Mr. Chen said he is a senior at Bishop Guertin High School. Like most of the other citizens, he is speaking in opposition to the proposed asphalt plant. There seems to be a debate regarding the physiological impacts the plant would have on people. But something that isn't up for debate is that when given the choice, people would rather not live near an asphalt plant. That's a very important point to note. Property devaluation is a pressing concern within the surrounding community of this proposed development. Ms. Osorio, the previous speaker, is a dear friend of his. This community has been facing blow after blow economically. First the covid pandemic, then the economic qualms that started last summer. This asphalt plant would be adding fuel to a fire, which unfortunately threatens people who are not as financially secure as others within the same city. An example is that Ms. Osorio's property rent raised sharply by 20% over the course of one month. Clearly, the livelihoods of people are at stake. When the Board comes to vote, he would strongly ask the Board to consider the livelihoods at stake here.

Mr. Chen said he has with him a document he found on the city website, the response to Sanborn and Associates memorandum. He had a concern regarding one of the statements, specifically in regards to the odor complaint handling. It seems like the applicant does not offer a specific and definite stance on whether they would include an odor management hotline as a provision. Only if this deodorizer works at 100% effectivity will there be no chance that there is no complaint of odors. Otherwise, there would be a chance of odors, and that hotline would be the most effective and important line of communication between the community and Newport Construction Company. In addition to that, he does not understand how the ambient air monitoring at Westford MA, which shows that it is operating at regulations, how that provides justification for not having the same monitoring at the Nashua plant.

Mr. Chen said that ultimately brings us to the question of, do we really want to endanger the livelihood of hundreds and thousands of people in the community surrounding this place? He implores the Board that once they move to vote, the move against this. So that we are not moving forwards for the sake of profit for one company, but for the sake of revitalization and empowerment of the communities that need it the most in this city.

Dante Castellano, 4 Bicentennial Drive, Nashua, NH

Mr. Castellano said he is a student at Nashua High School South and a member of the NH 350 Youth Team as well as president of the Planet Earth Club at Nashua South. He strongly opposes the proposed asphalt plant. It would not support the future goals of the city, and certainly wouldn't help make the city a better place to live. Additionally, the proposed space for the asphalt plant is very close to the heart of downtown Nashua. As a concerned student, environmentalist, and someone who plans on living here for quite some time, the addition of an asphalt plant certainly wouldn't be something that keeps him here. Nashua should be a model for other communities in New Hampshire, not a city to look down on. The environmental harm that could come from this plant is not an amount that should be impacting the city in the future. Although existing health guidelines have been met, he is not sure why future guidelines have not been considered. Guidelines are going to need to change soon if we want to be able to combat climate change. Approving this plant would be a huge step backwards for this city. He hopes the Board votes to deny this plan.

Joshua Billings, 29 Drury Lane, Nashua, NH

Mr. Billings said he would like to start with a rhetorical question to the Board. What is the purpose of this Board, if not to deny this application? Is it just to follow some rules?

Mr. LeClair said the Board typically does not go back and forth with the public during the hearing.

Mr. Billings said in his mind he sees the Board as making sure projects serve the public interest, not just the economic benefit of one party and deterioration for the rest of the city. Nashua is a good city. He's lived a lot of places. He used to live in Riverfront Landing, so he's familiar with the neighborhood. We have a nice downtown, something that's pretty rare, a walkable downtown that isn't completely infested with cars and large trucks. A lot of people fail to see that. Clearly the applicant fails to see that. They just took some pictures of graffiti and made it out to look like a wasteland. From that train depot, if you turn around there is dense housing on the other side of that roundabout. Any realtor can take a picture and make a bad location look good. A lawyer can do the opposite.

Mr. Billings said he wanted to expand on Rep. Newman's point, the fourth power rule. They've talked a lot about traffic, but the wear and tear on roads is proportional to the fourth power of the vehicle weight. Five hundred trucks a day is equivalent to thousands of passenger cars. We're going to be spending so much money on road maintenance. This project will be costing the city so much money. What economic benefit are we getting out of this? Why would we approve this? He doesn't know why we're here. You haven't heard anyone in the neighborhood who supports this, just the people who have an economic incentive. He hopes the Board will serve the public, and not just one company.

Peter Schaefer, 15 E Street, Nashua, NH

Mr. Schaefer said he lives about a half mile away from this facility. He is here to defend the Master Plan and the city vision for the future. He was on the Master Plan Committee, so he knows they know what is in the plan and what we think the future ought to be.

Mr. Schaefer said this area is zoned General Industrial. Why is it? During the Industrial Revolution there were a lot of factories built here, a lot of industry built here. We have the downtown, those huge buildings are now apartment complexes. The owners of the factories and the bosses lived on the North End; the workers

went to work from here. That's why you have so much workforce housing here. You see a lot of workforce housing in this industrial area, that's why it was zoned industrial. It was a miserable place to live, the rich folks lived up north. As soon as cars were available the workers headed away from the city because it was a terrible place to live. It was very polluted, people wanted to live elsewhere. A lot of things have changed since then. We still have zoning that reflects this, housing that reflects some of this. A lot of the businesses with industrial activity have left. This is not the trend.

Mr. Schaefer said everywhere in this country people are moving back into the cities, and they're not doing it because there's industry there. It's a digital world, people are moving in to a high density population. We are a welcoming city, we want people to come here. The Master Plan and the vision of the city for this area is to build a lot of housing in this area. Let's face it, asphalt plants are not compatible with high density populations. It doesn't take a rocket scientist to figure out.

Mr. Schaefer said what about all those pictures we saw, and how terrible it looks, and what's the big deal. That's the whole point. An asphalt plant is not going to make the place look pretty. We have a much better vision than the way the applicant visions this area. We now have the arts center, which is maybe half a mile from this facility and will open in a few days. Apartment complexes everywhere, and the values would go down because of this. We have outdoor dining. He's not going to get into the trucks, but he thinks they can make that connection.

Mr. Schaefer said they've heard about the commuter rail, and we're told by the applicant that may never come. We've worked very hard for this commuter rail and we're having a heck of a time getting it here. It may or may not happen, but we're working very hard to do that. He suspects that we will have commuter rail here before we have an asphalt plant. We're building the heritage trail here as well, that goes right past this property. High density living. This is incompatible with the vision the city has and he commends the mayor for defending the master plan and the city's plan. The Board knows what is in the Master Plan, and they need to defend it. We are a welcoming city. How is that going to go down when we put an asphalt plant in here? How can we defend that image?

Elaine Lihziz, 10 Stanford Road, Nashua, NH

Ms. Lihzis said she doesn't have a planned speech, just some thoughts after listening to the presentation today. She texted her daughter, who is a chemist as well, and she does air quality testing. She asked if they test air quality at asphalt plants, and her daughter replied in all caps, do not let them build an asphalt plant near you. That was her first warning.

Ms. Lihzis said they recently did a test in Westville, Ohio, commissioned by the city, who was concerned about their asphalt plant. That leads one to think there may be more to it than what they heard. She finds it interesting that the area selected for this plant is a low income, minority community, and not something in a richer residential area with more open spaces. There's tons of open spaces on Rte 102 or Rte 111 that would easily get them to the I-93 or Route 3.

Ms. Lihzis said it sounds like the residents of the area have not been provided materials in their language. She knows the ACLU sued a municipality in Florida for that reason, they did not provide non-English material or translators. In regards to traffic, 100 trucks a day adds a lot of pollution to the air, especially when you're sitting half an hour watching the train go by and you can't move and you're idling. The roads are already sketchy and overly travelled. It's not terribly easy to reach the highways from that location. They're going to be heading to other locations.

Ms. Lihzis said she appreciates what they think they have as fail safes, however filter, equipment and processes fail, which could affect air quality. A de-scenting spray does not remove the scent, it adds chemicals on top of it. You've got more garbage in the air than you really need. They are called nuisance odors, which may not be considered negative, but as someone who gets a good whiff of nuisance odors from the Budweiser Plant, the Merrimack water facility, or the Merrimack crematorium when the wind blows in the right direction, you notice them. Also, Saint Gobain thought everything was going to be peachy keen when they started productions, and then years later we found the PFAS. We just finished cleaning up the creosote from Coppers, which is two streets away from her. The tannery took ages to clean up. It's not something that you have to go into lightly.

Ms. Lihzis said she felt some passive aggressiveness from the applicant when they said they weren't going anywhere, so she doesn't know what that means. If they have the property that's fine, but what are they going to do with it if this doesn't get approved? It was mentioned that they don't work year round

necessarily, but when they are not in operation there will still be product left. What happens with that? Will it start decomposing, and then you have petroleum products seeping into the ground? She assumes they have to clean out those storage tanks, using some kind of solution, where does that waste go? How does that affect the water system? We're still trying to clean up the rest of the river.

Ms. Lihzis said she didn't hear anything about where the asphalt would be shipped to. If we're affecting property values, the economy, and the environment in Nashua and everything is being shipped to Vermont or Ohio, why? Find something closer. She would like to know what they are going to do to offset the effects on the area, for instance, a safe greenspace. What seems to be popular with a lot of companies was, offset their carbon footprint, which is a way to pretend they're being environmentally conscious. That's a lot of random thoughts and questions she had listening tonight. She doesn't know if they have been answered elsewhere, but she wanted to make sure everyone had it in mind.

Ms. Lihzis said she hasn't heard a single person in support of the asphalt plant. She doesn't know if they figure they don't need to fight it, or if they're not vocal, or if there aren't any. She thinks it may be better to put it on a ballot, come November, and see what the city thinks.

Justin Munroe, 3 Carmine Road, Nashua, NH

Mr. Munroe said he has an observation from when the air specialist was sharing information. She mentioned that if the measurements were too high, to lower the output to 200 trucks a day. A range was thrown out of 300-500 trucks. If there is further discussion, narrowing some of these measurements down would be good. The size of the truck, actual number of trucks per day, and whether it's 8.5 months of production and 10% in the other time. Let's get a year number. When you multiple it out over the days that's a difference between a 60,000 truck and 150,000 truck number. From an air quality aspect, that makes a difference. From the traffic aspect, that makes a difference. There was a lot of good information tonight. He asked the Board to narrow in on the number of trucks or amount of quantity or something specific.

Mr. LeClair asked staff if everyone was muted on Zoom.

Ms. McGhee said there are still 43 people on Zoom.

Mr. LeClair asked if they were on mute.

Ms. McGhee said yes.

Mr. LeClair said just so they don't get audio feedback.

Michael Lefavor, 20 Trafalgar Square Unit 626, Nashua, NH

Mr. Lefavor said he is the owner of the Henry Hanger building at 110 East Hollis Street. He had a long statement on the first meeting, when it was proposed to be a batch asphalt plant, and now they have seen some significant changes to that design. His initial thought is that it might be deemed more safe than the traditional asphalt plant, he feels they are both outdated technology. They have their place in this world, we certainly need them. He will not repeat the full dossier that he presented last time. But with more information being brought forth, valuation destruction on the surrounding area, he thinks his property is going to be impacted the most significantly.

Mr. Lefavor said the proposed site is literally across the abandoned railway. Oddly enough, they are not a direct abutter because of that railroad, but we are in process. The Henry Hanger is not a vacant building. We have spent millions and millions of dollars, dove into what the city's vision was going to be. We put our money where our mouth was, and we really liked the direction that this city was going in. For us to follow the direction of the city, what the town wants to see, the destruction of the neighborhood. He's got nothing against business or entrepreneurship, but to be almost jaded for the idea that the city is committed to this, to put their capital to that, and then something slides in and completely destroys the vision that was put forth.

Mr. Lefavor said everything that is being proposed right now is not something saying that they have a solution for this. They are simply saying, yes, we are going to be putting out toxic chemicals into the environment, but it's to a certain ratio that it's not hazardous to you. When he sits across from the table from a resident that wants to rent, he said you know what, there's arsenic and cadmium and all these other chemicals, but you know what, it's at a level that's not harmful to you. He doesn't think anyone is going to want to hear that. He thinks his building is going to be fully constructed and rented prior to this installation, if approved, and will see a mass migration. Once that asphalt plant is completed, they're going to start smelling those gases that

escape from the bags that the odor doesn't capture. We're going to have a value destruction and economic impacts. They won't be able to pay their debt service, the building would be foreclosed on, because there's a certain occupancy ratio that we need to hit in order for this to actually work and provide housing desperately needed in the community.

Mr. Lefavor said if the Board wants to look at his statement from the previous meeting, he would encourage them to do so. For the sake of time, he will end it on those comments there.

Dan Weeks, 7 Shattuck Street, Nashua, NH

Mr. Weeks said he lives about half a mile to the northwest of this site, the adjacent French Hill neighborhood. He appreciates the applicant's due diligence, this isn't an easy process to go through. There's been a lot of public sentiment on the other side. He works for a construction company, he knows a lot goes into it and these nights get late. It can be tough when you invest a lot of time and the support isn't there.

Mr. Weeks said with that said, this is something personal for him, as it is for everyone else here. His family lives nearby. They love biking through the neighborhood, the kids love watching the freight trains, they stop by make it labs, we dream of the future passenger rail. We feel an investment in this neighborhood and in the vision for Nashua that has been spelled out in the Master Plan, of which the Planning Board is the chief representative. We are encouraged and inspired by the slow and steady progress in this neighborhood, with housing and affordable housing finally being added. Notwithstanding the current zoning designation, the facts on the ground paint a different and more hopeful picture about what will come to this neighborhood and what is already coming.

Mr. Weeks said he was here at the start of this meeting tonight with his three little kids before bringing them home to bedtime. They asked why we were here, they're not yet seven and four, and his explanation was pretty simple. We stand up for our community and for our environment, and it is something close to home. His wife, who is African American, was raised near a coal fired power plant, which is a story that has been told many times. She happens to have a respiratory condition, as does most of her family. When Covid struck she was hospitalized and multiple members of her family died.

Mr. Weeks said chances are they will be ok, they are blessed to have good jobs and good health insurance, and if the worst happens in terms of health effects, at least they are half a mile away and have the healthcare. But he is concerned about the immediate proximity, the 6,716 people who live in census tract 106 and just north, French Hill, 4,717 people according to the 2020 census, who also live nearby. What happens if the best case scenario does not come about, and we see the health consequences? Not to mention the impacts on the future development and vision of this neighborhood and city.

Mr. Weeks said he's sure he doesn't need to remind them as public servants on the Board, but for his own benefit he was reviewing on the city's website what the charge of the Planning Board is. It states that the Board shall promote public interest in and understanding of the city's Master Plan and of the official map of the city, and shall do all things necessary to the promotion and execution of said plan and map. That plan is exciting. It's hopeful. It will take us in a new and better direction as a city. It will draw more people to our city, it will keep more of our young people in the city. That's what excites him to be a Nashua resident and to be raising his family here and hoping they will stay here. As the stewards of that plan, which we the residents have collectively assembled over years, please take us in that hopeful direction. We don't need this in our neighborhoods.

Shawn Murphy, 2 Proctor Street, Nashua, NH

Mr. Murphy said he lives about 300 yards down the street from the proposed asphalt plant. He wants to speak about his own personal experience with Newport Construction. They were hired by the city to do the Broad Street Parkway and they were required to have third party insurance. They damaged his car, and he filled out an insurance plan, and he found it odd that he was sending the information to a Newport Construction email address. Then he got a bogus letter back in the mail, a denial of claim, because they didn't have the correct insurance. And he asked multiple times via email and phone to be provided, and they just thumbed their nose up at him. They have no respect for the City of Nashua or the residents, and if they are capable of coming in here and victimizing the residents and victimizing people and ripping them off, then what aren't they capable of? He asked the Board to give the applicant no consideration whatsoever until they have first settled the claims against this.

Mr. Murphy said the first person who got up to speak tonight, Atty. Prolman, said they are a construction company and going to be there anyway. That's a passive aggressive attack and will not work here in Nashua, NH. The next person, Mr. DeFelice, was asked a question and said he knows in Massachusetts it's five years. That's not going to work. You're the owner of this company, you need to know if it's three, five, whatever it is. Next up was the traffic engineer, Jason Plourde, who lowballed the number to make it fit. Next up we had the toxicology person, Dr. Green, he could go on for half an hour about what she said, and she said she lived in Massachusetts and what it's doing down there. Doesn't matter what it's doing down there in Massachusetts, it's here. The next person that spoke was the engineer, Gregory Tocci, who said there's traps over there and to the best of his knowledge they work. What kind of nonsense is that? To the best of your knowledge, and you want to put an asphalt production plant in a major residential area? These people are a bunch of bullies and thugs, and he asked that the Board stand with him tonight to hold them accountable. They have no place in the City of Nashua.

Mr. Murphy said the applicants have bullied their way around, ripped off the residents, they're bad people and there's no doubt in his mind that they would rip us off, especially after what they said here tonight. They didn't know the answers. They have no intention of playing by the rules. They haven't up until this point. It's absolutely ludicrous in that area of town to put an asphalt production plant.

Mr. Murphy said in his mind the best thing that ever happened was the Riverfront apartments. Every night there's a stream of Uber Eats and Doordash going in and out of there, every Friday and Saturday night there's a stream of Uber and Lyfts hauling people to downtown to eat at restaurants, clubs, and bars. And if we were to put in that asphalt production plant, young educated college professionals wouldn't live there. They wouldn't come there, and it would turn the Riverfront apartments into a low income housing. We need more to build up that area. He thanked the Board for their time and consideration, but make no mistake, these are bullies and thugs, and they weren't prepared tonight and have no intention of playing by the rules.

Jessica Margeson, Granite State Organizing Project, 1045 Elm St #201, Manchester, NH

Ms. Margeson said she is a tenant organizer at the Granite State Organizing Project. She appreciates that even though she does not

live in Nashua, she is given the right to speak on this project which is important to her and many individuals here tonight. There are many people that she cares about that live in Nashua, and multiple tenants of this beautiful city. Nashua is growing and evolving, and as we see in an April 2022 news article, it is a city on the rise. A quote in the article by a family of five that reside in this city, who had recently moved from Pelham, said "I like the thought of living in Nashua because our lives would be contained in one community." The ability to walk around that community and exist in and enjoy and thrive in it, basically.

Ms. Margeson said the city also unveiled the Nashua Center for the Arts, a massive 150-seat theater, keeping up with Nashua's theme of being New Hampshire's most creative community, known for its vast collection of public art. More than any other city in NH, the city has over 30 sculptures within it, the symphony, the green art show, artwalk, community theater, amongst multiple restaurants downtown and throughout.

Ms. Margeson said when you perform a quick google search on what it is like to live near an asphalt plant, it is quick to see that it's not healthy, it does smell, and people commonly experience side effects. The smell is described as radiating, meaning outspreading in the atmosphere. An article on Construction Pros dot com says that the more you heat it, the more it stinks. If you own an asphalt plant and have no neighbors around you, nobody is going to care about the smell. And yet here we are. It's is near a neighborhood, it is in a community, it is near the downtown, and it is within all this beautiful things that you have created to attract people. But yet, your main attraction will become something that smells.

Ms. Margeson said this company does not have Nashua's best interest at heart when they chose from the beginning to be in a neighborhood full of people when they know if should not be there, then to start this meeting by saying they are here and not going anywhere. They spoke about the Mayor originally having a letter in support, but all she can find online is new about the Mayor strongly opposing this. She would like to make sure it is repeatedly on the record and made abundantly clear.

Ms. Margeson asked that Nashua do what is right and make the third time a charm, and deny this plan and put protections in place to make sure people do not have to come back repeatedly and stay late into the night trying to protect their city.

Will Darby, NH State Representative, Hillsborough 11, 13 Jensen Street, Nashua, NH

Mr. Darby said he is on the Energy Environment Committee for Nashua. He is also a state rep. He will be brief because most of the points he was going to make have already been made.

Mr. Darby said he was confused as he researched the zoning of this block that it was General Industry, when right next door at 131 Temple Street is a 7-unit apartment building. Right next door at 2 Murray Court is a 6-unit apartment building. He also heard that the Land Use Code was #177, which permits manufacturing plants. But he would point them to Land Use Code #171, which covers chemical manufacturing, refining, or processing, including manufacture, refining, and processing of asphalt. That states that it is a Conditional Use. When you have two conflicting Land Use Codes, the more restrictive use applies, which therefore requires a permit by this Board.

Mr. Darby said as a state rep. he wants to mention the RSA's that govern Master Plans. RSA 674 states that the Master Plan shall be a set of statements and Land Use and development principles that give legal standing to the implementation of these ordinances. NH is not a home rule state. That means that this RSA governs the city's planning authority. As we've heard, there was the most recent Master Plan approved in September 2021, prior to the application of this, and it includes the East Hollis visioning concept. That includes building cohesive mixed use and transit oriented districts, encouraging incorporation of green infrastructure, infiltration, free planting, and pedestrian access routes within parking areas, and encouraging new developments to be mixed use with active ground floor uses. Nashua and NH are 20,000 housing units short. The Master Plan accurately reflects that. This use would directly contradict the Master Plan, which ultimately violates state law.

Mr. Darby said the last thing he will say is to repeat briefly about how this proposal doesn't align with the ordinances of the city. Section 190-19 states that the land surrounding the area shall be sufficient to maintain compatibility with surrounding uses. The applicant's own materials stated that many of the components are near or above 100 decibels, which is the sound of a subway. While you may be able to muffle those temporarily, those mufflers will break down over time and directly impact the surrounding residents. The EPA has explicitly stated that asphalt plants produce pollutants that are hazardous to human health. In

addition to the homes that are in this GI district, apartments are not allowed under the land use code, which makes you wonder how they were allowed in the first place, and how was a new apartment complex authorized. Interestingly enough he researched that, and it was stated that it was zoned General Business, when on the GIS site it clearly states that this is GI. Therefore there is a lot of confusion about how this should actually be zoned, clearly for historical reasons, there are construction material zones that are only permitted in GI zones they wanted to leave in place. They allowed that to grow over time, when it really shouldn't be zoned GI anymore. If it is zoned GI, the Conditional Use, not the permitted use, should apply, which requires a permit. That permit should not be allowed.

Ald. Patricia Klee, Ward 3, NH State Representative, Hillsborough 30, 9 Maywood Drive, Nashua, NH

Ald. Klee said she wasn't planning on speaking today, she planned to listen and speak at the next one, and she still reserves the right to do that because there will be more information forthcoming.

Ald. Klee said she one thing that she wants to address is a comment made in the correspondence relative to the number of letters and emails against this proposal. First, the author of that comment seemed to feel that only those that abutted or lived very close should be allowed to have an opinion. She is sure that is not what was meant by that comment, but it's how it came across. Every tax payer, business owner, and employee in Nashua should be afforded the ability to speak out in favor or against any project that has the potential to affect them.

Ald. Klee said this particular proposal calls for approximately 46 trips in and out of the proposed driveway per hour. When she looked at the provided traffic report she saw that the in-route will take you down Amherst Street, to Main Street, to Lowell Street, to Canal Street, with some potential for Main to Canal, and then to Bridge Street. This is her ward. It affects the residents in Ward 3, and you've heard from many of them here, as well as Ward 2 and Ward 7. Based on that report given, for some 46 large diesel trucks, should not seem like a lot. Tell that to those residents that have to live with additional traffic to already packed roads. Anybody who drives on Amherst, Canal, or Lowell Street at any given time of day, you hit traffic. She lives down on Maywood Drive, she drives down Manchester Street and Concord Street just to cross over to Main Street. She avoids Amherst Street because of the current

traffic that's there, she can't imagine having that many more vehicles there.

Ald. Klee said the out direction will go through even more wards, affecting their travels and even children playing in their yards. So to say that those who abut should be considered only is a misstatement. Let's take into consideration those who work, shop, and play in the downtown area, along with those routes she mentioned. They too will be impacted and too should have a voice. This impacts more than those that live directly next to the proposed plant. All voices should be heard and taken seriously.

Ald. Klee said to address the emails and letters once again, she agrees that many seem to be a form letter that may have been passed through one or two entities. But she thinks it's human nature that when you want to speak out but don't know how to find your voice, you look for information, and when you find an organization that speaks how you feel, you will stand with them and try to speak in a single voice. But there are many drops that make an ocean. She doesn't feel they should dismiss any of these emails or letters just because they came through a form letter. She tells her constituents that if they want her to address something, please send her a direct message or make a phone call. Just because they use an organized group doesn't mean she would dismiss their opinion. All voices are equal and relevant, even those that vehemently disagree.

Ald. Klee said she knows that the Master Plan speaks to increasing business growth in the city, but it also speaks to increasing housing and green space. You have heard many speak here. She has often said that the Master Plan is an invaluable document and something that every city and town should have, but let's be honest, those three items are going to be in conflict. That's when the Planning Board must decide what is priority, a business or resident Nashua. We can live in harmony, but you have to look at when to bend and when to stand strong.

Ald. Klee said Nashua is already plagued with sites that need to be cleaned up, like the Beezer property, right in Ward 3. The Mohawk Tannery, right on the border of Ward 3. Or Gilson Road, and so many others. Just about every dry cleaner in this city or any city has tainted the ground. For the time it takes to clean up these properties when they are vacated costs the city valuable tax dollars and gives the community a black eye. We don't need the potential for another such organization to come into our beautiful city and even hint that it will have a negative effect on workers,

citizens, or potential residents. While these properties lay vacant because of the cleanup, many might say that isn't the case here. But can you guarantee that after years of this petroleum laden product being manufactured and put into these diesel vehicles, won't create toxic air, ground, and affect the two major waterways in close proximity.

Ald. Klee said she's sure you're thinking, how could we know, but if this is approved, she will ask the applicants if they are willing to sign a document that will allow annual testing, not every five years. If the levels become above the acceptable, albeit low, EPA standards, then stop production and immediately proceed with the necessary cleanup. She hopes that if this project is approved, that becomes a requirement. If the applicant feels this is honestly not an issue, they should have no problem signing such a document.

Ald. Klee said smarter minds have already spoken or will be speaking at the next meeting. She will leave it to them. But she hopes that her esteemed colleagues on the Board will truly listen to those here in the audience that are speaking against and for this equal balance. These are not people who are afraid of the boogeyman. They are fearful for their city and their families. How could we built a new performing arts center, new homes and apartments as well as condos, and not take into consideration what Economic Development Director Tim Cummings wrote to the Board relative to the estimated 10% decrease in valuation to the residential properties in the area. The BBG report also stated that this would have a negative effect on the city, which was the city's appraisal. She would add to those potential developers considering to build in this area and those already committed, may back out just because of the potential loss in value.

Ald. Klee said she would like to add one very important point. As an alderman in the city, the residential properties here in Nashua pay the largest percentage of the tax base. She believes as last stated, the residents pay 70%+, with businesses and industries paying the remainder. Having said that, she believes they should have the most weighted voice of all. Please take that into consideration when deliberating and trying to put the facts together. The location has many zonings, such as General Industrial and the TOD, with homes and businesses trying to live in harmony. It may not be the ideal situation for some, but they have learned to live together. This asphalt plant would truly change the way of life for these residents. She has personally spoken to some of the residents in that area and close to that area, who are saying that

they will move. Whether this is an idle threat or real possibility, it shows how frustrated and upset they are. Please listen and do not ignore their pleas for no asphalt plant. It is wrong for the area, even if there is a right to build it. She implores the Board to vote against this plant.

Ald. Klee said when the applicant talked about the queuing of trucks, they could queue up to 14 trucks and then had an overflow that could take maybe 5-6, bringing it up to 20. Those vehicles aren't shut off. They're going to be running. There's a potential for 20 diesel trucks to be somewhat queued up. What is happening to that air pollution? They said they didn't do any tailpipe emission testing. This really bothers her. Can you imagine 20 asphalt diesel trucks, and these residents living, their babies, they can't open up their windows in the summer, the applicants already said that's going to be the biggest time, and if they don't have air conditioning because they can't afford it, what do they do? She thanked the Board for listening, this is an important conversation that will change the direction and intent of the Master Plan if approved.

Atty. Heidi Trimarco, Conservation Law Foundation, 27 N Main St, Concord, NH

Atty. Trimarco said she is a staff attorney with the Conservation Law Foundation. CLF is a nonprofit environmental advocacy group that works to protect New Hampshire's environment and communities for all people in New Hampshire. You've heard from many of those residents here tonight, but she wants to make sure that it is clear all the voices that haven't been heard tonight.

Atty. Trimarco said when we started the hearing at 7PM, the developer had until about 9:05PM to present their petition and their application and answer questions. There were many residents in the room at that time that have since left. CLF hired translating services to be here for many of those residents, and she believes they had about 30 people who were having the hearing translated into Spanish and Portuguese, and all of those people have since left. She would like the record to reflect that the community's voice has not been heard fully this evening, and there is a percentage of the population and a significant group of people who haven't yet had a chance to voice their feelings about this plant.

Atty. Trimarco said she would like to request that the Board continues the hearing until April 6th. There was a representation

made at the beginning that was likely, and she would like to ensure that happens. Many of the people who left were under the assumption that they would be able to come back and speak in April. She wants to make sure that the Board allows people to testify again in April.

Atty. Trimarco said she has comments that she will be providing to the Board. She would like to hand these out.

Atty. Trimarco provided materials to Planning staff. Mr. Durfee passed them out to the Board members.

Atty. Trimarco said she will submit these electronically as well. She will keep it brief too, as this is the end of a long night.

Atty. Trimarco said the Board has heard a lot of discussion about this community. She wants to be here to support the community and provide some factual support and legal support for some of the claims they have heard. Attached to their comments you will see printouts of some maps we have gathered with data from the state and federal data that's available. This shows you a little bit of data to support how people have described this neighborhood.

Atty. Trimarco said not only are there high quantities of certain communities in this area, but they're concentrated right in the location of the proposed asphalt plant. So the community in the immediate vicinity is predominantly low income, people of color, and home to households that have a high percentage of limited English proficiency. On top of that, the EPA has created a tool called the EJScreen, the Environmental Justice Screening and Mapping Tool. What you can do with the EJScreen is put in a particular area on the map and it will generate the data that lets you know the environmental burden that's already on a community. This is the burden the community bears right now. The maps show it zoomed in close to the location of the plant, and then zoomed out so you can see that these environmental harms are impacting this community in Nashua. Then as you go out, you can see that it's not impacting the majority of this state. There's really an unfair burden that's being borne by this community.

Atty. Trimarco said specifically as to air pollution, we looked at it for six different environmental indicators related to air quality that all have negative impacts on human health. This block group where the site is located is within the 95-99 percentile for those adverse air pollutant indicators in the state. Those six were in the 95-99 percentiles for ozone, diesel particulate matter,

air toxic cancer risk, air toxic respiratory risk, and proximity to traffic. The community is already bearing this large, unfair burden. This is a real environmental justice concern.

Atty. Trimarco said they have heard many people speak about how the plant is not consistent with the Master Plan. She has provided in the comments and the Board has heard reference to these tonight, that this is not just something for the Board to take into consideration. This is a mandatory finding that the Board must find in order to approve this plan. The Board has to find that these site plans are consistent with the Master Plan. She submits to the Board that it is not consistent with the Master Plan.

Atty. Trimarco said if you look at the Master Plan released in 2021, it specifically identifies this neighborhood as one of eight areas in Nashua for redevelopment. The Master Plan must guide this decision. Notably, she didn't hear the applicant reference the Master Plan. This is a necessary criterion. The applicant also didn't reference the Transit Oriented Development Overlay zone, that must guide decisions for this property. The Master Plan calls for this area to be walkable, bikeable, and pedestrian friendly. It calls for small scale buildings with active ground floor uses. An asphalt plant isn't only inconsistent with that, it contradicts that. The plant and the trucks will be inconsistent with people walking, riding their bikes, there is no ground floor active use, no mixed use, and it's inconsistent with those requirements of the plan.

Atty. Trimarco said it's also inconsistent with the goals of the Transit Oriented Development. That overlay was based on the 2004 East Hollis Street plan, and that plan forms the TOD, and the overlay district specifically incorporates that East Hollis Street plan. That plan she finds really compelling. When you read what it says about this East Hollis district, that plan envisions the neighborhood and specifically East Hollis Street as a pedestrian spine between the proposed commuter rail and downtown. It calls out Temple Street, where this plant is to be located, as the one and only kind of main street in that area that's supposed to be walkable and pedestrian friendly. It's critical that this plan guides this decision to disapprove this plan.

Atty. Trimarco said the other provision she wants to point out that the Board must make a finding on is the site plan approval provisions, that the facility must coexist with the surrounding uses and cannot have significant health and safety impacts on the surrounding properties, or on the general population of this city.

And as the Board has heard, these are not just abutters. It cannot have a significant negative safety impact on the surrounding properties and the entire city, which is quite a large area.

Atty. Trimarco said they are providing a study from a senior scientist at CLF that looked at the air dispersion model provided by the applicant and found it woefully lacking. There are many pollutants that the plant will emit and that they acknowledge it will emit, but their study only studied two of those, benzene and formaldehyde. They didn't do a health risk assessment for all of the contaminants, and they didn't do a cancer risk assessment for any of the contaminants. They also didn't assess any air emissions from any of the trucks, and as we've heard, that will be significant. The analysis by Dr. Catherine Walker is attached, and it talks about the significant air pollutants and the health risks that will come from those.

Atty. Trimarco said Dr. Walker also discusses the odors that will be released from the plant. It's notable by their own application the applicant proposes this Descent deodorizer, but acknowledges that it won't address all of the odor. By their own acknowledgement, it won't control all of the odor. The study that they provided, which is a study of their own employees, is really lacking and is not a sufficient study to show that this deodorizer is going to control. What we know that is that the plant will produce toxic fumes, air pollutants, and noxious odors into the community. By the ordinance and the site plan approval criteria, it cannot be approved by this Board. She urged the Board to keep this hearing open for the public to speak, to allow the public to go first in April, and to deny the approvals.

Letters of opposition received before 4PM, March 22, 2023

Abimana, No Address Given

Adrian George, 18 Shingle Mill Drive, Nashua, NH

Adrienne George, 38 Wood Street, Nashua, NH

Alan & Rebecca Green, 22 Chester Street, Nashua, NH

Alanna Van Antwerpen, 27 Carmine Road, Nashua, NH

Alex Newbold, 70 Bluestone Drive, Nashua, NH

Alex Regnery, 11 Stark Street, Nashua, NH

Alexander Del More, 17 Meredith Drive, Nashua, NH

Alexia Widtfeldt, 65 Atherton Avenue, Nashua, NH

Alicia Gregg, 4 Eastbrook Drive, Nashua NH

Alicia McNichols, 22 Shingle Mill Drive, Nashua, NH

Allan Graves, 63 Buckmeadow Road, Nashua, NH

Allison Palm, 14 Sawyer Street, Nashua, NH

Amanda Cox, 9 Mizoras Drive, Nashua, NH
Amber Fox, 3 Morrill Street, Nashua, NH
Amy Donohue, 178 Flagstone Drive #2, Nashua, NH
Amy Nelson, 722 Alton Woods Drive, Concord, NH
Amy Oshea, 5 Monadnock Street, Nashua, NH
Andrea Miller, 15 Oak Street, Nashua, NH
Andrea Rebeck, 111 Atherton Avenue, Nashua, NH
Angela Anderson Connolly, 28 Sagamore Road, Nashua, NH
Angela L'Ecuyer, 51 Forge Drive, Nashua, NH
Ann Somers, 11 Potanipo Hill Road, Brookline, NH
Anna Shoov, 5 Jewell Lane, Nashua, NH
Anne Blanda, 14 Biscayne Parkway, Nashua, NH
Anne Green, 90 Robinson Road, Nashua, NH
Annemarie Algozzine, 18 Antrim Road, Hancock, NH
Annie Ku, 8 Penny Lane, Nashua, NH
Arch Mitchell, 56 Vine Street, Nashua, NH
Armstrong, 5 Austin Circle, Nashua, NH
Arthur Logan, 30 Chester Street, Nashua, NH
Ashley Norman, 1 Davis Court, Unit1C, Nashua, NH
Athena Jenkins, 44 Ledge Street, Nashua, NH
Aurora Norris, 9 Middle Street, Nashua, NH
Avalon, 22 King Street, Nashua, NH
Barbara & Martin Glassman, 50 Barrington Avenue, Unit 504, Nashua, NH
Barbara Goulet, 50-52 Temple Street, Nashua, NH
Barbara Pugh, 58 Lowell Street, Nashua, NH
Barbara Schult, 11 Honeysuckle Lane, Goffstown, NH
Barbara Spuzzillo, 11 Woodland Drive, Nashua, NH
Barry Krieger, 12 Meloon Road, Greenland, NH
Bella Shoov, 41 Temple Street, Nashua, NH
Beth Burnett, 10 Olympia Circle, Nashua, NH
Beth Marchilena, 44 Spindlewick Drive, Nashua, NH
Beth Scaer, 111 E Hobart Street, Nashua, NH
Betsy Gamrat, 10 Wood Street, Nashua, NH
Boris Shoov, 9 Massasoit Road, Nashua, NH
Breanne Hassett, 73 Wethersfield Road, Nashua, NH
Brenda Byrne, 43 Gleneagle Drive, Nashua, NH
Brian Houston, 8 Deerhaven Drive, Nashua, NH
Britt Hatch, 41 Cannongate III Road, Nashua, NH
Bruce Cohen, 17 Crimson Court, Nashua, NH
Cait Carlson, 32 Kessler Drive #488, Nashua, NH
Caitlin, 35 Marshall Street, Nashua, NH
Carel Chapman, 160 DW Highway #202, Nashua, NH
Carol Hordis, 15 Heathrow Court, Nashua, NH
Carol Kaplan, 4 Heather Court, Nashua, NH
Carol Muldoon, 79 Allds Street, Nashua, NH

Carol Weeks, 15 Decatur Drive, Nashua, NH
Caroline O'Shea, 5 Monadnock Street, Nashua, NH
Caryn Coolbeth, 12 Marshall Street, Nashua, NH
Catherine Lansman, 46 Sawyer Street, Nashua, NH
Chapin Johnson, 20 Webster Street, Nashua, NH
Charlotte Madore, 59 Whitney Street, 2nd floor, Nashua, NH
Charyn Sweet, 21 Monza Road, Nashua, NH
Cheryl Cooper, 217 1/2 Pine Street, Nashua, NH
Cheryl Gaudette, 15 Fowell Avenue, Nashua, NH
Chris Freeley, 3 Duckford Circle, Nashua, NH
Chris Goy, 40 Chester Street, Nashua, NH
Christian Gomes, 19 Waltham Drive, Nashua, NH
Christopher Banner, 29 Montgomery Avenue, Nashua, NH
Chuck Gates, 14 Berle Street, Nashua, NH
Cliff Simmonds, 81 Concord Street, Nashua, NH
Colleen Blanda, 16 Quinton Drive, Nashua, NH
Colleen Goy, 40 Chester Street, Nashua, NH
Cynthia Carlson, 107 Cadogan Way, Nashua, NH
Cynthia Garrett, 5 Burnside Street, Nashua, NH
Cynthia Knowles, 15 Eastman Street, Nashua, NH
Dakota-Cheyenne Brown, 27 Wason Avenue, Nashua, NH
Dan Kelley, 21 Cabot Drive, Nashua, NH
Dan Scarpati, 22 Bryant Road, Nashua, NH
Dana Foulds, 60 W Parish Road, Concord, NH
Daniel Griben, 2 Clocktower Place, 202, Nashua, NH
Daniel Grossman, 44 Wood Street, Nashua, NH
Daniel Schrock, 7 Silver Drive Apt 7, Nashua, NH
Daniel Van Kalken & Julie Chaffee, 55 Baldwin Street, Nashua, NH
Dave McConville, 4 Anders Lane, Nashua, NH
David Cases, No Address Given
David Deifik, 26 Berkeley Street, Nashua, NH
David Jeffrey, 49 Fairmount Street, Nashua, NH
David Morton, 23 Pike Street, Nashua, NH
David Terry, 1 Essex Street, Nashua, NH
Dawn, 262 Bartemus Trail, Nashua, NH
Debra Nash, 67 Musquash Road, Hudson, NH
Denise Rock-O'Hara, 4 Birchwood Drive, Nashua, NH
Derek Widtfeldt, 109 Atherton Avenue, Nashua, NH
Diane Murphy, 43 Spindlewick Drive, Nashua, NH
Donna & Joe Santone, 2 Danford Road, Nashua, NH
Donna Blackey, 118 Bartemus Trail, Nashua, NH
Donna Marceau, 37 Pinewood Road, Nashua, NH
Dorothy Dion, 44 Tolles Street, Nashua, NH
Dorothy Mitchell, 27 Raymond Street, Nashua, NH
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Doug Wilcox, 329 Nowell Street, Nashua, NH

Douglas North, 101 Lund Road, Nashua, NH
Dr. Cindy Theroux-Jette, 60 Main Street Suite 310, Nashua, NH
E. Tocci, 44 Stanstead Place, Nashua, NH
Edit Hogan, 34 Dearborn Street, Nashua, NH
Edith Pucci Couchman, 88 Wheeler Road, Hollis, NH
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Eleanor Luna, 26 Sargents Avenue, Nashua, NH
Elelyn Danforth, 30 Salem Street, Nashua, NH
Elise MacDonald, 56 Underhill Street, Nashua, NH
Elizabeth Dundas, 12 Oakland Avenue, Nashua, NH
Elizabeth Lewis, 40 Stark Street, Nashua, NH
Elizabeth Paulino, 6 Amory Street, Nashua, NH
Elizabeth Rousseau, 43 Fowler Rd, Epsom, NH
Elizabeth Scarchilli, 4 Hooker Street, Nashua, NH
Emily Dingee, 7 Profile Circle, Nashua, NH
Eric Fournier, 20 Cheshire Street, Nashua, NH
Eric McGee, 73 Berkeley Street, Nashua, NH
Eric Munger, 93 A&B Harbor Avenue, Nashua, NH
Ericka, 12 Amble Road, Nashua, NH
Ericka Haddad, 12 Amble Road, Nashua, NH
Erin Dinan, 5 Everett Street, Apt 201, Nashua, NH
Erin Morehouse, 2 Strawberry Bank Road, Apt 13, Nashua, NH
Faith LaFlamme, 4 Marshall Street, Nashua, NH
Faye Maria, No Address Given
Fisto Ndayishimiye, 4 Park Street, Concord, NH
Frances Ku, 8 Penny Lane, Nashua, NH
Frances Nutter-Upham, 3 Fulham Street, Nashua, NH
Frank & Paula Iovieno, 37 Orange Street, Nashua, NH
Frank Gurrisi, 3 Shoalcreek Road, Nashua, NH
Frank Latour, 57 Palm Street Apt 339, Nashua, NH
Fred Shirley, 111 Atherton Avenue, Nashua, NH
Gail, 36 Foxmoor Circle, Nashua, NH
George Eross, 15 Century Road, Nashua, NH
George Lester, 23 Bicentennial Drive, Nashua, NH
Geri Davidson, 5 Harris Street, Nashua, NH
Gibran Mancus, 123 Sunny Oaks Terrace, Strafford, NH
Grace Tavares, 26 Paxton Terrace, Nashua, NH
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Gwen, No Address Given
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J. David Mersfleder, 14 Stevens Street, Nashua, NH
James Lahaie, 42 Bay Ridge, Nashua, NH
James Silk, 133 Haines Street, Nashua, NH
Jan Schmidt, 11 Pope Circle, Nashua, NH
Janakira Senthilnathan, The Flume, Amherst, NH
Janet Knisley, 313 Brook Village Road, Apt 3, Nashua, NH
Jeanne Deacon, 20 Clearview Drive, Nashua, NH
Jeanne Imbimbo, 21 Edwards Street, Nashua, NH
Jeannie Levesque, 9 Caleb Street, Nashua, NH
Jena DiPinto, 18 New Searles Road, Nashua, NH
Jenn Morton, 485 Boston Post Road, Amherst, NH
Jennifer Carson, 4 Sequoia Circle, Nashua, NH
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Jennifer Dening, 18 Cedar Street Apt B, Nashua, NH
Jennifer Foden, 4 Hughey Street, Nashua, NH
Jennifer Harris, 56 Newbury St, Nashua, NH
Jennifer Scarpatti, 22 Bryant Road, Nashua, NH
Jennifer Syas, 28 Wason Avenue, Nashua, NH
Jessica McCoy, 34 Willow Street #1, Nashua, NH
Jessica Norris, 9 Middle Street, Nashua, NH
Jessica Price, 21 Midridge Circle, Londonderry, NH
Jim Fortin, 20 Carmine Road, Nashua, NH
Joanne Pyne, 27 Will Street, Nashua, NH
Joanne St. John, 25 Beauview Avenue, Nashua, NH
Jocelyn Noueiri, 5 Rosecliff Drive, Nashua, NH
Joe Berkeley, 5 Marian Lane, Nashua, NH
Joe Wild, 5 Sawyer Street, Nashua, NH
Johanna Newbold, 70 Bluestone Drive, Nashua, NH
John Barry, 15 Valiant Lane, Nashua, NH
John Bolduc, 101 Burke Street, Nashua, NH
John Erik Strom, 12 Forest Street, Nashua, NH
John McCannon, 13 Ashland Street, Nashua, NH
John Rowntree, 27 Hall Avenue, Nashua, NH
Jon Naso, 117 Gilson Road, Nashua, NH
Jonathan Leake, 7 Haines Street, Unit B, Nashua, NH
Joseph Michon, 10 Caleb Street, Nashua, NH
Joseph Olefirowicz, 35 Newbury Street, Nashua, NH
Joseph Perez, 39 Harvard Street, Nashua, NH
Josh Billings, 29 Drury Lane, Nashua, NH
Judi Lindsey, 822 North Rd, Candia, NH
Judith Blachek, 560 South Main Street, Nashua, NH
Judy Loftus, 4 Dartmouth Street, Nashua, NH
Julia Gavin, 101 Lund Road, Nashua, NH
Julia Widtfeldt, 65 Atherton Avenue, Nashua, NH

Julianne Smith, 380 Back Road, Dover, NH
June Caron, 24 Montgomery Avenue, Nashua, NH
June Lemen, 18 Manchester Street, Nashua, NH
June Zola, 10 Woodcrest Drive, Nashua, NH
Justin Kates, 65 Harbor Avenue, Nashua, NH
Justin Munroe, 3 Carmine Road, Nashua, NH
K. Shoemaker, 53 Concord Street Unit 1, Nashua, NH
Karin Berkeley, 5 Marian Lane, Nashua, NH
Kate Butler, 31 Cannon Drive, Nashua, NH
Kathleen Abel, 41 Manchester Street, Nashua, NH
Kathleen Abel, 41 Manchester Street, Nashua, NH
Kathleen Bernard, 2 Clocktower Place, Nashua, NH
Kathleen Bernard, 2 Clocktower Place, Nashua, NH
Kathleen Quint, 21 Foxgove Court, Nashua, NH
Kathleen Reilly, 150 Westwood Drive, Nashua, NH
Kathleen Tereshko, 9 Clearview Drive, Nashua, NH
Kathleen Tereshko, 9 Clearview Drive, Nashua, NH
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Kayleigh Coates, 1465 Hooksett Rd, Hooksett, NH
Keith Thompson, 119 Temple Street, Apt 105, Nashua, NH
Kelli Taylor, 10 Ingalls Street, Nashua, NH
Kerry Hooper, 22 Massachusetts Drive, Nashua, NH
Khrystyne Fahey, 24 Sanborn Drive, Nashua, NH
Khushnam Vimadalal, 48 Cathedral Circle, Nashua, NH
Kim , 27 Wason Avenue, Nashua, NH
Kim Hester, 43 Caldwell Road, Nashua, NH
Kristen Bryant, 43 Monza Road, Nashua, NH
Kristen Kelley, 3 Hooker Street, Nashua, NH
Kristine Healey, 45 Berkeley Street, Nashua, NH
Kristinia Hubley, 22 Berkeley Street, Nashua, NH
Kyle Corrigan, 6 Pasadena Avenue, Nashua, NH
Lauren Ruiz, 5 Webster Street, Apt 2, Nashua, NH
Lauren Terry, 20 Cheshire Street, Nashua, NH
Laurie Ortolano, 41 Berkeley Street, Nashua, NH
Leigh Rioux, 20 Eastbrook Drive, Nashua, NH
Linda & Joseph Michon, 10 Caleb Street, Nashua, NH
Linda Barrow, 40 Dearborn Street, Milford, NH
Linda Gillet, 34 Franklin Street, Ste 127, Nashua, NH
Linda Harrison, 27 Delaware Road, Nashua, NH
Linda Michon, 10 Caleb Street, Nashua, NH
Lisa & Marco Rancourt, 4 Massasoit Road, Nashua, NH
Lisa Binegar, 166 Harris Road, Nashua, NH
Lisa Blais, 57 King Street, Nashua, NH
Lisa Stroming, 19 Arlington Street, Nashua, NH
Livia O'Neil-Gershon, 76 1/2 Ledge Street, Nashua, NH
Lois Cote, 52 Riddle Street, Manchester, NH

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Loretta Hubley, 22 Berkeley Street, Nashua, NH
Lori Otto, 4 Merrymeeting Drive, Merrimack, NH
Lou R, 16 Heritage Ter Apt 1, Belmont, NH
Lucas Zeb, No Address Given
Lydia Belander, 95 Bowers Street, Nashua, NH
Lydia Belanger, 95 Bowers Street, Nashua, NH
Lydia Clossso, No Address Given
Lynn Laughton, 62 Gillis Street, Nashua, NH
Lynne Trask, 33 Summer Street, Nashua, NH
Maida Latvis, 9 Manchester Street, Nashua, NH
Marcie James, 19 Cranleigh Mews, Nashua, NH
Margaret Brenner, 34 Franklin Street, Nashua, NH
Margaret Taylor, 10 Ingalls Street, Nashua, NH
Margo Smith, 19 Major Drive, Nashua, NH
Maria Barry, 14 Columbia Avenue, Nashua, NH
Maria Vargas, 171 Main Street, Nashua, NH
Marilyn Jonas, 27 Fairfield Lane, Wilton, NH
Marjorie Hogan, 67 Cannongate III, Nashua, NH
Mark Connolly, 36 East Glenwood Street, Nashua, NH
Marlena Hubley, 22 Berkeley Street, Nashua, NH
Marsha Feder, 26 Marion Drive, Hollis, NH
Marta Magnus, 5 Queensway Circle, Nashua, NH
Martha Samborn, 25 Raymond Street, Nashua, NH
Martin Storer, 9A Abbott Street, Nashua, NH
Marty Samborn, 25 Raymond Street, Nashua, NH
Mary Ann Fletcher, 3 Burlington Road, Nashua, NH
Mary Grace, 27 Russell Avenue, Nashua, NH
Mary Raven, 9 Four Winds Road, Merrimack, NH
Mary Theresa Freund, 3 Masefield Road, Nashua, NH
Matt Anastasi, 25 Meade Street, Nashua, NH
Matt Beattie, 33 Pine Street, Nashua, NH
Matt Bryant, 43 Monza Road, Nashua, NH
Matthew Kobs, 12 Kelly Street, Nashua, NH
Maura Riley, 45 Stark Street, Nashua, NH
Meagan Galvin, 89 Langholm Drive, Nashua, NH
Meg Doucette, 20 Marshall Street, Apt 309, Nashua, NH
Megan Pardoe, 2 Westray Drive, Nashua, NH
Melissa Bruneau, 29 Marlowe Road, Nashua, NH
Melissa Kosman, Crossway Christian Church, 2230 Main Street, Three Rivers, MA
Melissa Weikle, 7 Indian Fern Drive, Nashua, NH
Melliyal Annamalai, 4 Canter Court, Nashua, NH
Michael Brittan, 7 Huntingdon Lane, Nashua, NH
Michael Cooper, 19 Chester Street, Nashua, NH
Michael Mills, 7 Arbor Street, Merrimack, NH
Michael Wojcinski, 6 Cannongate III, Nashua, NH

Michelle Boudreau, 5 E Hartford Lane, Nashua, NH
Mike Brittan, 7 Huntingdon Lane, Nashua, NH
Mike Pellerin, 30 Harbor Avenue, Nashua, NH
Misty Christian, 5 Robert Drive, Nashua, NH
Monica Dove, No Address Given
N. Ackerley, 4 Gruen Lane, Nashua, NH
Nancy Dabilis, 6 Leslie Lane, Nashua, NH
Nathan Widtfeldt, 65 Atherton Avenue, Nashua, NH
Nauzar Vimadalal, 48 Cathedral Circle, Nashua, NH
Ngira, 18 Mulberry Street, Nashua, NH
Nick, 28 Biscayne Parkway, Nashua, NH
Nicole Simmonds, 81 Concord Street, Nashua, NH
Pam Correa, 16 Hunt Street, Nashua, NH
Pamela Baker, 12 Fifield Street, Nashua, NH
Pamela Beckvagni, 14 Seminole Drive, Nashua, NH
Pamela Breniser, 4 Brook Drive, Hudson, NH
Pamela Jordan, 13 Ashland Street, Nashua, NH
Patricia Martone, 2 Franconia Drive, Nashua, NH
Patricia Sendall, 28 Berkeley Street, Nashua, NH
Paul Baker, 7 Farley Street, Nashua, NH
Paula Lochhead, 4 Westbrook Drive, Nashua, NH
Peggy Breault, No Address Given
Peter Lee, 8 Hancock Street, Nashua, NH
Peter Uliano, 40 Copperfield Drive, Nashua NH
Philip Howard, 8 Aspen Court, Nashua, NH
Raymond Guarino, 59 Elgin Street, Nashua, NH
Rebecca MacKenzie, 7 Glenwood Drive, Claremont, NH
Rena Lias, 32 Deerhaven Drive, Nashua, NH
Rhianhna Rakip, 19 Knowlton Road, Nashua, NH
Rick and Alice Weber, 108 Lille Road, Nashua, NH
Rick Mitchell, 27 Raymond Street, Nashua, NH
Robert Dewey, 23 Church Road, Bedford, NH
Robert Feder, 26 Marion Drive, Hollis, NH
Robert Kinville, 4 Chase Street, Nashua, NH
Robert Rothman, 3 Lucier Street Unit F, Nashua, NH
Robery Graybill, 3 Clovercrest Drive, Nashua, NH
Roger Doucette, 20 Marshall Street, Apt 309, Nashua, NH
Roger Weinreich, 110 Main St, Keene, NH
Roland Brito, 5A Berkeley Street, Nashua, NH
Rony Camille, 79 Chandler Street, Nashua, NH
Rose Wild, 5 Sawyer Street, Nashua, NH
Ruth Cannava, 2 Drury Lane, Nashua, NH
Salem Quinn, 7 Tacoma Circle, Nashua, NH
Sally Clay, 11 Leybridge Dr, Hudson, NH
Sandra , 25 Danbury Road, Nashua, NH
Sandra Logan, 30 Chester Street, Nashua, NH

Sandra Logan, 30 Chester Street, Nashua, NH
Sara Baldwin, 23 Eastman Street, Nashua, NH
Sara Gual, 122 Coliseum Ave, 301, Nashua, NH
Sara Landry, 462 South Main Street, Nashua, NH
Sarah Pringle, 11C Street, Nashua, NH
Sascha Potzka, 24 Perry Avenue, Nashua, NH
Sean Murphy, 14 Dow Street, Nashua, NH
Seth Stephens, 60 Cox Street, Nashua, NH
Shane Zeman, 77 Avon Drive, Nashua, NH
Shanna Demers, 15 Scotchpine Lane, Merrimack, NH
Sharon Giglio, 29 Taschereau Boulevard, Nashua, NH
Sharon Mylott, PO Box 816, Charlestown, NH
Sharon Thompson, 19 Kelly Street, Nashua, NH
Shelley Devine-Connors, 7 Timothy Drive, Nashua, NH
Sherry Dutzy, 18 Swart Terrace, Nashua, NH
Sonia Prince, 49 Tufts Drive, Nashua, NH
Stephen Koble, 33 Lund Road, Nashua, NH
Steve Hedges, 21 Beverlee Drive, Nashua, NH
Steve St. Lawrence, 9 Bartemus Trail #104, Nashua, NH
Steven Freund, 3 Masefield Road, Nashua, NH
Sumana Serchan, 23 Normandy Way, Nashua, NH
Susan Barber, 79 Fairview Avenue, Nashua, NH
Susan Cooper, 19 Chester Street, Nashua, NH
Susan McLaughlin, 37 Robin Hood Road, Nashua, NH
Susan Vail, 28B Norton Street, Nashua, NH
Syed Jafri, 50 Majestic Avenue, Nashua, NH
Sylvie Stewart, 44 Spring Cove Road, Nashua, NH
Tania Londone, 2 Gray Avenue, Nashua, NH
Taylor Barry, No Address Given
Taylor Torbin, 9 Summer Street, Nashua, NH
Teresa Morgan, 40 1/2 Arlington Street, Nashua, NH
Terra Trees, 8 Temple Place #2, Nashua, NH
Tess George, 18 Shingle Mill Drive, Nashua, NH
Tessa Ali, 10 Rocky Hill Drive, Nashua, NH
Thomas Stepan, 14 Biscayne Parkway, Nashua, NH
Tim Cunningham, 41 Cathedral Circle, Nashua, NH
Tim Sennott, 62 Underhill Street, Nashua, NH
Timothy Kopczynski, 3 Maple Street, Concord, NH
Tina Marie Smith, 30 Front St, Apt 612, Nashua, NH
Tina Panagulis, 93 A&B Harbor Avenue, Nashua, NH
Tina Rufo, 21 Bradford Street, Nashua, NH
Tom Dunlea, 160 Daniel Webster Highway, Nashua, NH
Tom Wentworth, 39 Marie Avenue, Nashua, NH
Tom Woodward, 18 Nottingham Drive, Nashua, NH
Tonia Knisley, 83 Major Drive, Nashua, NH
Valerie LaVoice, 8 Bartlett Avenue, Nashua, NH

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Vena Diky, 29B Hanover Street, Nashua, NH
Vicki Shaffer, 50 East Pearl Street Apt 207, Nashua, NH
Wayne Blair, 2 Birchwood Drive, Nashua, NH
Wendy Sharpe, 14 Hill Street, Nashua, NH
Will Cox, 9 Mizoras Drive, Nashua, NH
Will Darby, 13 Jensen Street, Nashua, NH
William Darby, 13 Jensen Street, Nashua, NH
William Schaefer, 3 Shawnee Drive, Nashua, NH
Xavier Quinn, 7 Tacoma Circle, Nashua, NH
Yakov Rombe, 6 Jewell Lane, Nashua, NH
Zachary Maynard, 10 Plymouth Avenue, Nashua, NH
Zia Khadaroo, 37 Schwinn Drive, Nashua, NH

Mr. LeClair thanked everybody's participation tonight. It's a long meeting and they are still in process. We have exceeded our time slightly, he appreciates everyone speaking as quickly as possible, but we have gone over the two hour limit that he set at the beginning of the meeting. At this point he is looking for the Board to make a decision on whether it is appropriate to table this application at this time. We have it scheduled for April 6th, so we would table to that date. Public comment at that meeting is up to the Board, it seems pretty reasonable to him. We would need to make that decision when we open up that meeting.

MOTION by Mr. Bollinger to continue A21-0299, A21-0300, and A21-0301 to the April 6, 2023 meeting

SECONDED by Mr. Hirsch

Mr. Bollinger said he is trying to wrap his head around what the framework of the next meeting will be. And by that, he doesn't know if the applicant has new expert testimony to present. Obviously they will be given opportunity to respond to the public comment, but he's trying to tee this up in a way that they get a chance to respond but is not sure of the framework.

Mr. LeClair asked staff for guidance.

Mr. Durfee said the request to keep the public hearing open and allow people to speak earlier in the evening is quite reasonable. We did discuss earlier about the possibility to have technical professionals, specifically Sanborn Head and Associates, speak to the air quality issues, and plan to have them either in person or remotely to speak on April 6th to those. The applicant may also do something similar. We do reserve some time during that evening to

cover some technical items, we have been keeping notes of technical questions and hope to answer them at that time.

Mr. Bollinger said the only other thing he would add, and he's not trying to restrict anyone's ability to speak for or against, but they're approaching hour 5 of testimony here tonight. If it's another 5 hours, in the back of his head he is wondering if they should be thinking about it two weeks from April 6th. He doesn't want to cut anyone short, but when you're approaching the 5 hour mark it's a lot of absorb in one evening. That's a comment, not necessarily a question. There's a burden, and he doesn't want it to be on the folks who feel the need to speak on this matter.

MOTION CARRIED 5-0

OTHER BUSINESS

1. Review of tentative agenda to determine proposals of regional impact.

MOTION by Mr. LeClair that there are no items of regional impact

SECONDED by Mr. Bollinger

MOTION CARRIED 5-0

DISCUSSION ITEMS

None

MOTION to adjourn by Mr. Bollinger at 11:28 PM

MOTION CARRIED 5-0

APPROVED:

Mr. LeClair, Chair, Nashua Planning Board

DIGITAL RECORDING OF THIS MEETING IS AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS OR CAN BE ACCESSED ON THE CITY'S WEBSITE. DIGITAL COPY OF AUDIO OF THE MEETING MAY BE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.

Prepared by: Kate Poirier

Taped Meeting