

EXPANDED DRAFT MEETING SUMMARY
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NASHUA CITY PLANNING BOARD

April 6, 2023

The regularly scheduled meeting of the Nashua City Planning Board was held on April 6, 2023 at 7:00PM in the 3rd floor auditorium in City Hall AND via Zoom virtual meeting.

Members Present: Scott LeClair, Chair
 Adam Varley, Vice Chair
 Maggie Harper, Secretary
 Dan Hudson, City Engineer
 Ald. Derek Thibeault, Alt.
 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 23, 2023

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

SECONDED by Ms. Harper

MOTION CARRIED 4-0-2 (Hudson, Varley abstained)

COMMUNICATIONS

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

- **Other Business #2**
 - Memo from Planning Manager Sam Durfee
- **A21-0299, A21-0300, A21-0301, & A21-0302 - 145-149 Temple St**
 - Memo from Planning Manager Sam Durfee
 - Memo from applicant engineer Richard Maynard
 - Updated plans
 - Memos from Sanborn Head & Associates
 - Multiple abutter correspondences; letters that did not meet the deadline will be supplied in the next packet

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REPORT OF CHAIR, COMMITTEE, & LIAISON

None

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. Be courteous to those who are speaking.

Mr. LeClair said he will start by talking about the schedule for this meeting. We have several things on the agenda. First order of

business they will take up is the 145 Temple Street application. We ended in our last meeting in a public comment session. His intent is to reopen that session for a one hour period. At the conclusion of that public comment session, they will move into an applicant rebuttal session. Based on communications with the application, he anticipates that they will ask for a continuance at that point. That continuance is likely to be based on information received subsequent to the last meeting. The Board will vote on that continuance, and likely will be continued to a meeting in May. The details will come out as they work through the meeting itself.

Mr. LeClair said his opinion is that the Board is unlikely to go into a public meeting session tonight, and is unlikely to make a decision on this particular application. Then they have a couple more items on their agenda to follow up after that. So everyone understands, that's probably what will happen tonight.

OLD BUSINESS - CONDITIONAL USE PERMITS

None

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]**

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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]**

MOTION by Mr. Varley to remove A21-0299, A21-0300, and A21-0301 from the table

SECONDED by Ald. Thibeault

MOTION CARRIED 6-0

MOTION by Ms. Harper to reopen the hearing for A21-0299, A21-0300, and A21-0301, for a public comment session to last one hour

SECONDED by Ald. Thibeault

MOTION CARRIED 6-0

Mr. LeClair said he would like folks that want to speak to line up on the side by the podium. Those who did not speak at the last meeting he would like to hear first. Those who did speak at the last meeting need to allow those who didn't to speak first. We have an hour, so please be courteous of those behind you.

Dr. John Durant, Environmental Monitoring Partners, 11 Wachusett Ave, Arlington MA

Dr. Durant said his firm specializes in air quality monitoring and modeling. He has expertise in those areas, a PHD in environmental engineering, and is a licensed professional engineer in the state of Massachusetts.

Dr. Durant said Atty. Manzelli spoke on behalf of her client, Riverfront Landing, and referenced a letter he wrote with his colleague Dr. Hudda, regarding their concerns about air quality impacts the proposed plant will have on downwind communities and could exacerbate existing environmental disparities.

Dr. Durant said tonight he would like to review that letter with the Board, and bring to their attention supplemental information that would have bearing on their deliberations. In their March 20, 2023 letter, they made three points. One is that the pollution controls on the HMA plant are really designed for particle removal, not for gases. Most of the gases are going to go right through

that bag house and impact downwind communities. The gases modeled by the applicant were benzene and formaldehyde; there are a lot of other chemicals that will come out with those. Many of them are ozone precursors, many are toxic, many of them will form secondary organic aerosols that cause additional pollution problems.

Dr. Durant said the second concern is that diesel emissions from trucks coming in and out of the plant were not considered in any of the documentation he received. There's going to be hundreds of trucks going in and out of the facility on a daily basis, including materials brought in for the aggregate. The trucks bringing out hot mix asphalt were considered, but the other trucks bringing in materials were not. In aggregate or total, none of these diesel emissions were considered.

Dr. Durant said his third concern is that none of this is going to improve air quality in the vicinity of that plant. All of these things will be additional burdens to what they already face. This will exacerbate air quality impacts and worsen environmental disparities.

Dr. Durant said the second point is the supplemental information that brings him here tonight. He drafted a letter and can supply copies, and has a few slides he would like to show.

Mr. LeClair said they have it. He can also leave a copy with staff.

Dr. Durant said he has two points. The first is represented by the wind roses showed. Wind roses show all the wind measurements made at a single point over the course of a certain period of time. The figure on the left is from Concord, and the figure on the right is from Nashua. The colored spokes show the direction the wind is coming from, and the frequency of wind speed and direction. The majority of the wind being measured at the Concord airport is from the northwest, measured over the course of one year or five years.

Dr. Durant said the figure on the right is from the Nashua airport, five years of record from 2018-2022. It shows a very similar situation, air movement patterns in Concord and Nashua are the same. Nashua shows a little bit more frequent northwest winds. This has bearing on the next slide.

Dr. Durant said the next slide shows the proposed location of the asphalt plant. Because of the prevailing winds in Nashua, this shows the dispersion patterns of emissions that would be coming

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out of the plant. It shows the downwind communities that are impacted by the dispersion patterns, out to about half a mile at an arc of 100-degrees. He didn't see any of that information in what the applicant presented.

Dr. Durant said the bottom line here is that the plant is really not going to improve air quality in the area. In fact, it will worsen it. It will increase the amount of pollutants in an already burdened community. It'll exacerbate environmental iniquities.

Linda Koenig-Huske, 9 Shattuck St, Nashua, NH

Ms. Koenig-Huske said she lives one mile away from this site as the crow flies. She agrees with all the thoughtful and well-researched points that have been made by the citizens and representatives at these meetings. She would like to say something on behalf of senior citizens that reside in Nashua. Currently there is senior housing, a senior center, a bingo hall, restaurants, and shops that are within close proximity of the proposed asphalt plant. These seniors have worked hard and helped build this city. She is a senior who has lived in Nashua for 40 years, raised a family, worked in the healthcare field, paid taxes when she could. Now in retirement she would like quite enjoyment, recreation, and a clean environment to be available in the city she lives in.

Ms. Koenig-Huske said she feels she can speak on this because she grew up a quarter mile from an asphalt plant, from birth to ten years. At age two she was hospitalized for heart and lung problems. She then became a sever asthmatic, which has plagued her for her entire life. Her father died at age 66 of cancer, he lived there longer than she did. Asphalt plants are dangerous. She doesn't care what their experts are telling you, the chemicals have not changed. They're still as toxic. Just from listening to the presentations at these meetings, she feels the applicant will ignore the regulations and do whatever they want. After all, there's money to be made. She also thinks the city would have difficulty enforcing these regulations once they get their foot in the door. As others have stated, they don't always play by the rules. The citizens of Nashua do not want, need, or deserve to have an asphalt plant put in our midst.

Ms. Koenig-Huske said she urges the Board to consider three most important things. Number one, the residents. Number two, the environment, clean air, clean water. Number three, the infrastructure of the city. All these things will be severely

affected by the asphalt plant. She doesn't know how much time she has left on this planet, but she doesn't want to live downwind of an asphalt plant. Been there, done that.

Andrea Rebeck, 111 Atherton Ave, Nashua, NH

Ms. Rebeck said she submitted her written testimony. She will not read it again, but these are the highlights. She wants them to look at it, as it contains the backup for her statements tonight. She quotes the law, she quotes some correspondence from the city, engineers, and consultants, so if you need more clarification you'll find it there.

Ms. Rebeck said she contends that the proposed project does not comply with the standards and criteria of the Land Use Code, and thus the application should be denied. She refers to chapter 190-19(B), entitled Specific GI Criteria. The following standards apply to the GI zoning district. The first standard has the following location criteria and states these "shall be used in consideration of the placement of this district, and the type and arrangement of the uses within it". Three criteria are listed here. The third one, 190(B)(1)(c), states that "GI districts shall have direct access to arterials and/or major collector streets. GI districts shall not have access to a local street. Secondary or emergency access may be from a local street". Commercial Street is a local street. It is not an arterial like Route 3 or the Everett Turnpike. It is not a collector street, like Daniel Webster Highway at the south end of town.

Ms. Rebeck said Table 207-1 of the Land Use Code gives street classifications, and defines a local street as one that does not fit the description of the other two. Not a very strong definition, but that's what it is. However, it makes one very strong statement, "through traffic usage discouraged". The proposed project relies on having very heavy trucks exit directly onto a local street of one truck every 2-3 minutes. This is clearly in violation of the specified criteria that traffic shall be routed directly to an arterial or collector, but not onto a local street.

Ms. Rebeck said a lot of those who have spoken in opposition to this application have stated that the proposed asphalt plant is in the wrong place. The portions of the Land Use Code she has quoted show that the law states this very clearly. On the basis of that, she would urge the Board to deny this application.

Barbara Dedousis, 4 Shelburne Road, Nashua, NH

Ms. Dedousis said she is a Nashua native, as was her father. She knows emotions are not supposed to be a part of this whole speech of what we're doing right here, our comments, but watching the Zoom meeting last week, it was extremely infuriating to see Atty. Prunier talking about how they have to be thinking about here and now, not about the future. We do have to be thinking about the future, because we are getting away from the general industry and moving into the Master Plan, which is for open space, greener space, pedestrian friendly. That is the way we're supposed to be moving, greener, not more towards this type of industry.

Mr. LeClair corrected Ms. Dedousis that the applicant attorney is Atty. Prolman. Atty. Prunier passed away.

Ms. Dedousis said Atty. Prolman also said that the job of the Zoning or Planning Board is to assist the developers. But she thinks the job of the Planning Board, their obligation, is to the residents. As a teacher at Elm Street Middle School she's thinking of their kids every day. She's constantly thinking of the future of our children, and that this is what they're leaving for them. We have enough issues with hazardous waste we're dealing with at the tannery, and we need to be thinking about what we're doing here.

Susan Elberger, NH State Representative, Hillsborough 5, 11 Birch Hill Drive, Nashua, NH

Ms. Elberger said she serves on the Ways and Means Committee in the House of Representatives. It's a committee that focuses on the finances of proposed legislation, particularly the revenue aspects. You've heard a great deal about the health issues, noise, and environmental impact of this proposal, she would like to focus on the traffic issues, especially since they don't only have an impact on the communities near the asphalt plant, but on the whole city.

Ms. Elberger said for those who are saying, I don't live there why should it matter, she'll try to explain. The asphalt people have been telling us that they expect to have 300-500 trips per day of trucks picking up and dropping off loads and supplies for making asphalt. Clearly, not all is going to be used in the area around the plant. They'll be going to construction sites in Nashua and surrounding communities. How will they get there? They'll be

driving on the same streets we use for all the other purposes we use our streets for. Buying groceries, dropping off and picking up children from school, going to work and medical appointments, restaurants, shopping.

Ms. Elberger said the 300-500 trips per day average between 33-56 trucks per hour. It's doubtful that they will be going evenly throughout the day. In fact, they have told us at peak times there may be 100 trucks per hour. That means there will likely be clumps of trucks, bunches together, and breaks in between. If they're going to Route 3 by West Hollis Street, they'll be going through nine traffic lights and returning through Kinsley Street involves eight traffic lights. In addition, going from Route 3 to the facility involves going past two hospitals, St. Joseph and Southern NH Medical, including the emergency rooms for both. What happens if an ambulance has to get to the emergency room and there are 3-4 trucks in front of the entrance. Trucks take time to stop and start again, and make a lot of noise doing so.

Ms. Elberger said for trucks going to Hudson and Keene, Amherst and Hollis, they will be going on streets that are not built for the heavy traffic that will be involved. Bridge, Lowell, Canal, Main, Broad and Amherst Streets, in addition to Temple Street, are only some of the streets that will certainly see significant increases from the asphalt trucks delivering and picking up asphalt.

Ms. Elberger said finally, the traffic pattern that has been suggested by the plant proponents includes entering through Temple Street and exiting through Commercial Street. This would mean that the departing trucks would leave by Commercial Street and turn left on Temple Street, so that trucks would have to pass each other on a very narrow street. Or, if the trucks go from Commercial Street to East Hollis Street, they have to go on a very narrow road under the old rail bridge, take a 90-degree turn as they go. Then they either have to take another 90-degree turn onto East Hollis Street towards Hudson, or a 180-degree turn to get on East Hollis going towards Main Street. Her Toyota wasn't happy about doing this, she can't imagine a large heavy truck trying to make these turns.

Ms. Elberger said in short, the amount of traffic, mostly on surrounding streets and also throughout the city from 6AM-3PM, is a problem that affects not only nearby residents but also the entire city. The increasing wear and tear will require much more

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frequent repaving and repair, making any projected financial benefit from taxes much lower than hoped, or even worse, a loss. She said the project doesn't make sense for Nashua, and urges the Board to turn down this proposal.

Jon Naso, 117 Gilson Road, Nashua, NH

Mr. Naso said he wrote two letters of opposition, he won't waste any time rehashing them. He went on the website to see when they were going to convene again. He is quoting from the mission statement, which reads that "the Planning Board shall promote public interest in and understanding of the Master Plan and the official map of the city as here and after provided, and it shall do all things necessary and incidental to the promotion and execution of said plan and map". He hopes the Board stays on mission when they make their final decision.

Rev. Allison Palm, 14 Sawyer Street, Nashua, NH

Rev. Palm said she serves the Unitarian Universalist Church here in Nashua. She is here to read a statement from eight faith leaders in the community.

Rev. Palm said she is here speaking for members of the interfaith community, many of whom could not be here because they are observing two important holidays. Tonight many Christians are commemorating holy Maundy Thursday, when Jesus shared the last supper with the disciples, bending down to wash their feet and commanding them to love one another in the same way as Jesus loved them. Their Jewish siblings are celebrating the second Seder of Passover, a holiday that celebrates the Israelites escape from slavery in Egypt. The themes of these two holidays are noteworthy this evening. Both of these ancient stories speak to a vision without violence and persecution, particularly to those who are overlooked by our society. Passover is all about liberation, and the vision of a world redeemed from exile and slavery. Similarly, Jesus's core message was the vision of a world free from the forces of empire and domination, and centered on justice for all people. Even on Maundy Thursday, the eve of his crucifixion, Jesus rejected the use of violence, reaching out to heal one who had come to arrest him. In this season of holy days, we are considering a proposed asphalt plant. Against the backdrop of stories of liberation and defiance of empires and violence, we believe our faith traditions give us an imperative to speak out with our neighbors against this proposal.

Rev. Palm said we do not believe this asphalt plant will have a low impact on the neighborhood and larger community. Bringing in this type of industrial development would bring great harm to the quality of life for people in the neighborhood, causing pollution, traffic issues, and stress. It would endanger the health and wellbeing of the hundreds of people who make their home in the vicinity of the proposed plant. Despite the claim that this is an industrial area, the site is surrounded by housing that already exists, housing that has been approved by this body to be developed in the coming months, and robust collection of social service agencies who serve vulnerable people in the city. An asphalt plant is not compatible with the existing uses of the surrounding area. Building an asphalt plant in this location would be an act of violence to the community that is already there and to those that will come in the future. Our faith traditions call us to speak out against violence, especially when it disproportionately affects the most vulnerable people among us. We urge the Board in the name of compassion and love to reject the proposed asphalt plant and preserve the vision for a just and equitable Nashua as expressed in the Master Plan.

Saida Deleon, Arlington Street, Nashua, NH

Ms. Deleon's testimony was in Spanish, translated by Ms. Angela Mercado. 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. Deleon said she has lived for more than 22 years in the Arlington Street area. She is not in favor of this project because it can cause health issues. She has spoken with many families around the area to talk about the project. Her husband has been working for an asphalt company for more than 11-years. Due to him working so many years, he and his coworkers have developed cancer and respiratory problems. She doesn't want her grandchildren to go through this experience. She thanked the Board for listening.

Asela Uyowa, 525 Amherst Street, Nashua, NH

Ms. Uyowa's testimony was in Spanish, translated by Ms. Angela Mercado. 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".

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Ms. Uyowa said she lives in Amherst Park. She has been living in Nashua for 18 years. She is here to represent the community, the churches, and the schools that are nearby the project. We are against this construction near that area. It is considered to be toxic for our health and the environment. She does not want this for her family, her grandchildren, the community, and everyone here. Everything that can happen about having the trucks and how loud they can be. She thanked the Board for listening.

Berta Denton, 52 Atherton Ave, Nashua, NH

Ms. Denton said she sent a letter and would like to read part of it. She is a 30-year resident, her husband and she moved up here in 1993. When they moved here, Nashua was almost a dying city. We moved up from Boston, and were here a few weeks, Millers was going out of business. They wondered if they made a mistake coming up here. Since then, Nashua has blossomed. They have lived to know they made the right decision. At this point she is delighted to live in Nashua.

Ms. Denton said she was at the March 23rd meeting and got to hear the company executive's plan to develop 145 Temple Street. They certainly put a slick coat of red paint on the smoke stacks and the exhaust pipes they're going to build. The before and after pictures couldn't be a more convincing argument to deny the approval. The show and tell didn't capture the deleterious exhaust fumes and the odor and commotion caused by 150 trucks coming and going a day, 8 hours a day, 6 days a week. She is glad for the discussion about wind factors and chemical exhaust, and glad for the discussion about traffic commotion on the city and roads. She could imagine that happening. The testimony of the woman who spoke to the safety of the emissions from the asphalt company cited sources that she is certain had to be verified by research studies far more probing than the toxicologist in her diatribe.

Ms. Denton said when we talk about city life and what makes a city livable, we always talk about what city planners and government officials do to make our city better for our residents. The website cites that. She was a resident of New York City, and when we see sky views of Central Park and Prospect Park in Brooklyn, and even Boston with the Boston Common and the Arboretum, these grassy parks are surrounded by sky scrapers and luxury apartments. This planning all happened more than a century ago, because the planning commissions and forward thinking individuals were thinking about setting aside space to make cities more livable. We are at a

junction in Nashua, making a decision that the next generations will either applaud or vilify them for. How can it be the right decision to approve an asphalt plant in the middle of multiple housing units and single homes of a major urban center that's in the middle of this beautiful city they are trying to bloom?

Tonia Knisley, 83 Major Drive, Nashua, NH

Ms. Knisley said she has been a Nashua resident most of her life. She is a mom and raised her kids here, she has grandchildren in Nashua. Her greatest concern is that they are going to Dr. Crisp school, this asphalt plant will bring toxic chemicals to them which will impair their breathing, growth, and brain processing. She does not want a repeat of what has happened in the past; in behind Dr. Crisp they have already had a garbage dump. When her children were young they had to close that whole area off, dig it up, it was unusable. It looks perfect now, but the lengths they had to go through and the layers they had to bring up to make it livable again was hugely expensive, not only in our pockets but in our lives. She is against this fully, and hopes the Board will consider their health and wellbeing in this decision.

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

Rev. Besada said she is one of the pastors at Main Street Methodist Church. She initially intended only to speak last time, but over the last two weeks she has been increasingly troubled by the applicant's characterization of the Temple Street neighborhood and surrounding area. According to the slideshow, we saw dumpsters and dirt piles and paved parking lots. As a housing advocate, she has known this area for a long time. She wanted to be certain that she was operating from a factual, not sentimental framework, so she went to the city's GIS maps. She stuck a pin in the proposed asphalt plant site, and asked for a quarter mile buffer to see what was there, then again at a half mile. There was housing for thousands of people, small scale industry that could also fit into Park Industrial or General Business zones, it didn't need General Industrial. There were lots of small family owned stores, restaurants, barber shops, hair shops, supply stores, and of course Make-It Labs, that hosts a high school robotics team, this is one of the coolest creator spaces she has ever seen.

Rev. Besada said what she also found is the backbone of Nashua's social services network. Within a quarter mile radius of this site she found Southern NH Services, Corpus Cristi Food Pantry &

Assistance, Catholic Charities, Family Promise of Southern NH, Casimir Place, and Gateways. These agencies serve people needing WIC and emergency food services, fuel, electric, and rental assistance, veteran services, early education and daycare for low income families trying to rise through employment and education. There were parenting and adoption resources, funds for dental care and dentures, transitional housing for families in crisis, affordable, permanent, income based housing. There was immigration legal services, a senior day program, and services, equipment, and respite care for those with developmental disabilities, autism, and chronic illness. That's within one quarter mile.

Rev. Besada said within a half mile, she found the Arlington Street Community Center, Dr. Crisp school, the Nashua senior activity center and senior housing, June Caron Park, the Davita Dialysis Center, the Toll Street Mission and Food Pantry, the Hope Center for Women, and the Nashua Soup Kitchen and Shelter, which provides food and school supplies and a myriad of other services. There are also many churches. If you go just a few steps outside of that ten minute walk, you get the Nashua Housing and Redevelopment Authority, Greater Nashua Mental Health, The Nashua Soup Kitchen Family Shelter, The Day Café Day Program, many medical and law offices, the Hillsborough County Courthouse, the Nashua Dental Connection- which provides low cost services both to people without insurance and children from our 18 local schools- and Disabled Veteran Americans. This is a tiny little circle in the map of Nashua, and all of that is right there.

Rev. Besada said if you go a block from these things, you get to Main Street. To the new Center for the Performing Arts, to the Southern NH Medical Center, the Nashua Public Library, and so many restaurants and activities. These are all within a ten minute walk of the site. Many of these social services serve people who are walkers and do not have cars and ride bikes. The fact is that Temple Street is not a dirt pile. It is very much an alive, thriving, and striving neighborhood. This proposed plant is not only incompatible and detrimental to most of the surrounding neighborhood, but completely out of character even with the industry already there. This is exactly the kind of scenario that the site plan suitability report required by the Transit Oriented Development was put in place for. She begs the Board to reject this use and protect this critically important part of our city and its social services networks.

Sherry Dutzy, NH State Representative, Hillsborough 6, 18 Swart Terrace, Nashua, NH

Ms. Dutzy said she sits on the Environment and Agriculture Committee in the House of Representatives. One of the things she has learned about this is that there are a lot of rules and regulations NH should have in place but does not. It is her understanding that NH is what is called a Dillion State, cities and towns cannot do anything unless regulations and bills come down from the state to enable cities and towns to do it. One of the things we've been working on for the last several years is a statute that would define how far away from a waterbody a landfill should be sited. You would think that is something we would have figured out a while ago, what we have in statute right now is that you can site a landfill within 200-ft of a body of water, and that was put in effect 30-years ago and was not scientifically based. The reason she says that is right now, last year, legislation was passed to make it easier to permit what is called advanced recycling facilities. These facilities are neither advanced nor recycling, they're high-intensity incineration. Along with this, they're going to add a lot of pollutants into the air, very bad, cancerous things.

Ms. Dutzy said right now they do not have a lot of laws on the books that will regulate this. One of the things she's hearing about now at the State House is that some bills will be probably coming forward for standards for cumulative air pollution. We don't even have a baseline at this point. Then you add on more to it, and at what point have you reached the tipping point or over? She brings that to the board today because this is just the first of what will come before the Board in the coming years. The American Chemical Council has a nationwide push to get advanced recycling all over the country, this is clearly going to be an issue with air pollution, very similar to what they're going to be dealing with in making this decision with the asphalt plant. She wants to give them that perspective of what's going on at the state to make their decision.

Ms. Dutzy said she knows the Board is in a tough position. One of the things they don't want to do is, they had an expert come to their committee saying, no big deal we can remediate. Remediation is not what we should be going for, we should be going for prevention. We have a situation over in Portsmouth where we have been remediating the Coakley Landfill for the last 30-years. They have situations in Ohio where they're still remediating railroad

issues from 50-years ago. We don't want to permit something now that we're going to be remediating 10 years down the road.

Bob Simons, SMC Management, Residences at Riverfront Landing Phase II

Mr. Simons said probably what he says tonight is repetitive, he spoke at the last meeting. He wanted to emphasize their desire to have some accountability. They have heard a lot of testimony that the traffic counts were generated from industry standards, the ITE, but conflicts with what the owner or developer said he anticipates for traffic. The traffic study they have does not represent what they believe they will put on the streets. We all know that there isn't a street in or out of this that isn't already at a pretty poor level of service. You have some dissenting information that pertains to the noise, the pollution, a lot of factors not even included because the industry standard reports didn't require them to. The Board has a big challenge, they have to sort through the reports that have been given and generated by industry standards, that don't necessarily correlate to what is expected here. Once you allow this, there will be no way to undo at this level.

Mr. Simons said the other concern is, is there a way for a Planning Board to hold someone accountable to what they represent they plan to do to a community? If they represent that they're going to pollute only this much, or make that much noise, or put this much traffic on, how do you hold them accountable to that if there's a fair amount of evidence that they're not going to be able to do what is represented? He's not sure how you do that besides make conditions on the approval and hold them accountable to those.

Shawn Murphy, 2 Proctor Street, Nashua, NH

Mr. Murphy said the Board should check references on Newport Construction, references on their business on Temple Street, residential people, and particularly with the city. They have done work for the city, and past behavior is the best indicator of future behavior. It's important to find out exactly what kind of people are coming in here and what they're going to do. The Board is creating a legacy here in Nashua, do you want it to be the same or worse off, or better? What broke his heart at the last meeting is the kids that are using that to find their own path to school. These are future surgeons we're going to ask to spend sixteen hours doing a quadruple bypass on us, we don't have the minimum decency

to give them a safe path to school? We have police officers who are going to risk their lives in and out every day for us for 30-years, and we don't give them a safe path to school. He could go on and on. This is very emotional for him, he lives 300-yards away and he would expect the board to at least consider the children. The applicant is going to put some deodorant in the toxic fumes to make them taste better, but this is our future. These are the people who are going to go to war for us. We have to protect them, and putting that down there isn't going to make a difference.

Mr. Murphy said the neighborhood is already changing. Temple Street Diner used to be a mess, overgrown weeds all over the place. But he noticed as he was driving by over the past couple of years, there were high-end cars there, BMW, Infinitis Accuras. It was the people coming from the new buildings in town, the Riverstreet Apartments. Now he drives by and he sees they cut down the weeds, filled in the holes, it's a perfect parking lot. Inside it's even better. They also added \$3-4 to each menu item. It's coming up, it's raising up, and Nashua is turning around. The people in the River apartments are buying up houses in French Hill and that neighborhood because they're affordable compared to other suburban neighborhoods. They like the neighborhood, they're eating at the local Temple Street Diner. They're eating in downtown. If you want, fifty years from now, that can be the cornerstone of Nashua. If you keep bringing in the young educated professionals, that place will have restaurants and be an extension of downtown. Your legacy will be beautiful, you will be remembered as the people who did the right thing. He thanked the Board, up until this point they have done an exquisite job. The Board has listened to everybody, he feels they heard him, and all of the decisions made so far have been exquisite. But the right decision here tonight is to say no for the reasons he outlined. Don't do this to their children, they will need them.

Mr. LeClair said there are still twelve minutes left for public comment, if people still want to speak. He asked if there was anybody left in the audience, before he calls on people from Zoom.

Tim Sennott, 62 Underhill Street, Nashua, NH

Mr. Sennott said a previous speaker mentioned some characteristics asserted about the neighborhood by the applicant. Two weeks ago the applicant began their presentation by sharing a photograph of their yard, showing a materials shed on the site of Inner City Materials.

Mr. Sennott showed an image on the Zoom screen. He said this is a very similar image of the shed showed two weeks ago. The applicant cited this building as being a site buffer for residents located on Shedd's Ave, which is across Commercial Street from the proposed site. The picture provided showed the building from the vantage point that one would have if they stood on Temple Street and faced in the direction of East Hollis Street. You can see from this image here that this already illustrates a flaw in the claim that this would serve as a vision blocker. It was stated that the shed at Inner City Materials, that green building right there, as well as the Newport Construction building, would block such views. But if you stand back from this wider distance on the other side of the fence, right on Temple Street, you can see that one of the apartment buildings on Murray Court looks directly over the Newport Construction building. Already, we have one building not being buffered from where the proposed asphalt plant would be.

Mr. Sennott said in his second image, Shedd's Ave runs perpendicular to this stretch of Temple Street and has a much different vantage point than what was suggested by the evidentiary photo. Here on Shedd's Ave there are at least seven residential structures on either side of the street, four of them directly behind him where he stood to take this photo, that have an unobstructed view of the space that comprises Newport and Inner City Materials properties, including the building that currently sits where the proposed asphalt production would go into place. The actual positioning of this green materials shed relative to the residences on Shedd's Ave would ensure that maybe at best half of one building would have the proposed operations obscured by the Inner City Materials shed. In fact, even from lower elevations, which is below the stone wall on the other side of this fence, down on Commercial Street which runs parallel to Shedd's Ave, there's still visibility of where the proposed site is going to be going, only just blocked by the Newport Materials site.

Mr. Sennott said he was really happy that they brought up Shedd's Ave two weeks ago, because it was an area he was already familiar with, and this view of Inner City Materials is was already familiar with, because twenty years ago when he met his wife, she had a legal address on Commercial Street with a frontage on Shedd's Ave. This is a view he is familiar with. You can see the building that is where the proposed asphalt production would go and the Henry Hanger building in the distance.

Mr. Sennott said he would also like to take the time to further address the series of photographs the applicant shared two weeks ago conveying in their words what folks in this neighborhood look at every day. The photos depicted several instances of graffiti, materials storage, fencing, and overgrowth. One photo depicted the backside of the nearby Granite Group, which is across from Newport's main entrance on Temple Street, showing overgrowth and perhaps even signs of possible encampment. What wasn't depicted was the viewpoint from almost the exact same spot, facing in the opposite direction, which is depicted in his photo here. To the right is the backside of Granite Group, but from this vantage point you have the fence where he took the picture of the materials shed. As far as the eye can see, all the way up to the old Indian Head bank, is housing. From here you can see the most front facing of the apartments on Murray Court. The buildings are located directly behind the Newport building. Less visible but still evident from this vantage point are five residential buildings that start between Gorman Ave and Commercial Street, as well as much larger apartments farther back at Casimir Place, which is located by and within the old church here. If we step back further, one is even able to see how close in proximity the densely residential neighborhood is here starting on Murray Court to the Newport's building right here.

Mr. Sennott said another photo the applicant shared showed the materials storage yard that is currently in place across Temple Street located behind the Temple Street Diner. The photo includes a long out-of-use service garage to the right but is neatly cropped to the left so that the extension of the small traffic circle, which would extend up to Amory Street, is not visible. If we move to the left of the photo they shared we can see up the eastern side of Amory Street seven moderately sized multifamily housing units, along with additional neighborhoods running deeper to the east behind all these. Additionally, on the western side just beyond the utility poles, on the other side of Granite Group on the corner, are two large multifamily units.

Mr. Sennott said the applicant's photos depict what some who may be unfamiliar with the area may consider a strictly industrial area, but don't tell the whole story. The characteristics of this neighborhood are significantly more populated than these photos would have suggested, and to suggest otherwise is a practice of willful dishonesty recognizable by anyone who lives in this neighborhood or frequents the area. Such claims were also evident in the suggestion that the Henry Hanger building, visible in some

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vantage point or another, is sitting vacant or inactive with nothing really happening there, in spite of evidence to the contrary as recently as a rainy Tuesday last week, when workers could be spotted working in and around the building remove aging features inconsistent with future plans for the site.

Mr. Sennott said perhaps the most telling pieces of evidence in this neighborhood's identity as an improperly zoned in desperate need of reevaluation are aligned in the city code outlining standards for general industrial zones within the city, which was mentioned by a previous speaker, and are featured visible right outside of Newport Construction's entrance on Temple Street. The first, the aforementioned passage 190-19(B), states that while GI districts will have direct access to arterials or collector streets, GI districts shall not have direct access to a local street. While he would concede that streets such as Temple, Commercial, East Hollis, or even Amory might fit the definition of arterial or collector street, Nashua's zoning maps show that within this same GI zone, plainly local and densely populated residential streets such as Howard, Shedd, Worcester, Hoyts, Gorman, Scripture, Union, Robinson, Warren, Van Buren, Jackson, Belknap, C, D, E, Chase, and Hobbs Ave, all improperly fall under the GI zone. They show that Nashua's zoning needs to be reevaluated before something of this magnitude can be hazardly approved on the basis of outdated zoning that is not consistent with the characteristics of Nashua or the stated vision for 2023 or beyond.

Mr. Sennott said the second piece of evidence is affixed to a utility pole, just steps from the primary entrance to Newport Construction, and within perfect sight of the proposed location of the asphalt production facility. That would be a NTS bus stop sign, just below a sign that reads, Slow, Children. It is his opinion that the need for such a sign cautioning motorists to be cautious for children playing in and around the nearby streets would never exist in an area strictly designed for industrial use. Its presence here should be evidence enough that this area is occupied and frequented by families and children, and that an asphalt manufacturing operation is as inconsistent with the characteristic of the neighborhood as it is with the city's Master Plan. He thanked the Board for their time.

Mr. LeClair said we have time for another person on Zoom.

Chris Harrises, 10 Chester Street, Nashua, NH

Mr. Harris said he only needs a minute, but he wants to show the Board something Newport Construction did good in Chelmsford that they're not taking to Nashua.

Mr. Harris said this is the Chelmsford plant, literally a stone's throw from the highway, Route 3. What they also did, what you see in this white area, is they located the asphalt plant right next to a quarry. They get their aggregate literally step away, they don't have to go on a road. It's a great idea, brilliant. What you're also going to notice is it's not a densely populated area. There's lots of green space around it. There's little residential clusters, but nothing too bad.

Mr. Harris said if you now take a look at the same level of Nashua, you can see how densely populated it is. If we flick back and forth between the two aerials, it's not hard to see the difference. If we keep zooming out to find out how long it's going to take someone to get to a highway from there, you got a long ways to go from the city area. Once again, they did something really smart in Chelmsford. The folks that got up before him talked about all the inner streets and whatnot, but the point another gentleman made earlier was that they're going to have to bring in a lot of trucks to bring in aggregate. That's not considered in the plan. In the Chelmsford plant they didn't have to consider it, the aggregate was local.

Mr. Harris said if the Board wants to read a good article, the NPR article that talks about the \$20,000.00 groundwater violations and the noise pollution, you can't beat experience. When Ms. Koenig-Huske got up earlier and spoke about her childhood experience, getting those gases causing lifelong asthma, you can write everything on paper and it looks great on paper, but you can't beat personal experience. He thanked the Board for listening.

Mr. LeClair said we are right on time for his sixty minutes of public comment. He appreciates everyone from the public showing up, the good points that everyone has provided, and the decorum that everyone has had. It is helpful for the Board. We are going to continue on with our intended itinerary. The next step is he is going to ask the applicant to come up, and this is essentially the beginning of the rebuttal period. Atty. Prolman can indicate what they intend to present tonight.

Letters of opposition received prior to 4PM, April 5, 2023

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Ald. Gloria Timmons, 21 Shelburne Road, Nashua, NH
Alycia Fenner, 29 Wood Street, Nashua, NH
Alyson Galipeau Wilson, 131 Colgate Road, Nashua, NH
Ann Bellamy, 100 Walden Pond Drive, Nashua, NH
BCM Environmental, 3 Maple Street, Concord, NH
Berta Denton, 52 Atherton Avenue, Nashua, NH
Bob Merrigan, 76 Atherton Avenue, Nashua, NH
Bob Mook, 86 East Stark Street, Nashua, NH
Bob Trabucchi, 7 Berkeley Street, Nashua, NH
Brad Bonn, 24 Berkeley Street, Nashua, NH
Bruce Browne, 89 Atherton Avenue, Nashua, NH
Bruce Wilburn, 34 Walden Pond Drive, Nashua, NH
Carol Richards, No Address Given
Charlotte Shapiro, 39 Dublin Avenue, Nashua, NH
Dave Wilson, 20 Preserve Drive, Nashua, NH
Denise Hurt, 71 Walden Pond Drive, Nashua, NH
Denise Muccioli, 6 Midhurst, Nashua, NH
Dennis & Carol LeBlanc, 18 Edson Street, Nashua, NH
Diana Lytle, 18 Walden Pond Drive, Nashua, NH
Diane Weaver, 22 Milk Street, Nashua, NH
Dick & Cecile Pelissier, 112 Atherton Avenue, Nashua, NH
Donna Beckman, 76 Temple Street, Nashua, NH
George Karakantas, 51 Walden Pond Drive, Nashua, NH
Grace Hodges, 30 Shelburne Road, Nashua, NH
Jared Sleeper, 70 Bean Road, Merrimack, NH
Jeff Shinn, 16 Webster Street, Nashua, NH
Jenny White, 6 Cannongate III, Nashua, NH
Jessica Casale, 53 Atherton Avenue, Nashua, NH
Julia Nosel, BCM Environmental & Land Law
Katherine Viek & Arthur Pittis, 77 Dorchester Way, Nashua, NH
Ken Stonehill, No Address Given
Kristina Easton, 14 Valiant Lane, Nashua, NH
Lisa Gibson, 51 Burgundy Drive, Nashua, NH
Lorraine Arlan, 9 Lincoln Avenue, Nashua, NH
Mary Casey, 56 Alpine Street, Nashua, NH
Michael Samborn, 25 Raymond Street, Nashua, NH
Mohammed Kibria, No Address Given
Peter Provencher, 52 Spindlewick Drive, Nashua, NH
Phyllis Bowden, 28 Cathedral Circle, Nashua, NH
Priscilla Silva, 47 Intervale Street, Nashua, NH
Robert Huntley, 4 Suffolk Park, Nashua, NH
Rosemary Burnham, 27 Robinhood Road, Nashua, NH
Susan Scribner, 14 Shattuck Street, Nashua, NH
Tara Santoro, 33 Wood Street, Nashua, NH

APPLICANT REBUTTAL

Atty. Andy Prolman, Prunier & Prolman PA, 24 Trafalgar Sq, Nashua, NH

Atty. Prolman said he is here on behalf of the applicants, 145 Temple Street LLC and Greenridge LLC. With him tonight is the full team they had last time, with the addition on Zoom of co-council Atty. John Weaver from the McLane Middleton Office. We have full rebuttal prepared, but he has a continuance request he emailed in earlier today. He will speak to that.

Atty. Prolman said they are prepared to have Jason Plourde of VHB speak to traffic issues, he has been in communications with Wayne Husband and there has been some progress on that point. Dr. Laura Green is here as well, she has done additional work as a result of comments from two weeks ago, and they are prepared to have that testimony and evidence presented tonight. Then, he would ask that they Board continue the hearing to allow us time to address the many new items that have come in very recently. They received Mr. Durfee's memo yesterday, they received the Sanborn head updated memo yesterday, they haven't had time to review and respond. Likewise, they have appraisals to address and the Walker memo from the Conservation Law Foundation. They ask to be given time to address those. They don't want this to drag on any longer than anyone else, but they want a fair hearing for the applicant to address these new concerns.

Mr. LeClair asked staff if someone from Sanborn Head & Associates was here tonight.

Mr. Durfee said yes, Steve Zemba is here with us via Zoom.

Mr. LeClair said what he might do is have Mr. Zemba first, then VHB, then Dr. Green, and then hear a continuance.

Steve Zemba, Sanborn Head & Associates, 187 Saint Paul Street, Suite 201, Burlington, VT

Mr. Zemba said he will give a quick summary of the report they have prepared for the city. They have been reviewing materials provided by the applicant. He is an engineer of a consulting company, and would like to give a quick summary of what they looked at, what they're seeing, and what they recommend the facility do. He has worked for hot mix asphalt plants, and as a third party

reviewer on hot mix asphalt plants, so he has been on both sides in terms of people proposing them and people reviewing them. They are acting as a reviewer here, so they are looking for things that would cause problems in the community, like odors, dust, and emissions. There are some details in their report as to some of the things the applicant is proposing to curb those emissions.

Mr. Zemba said it has been said a few times tonight that those proposals are as good as the diligence you need to operate this plant. In the urban area it's in, the plant will have to operate very diligently and keep up their operations of management and maintenance. You have to maintain the plant and keep it operating correctly. Some of their recommendations are towards checking out and verifying some of the things the applicant is proposing. There are things that could be done. Some of the information provided on the odor suppressant, we didn't think was sufficient enough. We think they need more information on that for the third party evaluation of it.

Mr. Zemba said a lot of the concerns tonight have been about air pollutants. There are ways to monitor air pollutants. They normally wouldn't be required for a hot mix asphalt plant, but given the serving location it might make some sense to do some air quality monitoring. They'll get permit conditions from the NHDES eventually. You could enhance or ask for more in terms of the permit conditions for the stack emissions. A lot of the modeling dispersion studies done by the applicant depend on emission rates. There are ways to measure that, and they can require that to be done periodically. These are the types of things we are recommending, and are detailed in the report. If they have questions he can take them.

Mr. LeClair said he will open up to the Board. Sanborn Head was retained by the city to do this study. They all have the report and the letters, here is an opportunity for the Board to ask questions of this consultant at this time.

Mr. Varley said they received the report on behalf of the Conservation Law Foundation from Catherine Walker. In one of the criticisms she offered, she indicated that analysis done the applicant included only a limited number of pollutants and chemicals. In his experience, is the analysis the applicant performed consistent with what would be reviewed in consideration of the particular pollutants at issue?

Mr. Zemba said he is familiar with that comment, he did look at the same reports as Catherine Walker. There were two items submitted by Dr. Green. One was a memo that talked about benzene and formaldehyde, which would be two pollutants emitted by the plant. But her spreadsheet includes a whole host of pollutants, all the ones listed by EPA documentation. So there are many more pollutants they actually considered, they just don't talk about them in their summary memo.

Mr. LeClair thanked Mr. Zemba for their summary of the current progress on the report.

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

Mr. Plourde said he wants to clarify a few things from last meeting and where we are in the process. All cards on the table, they followed the process outlined in the city's guidelines for the preparation of traffic impact reports and traffic management plans. In that document, it says that they need to use the latest edition of ITE trip generation manual for all land use codes. They did that.

Mr. Plourde said the information that you heard at the last meeting was that he presented the ITE rates as compared to what Mr. DeFelice presented. Those were the average rates based on the ITE methodology. Mr. DeFelice was talking about "up to" the numbers, that's a peak instead of an average. There is some variation. We followed the city's guidelines by using the ITE data.

Mr. Plourde said they then followed the process that was developed by city officials. There has been a lot of coordination, all the different dates, submissions, and correspondence back and forth. We were providing additional information all the way up until the end of January to be able to address some of the comments. There was also a comment made this meeting that they will be adding a hundred vehicles per hour. That's a little confusing; the hundred vehicles per hour is the actual threshold that the city has for a study. With the numbers they presented they get nowhere near a hundred vehicles per hour. A hundred vehicles per hour is within the city's guidelines of whether to automatically prepare a full traffic study. We are less than half of that number, based on the numbers that were reviewed and accepted by the city.

Mr. Plourde said at the last meeting they also mentioned they had received the March 16th memo from Senior Staff Engineer Joe Mendola,

whose comments were related to turning movements and the distribution of vehicles. Right now, they are working with Mr. Husband on that. They supplied a lot of different turning movements and distribution in their January 31st memo. There may be some more information he is looking for, and they would be happy to supply that information.

Mr. Hudson said there has been some various testimony or assertions that your trip generation didn't include the aggregate being brought to the production facility. Is that a fair characterization?

Mr. Plourde said the ITE data is traffic counts collected at existing driveways, existing facilities all over the country. Us traffic engineers, whenever we're counting at an existing facility, we then provide that to ITE and they include it within their database. That is how they are able to develop these different trip rates. Back in the 70s and 80s they had data from there, and they were able to get rid of them and use the more recent information. It's all about us traffic engineers being able to provide that information. As far as any kind of counts going in and out of the facility, those are all contained within that database.

Mr. Hudson said he understands what he is saying. It's something he will talk with Mr. Husband about to make sure whether they are comfortable with it. As was shown in the video, there are two different types of facility. At one of them the aggregate was onsite, so there was no trucking, the trips were just generated to the stuff going out the door. With our situation here, there are probably other sites like that, but all materials have to be trucked in and trucked out, so that's different. He would want to go back and review what was submitted on that part of it.

Mr. Plourde said that's not a problem.

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

Dr. Green said she wants to give the Board an update, and then a couple of quick responses to some of the technical comments made before. She will try to be brief.

Dr. Green said last time she did not consider explicitly the impact from emissions from the tailpipes of heavy duty trucks. She didn't do it. No one does on these kinds of facilities. But she said she

would do it, so she did. As you may know, there are two pollutants of main concern from diesel engine trucks. The first are nitrogen oxides. Nitrogen is the primary gas in ambient air, about 78% of air is nitrogen. So when you burn anything, whether it's gasoline, diesel fuel, or wood in your fireplace, fuel in your home heating system, any material that burns is going to produce oxides of nitrogen because of the way our atmosphere is comprised of, it's mostly nitrogen. Nitrogen oxides are the main pollutant out of anything, any exhaust system that is operating on any fuels.

Dr. Green said the second pollutant of potential concern is called particulate matter. It's the aerosols that you usually can't see but are there. Diesel engines, just like gasoline engines and fireplaces, also generate aerosols and little particles. Of those two pollutants, nitrogen oxides will be the primary one.

Dr. Green said what she did with the help of colleagues from VHB, was she determined maximum emissions of nitrogen oxides from the assumption of 200 trucks, essentially constantly on the site during all operating hours, every operating hour, every day, every week of the year. It's a reasonably worse case scenario. The reasons she considered the onsite truck emissions is because if you think about it, that's the site of maximum impact. That's where most of the trucks are going to be. It's not at an intersection, not any site distant, it's on the site itself. As we all know, there are people living pretty close to the site, either currently in the existing two and three story buildings, or potentially in the future at the Henry Hanger building. It was very important to her to continue to focus on the site in terms of emissions, whether from the facility itself or the trucks.

Dr. Green said she made a number of assumptions. She assumed that there would be some trucks in line in the morning, waiting to get hot mix product delivered to them under a silo, 4-5 trucks on the pavement part of the roadway, paved part of the site. After about five or so trucks, if a sixth truck comes along and there is not room on the paved roadway, that truck would be directed to an onsite parking area along the railroad along Temple Street, that truck would park. It would idle for five minutes or so and then, depending on whether it was only the 6th truck or 16th truck, in the worst case scenario, eventually it would turn off its engine. She considered both emissions during truck idling, and then, if a truck is there for fifteen minutes, it might turn its engine off, but then of course it would start up.

Dr. Green said as you might know instinctively, emissions from start-up from an essentially cold state, are different than idling emissions. She used VHB's expertise with running USEPA models, and got two kinds of emission rates. Emission rates for idling rates, and emission rates for trucks having parked for, let's say, ten minutes. If you're following her scenario, she put the maximum number of trucks on the site, in the morning, from when the facility opened to about ninety minutes later, she considered that the maximum timeframe. Then throughout the day, she put the other trucks on the site, for a total of 200 trucks on the facility over the entire workday.

Dr. Green said when she did that, here are the results she got. For nitrogen oxides, she got impacts that were larger, obviously more than if it was 1-2 trucks, but the maximum impact was still well within health base limits. As you may know, under the National Ambient Air Quality standard, there are different timeframes. The federal government wants us to make certain that air quality is appropriately clean on a short term basis, which we average over the worst case hour, the early morning hours when lots of trucks are coming on potentially, and also when air quality is challenging. She is sure they have all experienced this, very early morning hours the air tends to be still, there isn't a lot of sunlight yet, therefore there's not a lot of convection of air and dispersion. The early morning hours can be worst case, so she focused on that for the one hour short term impact. She found that even at the very closest residence, right over the railroad track, either an existing residence or the Hanger building. At the closest residence at the worst hour, and she takes a year's worth of data, the truck impacts would still be acceptably small. So that was an important finding.

Dr. Green said then she did the same analysis averaging over a year, because there are also standards and guidelines that look at health based limits over the long term. Both the long term impact for the nitrogen oxides and the short term, again at the closest residence, again, it's very important. Of course people live there. Of course people live within a quarter mile and a half mile. But her job is to make certain that the person who lives there the closest, who might be an asthmatic, might be a child, might be an elderly person, might be someone with cardiac deficiency, her job is to make sure that the closest person is protected. By definition, if the closest person is protected then obviously so are people farther afield. It's a very important point.

Dr. Green said second, diesel engine exhaust particulate matter. She told the Board last time that the reason she didn't do the formal modeling, is because trucks have come a long way. With two important changes. Diesel fuel, with the exception of barges and ships at sea, the kind of diesel trucks use is called ultra-low sulfur diesel fuel. Virtually all of the sulfur, not all, most of the sulfur, is stripped away at the refinery long before it gets to a diesel pump at a station. Scientists like her know that when we model diesel engine exhaust particulate matter with today's ultra-low sulfur diesel fuel. She should say that the aerosols that used to come out a lot were sulfur based, they were sulfates. We know just because we do this kind of thing for a living, that the diesel exhaust particulate matters are low these days, and are getting lower still both because of federally mandated reductions of sulfur in fuel, which necessarily reduces the amount of sulfates. That's the first important change thanks to the feds. The second is that diesel trucks now have filters and other kinds of pollution control that even ten years ago they didn't have, let alone when you and I were young. This means that the result that she knew that she would get is the result she got.

Dr. Green said the impact from the worst case trucks, which again she averages out over an annual period, because if diesel exhaust is going to be harmful, it's not going to be harmful immediately, it's going to be harmful over a long term exposure. The long term average from the truck scenario she discussed, the impact of the worst case year from five years of data is 0.003 micrograms of diesel exhaust particulate matter per cubic meter of air.

Dr. Green said the next question is, what is the safe limit? The safe limit is 5 micrograms per cubic meter is what toxicologists like me who work for the federal government established as the safe level for diesel exhaust particulate matter in ambient air for a 70 year lifetime, day in day out. Five is the standard, and the worst case impact is .003. She didn't do the modeling before, she apologizes for that, she kinda knew what the answer would be because she's done this for decades, but you all deserve the numbers. There they are.

Mr. LeClair said regarding the health based limits, in her experience, have those changed over time?

Dr. Green said sure, they get tighter.

Mr. LeClair asked what the scale of change is, over the last twenty years.

Dr. Green said for nitrogen oxides, up until about a dozen years ago there was no one hour standard at all, the fed just didn't bother with it, they only looked at a long term average. There was literally no number at all. Now there is a number for the one hour impact. This was an important development.

Dr. Green said with diesel engine exhaust particulate matter, there have been numbers. The only really comparable numbers are occupational standards for men who work in underground mines where there is diesel equipment. If you think about it, the worst case is men who are in mines and there are diesel powered things, front end loaders and whatever, kinda scurrying around in a mine. There are occupational standards, which are much less strict. When the environmental toxicologists worked to develop a standard for ordinary people, the elderly, the infirm, they started with the occupational standard, which is quite lenient. Then they applied a number of safety factors to account for the fact that people in a community are not miners. The number that was developed, 5 micrograms of particulate matter per cubic meter of air, she doesn't actually know how old that standard is. She knows that it comes with a lot of safety factors built in based on what occupational toxicologists have observed from miners who are overexposed to diesel exhaust. So if you follow what she's saying, we in the scientific community have a lot of experience about the worst case exposures. Those underground miners, and occupational toxicologists created standards to protect them. Then other toxicologist, working at the EPA, have reduced that standard quite considerably to get to an allowable level for the general population. That has stood the test of time, to her knowledge there has never been a different number for the general public than that 5 microgram per cubic meter, to her knowledge.

Ald. Thibuealt said kids are walking by these diesel engines, and they're shorter than people.

Dr. Green said she's pretty short, but she gets his point.

Ald. Thibeault said shorter than that. They're closer to the ground, getting that diesel, smelling it.

Dr. Green said no they're not. She thinks he hasn't looked at a truck lately. Those exhaust pipes are about 10-ft off the ground. She asked if he was thinking about the tailpipes of cars. That's like a foot off the ground, if that.

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Ald. Thibeault said he will give her that. He asked if what she is saying is, all this is safe.

Dr. Green said she is telling them that a basketball player is going to get a higher exposure to a diesel exhaust than a toddler.

Alt. Thibeault said we have some tall kids around here.

Dr. Green said it's 10-ft high.

Ald. Thibeault asked if Dr. Green would live next to this plant and feel safe.

Dr. Green said yes. That's the whole point of doing the exercise. She's 69 years old, so she's elderly, she's reasonably healthy. So she's not the person she worries about. It's safe for her. It's safe for people more vulnerable than her.

Ms. Harper asked for clarification in regards to volatile organic compounds produced from a drum plant versus a batch plant. She's not an expert, but she's been reading about it quite a bit and it seems that those vary between those two types of plants.

Dr. Greens said there are thousands of VOC's in the world. The two we focused on because Dr. Zemba was interested in them, benzene and formaldehyde are both volatile organic compounds. So are toluene, xylene, there are lots of them. Ms. Harper is quite right, the levels that come out of drum plants differs from ones that come out of batch plants, but they vary in different ways. What turns out to be more important, frankly, is the type of fuel that's being burned. The important distinction is not so much between a counter-flow drum plant, which is more efficient and as a general matter are less polluting than batch plant, but the other important factor is whether the fuel being burned is natural gas, which is the cleanest fossil fuel, or diesel, or spec-fuel, which is used motor oil. Some plants actually burn coal. Not in New England, but in the Midwest there are some coal burning asphalt plants and in other countries. It's really the fuel that matters most in her experience. The drum plant is a better facility than a batch plant, but it's the fuel that's also important.

Ms. Harper said she did notice that when she was looking into it. Her other question was about the particulate matters, which seem to be based on, if a batch plant made 100,000 tons of asphalt and

the drum plant made 200,000 tons of asphalt, it would triple the amount of PMs. Is that accurate?

Dr. Green said she doesn't know, she hasn't thought about it that way. As a general matter, the more of anything you make the more emissions you have.

Ms. Harper said right, but it wasn't double, it was triple.

Dr. Green said she doesn't know. She is happy to agree, but she hasn't done that side by side comparison. She can't answer her.

Ald. Thibeault asked if Dr. Green would like to address some of the comments made earlier in the meeting. He would like to hear that.

Dr. Green said she just wanted to mention a couple of quick things. Professor Durant, is a very respected guy, but with respect, didn't actually look at her report. First of all, it's not true that he didn't present windrose information, of course she did, it's all in a spreadsheet. That's just not true, and she thinks Professor Durant didn't have time to look. Obviously she knows that the wind comes from the northwest and goes to the southeast in a major way, that's how she does the modeling.

Dr. Green said Professor Durant is completely correct that bag houses, which is the major pollution control device here, capture particles, little aerosols, and don't capture gases. That is true, and her modeling is based on it. It's true and frankly misleading, it suggested that there is a pollution device that the facility should have that it doesn't. You can't capture gases. She's making gas right now, what are they going to do about it? It's true that the gases come out of anything, and it's true that people like her take that very seriously and model it.

Dr. Green said the final thing she wanted to say is with regard to Dr. Walker, she doesn't understand how she could have looked at her spreadsheet, which has many chemicals, every chemical that has ever been measured out of a hot mix asphalt plant is in her spreadsheet, and every single one of those chemicals is run through the model, and every single one she has looked at impacts from. How Dr. Walker could have missed that is beyond her. And she went to check, city staff is very good, within a day or two of your staff getting her report, her spreadsheet, and all the other documents, VHB's documents, all the rest of that, within a day

it's up on your website. It was up on the website at March 21st at the least. Both the original electronic version, and a scanned in printed out version, she doesn't understand that one. The city is presenting all that information for anyone to review, and the fact that highly skilled, technical people write reports to you that don't refer to things that are on the website is a waste of everyone's time and greatly disappointing to her. She thought at first it wasn't there, but she checked, city staff put it up there and it's been up there since March. She commended city staff and said she was confused as to why it wasn't obvious to either Professor Durant or Dr. Walker.

Atty. Prolman, Prunier & Prolman PA

Atty. Prolman said he would like to quickly speak to their request for a continuance. Their friend Bob Simons from SMC spoke about how they are going to be accountable in going forward with this asphalt plant, and the years it is in operation. Yesterday Mr. Durfee issued a memo, and in it he suggested that perhaps there is some kind of performance bond that could be posted by the applicant that can test air quality and other concerns and make sure the Newport asphalt plant is working the way it should be. We are agreeable to that, to posting a performance bond, maybe there is annual testing, maybe there is a dollar amount every year. We are requesting a continuance so we can work those issues through. We just heard about it for the first time yesterday, we think it's a good idea. But we need some time to sit down with Mr. Durfee and the whole team and figure out what those numbers would be and what type of testing. We are happy to do that, we just need some time to address those issues.

Mr. LeClair said he wants to be specific with respect to some continuance thoughts. He would like to talk about a few options and get Atty. Prolman's feedback before anyone tries to make a motion.

Mr. LeClair said he's thinking out loud that there is a reasonably significant amount of stuff to relook at, understanding what the Board has received, you having received the same stuff. As the meeting schedule comes up, there is a meeting on May 4th and May 18th. The process for continuing, evaluating more information, and giving members of the public a chance to review and submit their comments to the Board, obviously that's a cycle, and we need that cycle to be a finite cycle. We can't get in a loop and just keep going around the horn.

Mr. LeClair said what he is thinking about is something along the lines of a continuance to the May 18th meeting, which essentially gives seven weeks here that are available. What he would like to ask of them is, would they be able to get their information back to this Board by three weeks, April 27th. Then he would ask that any information that anyone else wants to get back to them, whether it is abutters, members of the public, representatives of others, gets back to the Board by May 11th. That gives two weeks of review of the applicant's information by the public, and gives the Board essentially two weeks to review the applicant's information and at least a week to review what the Board gets from the public. That seems like a reasonable concept that gets them out of any loops. Is that reasonable for the amount of information they are intending to review and provide additional info on?

Atty. Prolman said in all honesty it's going to be tight. He suggested that the applicant have a deadline of May 4th, two weeks prior to the hearing, and the public can submit by May 11th.

Mr. LeClair said the Board can figure out the public part. Obviously this is just a suggestion.

Mr. Varley said we are talking about the deadlines, understanding that it's one week before, two weeks before. It doesn't necessarily have to be a meeting date. Are they suggesting May 4th because it's two weeks before? Could it be May 1st? He's thinking about arranging the time between when they would submit and the public would have a chance to.

Atty. Prolman said May 1st would be fine. He's just trying to buy some time for his client. For example, the BBEG is a big appraisal and took months to prepare. We need some time to respond to that. May 1st, we'll make it happen.

Mr. LeClair said that still gives almost two weeks. That's fine.

PUBLIC MEETING

Mr. LeClair closed the public hearing and opened the public meeting, for the purpose of reviewing this continuance request.

Mr. LeClair said he thinks it's very important that they set deadline dates here. We've been down this road before and get in continuous loops if they don't do that.

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Mr. Hudson agreed. In addition, there should be a shutoff date for any response to comments. To Mr. Bollinger's point previously, he doesn't want to get new information the night before the meeting. Like the Friday before.

Mr. LeClair agreed. In this scenario, based on the 18th, that would be the 12th. That's pretty reasonable.

Mr. Hudson said there is a lot of information that's already been submitted, and there will be more. The Board needs the benefit of almost a week to go through and make sure we've had the full opportunity.

Mr. Hudson said the other procedural question he would ask is, Case A21-0302, wasn't that removed by the applicant? As we're moving to table these things, he wants to make sure they have it correct. Is the 3-lot subdivision a 2-lot now?

Mr. Durfee said correct.

Mr. Hudson asked if that case has been disposed of, or does the Board need to dispose of it.

Mr. Durfee said the applicant has requested to withdraw that case.

Mr. LeClair asked if they don't need to continue it, it doesn't exist.

Mr. Durfee said correct.

Mr. Hudson said it won't be on the next agenda.

Mr. LeClair said correct.

MOTION by Mr. Varley to table A21-0299, A21-300, and A21-0301 to the May 18, 2023, meeting, with the understanding that all materials of the applicant will be submitted by May 1, 2023, and that any responses from members of the public or other parties will be made by May 12, 2023.

SECONDED by Mr. Hudson

Mr. Hudson said they want to give the applicant full benefit of whatever time they need. Should they, in developing responses, find that they need more time, they can table it to a meeting later

than May 18th. If the target is May 18th, he feels this is an appropriate timeline.

MOTION CARRIED 6-0

NEW BUSINESS - SUBDIVISION PLANS

None

Mr. LeClair said he would take A23-0021 and A23-0022 together

NEW BUSINESS - CONDITIONAL USE PERMITS

A23-0022 MicroSociety Academy Charter School & Maverick Properties NH, LLC (Owners). Application and acceptance of proposed Conditional Use Permit to convert the existing office building at 589 West Hollis Street to a school. Property is located at 589 & 591 West Hollis Street. Sheet E - Lots 6 & 1494. Zoned "R9" Suburban Residence & "PI" Park Industrial. Ward 5.

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

SECONDED by Ms. Harper

MOTION CARRIED 6-0

NEW BUSINESS - SITE PLANS

A23-0021 MicroSociety Academy Charter School & Maverick Properties NH, LLC (Owners) Application and acceptance of proposed amendment to NR1454 to convert the existing office building at 589 West Hollis Street to a school along with associated site improvements. Property is located at 589 & 591 West Hollis Street. Sheet E - Lots 6 & 1494. Zoned "R9" Suburban Residence & "PI" Park Industrial. Ward 5.

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

SECONDED by Ms. Harper

MOTION CARRIED 6-0

Tom Zajac, Civil Engineer, Hayner Swanson Inc, 3 Congress St,
Nashua NH

Mr. Zajac introduced himself as the representative for this project. With him is Atty. Morgan Hollis from Gottesman & Hollis, along with three members of the Microsociety Charter School. They are seeking a conditional use permit and site plan for what is essentially a change of use from an office building to a school use, along with associated site improvements.

Mr. Zajac provided an overview of the subject lot. He described the current conditions on both lots, zoning, and surrounding uses. This project came before the Board last year for a modular classroom. The school has been at this site since 2014, with a current enrollment of about 300 students, K-8. Typical hours of operation are Monday-Friday, 8:30AM-4PM, with occasional nighttime activities. The school has an agreement to purchase 589 West Hollis Street, which contains a 20,000-sqft building. Current access is via a main shared driveway, with a secondary access used for bus traffic and pickup times. He briefly described parking, open space, topography, and utilities.

Mr. Zajac said the proposal is relatively straightforward. They are proposed to renovate the existing building from office to school, to house the middle school program. The existing modular building will be removed. No changes are proposed to the existing school building, which will be used for lower grades. The two lots will be merged, and the school will grow to 432 students and 40 staff.

Mr. Zajac said the looked pretty hard within the school's budget to enhance vehicular and pedestrian safety. The big improvement they're making is relocating the existing shared driveway. Right now it is offset 60-ft from Gendron Street. This has been an existing condition for many years, and the traffic on West Hollis Street has only continued to grow. In talking with city staff, the request was made to relocate that driveway in line with Gendron Street to create a true 4-way intersection. The new driveway will include one inbound lane and two outbound lanes with a curbed median in the middle. They are working to establish a new one way traffic pattern, including the elimination of parking, creation of dedicated bus lanes, signage, pavement markings, and sidewalks and crosswalks. They are doing all they can with the existing site to maximize safety for parents and students during those peak times.

Mr. Zajac said the redevelopment will result in a slight reduction of impervious area, 2% across the site. They are not proposing any new lighting, landscaping, or utilities improvements as part of the project.

Mr. Zajac said he wants to speak briefly to traffic. They had two traffic studies prepared, an initial trip generation report by Steve Pernaw, plus a supplemental study prepared by Vanasse & Associates. He described their findings. They looked at ITE trip generation counts and actual traffic counts, and it is important to note that the actual traffic counts during the peak school hours are 30-40% less than the ITE rates, likely due to a number of students taking the bus. There will be a new eastbound turn lane, which will help vehicles turning into the site from West Hollis Street. They believe these improvements will significantly help the school and overall corridor.

Mr. Zajac said they are requesting three waivers with this application, as noted in the staff letter. He briefly described each request. He also submitted a letter addressing each of the Conditional Use Permit criteria, which they believe it meets all. They believe this application is complete and conforms to all applicable site plan and conditional use requirements. He thanked staff for working with them over the past month to get to this point. They are amenable to all conditions of approval, except maybe to strike condition #5 related to open space.

Mr. LeClair asked if there are any architectural changes proposed.

Mr. Zajac said no.

Mr. LeClair asked about signage.

Mr. Zajac said they're just going to move it over with the driveway.

Mr. LeClair said he knows there are plans for a corridor study here. Is the configuration of the new entrance consistent with what may go on there? Would any widening cause issues?

Mr. Hudson said the corridor study will happen soon, in the spring. He asked Senior Traffic Engineer Wayne Husband to come up. They have some ideas, but this realignment of the driveway sets them up for it and is a positive step.

Senior Traffic Engineer Wayne Husband

Mr. Husband said the study is something they had in mind when they were looking at this site. Some of the difficulties they had in the past concerning traffic safety in this area, they have long wanted to try to improve this. They would have loved to tie the traffic back, but that's going to be too expensive. The school has been very cooperative. Moving the entrance across from Gendron creates a lot of possibilities, it's good. They are also looking to expand the traffic signal at Wellesley to tie it into the same traffic controller and time the signals to work together and allow traffic to flow. There's some work that would need to be done. As part of this they will look into easement for underground conduits so they don't have to rip up the driveway for intersection improvements. They might need an easement for a traffic control box. The design team has been very cooperative, they see the benefit of safety improvements as well as we do. We're looking at everything as part of the study.

Mr. LeClair said he just wanted to know that there was coordination going on, that this isn't going to cause issues.

Mr. Hudson said this is a step in the right direction. This applicant went a little above and beyond. He asked what the pedestrian route would be from Ledgewood Hills. They don't have a sidewalk along. Some walking route would be good.

Mr. Zajac said sure.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

PUBLIC MEETING

Mr. LeClair closed the public hearing and opened the public meeting. He summarized the discussion. He said this site seems to be coming together, to gel into a coherent site. He is significant favor of going in this direction.

Mr. Hirsch said he thinks it's a great project. It's an appropriate use and good long term for the city.

Mr. Hudson said he is glad they are removing the modular classroom. It's a stopgap measure. Seeing this expand to the point where they can be removed is a good thing.

MOTION by Mr. Varley to approve New Business - Conditional Use Permit A23-0022. It conforms to §190-133(F) with no stipulations or waivers.

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0

MOTION by Mr. Varley to approve New Business - Conditional Use Permit A23-0021. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190-198, which requires a maximum number of parking spaces, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. The request for a waiver of § 190-209, which requires a maximum driveway or curb cut width of 36 feet, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
3. The request for a waiver of § 190-279 (EE), which requires showing existing conditions on and off site, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
4. Prior to the Chair signing the plan, minor drafting corrections and standard notes will be added to the plan.
5. Prior to the Chair signing the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final mylar and paper copies submitted to the City.
6. Prior to the Chair signing the plan, all comment in a letter dated March 28, 2023 from Joe Mendola, Senior Staff Engineering shall be addressed to the satisfaction of the Division of Public Works.
7. Prior to the issuance of a building permit, a voluntary merger shall be recorded.
8. Prior to the issuance of a Certificate of Occupancy, all off-site and on-site improvements will be completed.
9. Prior to any work and a pre-construction meeting, a financial guarantee shall be approved.

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0

OTHER BUSINESS

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

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

SECONDED by Ms. Harper

MOTION CARRIED 6-0

2. Referral of the FY2024 Capital Improvements Program from the Capital Improvements Committee to the Nashua City Planning Board.

Mr. LeClair provided an overview of changes to the ratings, and said he is in favor.

Mr. Hudson thanked the committee for their hard work.

MOTION by Ms. Harper to favorably recommend Other Business #2 to the Board of Alderman, as proposed

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0

Mr. LeClair said he would take Other Business #3 and #4 together.

3. Referral from the Board of Aldermen on proposed amended Ordinance O-23-043 Amending the Zoning Map by Rezoning Portions of the Veterans Memorial Parkway, Intervale Street and Hughey Street and Land Situated West of the Veterans Memorial Parkway to C Urban Residence (R-C) District.
4. Referral from the Board of Aldermen on proposed amended Ordinance O-23-044 Establishing the Veterans Memorial Parkway Redevelopment Overlay District

Atty. Brad Westgate, Winer & Bennett PLLC, 402 Amherst Street, Nashua NH

Atty. Westgate said on March 9th they presented this to the Board in the context of a master concept plan. At the Planning and

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Economic Development meeting on the 21st there were four proposed amendments. He briefly summarized each. This goes back to the Board of Aldermen on April 11, and he would respectfully ask that the Board reaffirm their favorable recommendation.

Mr. LeClair said this seems pretty straightforward.

Ald. Thibeault said he was on the Committee and said yes to this at least twice. He is still for it, and wants to get the ball rolling.

MOTION by Ms. Harper to favorably recommend Other Business #3 to the Board of Aldermen, as written

SECONDED by Ald. Thibeault

MOTION CARRIED 6-0

MOTION by Ms. Harper to favorably recommend Other Business #4 to the Board of Aldermen, as written

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0

DISCUSSION ITEMS

None

MOTION to adjourn by Ms. Harper at 9:49 PM

MOTION CARRIED 6-0

APPROVED:

Mr. LeClair, Chair, Nashua Planning Board

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Prepared by: Kate Poirier

Taped Meeting