

NASHUA CITY PLANNING BOARD
July 13, 2023

The regularly scheduled meeting of the Nashua City Planning Board was held on July 13, 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. Patricia Klee
 Bob Bollinger

Also Present: Sam Durfee, Planning Manager
 Scott McPhie, Deputy Planning Manager

APPROVAL OF MINUTES

June 15, 2023

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

SECONDED by Ald. Klee

MOTION CARRIED 6-0

COMMUNICATIONS

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

- **A23-0052, 49 Kinsley Street**
 - o Revised engineering comments

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

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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 hear Other Business #2 first.

2. Referral from Board of Aldermen on proposed Petition for Waiver of School Impact Fee (2-21 Sutton Way)

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

Atty. Westgate introduced himself as representative for Crimson Properties, the applicant. This is in regards to Covington Place, a 62 and older housing development. The school impact fee applies to all residential developments. Under state and federal law, all residents must be older than 62, so it's not possible to have school age children in this community. They have filed a petition to waive the fee because this would not require

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additional educational facilities. Given the nature of the community, the requirements, the nature of the construction itself, and the rules, they would request a favorable recommendation to the Board of Aldermen.

Mr. Bollinger asked staff if this is the second referral they have received in the last year. They previously discussed a blanket clause possibility rather than have each applicant come back. Has anyone taken this up on a greater level?

Mr. Durfee said no. We are in the process of crafting the legislation.

Mr. Varley said he agrees with Atty. Westgate on the applicability of the exception, and it is consistent with the discussion they had when they approved the plan.

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

SECONDED by Mr. Bollinger

MOTION CARRIES 6-0

OLD BUSINESS - CONDITIONAL USE PERMITS

None

OLD BUSINESS - SUBDIVISION PLANS

None

OLD BUSINESS - SITE PLANS

None

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

A23-0052 Rise Above NH LLC (Owner) Proposed Conditional Use Permit to allow a women's halfway house with offices. Property is located at 49 Kinsley Street. Sheet 84, Lot 43. Zoned RC-Urban Residence. Ward 4.

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

SECONDED by Ald. Klee

MOTION CARRIED 6-0

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

Mr. Maynard introduced himself on behalf of the applicant. This site is the former community center for the police athletic league, and has been empty for several years. They are proposing a halfway house for 15 residents for 28 days. There will be staff onsite 24/7, four staff members on the first shift, 2 on the second and third, for 8 total. No changes to the site proposed. The residents will not have cars, and no onsite parking is possible. A parking waiver has been requested.

Mr. Maynard said this project went to the Zoning Board because it is within a quarter mile of Elm Street School.

Andy Erickson, Rise Above NH LLC, 28 Quincy St, Nashua NH

Mr. Erickson said they are planning a 28 day residential program. They are remodeling the whole building; the building has been gutted down to studs at this point. They had a couple neighbors with concerns, so he has performed some outreach. They are proposing a fence from the corner of the building so the residents can have somewhere to go without disturbing the neighbors.

Michele Clark, Process Recovery Center/Rise Above Sober Living

Ms. Clark said this is a residential program for up to 15 women. It will have a clinician onsite, a case manager, and two behavioral health techs for the first shift. The second and third will have two behavioral health techs onsite at all times. What they will do from there is transition to PHP or IOP.

Ms. Harper asked if this is the initial step in rehabilitation.

Ms. Clark said yes. The only step they might do before that is respite or detox.

Mr. Varley asked if they would have any licensure from the state or if they are outside of that scope.

Ms. Clark said they will have to be licensed by the state.

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Mr. Varley asked if there would be medicated treatment onsite.

Ms. Clark said there would be. If they come in with medication, we will continue it. The nurse won't be onsite every day, but she will go in and out of there.

SPEAKING IN OPPOSITION OR CONCERN

Vicky Batzoyianis, 85 ½ Ash St, Nashua NH

Ms. Batzoyianis said she sees a lot of things on that street. That building has never been peaceful. If they are going to be lawful, she will be happy to see it. People park in the streets, and it's a big problem. The people need a place to go outside. She does not support this, and doesn't believe they will spend an entire 28 days inside.

SPEAKING IN FAVOR

None

APPLICANT REBUTTAL

Ald. Klee asked for details about the parking waiver.

Richard Maynard, Project Engineer

Mr. Maynard said the only people that bring vehicles to the site are onsite staff, plus occasional visitors. None of the inhabitants are allowed to have cars. There is more than enough street parking available. There is no place available for parking onsite. There will be little traffic and few cars, a couple a day at best.

Mr. Varley asked if they would be parking overnight.

Mr. Maynard said only if it is allowed. Otherwise they would have to park somewhere else and walk to the site. We will follow the regular parking requirements

Ald. Klee said the city has a no overnight parking ordinance from midnight to 6AM. That means that no persons can park on particular streets. That could be an issue.

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Mr. Maynard said there's city parking down the street, they can take a taxi. There's no reason why they have to be trying to park on the street during that time.

Ald. Klee said she wants the applicant to be aware.

Mr. Maynard said the applicant understands all of this, it's not their first project.

Ms. Clark said they own a property at 87 Chestnut Street, which is a block and a half away and has a giant parking lot. We have already discussed it with the people we will be hiring.

Mr. Maynard said this is a very needed project in the city. We need to get people back into society, and that is what we are trying to do. They have plenty of expertise and want to make sure this works right.

PUBLIC MEETING

Mr. LeClair closed the public hearing and opened the public meeting. He said this seems like a worthy use of the site. The parking can be worked through, we seem to have those discussions with any property in the area.

Ald. Klee said they need more programs like this. She gets a lot of calls about parking, so it hits a nerve. They have a plan, which she thinks is phenomenal. This is a good project.

Mr. LeClair asked if this is outside of the downtown district and a parking waiver is necessary.

Mr. Durfee said correct.

MOTION by Mr. Bollinger to approve New Business - Conditional Use Permit A23-0052. It conforms to §190-133(F) with the following stipulations or waivers:

1. The request for a waiver of §190-198, regarding onsite parking, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. Prior to the Chair signing the plans, all comments in a letter from Joe Mendola, Senior Staff Engineer, dated July 7, 2023 shall be addressed to the satisfaction of the Division of Public Works.

SECONDED by Ald. Klee

MOTION CARRIED 6-0

A23-0062 EC NH Real Estate Holdings, Inc. (Owner). Proposed Conditional Use Permit to allow a casino gaming facility in the former Sears retail space. Property is located at 310 Daniel Webster Highway (Pheasant Lane Mall). Sheet A. Lot 733. Zoned GB-General Business and TODTransit Oriented Development. Ward 7. **[POSTPONED TO THE AUGUST 3, 2023 MEETING]**

NEW BUSINESS - SUBDIVISION PLANS

A22-0254 BeoRidge LLC (Owner) Proposed conservation subdivision creating 83 detached single-family condominium units along with associated site improvements. Property is located at 124 Ridge Road. Sheet B - Lot 55. Zoned "R18" Suburban Residence. Ward 9. **[POSTPONED TO THE AUGUST 3, 2023 MEETING]**

A23-0066 City of Nashua (Owner) - Blaylock Holdings, LLC (Applicant) - Proposed subdivision of a portion of the Veterans Memorial Parkway as part of the Mohawk Tannery Redevelopment project. Zoned "RC" Urban Residence, RB-Urban Residence, and VMPR-Veterans Memorial Parkway Redevelopment Overly District. Ward 4. **[TABLED TO THE SEPTEMBER 7, 2023 MEETING]**

A23-0067 J.K.S. Realty, LLC (Owner). Blaylock Holdings, LLC (Applicant) - Proposed two lot subdivision. Property is located at "L" Fairmount Street. Sheet 62 - Lot 100. Zoned "RC" Urban Residence, "RB" Urban Residence, and "VMPR" Veterans Memorial Parkway Redevelopment Overly District. Ward 4. **[TABLED TO THE SEPTEMBER 7, 2023 MEETING]**

A23-0068 City of Nashua, Fimbel Door Corporation, Chester Realty Trust, J.K.S. Realty, LLC and L.J.J. Realty LLC (Owners). Blaylock Holdings, LLC (Applicant) - Proposed consolidation of seven existing lots and subdivide into nine proposed lots along with a proposed public road. Property is located at "L" Fox Street, 66 Fairmount Street, 11 Warsaw Avenue, "L" Intervale Street, "L" Hughey Street and "L" Fairmount Street. Sheets/Lots 71-7, 70-14, 134-16, 70-13, 134-40, 134-41, 62-100 (portion of newly created lot 100-

1). Zoned "RC" Urban Residence, "RB" Urban Residence, and "VMPR" Veterans Memorial Parkway Redevelopment Overly District. Ward 4. **[TABLED TO THE SEPTEMBER 7, 2023 MEETING]**

NEW BUSINESS - SITE PLANS

A23-0069 City of Nashua, Fimbel Door Corporation, Chester Realty Trust, J.K.S. Realty, LLC and L.J.J. Realty LLC (Owners) Blaylock Holdings, LLC (Applicant) - Proposed Mohawk Tannery Redevelopment project involves the remediation and subsequent redevelopment of the former Fimbel Door/Mohawk Tannery sites and portions of adjacent properties into a total of 546 multifamily residential units along with associated site improvements. Property is located at "L" Fox Street, 66 Fairmount Street, 11 Warsaw Avenue, "L" Intervale Street, "L" Hughey Street and "L" Fairmount Street. Sheets/Lots 71-7, 70-14, 134-16, 70-13, 134-40, 134-41, 62-100 (portion of newly created lot 100-1). Zoned "RC" Urban Residence, "RB" Urban Residence, and "VMPR" Veterans Memorial Parkway Redevelopment Overly District. Ward 4. **[TABLED TO THE SEPTEMBER 7, 2023 MEETING]**

A23-0055 Crescent Properties Realty Trust (Owner). Proposed construction of an 8,400 sf commercial building with a drive-thru that was destroyed by a fire along with associated site improvements. Property is located at 495 Amherst Street. Sheet H. Lot 163. Zoned HB-Highway Business. Ward 2. **[POSTPONED TO THE AUGUST 3, 2023 MEETING]**

A23-0075 Nash Family Investment Properties & Stellos Family Investment Properties, LLC (Owners). Property Possible, Inc. (Applicant). Proposed site plan to redevelop existing lot into three 5 & 6 story residential apartment buildings totaling 362 units along with associated site improvements. Property is located at 103 Temple Street. Sheet 37. Lot 6. Zoned GI-General Industrial and TOD-Transit Oriented Development. Ward 4.

MOTION by Mr. Bollinger 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 on the behalf of the applicant. With him is Michael Lefavor from Property Possible and traffic engineer Scott Thornton from Vanasse & Associates.

Mr. Zajac said they are proposing to redevelop the site into three residential buildings totaling 362 units, along with associated site improvements. He briefly described the site and surrounding properties. There is a large building complex onsite 118,000-sf, historically for a shoe manufacturing company. The current uses onsite are a contractor's yard, a kitchen store, tire repair, church shelter, and a bingo hall. They have 2,000ft of frontage and eight curb cuts, plus loading docks and parking areas. The site has mild topography.

Mr. Zajac said they propose to demolish the existing site and construct the 3 multifamily buildings. One of the goals is to create an urban streetscape by placing the buildings up along the street and tucking the parking internally and to the rear. They also wanted to provide a landscaped buffer along Scripture Street, which is pretty narrow and backs right up to the old industrial building.

Mr. Zajac described each of the buildings, unit count, and parking allotment. The project will comply with the Inclusionary Zoning ordinance, which requires 20% of the units to be affordable, 72 units. He described the architectural design.

Mr. Zajac said this propose 464 spaces combined between garage level parking and outdoor parking. This is roughly 1.2 spaces per unit. There will be dedicated EV parking at each building. He described access and site improvements.

Mr. Zajac said the existing site is fully developed and 78% impervious without any formal stormwater treatment practices onsite. Drainage dumps straight into the combined sewer system. This project provides an opportunity to improve stormwater quality and quantity. Runoff will be captured and piped into subsurface infiltration systems underneath the parking lot, and are sized to fully capture and infiltrate up to 100-year storms. They overdesigned these systems to be able to fully handle the largest storm even they design for, which is a significant improvement.

Mr. Zajac said a traffic report was prepared based on ongoing communications with the city. Compared to the existing site, there will be a net increase of 105 weekday morning trips, and 81 evening trips, entering and exiting vehicles. The traffic increases will not result in significant increase in the overall volumes in the study area, and can be adequately accommodated within the existing infrastructure.

Mr. Zajac said they are directly adjacent to the Riverwalk terminus to the north and the Heritage Rail Trail east to the south, which will provide direct connection for the residents to the downtown. There is a project on the DOT 10 year plan called the Spruce Street project, which contemplates reconstructing the sidewalk along Spruce St to create a 10-ft wide multiuse path. We now have an agreement with staff that most of the connector will be completed as part of this project, including resetting the curb line and widening the shoulder. These improvements will be completed in lieu of the typically requested traffic contribution and will enhance that vital connection for the walking public.

Mr. Zajac said they have one waiver request, as detailed in the staff report. Because they are in the TOD overlay and in the Mixed Use overlay, they had to provide a site plan suitability report. Their testimony is that they believe this meets all criteria required in the Land Use Code. The conditions in the staff report are acceptable, and they thank staff for their assistance through this process. They believe the application is complete and meets all requirements.

Mr. Bollinger asked if they can remove stipulation #4, or if that is in addition to the proposed Spruce Street project.

Mr. Hudson said based on the traffic numbers, the contribution is \$37,000.00. There is some coordination as to what will actually be constructed. He thinks the applicant is leaning in that direction. He thinks it's appropriate to keep the condition, that leaves both options open should they come to an impasse. It is the intent that rather than the contribution they would construct the multiuse path.

Mr. Bollinger asked if Engineering and the applicant are both comfortable with the language as presented.

Mr. Hudson said yes.

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Mr. Zajac said correct.

Mr. Bollinger referred to stipulation #6 and asked if Spruce Street is included.

Mr. Zajac said they are still early in the process. One of the key parts of the multiuse path is moving the curb. They may only build a 5-ft path, so the city or DOT could come in later and build a bigger one. The project will occur in the right of way, and no easements would be required.

Mr. Bollinger asked if the swath along the site frontage is within the right of way.

Mr. Zajac said yes.

Mr. Hudson said that is correct. There is ample right of way out there. There are some other easements unrelated to the connector that may need to be figured out.

Ald. Klee said the report from Mr. Mendola and Mr. Husband referred to sight distances.

Mr. Hudson said those would be encompassed in #3. Those are among the issues to be resolved.

Ald. Klee said with the amount of potential traffic she would like to make sure they are addressed.

Ms. Harper asked if during construction the access to Scripture St will be locked.

Mr. Zajac said given the narrow width of those streets he doesn't envision any of the trucks wanting to go down there. If they want to add that as a condition, they would be amenable.

Ms. Harper said a lot of children walk there to get to school. Are there any additional safety measures that could happen?

Mr. Zajac said they are somewhat limited because it's an urban redevelopment. They are going to improve sidewalks, crosswalks, signage, stop bars, and pedestrian tip-downs. They are also going to have only 4 curb cuts instead of 8. The vehicles that will use the site and mostly passenger vehicles, not tractor-

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trailer trucks trying to navigate in and around the site. They are improving the situation and mitigating truck traffic.

Ms. Harper asked about during the construction phase.

Mr. Zajac said they would try to focus traffic toward Spruce Street and Temple Street where they have clear lines of sight. They also will have fencing to keep folks out.

Ms. Harper asked about snow removal.

Mr. Zajac said they can store smaller events onsite, but the larger events will have to be removed from onsite.

Mr. LeClair asked if the Temple Street crosswalk will have lights.

Mr. Hudson said they have a project in the 10-year plan, which includes flashing beacons. That will be improved and made a safer crossing as demand increases and the path gets built out.

Mr. LeClair asked if the future concept is compatible.

Mr. Zajac said they will do their best to line it up. They won't be able to implement everything, but will get it started.

SPEAKING IN OPPOSITION OR CONCERN

Lucy Sprague, 13 Spruce St, Nashua NH

Ms. Sprague said this is the first time she is seeing the plan. On Spruce Street the residents are 1-family and 2-family homes. This is out of character to this block of the neighborhoods. She asked everyone to walk along the Rail Trail and see if they feel safe, and the Heritage Rail Trail too. There's nothing like seeing things in person. Six story buildings is out of character. The max is 3-stories high.

Ms. Sprague said she wants the builder to put in more than \$37,000.00 into this neighborhood. There is no playground in this neighborhood. Something with a basketball court. You have all these residents coming in, and there is no playground. This will bring tremendous traffic to Spruce Street. She wants the houses on Scripture Street and the trees on Spruce Street, the other side already doesn't look good. That's where the buildings should be. Spruce Street is a beautiful street, maintain that

character. She wants trees planted on Spruce Street. It's one thing to sit here, it's another thing to live there. We are the taxpayers.

SPEAKING IN FAVOR

None

APPLICANT REBUTTAL

Scott Thornton, Traffic Engineer, Vanasse & Associates

Mr. Thornton addressed sight distancing. Three of the four entrances have no issues. The eastern entrance on Howard Street has an issue because the street curves 170-ft away from the driveway, vehicles should only be going around 15MPH. What we have is 163-177ft, which is more than enough to come to a stop. There are 15-20 parking spaces there, so there's not going to be a lot of activity out of that driveway. It will not be an issue.

Tom Zajac, Civil Engineer

Mr. Zajac said in regards to character and the mass scale of the buildings, he recognizes that they are larger than some of the buildings in the area. If you take a step back, this general area is in transition and has a number of large mid-rise buildings. We are in the GI/TOD, but just across the street is the RC zone which allows 10-story buildings by right. He would say they are in character with the general neighborhood as well as the goals and objectives of the Master Plan, East Hollis St plan, and the TOD.

Mr. Zajac said in terms of safety, he has walked that area many times himself. He would say that those projects are not yet completed, hopefully with those completed and more people using those paths, they will feel safer.

Mr. Zajac said they don't have a playground or rec space proposed, they have some amenities proposed. There are no provisions here for a public park. They have a pedestrian amenity to access urban corridors.

Mr. Zajac said the plan before them proposes new street trees along Spruce Street, a 10-20ft green strip along that area.

Mr. LeClair asked if the bank is staying.

Mr. Zajac said yes, it's on its own property.

PUBLIC MEETING

Mr. LeClair closed the public hearing and opened the public meeting. He summarized the discussion, and said it feels very consistent with the Master Plan. It fosters the Spruce Street connector and Riverwalk, which are future and partly underway.

Ald. Klee said the city needs as much housing as possible. She has reservations about the height of the building, especially since the houses across the street will see a very tall building. This is going to be a culture shock for the people living there. She would like to say it will not affect the property values, but she has concerns for the residents who have been living there for a long time.

Mr. Varley said he recognizes that the size of the buildings is going to be different, but when you zoom out it's not as different or out of relationship to the larger neighborhood. He thinks the applicant is making substantial improvements to the site that go beyond the buildings themselves. From the neighborhood perspective, he would see this as more of a plus, even if the size of the buildings is going to be different than residents are used to.

MOTION by Mr. Bollinger to approve New Business - Site Plan A23-0075. It conforms to §190-146(D) with the following stipulations or waivers:

1. The request for a waiver of § 190- 279(EE), which requires an existing conditions plan, is granted, finding that the waiver will not be contrary to the spirit and intent of the regulation.
2. Prior to the Chair signing the plan, minor drafting corrections will be made.
3. Prior to the Chair signing the plan, all comments in a letter from Joe Mendola, Senior Staff Engineer and Wayne Husband, Senior Traffic Engineer, and dated, June 29, 2023 shall be addressed to the satisfaction of the Engineering Department.
4. Prior to the Chair signing the plan, a contribution of \$37,000 dollars will be paid to the nearest traffic corridor

account or an agreement with City staff will be put in place to construct portions of the City's planned Spruce Street Connector project. This agreement will detail the phasing of the curbing and sidewalk construction so that the curbing and sidewalk are in place prior to the issuance of the final Certificate of Occupancy for the second building.

5. Prior to the Chair signing the plan, all comments in an e-mail from, Michael DuVarney of Nashua Fire, and dated, May 15, 2023 shall be addressed to the satisfaction of the Fire Department.
6. Prior to the issuance of a building permit, all easements will be submitted to City Staff for review and approval. All easements shall be recorded at the Hillsborough County Registry of Deeds at the Applicant's expense prior to the issuance of any Certificates of Occupancy.
7. Prior to the issuance of a building permit, a pre-construction meeting shall be held and a financial guarantee shall be approved.
8. Prior to the issuance of a building permit, storm water documents will be submitted to City staff for review and recorded at the applicant's expense.
9. Prior to the issuance of the first Certificate of Occupancy, driveway and parking lot construction shall be to base course and all unfinished work for common infrastructure and amenities to support the residential use shall be bonded for, including final course paving, curbing, sidewalks, drainage, utilities, and landscaping.
10. Prior to the issuance of the first Certificate of Occupancy, all safety and directional signs shall be posted as per the Fire Marshal's Office.
11. The applicant will work with staff to provide a historical plaque depicting the history of the site and show the location on the landscaping plan.
12. Prior to issuance of the final certificate of occupancy for the development, an as-built plan locating all driveways, units, other buildings, utilities and site landscaping shall be completed by a professional engineer and submitted to the Planning Department. The as-built plan shall include a

statement that all construction was generally completed in accordance with the approved site plan and applicable local regulations.

13. The Building Department will determine how they will approve individual C/O's for each building by issuing them by floor or by building.

SECONDED by Mr. Varley

MOTION CARRIED 6-0

OTHER BUSINESS

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

None

DISCUSSION ITEMS

Packets: Board members discussed the transition to electronic case packets.

MOTION to adjourn by Ms. Harper at 8:19 PM

MOTION CARRIED 6-0

DIGITAL RECORDING OF THIS MEETING IS AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS. DIGITAL COPY OF AUDIO OF THE MEETING MAY BE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.

KP - Taped Hearing