

EXPANDED DRAFT MEETING SUMMARY
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NASHUA CITY PLANNING BOARD
August 6, 2026

The regularly scheduled meeting of the Nashua City Planning Board was held on August 6, 2026 at 7:00PM in the 3rd floor auditorium in City Hall.

Members Present: Joe MacIntyre, Mayor's Representative
Bob Bollinger, Chair
Adam Varley, Vice Chair
Cameron Green, Secretary
Dan Hudson, City Engineer
Ald. Amber Morgan
Scott LeClair (Alt.)

Also Present: Sam Durfee, Planning Manager
Connor Muise, Deputy Planning Manager
Scott McPhie, Planner I

APPROVAL OF MINUTES

July 9, 2026

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

SECONDED by Mr. Hudson

MOTION CARRIED 6-0

COMMUNICATIONS

- **A26-0112, 7 Haines St**
 - o Abutter correspondence
 - o Updated site survey
- **A26-0109, 57 Factory St**
 - o Abutter correspondence
 - o Updated plan
- **A26-0133, 44 Simon St**
 - o Updated staff report
 - o Presentation materials
- **A26-0012 & A26-0013, 11 Tara Blvd**
 - o Traffic, property values, CUP criteria, etc.
 - o Abutter correspondence

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.

Per our legal charter, we have a quorum when five members are present. There may be some recusals this evening for certain board members, but as long as five members are sitting each case can be heard. At the discretion of the chair, the order of the cases can be rearranged.

NEW BUSINESS - SUBDIVISION PLANS

A26-0103 Kelly A. McAllister (Owner & Applicant) requesting approval for a 2-lot subdivision. Property is located at 28 Lincoln Avenue. Map 9 - Lot 18. Zoned B-Urban Residence (RB). Ward 7. **(Postponed to September 3, 2026 meeting)**

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 Mr. Green

MOTION CARRIED 6-0

2. Board of Aldermen Referral O-26-022, Establishing the Video Display Signs Overlay District

Sam Durfee, Planning Manager

Mr. Durfee said this is a possible overlay district, bounded by the Nashua River to the north and East/West Hollis Streets to the south. This is applicable to all buildings and properties that have frontage on Main Street. This leans heavily on the dimensional standards for wall signs that already exist in the ordinance, and would allow for those wall signs to have video displays. This is a step above electronic messaging centers (EMC), no longer static text. This could have moving images. No audio, and there are some standards around ensuring that the images and frequency they change would not be distracting to drivers.

Mr. Bollinger asked if there is a staff opinion on whether or not this comports with existing code or the upcoming recode effort.

Mr. Durfee said it objectively does not comport with the existing code because this is an amendment. To reframe, does it further the goals and objectives of the Master Plan? He thinks it's does. We are very pro economic development and this could be viewed as a vehicle for that. We have provisions where the sign could not cover up significant architectural features, we have a lot of old buildings in the downtown with distinct features.

Mr. Varley asked if this would be unique in the city.

Mr. Durfee said yes, we don't have any provisions for moving signs.

Mr. Varley asked what would be the process currently if any business wanted to use a sign of this type? Is it prohibited outright?

Mr. Durfee said it would be a variance through the zoning board.

Mr. Bollinger asked if there is a process right now.

Mr. Durfee said there's always a process.

Mr. Varley said under base code it's not permitted.

Mr. Durfee said correct.

Mr. Bollinger said he's struggling. There's already a mechanism by which someone could do this if they wanted to. He doesn't want to give a blanket approval to every business on Main Street to have this type of sign. It seems like what this legislation would do.

Mr. Durfee said his read of the applicability is correct. It is all the buildings fronting on Main Street between the river and East/West Hollis St.

Mr. Bollinger said you accept a certain amount of that on other commercial corridors, he is struggling with it on Main Street.

Mr. Green said when he thinks of premier downtown areas, he doesn't think of billboards. It seems like an odd exception to have it on the entire corridor instead of a case by case basis.

Mr. MacIntyre said this is endorsed by Board of Alderman President Wilshire. He would like to ask Ald. Morgan for clarification, has the Board of Aldermen discussed this?

Ald. Morgan said no. This is the first discussion. The other committee is Planning and Economic Development. After those two it goes back to the Board of Alderman with either a favorable or unfavorable recommendation.

Mr. MacIntyre asked if the Planning Board has a negative view of this, does this carry much significance?

Mr. Bollinger said they will vote on it independent of this Board.

Mr. MacIntyre said that's not the intent of his question.

Mr. Durfee said he's not willing to prescribe weight to the Board's opinions to the BOA. He thinks this is the greatest Board in the city, but that's just his isolated opinion of the Planning Board.

Ald. Morgan said the Planning Board's opinion is heavily weighted. Each person is independent in their voting, but recommendations from other city boards carry a lot of weight.

Mr. MacIntyre asked if there were historical data points on something like this. He senses that we don't feel too good on this, what would happen if this is not recommended?

Mr. Bollinger said in his opinion, he is having a moment of pause. It seems like a solution to a problem that doesn't exist. As business friendly as Nashua is, he doesn't see that inherently advancing that cause.

Mr. LeClair said there have been several other ordinances that we've given comments on and seen changes go through, like the ADU ordinance. He's definitely seen that happen on more than one occasion in his years here.

Mr. Bollinger said the BOA listens but it's nonbinding.

Ald. Morgan asked if the 35-ft measurement in the ordinance is where the sign can start, or the maximum height of the sign.

Mr. Durfee said it is an endpoint, there can be no signage higher than 35-ft as measured from the ground.

Ald. Morgan asked if there is an opportunity to change that. She wouldn't want to see signage on the third floor, second floor, or first floor.

Mr. Durfee said that can be part of the motion.

Mr. Varley said it's not clear to him what the impetus for this ordinance and what need this is serving. He worries about providing a blanket approval in advance as opposed to a case by case review.

Mr. Bollinger said if someone is willing to make a motion, they can work in Ald. Morgan's comments on height.

Mr. Varley said he is willing to make a motion, but it would be to unfavorably recommend.

Mr. Bollinger said if that is the case, there can be reasons for denial.

MOTION by Mr. Varley to unfavorably recommend O-26-022 to the Board of Aldermen

SECONDED by Mr. Green

Mr. MacIntyre said he is willing to go along with the Board because he feels the signal is clearer to the BOA if the Board is unanimous in its dissent.

Mr. Bollinger said we are not bound to unanimous votes.

Mr. LeClair said it would be worth stating a reason in the motion. That we don't feel this is necessary because there is an existing procedure to get this done on a case by case basis.

Mr. Varley said he will amend his motion.

MOTION by Mr. Varley to unfavorably recommend O-26-022 to the Board of Aldermen, on the basis that the Planning Board does not believe a blanket approval is the best method for allowing this type of signage. Instead this should be handled on a case by case basis through the Zoning Board.

SECONDED by Mr. Green

Mr. Hudson said he will abstain from this, as he doesn't live in the community. He feels that these community decisions about what people want in their downtown are not his place.

MOTION CARRIED 5-1-1 (Morgan opposed, Hudson abstained)

3. Board of Aldermen Referral R-26-051, Relative to Auctioning Tax Deeded Property.

Sam Durfee, Planning Manager

Mr. Durfee said this is largely driven by state statute. There are a number of properties conveyed to the city through delinquent tax bills. Going through the statutory process, we would be putting

these out to auction. The Board has the ability to comment on these properties.

Mr. Hudson said he has reviewed the list. L Hassell Brook Road has sewer lines cutting through in two locations, and drainage outlets that discharge to the property, so he doesn't believe that's a good property for the city to dispose of. The other one is L Narrows Road, it's a landlocked parcel surrounded by conservation land. That one should be considered to be retained.

Mr. Bollinger asked if that is beyond the airport.

Mr. Hudson said yes.

MOTION by Mr. Varley to favorably recommend R-26-051, with the recommendation to further investigate L Hassel Road & L Narrows parcels to confirm whether they are appropriate to sell

SECONDED by Mr. Green

MOTION CARRIED 6-0

NEW BUSINESS - CONDITIONAL USE APPLICATIONS

A26-0134 17 Marshall, LLC / D Lines Auto Spot, LLC (Owner / Applicant) requesting conditional use approval for a car care center. Property is located at 17 Marshall Street. Map 29 - Lot 48. Zoned General Industrial (GI). Ward 7.

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

SECONDED by Mr. LeClair

MOTION CARRIED 6-0

MOTION by Mr. Green that A26-0134 is not a development of regional impact

SECONDED by Mr. Hudson

MOTION CARRIED 6-0

Kevin Corriveau, Owner, 17 Marshall St, Nashua NH

Mr. Corriveau said this is a conditional use permit for his tenant, to operate a car detailing business.

Mr. Bollinger asked for a brief overview of what is proposed and the approval criteria.

Mr. Corriveau said this is a car detailing business, window tinting and so forth. He listed the nine criteria of the conditional use permit and how this business meets the requirements.

Mr. Bollinger asked if they had an opportunity to review staff comments and the Engineering letter.

Mr. Corriveau said no.

Mr. Hudson summarized the July 30, 2026 letter. He asked if the applicant would have to return to the Board if they expanded to other car care like repair work.

Mr. Durfee asked if he is concerned about oil spills.

Mr. Hudson said yes, and traffic related issues. If turned into a car wash that would be a different situation.

Mr. Durfee said that would be a change of use, which would necessitate going through the administrative review process. In that case, we would have the opportunity to review it. It is still under the conditional use permit criteria.

Mr. Hudson said he is satisfied that there is a mechanism.

Mr. Bollinger said the applicant should reach out to Engineering to provide the information requested. It's nothing that we wouldn't ask for on a similar type of application. Is there a set hour of operation?

Unknown, Applicant

Mr. [Applicant] said 8AM-8PM.

Ald. Morgan said in her past life she was a manager for a custom car shop in Vegas. Will there be any auto lifts?

Mr. [Applicant] said no, absolutely not.

Mr. Corriveau said nothing mechanical in there.

Mr. Hudson provided the applicant with a copy of the Engineering letter.

SPEAKING IN OPPOSITION OR CONCERN

Gary Sinclair, 19 Marshall St, Nashua NH

Mr. Sinclair said he doesn't think this should be approved. There is way too much traffic. The owner parks his trailers and trucks on my property and I have to confront him about it, he blames it on the subcontractor. It's a constant thing. He doesn't have any more land to do this, with the traffic he already has from his painting business. The other thing is snow removal, the owner already pushes snow right up against my building and buries my gas meter. There's no place to put the snow, there's no place to put anything. This will bring in more cars, where are you going to put everything? This shouldn't be passed.

SPEAKING IN FAVOR

None

APPLICANT REBUTTAL

Kevin Corriveau, Owner

Mr. Corriveau said he feels he has already addressed traffic. Across the street is 22 Marshall St, there is a 152-unit development. He built his business when there was nothing across the street. He rented a building from Mr. Sinclair. Mr. Sinclair has an HVAC business in his building, those trucks pull into my driveway and cut across into his property to park. He thinks it is ironic that Mr. Sinclair is here in opposition, in 2019 he rented to a car detailing business. He never received a notice from the Planning Board, his abutter didn't go through the proper channels.

PUBLIC MEETING

Mr. Bollinger closed the public hearing and opened the public meeting. He feels the applicant has satisfied the criteria. There's a little cleanup work to do with Engineering, but that's not uncommon. In regards to the parking and neighbor disputes, it looks like there are at least 8 parking spots onsite plus the bays that could be utilized. He feels that would be sufficient to accommodate this. He cannot address issues regarding snow. This Board is

charged with determining whether the business has satisfied the criteria.

Mr. Green said one of the criteria requires addressing Mr. Mendola's engineering letter, which references traffic. That has to be satisfied before they can have this use.

Mr. MacIntyre said he toured the area and does not feel it would be an issue. This fits the Master Plan in encouraging small businesses. He hopes they can solve their neighborly problems, but other than that it looks good.

MOTION by Mr. Green to approve New Business - Conditional Use Permit A26-0134. The Board finds that the application meets the Approval Criteria under §190-134(F) with the following conditions:

1. Prior to issuing the building permit, all comments in the memo from Joe Mendola, Senior Staff Engineer, dated July 30, 2026 will be resolved to the satisfaction of the Division of Public Works.

SECONDED by Ald. Morgan

MOTION CARRIED 6-0

NEW BUSINESS - SITE PLANS

A26-0133 The Community Council of Nashua, NH / Greater Nashua Mental Health (Owner / Applicant) requesting site plan approval for a 3-story medical office building, with associated site improvements. Property is located at 44 Simon Street. Map E - Lot 2247. Zoned Park Industrial (PI). Ward 4.

Mr. Bollinger and Mr. LeClair recused from this case. Mr. Varley took place as Acting Chair. Voting members are Varley, Green Morgan, Hudson, and MacIntyre.

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

SECONDED by Mr. Hudson

MOTION CARRIED 5-0

Jim Petropulos, Civil Engineer, IMEG Corp, 3 Congress St, Nashua NH

Mr. Petropulos introduced himself on behalf of the owner. With him is Chief Operating Officer Maureen Ryan from Greater Nashua Mental Health.

Mr. Petropulos said we are seeking site plan approval for a proposed medical office. He described the subject lot and surrounding properties. This parcel was once part of a larger lot to the north, Teradyne, and was primarily used for parking. In 2017 the building was downsized and this lot was subdivided. In 2023 we appeared here for an industrial flex building, that did not move forward. Greater Nashua Mental Health is a non-profit state designated community health center that serves Nashua and 9 surrounding communities. The goal is to consolidate some of their facilities to this site.

Mr. Petropulos briefly described site access, topography, and utilities. There is a city sewer line and a water line that pass through the site out towards the canal. What is being proposed is to redevelop the site to a 3-story, 98,000-sqft building. The building will contain admin offices, employee cubicles, common areas, waiting rooms, and treatment rooms. There are no overnight patients, this is outpatient only. There will be 300 employees, and typically 200 visitors per day. The hours are 8AM-6PM.

Mr. Petropulos said are keeping two curb cuts off of Simon Street. We are proposing 400 parking spaces around the office. Open space will be increased to 33%. There are a couple of outdoor amenities, and we are proposing a connection to Mine Falls Park.

Mr. Petropulos outlined stormwater improvements, traffic, landscaping, and architecture. They are asking for two waivers, as detailed in the staff report. The hope is to start construction this fall. The conditions outlined in the staff report are acceptable to the applicant.

Mr. Varley asked if there are any other meaningful conditions or approvals they need beyond this one. Is there a capital campaign?

Mr. Petropulos said there are state permits, he thinks they will be successful. Losing the Amherst Street site to the gas explosion has put a crimp in operations. They are very interested in moving forward.

Ald. Morgan said UPS would share this intersection. Their peak hours are in the morning, about 8:30AM, and 4-6PM. Has there been any conversations with them?

Mr. Durfee said staff has had conversations with UPS.

Ald. Morgan asked if it would be addressed in the traffic study.

Mr. Petropulos said we have not talked to UPS, nor would be need to. Our traffic consultant counted cars at Ledge Street, Simon Street, the highway exit, and West Hollis Street. UPS traffic would be baked into it. They crunched the numbers and concluded that there was adequate capacity at those intersections.

Mr. Hudson said he would echo what was stated. And this could be symbiotic, the UPS trucks leaving as people start coming in.

Ald. Morgan asked why one of the comments lists 250 vehicles per hour.

Mr. Petropulos said that is during the peak hour. It's not 250 cars every hour.

Mr. MacIntyre asked if the waiver requests meet the Master Plan.

Mr. Muise said these are fairly common waiver requests. This isn't on a major driven thoroughfare. Staff is confident in its recommendation.

Mr. Petropulos said the 2007 code was written for retail buildings, and at the last minute they applied it to every building. You can't ask for three planes of pitched roof on a medical building that has a flat roof. That forces us to ask for particular waivers.

Mr. Durfee said under the new code what has been proposed would be compliant. The new code is more reflective of the Master Plan than the current code.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

None

Mr. MacIntyre thanked the applicant. He believes this will rid the city of one of the ugliest parking lots in the city.

PUBLIC MEETING

Mr. Varley closed the public hearing and opened the public meeting. He agreed with Mr. MacIntyre, he thinks this is a substantial improvement to the site. This applicant serves a critical role for the greater community.

MOTION by Mr. Green to approve the following waivers for New Business - Site Plan A26-0133:

- a. \$190-279 (EE): To waive the requirement to show existing conditions on 'adjacent parcels as appropriate.
- b. \$190-172: To waive certain architectural requirements for non-residential buildings.

As per RSA 674:36(II)(N), RSA 674:44(III)(e), and \$190-148(D), Strict conformity would pose an unnecessary hardship to the Applicant and the waiver would not be contrary to the spirit and intent of the regulations; and specific circumstances, or conditions of the land, and the waiver will properly carry out the spirit and intent of the regulations.

SECONDED by Mr. MacIntyre

MOTION CARRIED 5-0

MOTION by Mr. Green to approve New Business - Site Plan A26-0133. The Board finds that the application meets the Approval Criteria under \$190-146(D) with the following conditions:

- a. Any waiver(s) granted shall be listed on the plan. Should any waiver(s) be denied, the plan must be revised in order to comply with the applicable site plan regulations.
- b. All outstanding comments from the Engineering Department, shall be addressed to the satisfaction of the Division of Public Works.
- c. Prior to the recording of the final plan, all technical review comments listed in Section 5 of the Planning Board staff report shall be addressed to the satisfaction of the Planning Department.

- d. The plan shall include a signature and seal of a New Hampshire licensed engineer, surveyor, and architect, on applicable sheets.
- e. Prior to any work being done, a pre-construction meeting with the City shall take place.
- f. Prior to any work being done, a financial guarantee for all off-site improvements shall be approved and submitted to the City.
- g. Prior to the issuance of a building permit, stormwater documents in accordance with §190-217 shall be submitted for review by City staff and recorded at the Applicant's expense.
- h. Prior to the issuance of a Certificate of Occupancy, all site improvements will be completed in accordance with the approved plan.
- i. Prior to the issuance of the final Certificate of Occupancy, an as-built plan locating all driveways, buildings, utilities, and site landscaping shall be completed by a professional engineer or a licensed land surveyor and submitted to the Engineering and Planning Departments. The as-built plan shall include a statement that all construction was completed in accordance with the approved site plan and applicable local regulations.
- j. Prior to the issuance of a Certificate of Occupancy, a \$31,250 contribution shall be made to the West Hollis Traffic Mitigation Account.
- k. All proposed demolition activities require inspections for the presence of asbestos-containing materials prior to Environmental Health's sign-off on Nashua's Building Safety Department's Demolition Permit Approval Form. If any asbestos-containing materials are found, they must be abated and documented according to state and local regulations.
- l. Food or beverages sold or distributed at this location will be subject to licensure by the Environmental Health Department, and any supporting structures must be constructed according to He-P 2300. All such plans must be approved by the Environmental Health Department prior to construction.

m. Any future trail connections into Mine Falls Park from the subject property will require approval from the Board of Public Works.

SECONDED by Mr. MacIntyre

MOTION CARRIED 5-0

Mr. Bollinger and Mr. Varley recused themselves from the Board. Mr. Green assumed the role of Acting Chair. Mr. LeClair resumed his position on the Board and elevated to a voting member. Voting members are: Green, Morgan, LeClair, Hudson, and MacIntyre.

OLD BUSINESS - CONDITIONAL USE APPLICATIONS

A26-0013 ARBI Farms, LLC (Owner & Applicant) requesting conditional use and site plan approval for a 41,000 SF charitable gaming facility, five-story parking garage, and associated site improvements. The property is located at 11 Tara Boulevard. Map A. Lot 333. Zoned Park Industrial (PI). Ward 8. **(Postponed to July 9, 2026 from April 2, 2026 by Applicant request)**

OLD BUSINESS - SITE PLANS

A26-0012 ARBI Farms, LLC (Owner & Applicant) requesting conditional use and site plan approval for a 41,000 SF charitable gaming facility, five-story parking garage, and associated site improvements. The property is located at 11 Tara Boulevard. Map A. Lot 333. Zoned Park Industrial (PI). Ward 8. **(Postponed to July 9, 2026 from April 2, 2026 by Applicant request)**

MOTION by Mr. LeClair to remove the cases from the table and reopen the hearing

SECONDED by Mr. MacIntyre

MOTION CARRIED 5-0

Atty. John Weaver, McLane Middleton Professional Association, 900 Elm St, Manchester NH

Atty. Weaver introduced himself on behalf of the owner and applicant ARBI Farms LLC and Delaware North. The applicant seeks site plan review and conditional use permit for the redevelopment of the Sheraton Hotel. The hotel has 337 guest rooms, 29,615-sqft

of meeting and function space, and a restaurant. We first appeared before this Board at the April 2, 2026 meeting.

Atty. Weaver said at that time we discussed the two phases of the development. The first phase would add 65,900-sqft of gaming floor and 293,479-sqft of parking garage, 1,275-spaces. Phase two would add another 26,960-sqft of gaming floor, 187,399-sqft of parking garage, 325 spaces. This will be a total of 92,860-sqft of gaming floor, 480,878-sqft of gaming floor, 100 games, and 1,700-parking spaces. We discussed the requirements for site plan approval, renovation of the hotel, waivers, game operations, architectural design, fire access, public safety, stormwater management, economic benefits of the development, and the contributions made to local charities. The Board expressed satisfaction with how we addressed those topics. We also began discussing traffic, but we had not fully vetted our traffic study or the necessary mitigation measures. As a result, the case was tabled to allow us to work with traffic engineers to finish the study.

Atty. Weaver said his client really wanted approval at the April 2nd meeting and pushed for it. But the city's traffic engineers and third-party reviewer appropriately held their feet to the fire. The result is a much better traffic design. We understand that the primary purpose of the meeting tonight is to discuss traffic. However, we have also seen some concerns raised by the community and want to take the opportunity to address them here.

Atty. Weaver said concerns raised were the effect on property values, character of the neighborhood, public safety, stormwater management and wetland impacts, and traffic. He will address a few of them, and then other members of his team will step in to address the more technical matters.

Atty. Weaver said we have submitted a number of studies demonstrating how casinos have historically not devalued the surrounding properties, including here in Nashua. The proposal is not to create a brand-new casino, it's to move the existing casino on 55 Northeastern Blvd to the hotel. They have operated at their current location for over a decade, and the surrounding properties have appreciated in value since then.

Atty. Weaver said in regards to the character of the neighborhood, this is a commercial area characterized by hotels and office buildings. The proposed development is a natural evolution of the hotel. The area around the current site has numerous businesses as well, including Millyard Bank, Ameriprise Financial, Paisner Dental, and several educational and childcare facilities like New

Age and the Launching Pad. Gate City Casino has been compatible with that area for years. That area also includes residences right across the street that abut the property, and the operation has fit into that neighborhood during the years.

Atty. Weaver said in regards to wetlands, we submitted the site plan without a stamp from a wetland scientist initially, we requested a waiver for that. We did so because of the distance between the delineated wetlands and the proposed improvements, we didn't think the stamp was necessary. However, given the concerns raised by the public, we had a wetland scientist confirm the delineation of wetlands on the property and sign the plans. That was submitted this week.

Atty. Weaver said in regards to safety, the general manager of Gate City Casino, Ernie Dellaverson, is here and will address how the facility protects public safety and the operations will translate to this location.

Ernie Dellaverson, Gate City Casino, 11 Tara Blvd, Nashua NH

Mr. Dellaverson said there have been some safety concerns, and I would like to address those. Our current facility houses 450 gaming machines, 18 tables, a restaurant, and 500 parking spaces shared with two other businesses. The city receives about 80,000 calls to emergency services per year, and the casino had 84 calls last year.

Mr. Dellaverson said once a quarter we have a large promotion event, like a car giveaway. Out of 450 machines, usually 300 are occupied for that event. Maximum occupancy is 1,120. Our average passenger count is 1.2-1.4 people per vehicle. Right now, we partake in something called Extra Duty, where we put out overtime shifts for police officials. We hire police officers for over 104 overtime shifts per year. When we move to 11 Tara Blvd, we plan to expand that. We are looking to partner with them for a police substation right on our facility.

Seth Anderson, Civil Engineer, Kimley-Horn, 271 Waverley Oaks Rd #302, Waltham, MA

Mr. Anderson said he can provide a recap on stormwater management. The site slopes generally from north to south to the existing pond on the south side. The proposed development will maintain this flow pattern and will be largely placed in what is already an existing paved area. We have three new treatment facilities proposed to filter and clean the water, and a new underground detention facility to hold and slow down stormwater flows. We will

have cleaner water discharging the site, and reduce the amount of stormwater leaving the site during peak storm events.

Mr. Anderson said the Alteration of Terrain plans were just resubmitted to the state yesterday for their second review. These addressed their outstanding comments, three of them were more substantial. The first was to address open space, this zone requires 20% open space minimum, we are at 40% open space in the proposed condition. The second was whether stormwater infiltration was possible. S.W. Cole, the geotechnical engineer, provided an updated report that shows there is high ledge and high-water table on the site. Where we are proposing our water detention facility, there is water half a foot below the bottom of the facility. Infiltration is not feasible onsite. The third was a wetland delineation. We did get a certified wetland scientist out to determine the limits of the wetlands, which has been provided to the city and state.

Mr. Anderson said once the Alteration of Terrain permit is approved, we will be filing a Stormwater Pollution Prevention Plan and a Notice of Intent prior to the start of construction.

Bill Scully, Traffic Engineer, Kimley-Horn, 271 Waverley Oaks Rd #302, Waltham, MA

Mr. Scully said we have done a lot of work since April. We studied intersections from Oracle Drive down to Daniel Webster Highway along Spit Brook Road, plus the intersections on Tara Boulevard and the interchange on the Everett Turnpike. Our primary impacts are focused on the intersections between the Turnpike and Tara Blvd, and most of the traffic is going to be oriented to the highway. That became the focus for our mitigation.

Mr. Scully said the analysis we ended up with is pretty conservative in terms of peak volumes, months, and hours. It's a worst-case condition, which means that if the volumes are lower the traffic will be even better. After Phase I is complete we will be doing traffic monitoring to make sure the mitigation measures proposed are successful.

Mr. Scully said on Tara Blvd they are proposing to add a third left turn lane onto Spit Brook Road towards the highway. Most of our traffic will be oriented towards the highway. This will be three left turns, a through lane to get onto Villa Way, and a right turn lane.

Mr. Scully said the next mitigation measure is to widen the south side of Spit Brook Road to three lanes between Villa Way and Brook Village. This will make a complete three lane section between Tara Blvd and the Turnpike. We would also rebuild the sidewalk on the south side and redo the traffic signaling.

Mr. Scully said we are proposing a second right turn lane at the intersection with the Everett Turnpike, so that there are two lanes to get onto the highway southbound ramp. We are also proposing to add a second left turn lane on Spit Brook Road to get onto the highway northbound ramp. This has been reviewed conceptually with NH Dept. of Transportation, and they have looked favorably on it.

Mr. Scully said this amounts to \$5 million in roadway reconstruction. Some of that could be done now to accommodate current volumes, and it will serve future volumes on that area. This will fully mitigate our own impact, we bring the operating conditions down to the no-build level or even better than before. This is something positive for the public as well as our project.

Mr. Scully showed a simulation of the weekday PM peak hour, and how things would look without the project and with the project, in both phases. The simulation led them to propose the double right turn lane onto the southbound turnpike ramp. Spit Brook Road really backs up without the mitigation measures. With the improvements to Spit Brook Road and Tara Blvd, the queuing is under the no-build condition. We had a lot of meetings with staff, it's all worked out pretty well.

Atty. John Weaver, McClane Middleton

Atty. Weaver said we are confident we have satisfied the requirements for site plan and conditional use permit. We feel the proposed improvements will be a positive addition to Nashua.

Ald. Morgan asked to go back to the safety and police onsite. The city is broken down into sectors by the police, this sector is mostly residential. There are two police officers on duty at any given time. It also is where the mall property and other casino. Would you be willing to increase that to three officers? During the holiday season there is a lot of traffic, one accident calls two police officers. If you then call in, we are pulling officers from different sectors. Regardless of the additional hours onsite, would you be willing to support the salary of one additional police officer onsite?

Mr. Dellaverson said absolutely. That's why we thought either one additional police officer or a substation.

Mr. MacIntyre said he had a few questions. While the applicant states that this is not a new casino, this is not even close to the same situation. This is a 100,000-sqft gaming facility with 4000,000-sqft of parking. A 20-year impact on a traffic area that already has level of service problems, he is not in agreement that this is a similar project going from Spot A to Spot B. This is a significant impact situation.

Atty. Dellaverson said from a count level, we have 450 gaming machines at the current facility. Phase I at the new one we will have 700 machines, that is not a substantial move. We have 18 table games, that's going up to 24. A large piece of this is 4 restaurants, which takes up a large amount of square footage. The Sheraton is a beautiful property, it's been around for a long time. It has tiered parking, possibly about 600 parking spots. We're going to build a 5-story parking garage that's subset into the elevation with elevators, easy passage, and snow coverage, it seems a more appropriate build for something like this.

Mr. MacIntyre said he appreciates that. But this is a significant project, it's massive. Your gaming facility is 300% larger than the total conference space there currently. It will be a totally different place. The community knows that, you'll hear from them. Everything changed when charitable gaming came into New Hampshire. This is a significant impact project. We are relying on staff, and I saw a lot of back and forth between you and them. He asked staff if the mitigations are suitable for something that will have a 20-year impact on that area.

Mr. Durfee said there are others that can speak to it at a higher-level detail than he can. But in the staff reports we have a memo from Senior Traffic Engineer Wayne Husband that essentially says yes. The reasons for the back and forth and beta memos, this is reflective of exploring mitigation, fine tuning the model, that takes time. It's a history of the work we've gone through to get to where we are. The fact that Mr. Husband was comfortable issuing a memo in support of these mitigation measures speaks to Mr. MacIntyre's question directly.

Mr. MacIntyre said as the Mayor's Representative he has to think broadly. He has to think about the job numbers and type of jobs, these are going to be mostly low-paying, service-oriented jobs. He has to think about the Master Plan. He sees some secondary connections here that are okay. It's going to help employment, but

it's not the type of employment we were seeking in an overall sense. It's going to increase the tax rate. But he's driven there his entire life and he's not convinced that this area can accept the level of traffic flow proposed.

Mr. Dellaverson showed an aerial of the site. The bulk of the expansion is the garage, which is very expensive to build. The original hotel and banquet space will stay the same.

Mr. Green said the Board has a limited scope of power for what it can and cannot do, it goes back to the conditional use permit and site plan criteria. The Master Plan is valid. Criteria 4,5, and 6 are related to property values, compatibility with the neighborhood, and adverse impact on road and pedestrian safety. Those have the most impact on the community, and the applicant has addressed them as seen by the back and forth with staff. The simulation was a very good taste of what could happen.

Mr. Green said there is a 40% increase they are proposing for facility usage, but they are adding substantial mitigations to the area. They also had a couple of real estate letters comparing property values of other facilities. As far as compatibility, space for space, the current facility is in a Park Industrial zone with residential nearby. He lived near there and never noticed an impact. But this is a larger site. He thinks they can coexist without issues, especially with the substation or additional officer.

Mr. MacIntyre said the city has a Master Plan. He believes the Planning Board has the right to say a project doesn't meet the spirit of the Master Plan. He's not saying we should, but we could.

Mr. Green said yes. He just wanted to make clear that it is looked at as a whole.

Mr. LeClair said he has a couple of questions. How is the casino's own security?

Mr. Dellaverson said currently we have 15 security officers; a director, a manager, two supervisors, and 14 officers. Two are posted at the door with metal detectors. At the new facility we will have 35 officers. Since it's two levels and two doors, you need double coverage.

Mr. LeClair asked about cameras.

Mr. Dellaverson said casinos and cameras go hand in hand. I could tell you whether your watch is running fast. For every position there is a gaming camera or two. Depending on the laws we have license plate readers, facial recognition, all kinds of doodads.

Mr. LeClair asked if their security capabilities are significantly above the city's.

Mr. Dellaverson said yes. He is proud of his security director and manager, they are both former law enforcement and run a tight ship.

Mr. LeClair said with respect to traffic, you mentioned Spit Brook Road enhancements. We would have three lanes on the north and south side all the way from the highway to Tara?

Mr. Scully said correct.

Mr. LeClair asked, on both sides?

Mr. Scully said there are two on the north side going west, with the turn lanes.

Mr. LeClair said the exit ramps would be doubled.

Mr. Scully said correct. The northbound left turn would be doubled, which really needs it today. And the onbound south ramp is wide enough to accommodate the striping for another lane.

Mr. LeClair asked if we are doubling the on-ramp and off-ramp on the Massachusetts side. What about the southbound side?

Mr. Scully said we are predicting 25-30% from the north. Right now it has a couple of left turn lanes coming out onto Spit Brook and then the free right. The analysis shows we don't need to make an improvement to turn right out of there and get onto Spit Brook. It's a free right turn around the bend.

Mr. LeClair asked said he was thinking more about the Turnpike coming from the north onto Spit Brook, coming from New Hampshire.

Mr. Scully said the analysis shows that intersection works pretty well compared to the northbound ramp. At the same time, it's been raised by the city that something may be needed. NHDOT has not said anything yet. We are proposing \$5 million of construction improvements to the road system that will mitigate the project. Whether the project happens or not, traffic will grow and you need to do something. If the city did it themselves it would either

cost that or you have to wait 10-20 years to get funding from the state. After Phase I is built and the mitigation is in place, we will do another traffic study to see how the mitigation measures are working before Phase II can be started. We have a long way to go, but at this point the analysis suggests that this can be done.

Mr. LeClair said he would take another look at that particular intersection. That right turn looks like 2.5 lanes, it has a weird movement. You end up with two cars side by side, sometimes three.

Mr. Scully said we can take another look at it.

Mr. LeClair said he's not a traffic engineer but he drives it every day, he knows it has an issue. Can you explain about the Brook Village turn?

Mr. Scully said we're not changing Brook Village.

Mr. LeClair said no, coming out of there.

Mr. Scully said we have the fourth lane for the southbound onramp. There will be an additional lane.

Mr. LeClair said there are a lot of right turns out of there in the morning onto the southbound onramp.

Mr. Scully said that will facilitate it. We're not treating anything on Brook Village itself, but we're adding the lane. The next lane is a through and right lane, so there's the ability to have a double right turn onto the ramp.

Mr. LeClair asked if right on reds work there.

Mr. Scully said we haven't gotten there yet.

Mr. LeClair said there are 4-5 inlets within 100-ft.

Mr. Scully asked if he doesn't want a right on red.

Mr. LeClair said he doesn't know if it would work there because you have one lane turning into four. With the movements, timing, and amount of cars, he thinks it needs to be looked at.

Mr. Scully said we don't have a problem with that. We still have a design phase to go through. There will be additional reviews by city staff to work things through.

Mr. LeClair asked about light synchronization. How much of that corridor has synchronization?

Mr. Hudson said it goes up to Oracle Drive. Right now we're having an issue with Oracle's traffic system controller, that's an issue that will be solved.

Mr. LeClair asked if they will be looking at the timing.

Mr. Hudson said yes. Retiming will be necessary.

Mr. LeClair asked if we have the cameras there to do it.

Mr. Hudson said mostly, yes. As part of the mitigation measures we have requested a camera at the intersection of Tara Blvd and Innovative Way. We also asked them to fund a performance module for the camera at Spit Brook Road. All that is being provided for.

Mr. LeClair asked if we will be able to sync from Daniel Webster Hwy to Spit Brook Rd.

Mr. Hudson said we do now. But things could always use improvement and this level of development means things need to be modified.

Atty. Weaver said he wants to speak to the Master Plan. The first top goal of the plan is redevelopment opportunity. This project will reinvest \$100 million in one of the most iconic properties in Nashua. This will revitalize it in a very real way that is entirely consistent with the Master Plan.

Mr. MacIntyre said his comments towards the Master Plan were not about the improvements to the facilities, it's how Nashua wants to have a livable traffic capable city. This area is supposed to be a TOD area someday. He is more concerned about that. Another concern would be safety, he is glad to hear about the substation. It wasn't whether an aging hotel needs a refresh.

Atty. Weaver said the reason he brought it up was the question of how this fit into the Master Plan.

Mr. MacIntyre said there are so many elements to it.

Atty. Weaver agreed. A clever lawyer could find any hook for the Master Plan, but this is the first one on the page. It is completely consistent with that. With regards to the traffic concerns, all of those concerns will grow in the coming years whether this facility is built or not. The investment that is part of the project

addresses those concerns. It won't turn them into a Level of Service A, but it will prevent them from becoming an F.

Mr. MacIntyre asked to speak to Mr. Husband. He asked if the mitigation aspects of their proposal are sufficient.

Wayne Husband, Senior Traffic Engineer

Mr. Husband said tonight we have Jason Plourde from VHB, our peer review consultant who helped review traffic analysis. After several meetings with the applicant we've gotten to a position that we think the Board should move to offer a conditional approval, that the city is getting an adequate and fair traffic mitigation package to compensate for the proposed development. The applicant has also agreed to conduct a monitoring study at the completion of Phase I, so we have an opportunity to check and mitigate further if deemed necessary. We support the approval of the casino project, provided that the applicant meets the conditions of approval as outlined in the staff report.

Mr. Husband said as far as the mitigation that has been negotiated with the developer, most of the traffic that is coming to and from this development is from the Turnpike. Our focus has been on getting the traffic out of Tara Blvd, not only for the casino but for all the other traffic. We've added capacity on Tara and Spit Brook, most of the traffic is returning to the south. That's where the widening is occurring. The other mitigation is an additional left turn lane off of the Turnpike onto Spit Brook Road. That's the first time he has heard a cost number, \$5 million makes sense. He thinks we are getting the traffic mitigation that is fair for the city. We look at the existing conditions and the conditions when it is complete. The Level of Service analysis results are as good or better than what is currently there. We are concerned about the southbound offramp but there are limits to what we can ask for offsite improvements. They've been pretty responsive, but this isn't the last bite at the apple. NHDOT will look at this too.

Mr. LeClair asked if he supports what he was saying about the off-ramp.

Mr. Husband said yes, we have had discussions about it. We'd like to get the traffic off that ramp and minimize its interference on the Spit Brook Road traffic.

Mr. LeClair said this is the largest offsite improvement he can recall in his 14 years on the Board.

Mr. Husband said this isn't a little project. It's a challenge trying to get the traffic in and out of there without further impacting traffic.

Mr. Green said he didn't see a condition directed towards a police substation on the online staff report.

Mr. Durfee said refresh your browser page. It is new condition "u" under Phase I conditions.

Mr. LeClair said he has questions about the Phasing. What is the proposed schedule?

Atty. Weaver said construction would start as soon as we're able, with Phase II three years later. We're looking at 2027 for Phase I and 2030 for Phase II.

Mr. LeClair asked if the offsite improvements are pre-Phase I.

Atty. Weaver said offsite improvements will be done as part of Phase I. The certificate of occupancy can be issued before it is completed, but it will be limited to whatever traffic mitigation measures can support. If half have been done, half of the capacity can be opened.

Mr. LeClair said he understands NHDOT has their own study and mitigation analysis. Can they reduce anything proposed by us?

Atty. Weaver said they would not. They would either agree with the proposed measures or look at their assets and say what additional mitigation we need.

Mr. LeClair said he's thinking about the on and off ramp stuff. He would not be in favor of this if that isn't there.

Atty. Weaver said if the Board requires it as a condition of approval, that would be baked into the approval.

Mr. Hudson said NHDOT specifically requested the on and off ramp additional lanes, that's a definite. It's more within the NHDOT purview to request expansion on their own ramps than for us to do that. We'll have an opportunity to look at those geometries. It's the applicant's burden to mitigate their traffic, not to fix all of our problems. They've shown that they can do that.

Mr. Scully said we have met with NHDOT as a group with the city. They conceptually thought the ramp improvement is a good one and

should be done. It's their ramps, they will be intricately involved in them and the intersections. After Phase I the traffic monitoring will look at the queuing and the width. We'll take a look at what we can do during the Phase I process. Before Phase II can move forward, we'll know. We don't want to jump ahead.

Mr. Green said he is going to open the floor to public comment for 45 minutes.

Ald. Morgan asked to take a brief recess first.

The Board held a brief recess.

Mr. Green said he will give 45 minutes for public comment. Half of that time will go to support, half of that time will go to opposition. First, he will take opposition, please line up in front of the podium and state your name and address for the record.

SPEAKING IN OPPOSITION FOR CONCERN

Rep. Bill Ohm, Ward 9, 18 Mountain Laurels Dr, Nashua NH

Rep. Ohm said his neighbors are unhappy about the traffic and other issues associated with the relocation of this casino. As Ald. Morgan said, Ward 9 is mostly residential, in contrast to the current location. We have no supermarkets, we have to go to Daniel Webster Hwy to go shopping. This requires us to merge with casino traffic and turnpike traffic at three stoplights.

Rep. Ohm said we haven't talked about the numbers of traffic. We're talking about 7,402 trips to the Tara intersection, with peak trips of 573 cars per hour. That's almost ten cars every minute trying to cross an already congested intersection. That's a car every 67 seconds. The mitigation we've heard is unusual. It's a 3-lane turn lane onto two city streets. The only 3-lane turn in New Hampshire is up at the Manchester Mall of NH. That's not a residential street, that's a busy interchange. We're expecting people to come out of the casino, who are not particularly happy after spending time there and have had a few drinks, to queue in 3-lanes, not bump each other, and make it down to the exit. This additional traffic will disrupt the normal lives of everyone in south Nashua. Spit Brook Rd is already rated at Level of Service F by NHDOT.

Rep. Ohm said there is a better option that the Board should consider prior to making a decision. He thinks a better option is to look at another way to get the traffic southbound going back into Massachusetts. He thinks a better option is to look north at

Digital Drive, that's the Flatley property. That's a very short direct access to the turnpike that bypasses four stoplights coming out of Tara. He suggests that this alternative be looked at before a decision is made. This is a better long-term solution.

Katie Enright, Civil Engineer, BSC Group

Ms. Enright said she has been a civil engineer for 30 years and a resident of Nashua for 20 years, first at Oak Hill and then on Pinehurst Ave. This is her neighborhood, it is a residential neighborhood. Her daughter learned to swim at the Sheraton, we played at Roby Park, her hairdresser is up the street, there are small businesses they walk to. This will change the way we behave in south Nashua. It will change the way she uses the exit, whether they go to Pressed Café. There are thousands of residents across the street, hundreds behind it. It's basically the entryway to the neighborhood. She asked the Board to consider whether this use is applicable here. It's shocking to hear that 30 security guards need to be on staff here. She doesn't think that living next to the casino will be a good thing. Property values have gone up significantly in the area, but she's doesn't know if those numbers align with what we're seeing from the casino. None of her friends who bought condos here wish the casino came sooner.

Katie Evans, 30 Cider Ln, Nashua NH

Ms. Evans said she was born and raised in Nashua. She is a compulsive gambler. Four days a week at 6 o'clock she goes to an Alcoholics Anonymous meeting. She is not an alcoholic, but she goes to it because there aren't any Gamblers Anonymous meetings here. There's one in Merrimack and that's it. There's no support for people who have this and are struggling. She loves gambling. It's been 85 days since her last bet. Those lights and sounds trigger her.

Ms. Evans said she doesn't think we need any more casinos. Casino development in the city has outpaced any meaningful opportunity for the public to have input. There is a State House bill 737, which is an opt out vote. Some towns in NH have opted out of any casino development. She finds it ironic that a mental health institute was proposed today because the casino was being heard as well. The truth of addiction when it comes to casinos, people with mental illnesses tend to be more susceptible, also the elderly and low income. She feels the impact that this project will have on the city has been downplayed. This all comes down to money, and Delaware North is interested in making a lot of money. The residents of Nashua would like to save some. The developer is

planning on paying for the roads and infrastructure to be built, but who pays for the maintenance? It will be us.

Ms. Evans said it was mentioned that property values have increased since the Gate City Casino was opened. Property values across Nashua have increased, in ten years her home value has doubled. She is curious if there are figures comparing the growth of property values in the casino neighborhood to that across the city at large.

Ms. Evans said the applicant said the number of machines and games are not increasing substantially. So, why build? Parking garages are expensive, so why build one? We do not need a bigger casino building, and it sounds like Delaware North does not need one either. The cost to the residents outweighs the benefit. She loves charitable gaming, but what's in it for her? What's in it for Nashua? She's glad there are charitable bits of this, but the other 35% or so leaves Nashua.

Dr. Cynthia Stevens, 7H Black Oak Dr, Nashua NH

Dr. Stevens said her written remarks in opposition to this project are on file and part of the record. She was born here in 1948 and her parents lived here their entire lives. Over the more than 60 years of life she came back to Nashua many times and followed the growth of the city with great interest. The growth she witnessed in these 60 years was thoughtful, forward thinking, and sometimes reckless. What stayed with her is that the people who are elected to serve and the citizen care about the community. We are not a bunch of statistics, we are a community.

Dr. Stevens said she has training in chemistry and physics. That taught her that statistics are critical, vitally important. We must have the facts. Her training in medicine taught her that the facts are there to serve people. She strongly opposes this project because she doesn't see it serving the citizens. She sees it serving the profits of few. She sees a few business people who dangle in front of us a pittance percentage of the profits in return for an enormous toll on the community. They keep using the term mitigation. It doesn't talk about the impact on the citizens, or the construction zone, or the hundreds of trees that schematics don't show correctly. Her objections still stand. She asked the Board to think of all of us as citizens. This has been referred to as charitable gaming. Let's be honest about what this is, it's a gambling casino of 93,000-sqft. That is the size of the playing area of two football fields.

Atty. Mike Harris, BCM Environmental, 3 Maple St, Concord NH

Atty. Harris said he is here representing Dr. Stevens and Rep. Ohm. We have submitted a number of our own comments. He is here tonight to ask about the process and the need to close this hearing tonight and not to continue it to give the public more opportunity to participate. This has been a long application process, it was started back in April and a lot of work has been put into it. But this is one of the biggest projects this Board has been asked to approve and the city has faced. This week the Board has seen over a dozen new documents related to the traffic study, stormwater management, and impact on neighboring property values. The city has reviewed it, but to get that information to the public to reasonably and thoroughly comment on it, none of that is available given the timing of the last batch of information. We think it's imperative to not close the public hearing and allow 30-days to review the information and have a chance to make comments that are more thorough and educated. We would like the same change that staff has had to evaluate it and provide technical comments.

Rep. Susan Elberger, Ward 1, 11 Birch Hill Dr, Nashua NH

Rep. Elberger said she serves with Rep. Ohm on the State House Ways and Means Committee, we are aligned in terms of how we feel on this project. It doesn't work for us, it's a bad plan as it stands. She spent a good part of her early career in addiction treatment, we are looking at an increase of opportunity for people who are stuck spending more money in a casino than is good for their health, their family's health, or the community's health. We are not providing any additional services for treatment.

Rep. Elberger said the amount of money that goes into charitable endeavors, given the profits that come out of these facilities, is a pittance. The amount that goes to the state and community government is even smaller. Whatever project this turns out to be, it certainly won't benefit the city the way it will the owners and shareholders. She asked the Board to not accept this plan until there is a way to take care of the citizens that live in the area and not make their lives more complicated than they are.

Letters of Opposition:

Bill Ohm, 18 Mountain Laurels Dr, Nashua NH

Cynthia Stevens, 7H Black Oak Dr, Nashua NH

BCM Environmental & Land Law, 3 Maple St, Concord NH

Fraggle Rock Environmental LLC, 38 Garland Rd, Strafford NH

John J Flatley Company, c/o John Flatley, 45 Dan Rd, Canton MA

Chelsea & Frank Lahey, 1N Snow Circle, Nashua NH
Rebecca Spidaliere, 28 Teak Dr, Nashua NH
Esther Ross, 8 Strawberry Bank Rd U20, Nashua NH
Joseph & Marie Cura, Q4 Snow Cir, Nashua NH
Alexander Fandozzi, 16 Kessler Farm Dr, Nashua NH
Luis Tari, 53 Legacy Dr, Nashua NH
Roy Goodman, 410 East Dunstable Rd, Nashua NH
Benjamin Faitelson, 8 East Pearl St, Nashua NH

SPEAKING IN FAVOR

Mike Apfelburg, Greater Nashua United Way

Mr. Apfelburg said he serves as president of United Way and he is in support of this proposed expansion. His perspective is from the nonprofit sector and the thousands of individuals served by local charitable organizations. Charitable gaming generates funding for nonprofits. Contrary to what Rep. Elberger said, it is not a pittance. It's become one of the most significant sources of revenue burdened by a challenging federal and state grant environment and challenging fund-raising events. These dollars are important to us serving the communities. Charitable gaming revenue helps to make that work possible. This proposed expansion will increase those benefits significantly.

Mr. Apfelburg said he recognizes that there are concerns about the neighborhood, traffic, and other impacts that should be taken into consideration. But he feels that the benefits to the nonprofit ecosystem and local economy outweigh these concerns. His question is not whether to expand, it is whether we are willing to strengthen one of the most effective sources of funding available in our community. We support this expansion.

Chris Lucier, 3 Mayfair Ln U203, Nashua NH

Mr. Lucier said he is a combat veteran of Operation Desert Storm and currently serving as an officer at the Hollis VFW, Post 11373. Before the support from charitable gaming, we were a meagre post that pulled in about \$2,000 a year in fundraising. We weren't able to do much to support veterans. Since our partnership with Gate City Casino, we have been transformed into an altruistic powerhouse. The things we have been able to do for veterans is staggering. We have put up buildings for other nonprofits that support veterans, built handicap access, provided service animals, provided housekeeping and driving services. It is amazing what we are able to do with the revenue we have received. Gate City Casino has been there for us for four years, and today we are here for

them. He asked the Board to look favorably on this. This is not a pittance.

Kerry Spangler, 32 Wheaton Dr, Nashua NH

Mr. Spangler said he would like to reiterate what Mr. Lucier said. The things we have gotten from working with these charitable organizations. The money they get has helped everyone in the community. State wide we are getting funds we never dreamed of and doing things we never dreamed imaginable.

Bruce Hardy, 41 Broad St, Hollis NH

Mr. Hardy said he is the president of the Hollis Historical Society. He would like to reiterate that their ability to help people in town is increased exponentially because of their partnership with the casino. It's a significant amount of money we have received, and we have been able to fund new programs with the high school. The Internal Revenue Service has changed their rules, it's not as profitable to make charitable gifts. People just don't itemize deductions anymore. A lot of small organizations aren't getting gifts like we used to, the tax laws have changed. There's no incentive to itemize deductions.

Deputy Chief Mark Proulx, Epping Fire Department

Deputy Chief Proulx said we receive money as well. One of the things we were able to buy was new rescue tools, we've already saved a life with them. They don't just provide money, they are offering to pay for another police officer, that's not coming out of the budget. He sees this as a win-win.

Michelle Guerrin, Family Promise of Southern NH

Ms. Guerrin said she is the finance and compliance director with Family Promise. We are a nonprofit and our mission is to end homelessness. We presently serve individuals experiencing housing instability across Hillsborough and Rockingham counties. Our program includes transitional housing, eviction prevention, and diversion assistance. We have received proceeds from Gate City Casino since 2017. This has greatly enabled our ability to provide integral services to help families achieve self-sustainability. Gate City continues to support us in providing our families with the tools they need to achieve financial literacy, obtain career and educational opportunities, and rebuild their lives. We are grateful for this partnership and the opportunities it provides.

Michael Tabacsko, 5 Federal Hill Rd, Nashua NH

Mr. Tabacsko said he is here in two roles. He is the treasurer of the Brian S McCarthy Foundation, and he is a resident of Nashua. He is totally in support of the plan to expand the gambling over to Tara. It's the natural evolution of things with the Nash Casino in town. The expansion of Gate City is necessary, it needs to be competitive with the other facility. The overall economic impact of charitable gaming in Nashua is incredible and goes beyond the local charities. As a local charity, we are overwhelmed with what we've been able to do in a short period of time. Keeping this going is important and he hopes the Board will vote favorably.

Atty. Andrew Morin, 191 West Hollis St, Nashua NH

Atty. Morin said he is the executive director of Regenerative Roots, a nonprofit. To reiterate, charitable gaming has had a huge impact for us. To put it into perspective, we just went under contract to buy 151 Kinsley Street in Nashua to turn it into a food pantry. As a resident, this is the only project he's seen that could expand our tax base so that it is not arbitrarily raised. Affordability is a huge issue here. We look favorably on this and hope you do too.

Jeff Grinvalsky North Atlantic States Regional Council of Carpenters, 920 Candia Drive, Manchester, NH

Mr. Grinvalsky said he wanted to speak to the potential for jobs that this will create. These are service jobs, but you'll find that with the type of clientele and services offered these are on the high end of service jobs. We'd like to build this, we have some dialogue going with the applicant. We feel they are addressing concerns with safety and traffic. We are in support.

Joey Ortiz, [Address not given]

Mr. Ortiz said he is a union carpenter. This will benefit a lot of tradesmen in the local area. He hopes the Board supports this.

Ed Gleason, Pelham Council on Aging

Mr. Gleason said he is the chairman of the Pelham Council on Aging. He agrees with everything that has said. Seniors are facing difficult times with inflation. We've been able to initiate new programs we couldn't previously. All of them are possible because of the charitable donations. These funds are essential to our success in the future.

Jan Schwartz, Scholarship of America, Dollars for Scholars

Ms. Schwartz said we give scholarships to graduating high school students for trades and college, and the funds we have received from this organization are significant.

Margaret Bell, 15 Briand Dr, Nashua NH

Ms. Bell said she is the executive director of the Nashua Senior Center. For many of the same reasons stated, the support is invaluable. It is undiscretionary money. As a self-standing organization, with grants being smaller and sponsorships being down, this is money we can put back into the center.

Col. Kevin Jordan, [Address not given]

Col. Jordan said he is the Colonel at NH Fish and Game and has worked in law enforcement for close to 4 decades. He has been appointed to three charitable organizations, the Law Enforcement Memorial Officers Memorial Association, Operation Game Thief, and the North Country Public Safety Foundation. All of their work is done through charitable donations. Having served in law enforcement for years he had some concerns about pairing up with a gambling organization, but they have a top-notch operation. Their security is admirable. He has 34 officers, we run the entire state Fish and Game with 48. He said he was floored that they are willing to fund the salary of an additional officer. He fights and bleeds to get an answer like that, and to get an answer that quickly from the casino speaks volumes for what the organization wants to do. They want to make money but they also want to be a part of this community, and are willing to contribute in a large way to do that. He doesn't think this is a pittance, it's very important and benefits people all across the state.

Letters in Support:

Ald. Richard Dowd, 8 Ascot Park U487, Nashua NH

Kimberly McCarthy, Brian S. McCarthy Memorial Foundation

Dawn Reams, Bridges Domestic & Sexual Violence Support

Christa Tsehrantzis, Habitat for Humanity Greater Nashua Manchester

Paula Telage, Home Health & Hospice Care

Douglas Barry, Humane Society for Greater Nashua

James Tomaszewski, Lil' Iguana Children Safety Foundation

Jon Eriquezzo, Meals on Wheels Hillsborough County

Hannah Stohler, Marguerite's Place

Mary Conroy, Special Olympics NH
Mike Apfelburg, United Way Greater Nashua
Lewis Chipola, Nashua VFW Post 483
State Senator Kevin Avar
State Senator Cindy Rosenwald
Fred Richards, WNHN-LP, 94.7FM Radio

Mr. Green asked for anyone present on Zoom to speak, none in attendance online spoke up.

APPLICANT REBUTTAL

Ernie Dellaverson, Gate City Casino

Mr. Dellaverson said in regards to residential versus commercial, reading the history of the property, it was amazing that this was once a dairy farm and an orchard. Picturesque, no doubt. Flatley did a good job developing a heavily commercialized area right through there. The turnpike came through and connected Nashua to Manchester and grows economics. This is the next chapter of what we could do for New Hampshire.

Mr. Dellaverson said hours of operation came up. There are some daytime commuters and it's good that we will be offsetting that. Our business tends to operate on nights and weekends.

Mr. Dellaverson said there was a question regarding compulsive behavior. There is the very well known Gamblers Anonymous. We work with Responsible Gaming and Lottery in NH. There was a question, why build? There are a lot of whys out there. We use a gravity model, if there's more energy into a facility, it creates more entertainment value for that dollar.

Mr. Dellaverson said he is glad a lot of charities came to speak on our behalf. There's not a lot of charitable based gaming organizations in the country. For every dollar we make, 35% goes towards that aggregated tax. After that we still have to pay to keep the lights on, pay the staff, pay the property tax. Those are operating expenses, with a profit margin at the bottom of it. It's great to hear what we can do for the charities along with the other gaming facilities in NH.

Atty. John Weaver, McClane Middleton

Atty. Weaver said with regard to the character of the neighborhood, the properties surrounding the site are commercial. The neighborhood coffee shop referenced has eleven locations across

two states. This is consistent similar to where its current location is. 55 Northeastern Blvd has offices and residences and businesses. This is a larger facility, but this is a hospitality facility now and will continue to be. There are restaurants and event space. It fits in quite nicely with this area.

Atty. Weaver said Atty. Harris requested a 30-day continuance to be able to review the materials. Atty. Harris submitted a letter a month ago when they were retained, and our documents haven't changed much since then. We've added more to the traffic study, but the stormwater management and site plan aren't that much different. If they haven't been able to review and make a larger substantive argument against this case by this point, it probably means there isn't a larger substantive argument to make.

Atty. Weaver said he found the comments in support pretty moving. He has not had the privilege of listening to the charities that Gate City supports, especially not in quick succession. It was moving and he thinks they rebutted a lot of the concerns expressed about the amount of money given and the effect on the people of Nashua. This is their lifeblood, this allows them to do the work they do. When people say think about the people, these nonprofits think of them every day. A lot more good can be done at this facility and he hopes the Board opts to give them that chance.

Mr. LeClair asked what we are talking about in terms of the money going into charity. What is it now, and what is it projected to be?

Atty. Weaver said last year it was \$7.1 million, and \$20 million since 2023. That would grow proportionate to the expanded gaming.

Mr. Dellaverson said with the way it's structured you have two charities for seven days. Those checks for those charities will typically run \$60,000-70,000 apiece. We have 104 runs a year.

Mr. Green said that is based on state law.

Mr. LeClair said he was trying to understand the scale.

Mr. Dellaverson said it's a substantial amount of money.

Mr. MacIntyre said Rep. Ohm suggested a connection to the turnpike. Is it a fair solution, or is it not applicable?

Mr. Durfee said he will defer mostly to Mr. Hudson and Mr. Plourde, but this has been explored in the past. It did not come to pass.

Mr. Hudson said something like that could be done, but at what cost and how would you do it? He doesn't think this applicant controls all the property that would be needed to do such a thing. A large project like that, a new on-ramp to a highway, would require more than a local level effort. That would require the state. He doesn't feel that is a reasonably feasible solution. Big picture wise it would be great, and what we're doing here doesn't preclude that. But given the case before us, the mitigation package developed does mitigate the traffic.

Mr. MacIntyre asked if a highway connection is not feasible at this time.

Mr. Hudson said he would have to know the specifics, but he doesn't see if as a reasonable or feasible alternative at this time.

Ald. Morgan said in the spirit of charity and the reputation you already have, what strikes her is the response to Gamblers Anonymous. It sounds like what is being done right now is just checking the box. She would like to ask that they go above and beyond and establish a Gamblers Anonymous in Nashua and ensure that it continues.

Mr. Dellaverson said yes. It's unfortunate that there is not a local resource here. He will have to take that up with NH Lottery. We're a unified team and we need to work as gaming operators and see what the resources are in the city proper and outside. He will look into it.

Mr. MacIntyre asked if this is time for discussion as a whole or if he should wait.

Mr. Green said unless he has questions for the applicant or staff we will close the hearing and then deliberate the case further.

PUBLIC MEETING

Mr. Green closed the public hearing and opened the public meeting.

Mr. MacIntyre said to him the issue is that the genie is out of the box. Charitable gaming has changed the state of New Hampshire, and its impact is so obvious on social services that you would be an idiot to say that it doesn't make it impact. It's unfortunate that this is the way they get their money, but he can't change that. That's what is happening today. The Nashua that he grew up in is not the same, the state is not the same. We are at a point

where we're doing businesses in places that some people don't like or can't manage. He accepts that. A

Mr. MacIntyre said as a Board member, his opinion on gambling doesn't matter. We have to follow things like, are they meeting the Master Plan, following the ordinances, following the law, and what impact this will have on the city. Obviously at a local level, there will be a concern no matter what they're building. But when he looks at this on the whole, he can't see not approving it. If it was a personal choice he wouldn't, but that doesn't matter. He wants the staff to be like hawks on this project, we really need that. This impact of the traffic and the mathematics that was used for it can be debated back and forth. But staff will be there every day. This is a big one, it deserves a lot of attention.

Mr. LeClair said he will talk a little bit about that area and that site. In his 14 years we've had 25-30 projects related to that general site area. He also lives a mile away, he knows the area pretty well. That highway exit has come up on nearly every project in that area and it's never happened. We've talked about mitigation measures on Tara and Spit Brook and we never get them. We've never had the chance to get these measures we're talking about here. Every time we build there it gets worse, there has never been enough done to make it better. This is the first project that's come and said, we're going to try to do something. He is a big fan of this because he has literally been asking for a decade. That's a positive thing about this project.

Mr. LeClair said the Sheraton was an eyesore for about ten years here. It needs work. It's not like that site has been getting better, it's been rough for a decade. Something has to be done there. A lot of the development onsite has been great, the Flatley stuff has been excellent. To him this is getting close to the capstone of that site. We've gone through several concepts of master plans for that site that were research and development centered. Those had a lot of traffic impacts and no mitigation measures. We are getting mitigation measures, redevelopment of a site, and capping off that area to make it look good, to really get a gateway. That's before you think about the money going to the charities. It is what it is, but it is a big deal.

Mr. LeClair said that has been like it is for a long time, almost 20 years not doing anything. Sites like that don't do anything for the residents or the city. He is a big proponent of activating these sites to do something for everyone. Add to the tax base, give to charities, get some of the improvements that we're talking about, make it look better, get some jobs. He sees positives here.

There is a balance, but we thought it was a great thing when it was on the other side of the highway at the Nash Casino. The same pros and cons.

Mr. Hudson said he would echo what Mr. LeClair has said. When the other casino came forward there were the same discussions about police and crime, but he hasn't heard any major issues for that site. We had the same sort of societal discussions for that site. We dug deep on the traffic study and will continue to vet it. The phase approval process allows us to ensure everything is tracking as anticipated and adjust as needed. NHDOT is our partner in that, they also have expertise.

Mr. Hudson said the burden is to mitigate the traffic as discussed. We are looking at the peak periods, but the additional lanes and capacity will have a benefit during all other hours of the day. All the residents in the area will benefit from that.

Mr. Hudson said in terms of societal benefit, he was struck by the charities that came out to speak. He feels this is a net benefit to the community as a whole.

Ald. Morgan said she will echo her colleagues. The Master Plan speaks towards bringing in high paying jobs. At a literal level maybe, it doesn't but the ripple effect isn't shown. What the charities didn't speak to tonight is that it has for some allowed them to create new job positions and expand their staff. It's allowed them to pay some of their staff a livable wage. It's allowed them to expand their services to the community and to their own staff, maybe they're able to keep their doors open. From the societal impact, we already have charitable gaming. It's already happening. She is in favor of this project.

Mr. Green said he would like to go back to the site plan criteria. This needs to work with the surrounding uses. The current location is a Park Industrial zone, this is a Park Industrial zone with services and retail shops. The police presence is a big thing, and we have a good condition to hold them to. They meet the criteria that's given between the conditional use permit and site plan criteria.

Mr. Durfee would ask that anyone making the motion to take the time to go through the criteria for each. Please be articulate.

Mr. MacIntyre asked for some guidance.

Mr. Durfee said the motion is structured off the criteria. We've provided some boilerplate language in the staff report. The wording of the motion and how you feel is truly your own. This is the opinion of the board based on everything you've heard. He wants the justification to come from the Board members, he doesn't want to put words in their mouth.

MOTION by Mr. LeClair to approve Old Business - Conditional Use Permit A26-0013. The Board finds that the application meets the Approval Criteria under §190-133(F)

SECONDED by Ald. Morgan

MOTION CARRIED 5-0

MOTION by Mr. LeClair to approve the following waivers for Old Business - Site Plan A26-0012:

- a) §190-279, EE to waive the requirement to depict existing conditions on abutting lots within 1,000 feet of the subject property boundary;
- b) §190-271 to waive the requirement for all civil plan sheets to be sized 22"x34";
- c) §190-172, E. (1) to waive the requirement for entrances on all sides of a building that abut a public street.

SECONDED by Ald. Morgan

MOTION CARRIED 5-0

MOTION by Mr. LeClair to approve Old Business - Site Plan A26-0012, Phase I. The Board finds that the application meets the Approval Criteria under §190-146(D) with the following conditions:

- a) All comments in a letter dated June 2, 2026 from Joe Mendola, PE, Senior Staff Engineer, shall be addressed to the satisfaction of the Division of Public Works.
- b) Any waiver(s) granted shall be listed on the plan. Should any waiver(s) be denied, the plan must be revised in order to comply with the applicable site plan regulations.
- c) All conditions from the Planning Board decision letter will be added to the cover page of the plan.

- d) The plan set shall be sealed and signed by a Professional Engineer licensed in the State of New Hampshire.
- e) The architectural plans shall be stamped by an Architect licensed in the State of New Hampshire.
- f) Prior to the issuance of a Building Permit, all stormwater documents (easement to the benefit of the City and Operation & Maintenance Plan) shall be submitted for review by City staff. The stormwater documents shall reflect full build-out of Phases 1 & 2.
- g) Prior to the issuance of a Building Permit, the Applicant shall sign and fund the sewer capacity study, as scoped by Hazen.
- h) Prior to the commencement of site work associated with the Building Permit, a pre-construction meeting shall be held.
- i) As part of the off-site improvements design phase, revise the traffic operational analysis and simulation models to the satisfaction of the City and NHDOT and their peer review consultants. The Applicant shall fund any subsequent peer review scopes as necessary to confirm all outstanding peer review comments have been satisfied.
- j) Throughout the development of final design plans for off-site traffic mitigation measures, site construction, and occupation/operation of the facility, the Applicant shall cooperate with any requests or conditions from NHDOT regarding the traffic mitigation measures.
- k) Four-months prior to the issuance of a CO for Phase 1, a parking management plan which may be inclusive of, but not limited to valet, shuttle service, and other applicable parking management strategies shall be submitted for review by City staff.
- l) Prior to the issuance of a CO, the Applicant shall complete the preliminary and final design of all on- and/or off-site traffic mitigation measures required and approved by the City of Nashua and NHDOT. The Applicant shall fund any peer review services that the City of Nashua and/or NHDOT may require to support design review.

- m) Prior to the issuance of a CO, an electronic copy of the site civil and traffic mitigation plans will be submitted to the Engineering and Planning Departments.
- n) Prior to the issuance of a CO, all stormwater documents shall be recorded at the Applicant's expense.
- o) Prior to the issuance of a Certificate of Occupancy, the Applicant shall complete construction of all traffic mitigation measures shown conceptually in the twelve-sheet plan set titled Gate City Casino Hotel Offsite Roadway Mitigation Nashua, New Hampshire 10% Concept Plan Submittal, dated July 8, 2026 and as subsequently revised and amended. The Applicant shall fund any third-party testing and resident engineering services that the City of Nashua and/or NHDOT may require to support the construction phase.
 - i. The Planning Department is empowered to issue a limited CO for Phase 1, for a number of gaming positions commensurate with the increase in traffic capacity of the off-site improvements constructed by the time of the request for a CO. The number of gaming positions allowed to operate shall be determined by a third-party study and affirmed by the City's peer reviewer, funded by the Applicant. If a partial CO is issued for Phase 1, a building permit for Phase 2 shall not be issued until a full CO is issued for Phase 1.
- p. Prior to the issuance of a CO, all on-site improvements associated with Phase 1 will be completed.
- q. Prior to the issuance of a CO, an as-built plan locating all driveways, buildings, utilities, and site landscaping shall be completed by a professional engineer or a licensed land surveyor and submitted to the Engineering and Planning Departments. The as-built plan shall include a statement that all construction was completed in accordance with the approved site plan and applicable local regulations.
- r. Prior to the issuance of a CO for Phase 1, the parking management plan shall be approved by City staff and shall be placed on-file with the Planning Department.
- s. Prior to the issuance of a CO for Phase 1, the Applicant shall install a Gridsmart vehicle detection camera system with

Performance Module at the signalized intersection of Tara Boulevard and Innovative Way, and fund adding a Performance Module to the existing Gridsmart camera system at the Spit Brook Road and Tara Boulevard signalized intersection.

- t. Prior to the issuance of a CO for Phase 1, the Applicant shall construct any sewer improvements (e.g. pipe lining, installation, or replacement) needed to support the increased sewer loading from the Phase 1 development.
- u. No earlier than six-months and no later than twelve-months after the completion and full occupancy of Phase 1, the Applicant shall perform a post-occupancy traffic monitoring study to evaluate post-build and occupancy traffic conditions. The Applicant shall be financially responsible for any necessary signal phasing/timing changes to the signal system at the intersections in the traffic study as warranted by the monitoring study, and the cost of the City's peer reviewer's work for the review of the monitoring study.
 - i. The monitoring study must be the same scope as the original study. Phase 2 trips must be estimated and modeled based on Phase 1 trip generation and traffic volume data collected six-months after the full occupancy of Phase 1. The scope must be reviewed and approved by the City and its peer reviewer. If the study proves that additional mitigation is required, such mitigation measures will be designed by the Applicant and reviewed and approved by the City and NHDOT, as applicable, prior to the issuance of a building permit for Phase 2 and such improvements shall be constructed, and proven to function as designed, prior to the issuance of a certificate of occupancy for Phase 2.
- v. No earlier than six-months and no later than twelve-months after the completion and full occupancy of Phase 1, the Applicant shall perform a post-occupancy parking monitoring study to evaluate post-build and occupancy on-site parking capacity. The scope of the parking monitoring study shall be developed by the Applicant and reviewed and approved by the City and the City's peer reviewer. If the parking monitoring study proves that there is insufficient on-site parking to accommodate the parking demand generated by Phase 1, Building Permits for Phase 2 will not be issued until i) a plan to accommodate excess demand is submitted and ii) reviewed and approved by the Nashua City Planning Board.

- w. No earlier than six-months and no later than twelve-months after the completion and full occupancy of Phase 1, the Applicant shall perform a post-occupancy parking monitoring study to evaluate post-build and occupancy on-site parking capacity. The scope of the parking monitoring study shall be developed by the Applicant and reviewed and approved by the City and the City's peer reviewer. If the parking monitoring study proves that there is insufficient on-site parking to accommodate the parking demand generated by Phase 1, Building Permits for Phase 2 will not be issued until i) a plan to accommodate excess demand is submitted and ii) reviewed and approved by the Nashua City Planning Board.

SECONDED by Mr. MacIntyre

MOTION CARRIED 5-0

MOTION by Mr. LeClair to define active and substantive development as the following:

- a. Construction of and/or installation of basic infrastructure to support the development (including all of the following: foundation walls and footings of proposed buildings; roadways, accessways, parking lots, etc., to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans; and
- b. Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrain, catch basins, etc.) in accordance with the approved plans; and
- c. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site.

SECONDED by Mr. MacIntyre

MOTION CARRIED 5-0

MOTION by Mr. LeClair to approve Old Business - Site Plan A26-0012, Phase II. The Board finds that the application meets the Approval Criteria under §190-146(D) with the following conditions:

Precedent Conditions

- a. Prior to the issuance of a building permit for Phase 2, any additional traffic mitigation measures, as warranted by the post-occupancy monitoring study associated with Phase 1, shall be designed by the Applicant, and reviewed and approved by the City and NHDOT, as applicable.
- b. Prior to the issuance of a building permit for Phase 2, any additional parking mitigation measures, as warranted by the post-occupancy monitoring study associated with Phase 1, shall be designed by the Applicant, and reviewed and approved by the City and NHDOT, as applicable.
- c. Prior to the issuance of a CO for Phase 2, the Applicant shall construct any sewer improvements (e.g. pipe lining, installation, or replacement) needed to support the increased sewer loading from the Phase 2 development.
- d. The issuance of a Building Permit for Phase 1 shall negate the need for the Applicant to return to the Planning Board to extend the approval for Phase 2, even if a Building Permit for the work associated with Phase 2 has not been issued within 12-months of this conditional approval. The rights to develop Phase 2 shall vest with achieving Active and Substantial Development, as defined above, subject to all precedent and subsequent conditions of approval for Phases 1 & 2.
- e. The conditional approval shall be considered final upon certification by the Planning Manager that the Applicant has satisfied the above listed precedent conditions of approval.

Subsequent Conditions

- a. Prior to the issuance of a CO for Phase 2, any additional traffic mitigation measures and/or parking accommodations necessitated by the Phase 1 monitoring studies shall be fully constructed.
- b. No earlier than six-months and no later than twelve-months after the completion and full occupancy of Phase 2, the Applicant shall perform a post-occupancy traffic monitoring study to evaluate post-build and occupancy traffic conditions six-months after the completion and occupancy of Phase 2. The monitoring study shall be completed and must, to the satisfaction of the City's Engineering Department - Division of Public Works, demonstrate adequate capacity to accommodate the additional traffic volumes anticipated for Phase 2.

- i. The monitoring study must be the same scope as original study. The scope will be reviewed and approved by the City and its peer reviewer. If the study proves that additional mitigation is required, resulting from the traffic generated by casino/charitable gaming establishment, the CO for Phase 2 may be suspended until such mitigation measures are i) designed by the Applicant and reviewed and approved by the City and NHDOT, and ii) constructed by the Applicant. In the event that additional mitigation measures are required and constructed, a post-construction traffic monitoring study will be conducted six-months after the completion of the improvements under a scope to be developed by the Applicant and reviewed and approved by the City and its peer reviewer.
- c. No earlier than six-months and no later than twelve-months after the completion and full occupancy of Phase 2, the Applicant shall perform a post-occupancy parking monitoring study to evaluate post-build and occupancy on-site parking capacity. The scope of the parking monitoring study shall be developed by the Applicant and reviewed and approved by the City and the City's peer reviewer. If the parking monitoring study proves that there is insufficient on-site parking to accommodate the parking demand generated by the full build-out and occupation of Phase 1 & 2, the Applicant shall return to the Planning Board for review and approval of a plan to accommodate excess demand, and shall construct and/or implement the approved parking mitigation measures within twelve (12) months of the approval date.

SECONDED by Mr. MacIntyre

MOTION CARRIED 5-0

NEW BUSINESS - CONDITIONAL USE PERMITS

A26-0112 Jonathan Leake & Alex Nikulin (Owners), Andrew H. Sullivan (Applicant) requesting conditional use approval for a 3-unit multi-family building. Property is located at 7 Haines Street. Map 19 - Lot 36. Zoned B Urban Residence (RB). Ward 7.

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

SECONDED by Mr. MacIntyre

MOTION CARRIED 5-0

Atty. Andy Sullivan, 24 Eastman Ave, Bedford NH

Atty. Sullivan introduced himself on behalf of the owner. This property is a ranch built in 1950. His client bought it in 2024 as an existing 3-family. The previous owner never properly permitted the third unit. We got a variance April 28, 2026 for the third unit, and we are here for the conditional use permit.

Atty. Sullivan said the lot is one of the largest in the area. Nearby is another 3-family, and a 4-family. There are four parking spots. In terms of the floor plan, the basement is the largest. They are all 1-bedroom, two of the units are empty. If approved his client will go back to the Building Department to bring it up to snuff.

Atty. Sullivan summarized the criteria of the conditional use permit. He asked the Board to allow what has already been there for decades.

Mr. Green said this seems to be a simple request. He asked if Engineering has anything to add.

Mr. Hudson said no, the comments speak for themselves.

SPEAKING IN OPPOSITION OR CONCERN

Letters of opposition:

Julio & Wilson Garcia, 12 Haines St, Nashua NH

Chad Gamache, 8 Haines St, Nashua NH

SPEAKING IN FAVOR

None

PUBLIC MEETING

Mr. Green closed the public hearing and opened the public meeting. He said this seems simple, it meets the criteria and isn't changing anything in the neighborhood as is. The traffic impacts are basically nonexistent based on the letter from Engineering.

Mr. MacIntyre asked if there are now two opposition letters.

Mr. Durfee said we did upload it. It came after the initial packet publication.

Mr. Green asked if he has any comment on it.

Mr. MacIntyre said no. He read it, it is a resident's opinion on whether the request fits the spirit of the neighborhood.

MOTION by Mr. LeClair to approve New Business - Conditional Use Permit A26-0112. The Board finds that the application meets the Approval Criteria under §190-134(F) with the following conditions:

- a. All outstanding comments from the Engineering Department, shall be addressed to the satisfaction of the Division of Public Works.
- b. Prior to the issuance of a Certificate of Occupancy for the newly approved unit, school impact fees shall be paid for the newly created residential lot, in accordance with Article VIII Impact Fees of the Nashua Land Use Code.

SECONDED by Mr. MacIntyre

MOTION CARRIED 5-0

NEW BUSINESS - SUBDIVISION PLAN

A26-0109 57 Factory Street, LLC (Owner & Applicant) requesting a 2-unit condominium subdivision. Property is located at 57 Factory Street. Map 78 - Lot 17. Zoned Downtown 1 / Mixed Use (D1/MU). Ward 4.

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

SECONDED by Mr. MacIntyre

MOTION CARRIED 5-0

Atty. Jeffry Zall, 221 Main St, Nashua NH

Atty. Zall said we are seeking a 2-unit subdivision of an existing commercial building, a restaurant. The units will be one in the basement, and other is the top two floors. There's no change in the lot, building, or use. Because state statute defines creating a condominium as a subdivision, Planning Boards are reviewing these

as subdivisions. We have submitted to waiver requests, as detailed in the staff report.

Atty. Zall said the conditions listed in the staff report follow the comments on the Engineering letter from July 30th. He believes these were issued under the assumption that this was being converted to a residential use. There is no change in use, there is no need for those requirements. He asks the Board to approve this without those conditions.

Mr. Hudson said he concurs with the confusion. However, he would ask what the plan is for trash management, that has been a previous issue with the site. One of the comments is that trash collection shall be privately managed and all trash shall be stored within the structure. This building occupies the full site, there is no opportunity to place trash outside the building. At one time they were leasing a parking spot from the city to put a dumpster, the lease has expired.

Atty. Zall said he can't speak for what will happen under the new owner. The property is being sold to someone who operates a Greek restaurant. But Mr. Gleason, the current owner, is here and can speak to how trash is currently managed.

Dennis Gleason, 17 Gregg Rd, Nashua NH

Mr. Gleason said the new owner has an agreement with the Dellanis House next door at 59-73 Factory Street, he is going to use a parking spot underneath the bridge overpass for the dumpster.

Mr. Hudson said he doesn't know as if that is theirs to grant.

Mr. Gleason said he thought the Dellanis House used those spots.

Mr. Hudson said yes, for parking. That is a city right of way, that use is something we would have to investigate. Mr. Hudson asked staff if there will be an opportunity to review the trash for this plan. Is there a permit through the Board of Health?

Mr. Durfee said it sounds like there is no change of use, we wouldn't be processing an admin review for this. That opportunity for another bite is gone. He believes this is the only one. This marks an important time, a change in ownership, the parking space lease for the dumpster has expired. It's a restaurant, there's going to be trash. While this is an operations focused issue, this application is benefitting that user. This is our opportunity to ask these questions about trash.

Mr. Hudson said that then there needs to be a trash management plan that comes back before staff. That is an important aspect of granting this request.

Atty. Zall said he would agree that this is a good idea. He used to practice at 47 Factory St. It's so tight over there a trash management plan is necessary. He is fine with that condition. The other two conditions don't make sense, but that one does.

Mr. Hudson agreed.

Mr. LeClair asked if those can be stricken.

Mr. Green said he thinks that would be sufficient.

Mr. Durfee said yes you can do that.

Mr. Hudson said sewer permits sometimes change with ownership, he reserves the right to deal with that one.

Mr. LeClair said Engineering can work it out with the applicant. That gives you the shot to get rid of them if not needed.

Mr. Green asked if the applicant will be amenable to that. We would change the condition to state that the Engineering comments are met to the satisfaction of Public Works. They might not be all applicable but they want to take another look at it to make sure they're properly addressed.

Atty. Zall said yes.

Mr. Gleason said we have been working with the Mayor's Office on trash. We put an outdoor area next to the building, which could also be a place where trash can go. He doesn't understand the sewerage comment, everything was redone five years ago.

Mr. Hudson said our records reflect a pipe going out of the side of the building dating back to 2004.

Mr. Gleason said we dug up the road and back into the sewer. The whole building was gutted.

Mr. Hudson said we can work through this together to make sure everyone is on the same page. His office won't try to be unreasonable, but maybe a permit wasn't done then. He wants to

make sure the trash is solved by somebody. He supports a conditional approval referencing the original letter.

Mr. MacIntyre led a brief discussion regarding the letter of opposition, which references issues with trash.

SPEAKING IN OPPOSITION OR CONCERN

Letter of opposition from: Atty. Katherine Morneau, 47 Factory St, Nashua NH

SPEAKING IN FAVOR

None

PUBLIC MEETING

Mr. Green closed the public hearing and opened the public meeting. He thinks this is simple, minus the Engineering letter. He thinks we can amend it to make it appropriate. The footprint isn't changing. He doesn't see any issues with this application, it meets the criteria.

MOTION by Mr. LeClair to approve the following waivers for New Business - Subdivision Plan A26-0109, with the following conditions:

- a. §190-283: to waive the requirement to show all existing features within 1,000' of the subdivision boundaries.
- b. §190-282 (B) (9): to waive the requirement to prepare a Traffic Impact Report and Traffic Management Plan

As per RSA 674:36(II)(N), RSA 674:44(III)(e), and §190-148(D), Strict conformity would pose an unnecessary hardship to the Applicant and the waiver would not be contrary to the spirit and intent of the regulations; and specific circumstances, or conditions of the land, and the waiver will properly carry out the spirit and intent of the regulations.

SECONDED by Mr. MacIntyre

MOTION CARRIED 5-0

MOTION by Mr. Green to approve New Business - Subdivision Plan A26-0109. The Board finds that the application meets the Approval Criteria under §190-138(G) with the following conditions:

- a. Any waiver(s) granted shall be listed on the plan. Should any waiver(s) be denied, the plan must be revised to comply with the applicable site plan regulations.
- b. Prior to the signing of the plan, all outstanding comments from the Engineering Department in a memorandum dated July 30, 2026 shall be addressed to the satisfaction of the Division of Public Works. The Division of Public Works will review that memorandum for applicability of the comments and work with the applicant to come to a decision of which need to be continued.
- c. Prior to the signing of the plan, all outstanding comments as indicated in the email from Jeffrey Labrie, Fire Inspector/Investigator, dated July 17, 2026, shall be addressed to the satisfaction of the Nashua Fire Department.

SECONDED by Mr. MacIntyre

MOTION CARRIED 5-0

DISCUSSION ITEMS

None

MOTION to adjourn by Mr. Hudson at 11:21 PM

MOTION CARRIED 5-0

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.

Kate Poirier - Taped Hearing