

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
Tuesday, February 10, 2026

A public hearing of the Zoning Board of Adjustment was held on Tuesday, February 10, 2026 at 6:30 PM, at City Hall.

Jay Minkarah, Chair, asked for a Roll Call:

Jay Minkarah, Chair
Josh Nehiley, Vice Chair
Rob Shaw
Steve Lionel
Joseph Patry - Alternate

Carter Falk, Deputy Planning Manager

Mr. Minkarah explained the Board's procedures, stating that the public is encouraged to submit their comments for future meetings via email to the Planning Department, which is zb@nashuanh.gov, or by mail, at P.O. Box 2019, Nashua, NH, 03061. Mr. Minkarah identified the points of law required for applicants to address relative to variances and special exceptions. Mr. Minkarah explained how testimony we will be given by applicants, those speaking in favor or in opposition to each request, as stated in the Zoning Board of Adjustment (ZBA) By-laws.

1. **City of Nashua (Owner) Chief Steve M. Buxton, Nashua Fire Rescue (Applicant) 25 Teak Drive & 840 West Hollis Street (Sheet C Lot 1320 & Sheet D Lot 54) requesting the following: 1) A determination whether a material change of circumstances affecting the merits of the application has occurred, or, that the application is for a use that materially differs in nature and degree from the special exception for an access driveway that was denied by the ZBA on 10-14-2025; and, if so: requesting special exception from Land Use Code Section 190-112 to work in a 40-foot "other" wetland and wetland buffer to construct a water line service from Teak Drive to the Four Hills Landfill property for the proposed Fire Training Facility. R9 & R30/GMZ Zones, Ward 5. *UPDATE: [TABLED FROM 1/13/2026 ZBA MEETING TO THE 2/10/2026 MEETING]**

Voting on this case:

Jay Minkarah
Josh Nehiley
Rob Shaw
Steve Lionel

Joseph Patry

Mr. Minkarah said that this application was tabled from the 1-13-2026 meeting, so the public meeting had already been open, many people already had the opportunity to speak, and the Board had asked the applicant to address a couple pretty specific issues on the water line, including the possibility of boring the water line or revising the location of the line. He said that the Board is looking for what has changed in the application, and how the concerns that were raised have been addressed. He said that all previous testimony is part of the record.

Attorney Andrew Prolman, Prunier and Prolman, P.A. 20 Trafalgar Square, Nashua, NH. Atty. Prolman passed out a handout to the Board members. He said that since they were here the last time, they have received DES approval for the temporary wetland impact, and there is a letter in the packet from Pennichuck Water explaining the 8-inch water line that will be sufficient for the two hydrants that will serve the fire training facility. He said that the Conservation Commission approval letter is the third one that they've issued a favorable recommendation, and the City agrees to all the conditions of approval. He said that the new plan works, it comes off of Teak Drive, does a quick turn, and eventually makes its way to the proposed fire training site. He said that the previous plan, the water line was a straight shot had a temporary wetland buffer impact of 400 square feet, the new plan has a temporary buffer impact of 195 square feet. He said that the temporary wetland impact went down, but the tradeoff is that the buffer impact before had an impact of 2,075 square feet, while the proposed plan has a temporary buffer impact of 4,727 square feet. He said it is temporary, it will be a trench, and ultimately backfilled and everything will grow back over time. He said that the trench is roughly a 20-foot wide cut, and the trench itself is roughly 4-5 feet deep, to go below the frost line and the 8-inch line will be installed. He said that the plan works. He said that the horizontal directional drilling is a non-starter for the City, the City has looked into it and Mr. Hudson will go over it. He said that the criteria is in the application, and will not cite it all again, and believe that they've addressed it all, they've compromised with the neighborhood, and this plan, the cut itself, takes a quick turn, and goes at an angle, so the cut will be harder to see. He said that they believe that any ledge here is deep enough so that there won't be any blasting.

Brenden Quigley, Gove Environmental Services, Exeter New

Hampshire. Mr. Quigley said that he believes that the new water line, as far as the wetlands is concerned, is a good compromise. He said that for the tradeoff, for more impact to the buffer, there are a couple things mitigating that. He said one is that the initial proposal, the driveway that represented a permanent structure that was a potential barrier in the vernal pool buffer to the movement of wildlife, those impacts, vernal pool concerns, this is much more of a concern in that context than these temporary impacts are now. He said that these areas, once backfilled, will be returned to a natural condition and there will be no barrier to wildlife movement or endanger any of the vernal pool species.

Mr. Quigley said that the second thing is that the buffer area, while it does have value, it is much less in quality and habitat than would be present in the forested area, so these areas next to the road are already disturbed.

Mr. Nehiley asked about the application to the DES, and if he was involved with that application.

Mr. Quigley said yes.

Mr. Nehiley asked if the application process with DES was a quick process, or did it go back and forth for months.

Mr. Quigley said that it went back and forth for a little while in the beginning, especially with the driveway, and once that was revised, a lot of their questions went away.

Mr. Patry asked where on the plan the 12,000 square foot conservation easement would be, should the plan be approved.

Mr. Quigley said everything would be on the other side of the wetland and vernal pool, that is forested right now, away from Teak Drive.

Mr. Minkarah said that the fire plan had more of a wetland impact and less of a buffer impact, and this plan has less of a wetland impact and more of a buffer impact. He asked if the new plan has less of an overall impact or is it about the same, or a greater overall impact.

Mr. Quigley said it's about the same, clearly, there is more buffer impact and less wetland impact, but the nature of the wetland in this case is being avoided, but it's not a particularly valuable

wetland, nor is the buffer area. He said all things considered, it is about equal.

Dan Hudson, City Engineer, City of Nashua Department of Public Works. Mr. Hudson said he'd like to speak about the horizontal drilling. He said that the City has used this before, where an area cannot be trenched, most recently under the Nashua River between Campton Street and Shore Drive. He said that they've used it under East Hollis Street on the roadway approach to Taylor's Falls Bridge as well. He said that the cost for it is highly dependent on what the conditions are under the surface, and in order to properly drill, a drill rig would be required to drill probes to see where underground ledge is, and to drill down through the rock to see its characteristics, and that exploratory activity can be impactful. He said that horizontal drilling contracts put all the risk on the person doing the work, and every contract he's seen indicate if they drill two times and cannot get through, then the contract must be renegotiated. He said that there is more complex and testing requirements for this as well, as you're drilling a hole with a pipe and then pulling it back, and you have to inspect the fused pipes as you go, so you can inspect if there is undue stress on the pipes. He said that for Teak Drive, they've considered it, but the City can perform the trenching in house, and have the equipment. He said that the horizontal drilling is a higher cost, and installing the water line by the trench method is predictable, lower cost, and the City can control the quality of it better, and it makes for future repairs and maintenance easier, it is more controlled. He said that they did reach out to a driller and received cost estimates, and it could be from \$150,000 to \$550,000. He said that they've done some test pits on the landfill side and the ledge is about 5½ to 7½ feet under the surface, and DPW can excavate down, find the ledge, and lay the pipe on the ledge. He said that in this case, the DPW does not believe that the horizontal drilling is best for this case, and it would cause undue hardship for the City to do this method, it would also be extra taxpayer cost.

Mr. Shaw said that the prep would involve tree cutting in the wetland, so it would be another application to address that, so by doing the horizontal drilling it would be to not work in the wetland, especially to not take trees down, and it seems like it doesn't necessarily help that.

Mr. Hudson said he's not sure if it would be an equivalent for tree cutting, but there would need to be some exploration, and by

doing the horizontal drilling, you never know what you may encounter, and it would be exposing the City to tremendous risks.

Mr. Nehiley said it sounds like best case scenario, if we went with horizontal drilling, it's an extra \$150,000.

Mr. Hudson agreed, that is their current estimate.

Mr. Nehiley asked if the twenty-foot wide tree clearing is a worst-case scenario so the tractors can get in, and spin, and do what they have to do.

Mr. Hudson said that is the intent, the excavator is a good size and it needs room to get the pipe in and put the material back to the existing conditions.

Mr. Patry asked how long it will take to dig the trench.

Mr. Hudson said it would be a couple or few days to do the clearing, then come back and do the excavation, probably a couple weeks. He said he wants to confirm that this will not be a road, it is just the water line.

SPEAKING IN OPPOSITION:

Paula Johnson, Alderman, Ward 5. Ald. Johnson said that she appreciates the Board accommodating her, as she needs to go to her meeting downstairs. She said that she has a lot of concerns with this, the training will end up being closer to the neighborhood, and is concerned when they do burning if the smoke will get into the neighborhood. She said she understands the cost factor of the horizontal drilling, but trees will be taken down, and this cleared area will not be in conformance with the neighborhood, and there is an Eastern Box Turtle here which is endangered. She said this area would never look the same. She said it's not right to bulldoze this neighborhood, and to endanger the vernal pool with endangered species, and this will not be in conformance with the neighborhood.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

Rody Arantes, 3 Jolori Lane, Nashua, NH. Mr. Arantes stated that

he got a quote for horizontal drilling for 250 feet, and believes it would be cheaper than what the City could do for the actual trenching, it would be much better, and less trees would need to be removed, they bore, and put the pipe through, the proposed plan is worse.

Nancy Kring-Burns, 5 Braeburn Drive, Nashua, NH. Ms. Kring-Burns said that what bothers her is the intrusion into the neighborhood that has been there for so long, and this does not serve the neighbors. She said that there is a property on Ridge Road that may be better for the training facility. She said this will be a big interruption to the neighborhood.

Mike LaRocque, 22 Teak Drive, Nashua, NH. Mr. LaRocque said that the road going through here was unanimously denied. He said that the plan is the same. He said that the neighborhood has shown up in opposition, and doesn't see how this meets the points of law. He said that this is a road and it is not right for the neighborhood. He said the access to the training facility and everything about it should be in the landfill site, it should not disrupt our neighborhood, and this road will be used by motorcyclists, bike riders, and there is nothing here heard tonight that the Board has to support this request. He said that this is not right for this neighborhood.

Hannah Nedsballah, Westgate Village, Nashua, NH. Ms. Nedsballah said that other cities and companies will be coming here, it will add to the air pollution and affect people's breathing conditions. She said that this is residential, and this water line is not feasible to go through Teak Drive.

George Stergion, 15 Cimarron Drive, Nashua, NH. Mr. Stergion said at the last meeting, the Board tabled it so that DPW could consider other options, and felt that the Board was going to actually deny it at the last hearing. He said that DPW took the Board's idea, but this will be an impact to the neighborhood. He said that there are other options rather than putting in this water line close to Teak Drive. He said there would be two hydrants, and a car wash there, and doesn't understand why they can't tap into DPW's water there. He said that they could use a water tower there, and there are other water options. He said that they could do some sort of a hybrid horizontal drilling method, as it will be a lesser impact to the wetlands. He asked that the Board deny this, but if not, stipulate that they do horizontal drilling through the wetland, and give the City the option to do what they want on the other

side.

SPEAKING IN FAVOR - REBUTTAL:

Atty. Prolman said that the Conservation Commission has looked at this three times, with thorough discussions, about the road, the last plan with the water line, and now this revised line location, and all three times was approved. He said that the impacts are temporary. He said that the opposition keeps bringing up that this is a road, which is clearly is not, and will not be in the future. He said that the request is reasonable.

Mr. Nehiley asked about starting the horizontal drilling, and then trenching, and asked if it is cost prohibitive doing that.

Mr. Hudson said it could reduce the cost some, but the thought process is that if you are going to drill, you'd come in from the landfill side to the top of the hill and then drill from there. He said it just doesn't make sense to do it that way.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS - REBUTTAL:

Mr. Arantes said that the neighborhood is here, discussing a problem that shouldn't exist. He said that this would put two fire hydrants in the middle of nowhere. He said that this is being rushed, and it seems like this is poor planning. He said that there has been no compromise here, DPW hides the plans and it's hard to find out any information about this. He said that the neighborhood will be impacted by all the extra trucks and noise, and traffic going to this training site. He said that for the five criteria, it will go against property values and it is not in character with the neighborhood. He said that DPW's funding request still calls this out as a road, and this is not in favor of the public interest, and will cause a lot of damage to the residents.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Nehiley said that the Board received a lot of testimony from the neighbors, Board members have all done their drive-by's too. He said that he is sensitive to the neighbor's comments. He said that the road was denied, and it's not coming back, it can't meet the Fisher vs. Dover determination. He said that any discussion about this being a road is not valid. He said it will be cut to about the width of a road, it will be re-planted, and it may take

a while for trees to come back, and with the revised zig-zag pattern, folks won't see straight into the landfill. He stated that the straight-shot in, you're looking at a hill. He said that the tweak to the line location will make a big difference. He said that in his neighborhood, there are at least three pipe lines, there is sewer, water, gas lines, so it is normal for these pipes to be in a neighborhood. He said that they've received information from Pennichuck that the water line is appropriate, and the plan is to have it for the fire facility, but the reason for the application is for the wetlands. He said that he's always held folks to a higher accountability when it comes to wetlands, and the plan is for a temporary disturbance of land, and the DES is agreeing that it is a temporary disturbance of the wetland, also, in the Fall when leaves are down, five months out of the year, you can look right in to the landfill, and there are odors, and doesn't believe that these residents life will change with this water pipe going in. He said that he is in favor of the application.

Mr. Minkarah agreed, and is in support of the application. He said it is not the Boards place to say if the fire training facility is needed, or whether or not this is the best site, that is not before the Board. He said that what is before the Board is a water line that would impact a small wetland area, which is not considered to be of high value, it's more of a man-made drainage area, and it would be temporary. He said the impact would be minor, and does not see a water line as being out of character with the neighborhood. He said that there will be a temporary disturbance from construction activity, it's an inconvenience, there's noise, but its temporary. He said that the removal of some trees will not impact the area, it will look different, but new trees will grow and it will not be adverse. He said that efforts have been made to minimize the impact, and the water line is necessary, and there will not be an adverse impact to wildlife, and the Conservation Commission has recommended approval, and is in support of the application.

Mr. Shaw said that he echoes what has been said, and in looking back at this, the Board all felt that the road first proposed with all the inherent traffic was something that the Board could not support, then we had the Fisher v. Dover, and it substantially changed, with no road and traffic. He said when it came back the last time, he was motivated by two things, the visual impact, and the wetland impacts, and could it be done in a less impactful way, which is stated in the wetland special regulations. He said that with the line being relocated, there is less of a visual impact to

the neighborhood. He said that the water line going in is unique, it's special, and it's not an unusual thing. He said that a Ridge Road location was brought up, but that is not for the Board to decide. He said that he is also in support, it's a fairly small scale thing, and no one will ultimately be able to drive through here after the trees start growing back.

Mr. Lionel said that this is not a road, and will not become one, and does recall a Ridge Road property being mentioned for the fire training site, but there were some legal issues as to why that site could not be used, it may have been a deed restriction issue. He said that this is putting in a water line, there will be some temporary disruption, and there are construction projects and disturbances of woodlands all over the City as infill occurs. He said that the request is for the water line going in, and after a few years, you'll be hard pressed to know where it was, and with the zig-zag plan, there won't be any straight corridor of view to the landfill property, and is in support of the application.

Mr. Patry said that this is not a road, it will be a trench, and the impacts will be temporary. He said that the City should abide by the Conservation Commission stipulations, it will have to be within that twenty-foot swath. He said that there will be a Conservation easement, it will be forested in perpetuity and with these stipulations, it will resolve some of the concerns.

Mr. Shaw said that the horizontal drilling issue was discussed, and appreciates the feelings brought up about it, but it seems like it's a costly way to go about a relatively small impact for this area. He said that this is not a large scale removal of trees. He said that he doesn't see anything in the Boards purview to have us stipulate that they need to do the horizontal drilling.

Mr. Minkarah agreed, and would be reluctant to encourage or require an applicant to pursue something with that technology that is perhaps beyond our area of expertise, and we did have testimony that it would be quite expensive, also, even the geotechnical work would have a cost and impact.

MOTION by Mr. Minkarah to approve the special exception as advertised on behalf of the applicant.

Mr. Minkarah said for the special conditions, the use or activity proposed cannot be reasonably avoided, the Board believes that efforts have been made by the applicant to seek alternative routes,

but the method proposed seems to be the least impactful and the Board is convinced that providing a water service to the proposed fire training facility is necessary. He said that the least damaging route and methodology have been selected, based upon the evidence provided, and it is the most practical alternative, the impact is minimal and it's proposed in a route that has the least impact, and it's been designed to minimize the visual impact.

Mr. Minkarah said that reasonable and acceptable impact mitigation measures have been incorporated where necessary and appropriate to minimize wetland loss or degradation, in particular, there are stipulations proposed by the Conservation Commission which are part of the motion.

Mr. Minkarah said that the overall impact of encroaching into the wetland or buffer area is necessary for the productive use of adjoining buildable land, and is outweighed by the benefits thereby derived, and the Board is convinced that extending the water line to the proposed facility is necessary, and is necessary for the reasonable use of the property for the fire training facility.

Mr. Minkarah stated that there is no evidence that there will be a significant impact to the habitat on rare and endangered species as listed by the State of New Hampshire, and no such findings were made by the Conservation Commission or the NH DES.

Mr. Minkarah said that the best available adequate erosion and sedimentation control methods are incorporated, that appears to be the case in the plan.

Mr. Minkarah stated that the project will not impair the stability of a water body's bank, in this case, it's a temporary impact to a minor wetland, and there will not be a permanent impact to the area.

Mr. Minkarah stated that the wetland and buffer function of hydrologic absorption capacity and storage will not be impaired.

Mr. Minkarah said that it is listed in the Table of Uses, Section 190-112.

Mr. Minkarah said that the Board does not see any evidence that the use will create undue traffic congestion or unduly impair pedestrian safety, it is a water line, not a road, and there would be temporary hinderances, such as traffic through the construction

activity, and will be typical of any related construction activity throughout the City.

Mr. Minkarah said that there is no evidence that the use would overload public water, drainage, sewer systems or any other municipal systems, there are temporary impacts with the construction, but the water line proposed will not unduly overload the public water system, and there is a letter from Pennichuck Water Works to that affect.

Mr. Minkarah said that the special regulations are fulfilled as previously mentioned, and the Conservation Commission has forwarded a positive recommendation dated February 3, 2023 with six stipulations of approval.

Mr. Minkarah said that the proposed use will not impair the integrity or be out of character with the district or immediate neighborhood, and will not be detrimental to the health, morals or welfare of the residents, what is proposed is a water line, and a water line is a normal part of the function of virtually every neighborhood, therefore, it cannot be found out of character.

SECONDED by Mr. Nehiley.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

- 2. The Perault Rev. Tr. (Owner) 56 Lynn Street (Sheet 5 Lot 30) requesting variance from Land Use Code Section 190-264, for accessory use area, 40% allowed - 48% proposed - to construct a 30'x40' detached garage. R9 Zone, Ward 7.**

Voting on this case:

Jay Minkarah
Josh Nehiley
Rob Shaw
Steve Lionel
Joseph Patry

Dave Perault, 56 Lynn Street, Nashua, NH. Mr. Perault stated that he wants the proposed garage in his back yard, as shown on the plot plan. He said that he has a large back yard, and it will not be in the setbacks, it's just a detached garage. He said that there are others about this size in the neighborhood, or even larger. He said that the garage would be single-story, 1,200

square feet, and because of the existing swimming pool, the overall size exceeds the accessory use percentage.

Mr. Perault said that he submitted a picture of a Morton building garage, which is a steel building, but the cost was much higher than expected, so now it will be a stick-built, vinyl siding, asphalt shingles, and will blend in better in the back yard. He said that he has an existing temporary garage in the back yard now, and has to replace the covering on it four times, but it will go away.

Mr. Minkarah asked if he considered a smaller building.

Mr. Perault said he did, but the existing 12'x20' garage is already full, but once all the prices come in, it may not be 30'x40'.

Mr. Shaw asked if has spoken with the neighbor at 58 Lynn Street.

Mr. Perault said the neighbors are ok with it, and the new garage would actually be further from the property line.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Shaw said he is in support, it is reasonable, and this lot is one of the biggest lots in the neighborhood, and the relatively large structure won't take up much space on the lot. He said he appreciates the garage being placed further away from the side property line, yes, it's a large structure, but is a reasonable use, and no concerns were expressed by the neighbors.

Mr. Lionel said that he is also in support, and there is a park or conservation land in back of the property, so no neighbor there. He said it's a reasonable use.

Mr. Minkarah said that the lot is large, and there are other properties in the immediate area with pretty large accessory structures, so it won't be out of character.

MOTION by Mr. Nehiley to approve the variance application on behalf of the owner as advertised. Mr. Nehiley stated that the granting of the variance would not be contrary to the public interest, in that many of the other houses in this neighborhood have garages.

Mr. Nehiley said that the request is within the spirit and intent of the Ordinance because the lot is large, it is irregularly shaped, and by going to 48%, the applicant stated that the proposed garage is needed for extra space, and his other garage is already full.

Mr. Nehiley stated that substantial justice will be served to the owner, as the garage of this size is normal in this area, and the owner needs the extra space, and the new building will actually be further away from his neighbor's property line.

Mr. Nehiley stated that the Board did not have any testimony about the value of surrounding properties being diminished, but has no reason to believe property values will be negatively impacted.

Mr. Nehiley stated that for unnecessary hardship, the owner stated that he did look at placing the garage on the other side of the house, but would need a variance for that as well due to the shape of the lot, it's shaped like a trapezoid, and it makes sense for it to go in the proposed location, and he is moving it further away from the side property line abutting 58 Lynn Street, so it would be in compliance. He said that the property has some wooded growth in back of it, so there will be no one affected from the back side of the lot.

SECONDED by Mr. Lionel.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

- 3. Roscommon Investments, LLC (Owner) 147 Daniel Webster Highway (Sheet A Lot 987) requesting special exception from Land Use Code Section 190-112 to work in a 40-foot wetland and wetland buffer to allow for a 140 space parking lot expansion. GB Zone, Ward 7.**

Voting on this case:

Jay Minkarah

Josh Nehiley
Rob Shaw
Steve Lionel
Joseph Patry

Paul Chisholm, Keach-Nordstrom Associates, Bedford, NH. Mr. Chisholm said that on the surface, this is a pretty straightforward application. He said it's a parking lot expansion, but what complicates it is that there is wetland and wetland buffer impacts. He said that this all started back in 2019, the dealership was experiencing an economic boom, and were running out of space for cars, and were looking for another site, but nothing came to fruition. He said that they've had talks with DES and the DOT, and felt good in talking to them. He said in 2020, supply chain issues and COVID came around. He said since 2020, other opportunities came around, and now have a lot off of West Glenwood Street, and they also purchased another lot in Manchester for their satellite dealership.

Mr. Chisholm said that for the proposed plan, they believe that the stormwater can be greatly enhanced by allowing this request. He said that the wetland is completely fed by four different drainage pipes in three locations, all coming off the highway, and there is no stormwater treatment, and it's piped and carried across DW Highway. He said that there is about an acre of land that would have water collected on-site, it will be put through a compliant treatment system for this property.

Mr. Chisholm said that their business has been growing, it's been there a long time, and they really are out of space, and cars are parked in areas beyond the parking lot. He said that a lot of the landscaping at the location is either dying or dead, and branches have fallen off, and pavement adjacent to the wet areas have gotten destroyed over the years.

Mr. Chisholm said that they've had their wetland scientist do everything wetland-related on this site, and has submitted permits to DES, and was present at Conservation Commission meetings and site walks, and she has determined that the wetlands are incredibly low functioning, isolated, and in talks with DES, this impact, with a very large mitigation fee, that the benefit that will come with this will be applied to another area that isn't a fragmented area, and will be a better situation. He said that there will be a slight benefit to this, as it takes time for the water to go through all the pipes, and have designed an underground system to

help this along.

Mr. Nehiley asked to confirm if the four pipes coming off the highway, if something will be put on the end of them so they're not dumping water in the ground, it would go into an underground system.

Mr. Chisholm said more or less, yes, but technically, there is a small gap with a rip-rap design, and the DOT wanted to keep it separate, and they wanted a very clear line of delineation, so there is a small gap there.

Mr. Nehiley asked to confirm if there were no special stipulations from the Conservation Commission approval.

Mr. Chisholm said that the Conservation Commission understood the application, especially since it's not like other wetlands, it's almost like a drainage area, and there were no stipulations.

Mr. Minkarah asked if the treatment component will improve the water quality coming out of the end of the piping before it goes into the detention basin across the street.

Mr. Chisholm said it will not, there's two ways to look at this, there's the DOT drainage and the on-site drainage; the on-site drainage is the drainage that the property owner is responsible for, and will be treated. He said that the DOT drainage is simply going to get closer to their own treatment system.

Mr. Shaw asked if there will be less total wetland from present from this proposal, so there will be a loss of wetland, technically.

Mr. Chisholm said yes. He said on Page 9, it shows the best visual, it's the darker area on the plan, which shows the area that is basically going to be permanently impacted, and its 22,450 square feet, it's the wetland area.

Mr. Minkarah asked if they anticipate that DES will require any mitigation for that.

Mr. Chisholm said no mitigation in terms of actually physically creating something, it would be by payment, it's put into some type of fund that DES controls, it'll be used in this watershed area.

Mr. Shaw asked to confirm that this area is technically wetland, but it's more just like a drainage ditch, it's not something anyone would call a wetland benefitting wildlife.

Mr. Chisholm agreed, and said that this area is very well-developed, and with the highway being built, that's what really triggered this isolated wet area.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:

Mr. Nehiley said that they are taking water that is coming off the highway and sending it over to some place that they designed. The area has a lot of undesirable growth, and there are no species living there, nothing will be affected, and they're working on an underground system to get water out of there and cleaned up eventually. He said that the plan is well-thought out, and they've met the criteria and is in support.

Mr. Shaw said that it's hard to generally endorse anything that is reducing wetlands. He said that in this case, it seems like we're dealing with the technicality of something that is identified as wetlands but doesn't provide the benefits of a wetland, and has no value.

Mr. Minkarah said that this is essentially a drainage area, sandwiched between a parking lot and the highway. He said that the most important thing is the hydrogeological function, and it appears as if the design will take care of the drainage, and DOT concurs with the plan.

MOTION by Mr. Nehiley to approve the special exception as advertised on behalf of the applicant.

Mr. Nehiley said for the special conditions, the use or activity proposed cannot be reasonably avoided, as the applicant noted, this is really a drainage area and the water is going to be

redirected to a properly functioning wetland area, that was designed by the DOT years ago to handle this drainage. He said that the least damaging route and methodology have been selected, based on the best practical alternative available, there are really two systems here, one is catching the water coming out of the drain pipes very close to where they're coming out and redirecting it across the street to where there is a proper wetland and for the additional 38,000 square feet of parking, they're adding in a system underground to catch that water and get some more of the potential contaminants.

Mr. Nehiley said that reasonable and acceptable impact mitigation measures have been incorporated where necessary and appropriate to minimize wetland loss or degradation, the applicant noted that this has been approved by DOT and they are making a payment in lieu of \$171,000 that is State approved.

Mr. Nehiley said that the overall impact of encroaching into the wetland or buffer area is necessary for the productive use of adjoining buildable land, and is outweighed by the benefits thereby derived, the applicant noted that they received damages to some of their cars due to some of the trees, and this small wetland is falling apart, it is overgrown by invasive species and it would be to the benefit of everyone to eliminate the invasive species.

Mr. Nehiley stated that there is no evidence that there will be a significant impact to the habitat on rare and endangered species as listed by the State of New Hampshire, it was noted that there are no endangered species in the area, and there is no expectation that endangered species would make their way to that area due to the gradient.

Mr. Nehiley said that the best available adequate erosion and sedimentation control methods are incorporated, the applicant noted that they are setting up some piping right outside the drainage, the four drainage swales coming off of the highway to catch it immediately, and it would go out into the piping, and across to the area that DOT had created, an actual wetland.

Mr. Nehiley stated that the proposed activity or use shall not significantly impair wetland capacity to provide important wildlife and fishery functions, including habitat, food, shelter, breeding, migratory and over-wintering, it was noted in the application that there was no notices of any type of wildlife, especially endangered species, or any type of animals expected to

be in there would be transiting the area and would not be staying there.

Mr. Nehiley stated that the project will not impair the stability of a water body's bank, as noted, this project will not impact any water bank.

Mr. Nehiley stated that the wetland and buffer function of hydrologic absorption capacity and storage shall not be impaired, as noted with this plan, the water is being redirected across the street to the wetland area designed by the DOT years ago.

Mr. Nehiley said that it is listed in the Table of Uses, Section 190-112.

Mr. Nehiley said that the Board does not see any evidence that the use will create undue traffic congestion or unduly impair pedestrian safety, neither cars transiting the area or pedestrians should be expected in this area, as it is being paved for a parking lot.

Mr. Nehiley said that there is no evidence that the use would overload public water, drainage, sewer systems or any other municipal systems, as noted by the applicant, the water is being redirected from the highway, into piping, going across the street to an area designed by the DOT to properly handle all of the water outflow.

Mr. Nehiley said that the special regulations are fulfilled as previously mentioned, and the Conservation Commission has forwarded a positive recommendation dated February 3, 2026 with no stipulations of approval.

Mr. Nehiley said that the proposed use will not impair the integrity or be out of character with the district or immediate neighborhood, and will not be detrimental to the health, morals or welfare of the residents, as noted in the application, this is a very busy highway, and the applicant is a very busy vehicle dealership that needs additional spaces to properly run their business, and they're working with the State DOT and DES, they found a way to expand a parking lot and accommodating a wetland which is a wetland in name only due to water coming off the highway, they're capturing it, and sending it across the street to an area that was properly designed for it, so the district and immediate area will not even know this will be happening.

SECONDED by Mr. Patry.

MOTION TO APPROVE CARRIED UNANIMOUSLY 5-0.

MISCELLANEOUS:

REGIONAL IMPACT:

The Board did not see any cases that would have Regional Impact.

MINUTES:

January 13, 2026:

Mr. Shaw said on page 11, after his motion for the slate of officers, it is missing the "second" and the motion passing.

MOTION by Mr. Shaw to approve the minutes with the correction just mentioned, waive the reading, and place the minutes in the file.

SECONDED by Mr. Patry.

MOTION CARRIED UNANIMOUSLY 5-0.

January 27, 2026:

MOTION by Mr. Patry to approve the minutes as presented, waive the reading, and place the minutes in the file.

SECONDED by Mr. Nehiley.

MOTION CARRIED UNANIMOUSLY 4-0. (Mr. Minkarah recused)

REHEARING REQUESTS:

ADJOURNMENT:

MOTION by Mr. Patry to adjourn the meeting at 8:37 p.m.

SECONDED by Mr. Shaw.

Submitted by: Mr. Falk, Clerk.

CF - Taped Hearing