

NASHUA CITY PLANNING BOARD
May 7, 2026

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

Members Present: Bob Bollinger, Chair
 Dan Hudson, City Engineer
 Cameron Green, Clerk
 Ald. Patricia Klee
 Larry Hirsch
 Benjamin Zoller

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

APPROVAL OF MINUTES

April 15, 2026

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

SECONDED by Mr. Hirsch

MOTION CARRIED 5-0-1 (Green abstained)

COMMUNICATIONS

- **A26-0012 & A26-0013, 11 Tara Blvd**
 - o Request to postpone to the May 21, 2026 meeting
- **A26-0028, 192-194 Lund Rd, Bishop Guertin**
 - o Request to postpone to the May 21, 2026 meeting
- **A26-0055, 51 ½ Kinsley St**
 - o Updated staff report
- **A26-0057, 331 & 333 Amherst St**
 - o Presentation documents
- **A26-0056, 39 Simon St**
 - o Updated staff report

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.

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 the May 21, 2026 meeting 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 the May 21, 2026 meeting by applicant request)**

NEW BUSINESS - CONDITIONAL USE PERMITS

A26-0026 John J. Flatley (Owner & Applicant) requesting conditional use approval for a flex space (office and warehouse building) with no outside storage. The property is located at L Shakespeare Rd. Map A - Lot 986. Zoned Park Industrial (PI). Ward 8. **(Postponed to the May 21, 2026 meeting by Applicant request)**

NEW BUSINESS - SITE PLANS

A26-0010 John J. Flatley (Owner & Applicant) requesting approval of a site plan amendment to move a proposed building forward 40' and update associated grading and site improvements. The property is located at L Shakespeare Rd. Map A - Lot 986. Zoned Park Industrial (PI). Ward 8. **(Postponed to the May 21, 2026 meeting by applicant request)**

A26-0028 Bishop Guertin Highschool, Inc. (Owner & Applicant) requesting site plan approval for improved athletic fields and accompanying structures along with associated parking and site improvements. The subject property is located at 194-196 Lund Road. Map 106 - Lot 16. Zoned C Suburban Residence (R-9). Ward 6. (Postponed to May 7, 2026, by Applicant request) **(Postponed to the May 21, 2026 meeting by applicant request)**

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

A26-0056 Elizabeth Righter Trust (Owner), Kayla Jarry (Applicant) requesting Conditional Use Permit approval for personal services. The property is located at 39 Simon Street. Unit 15. Map E - Lot 824. Zoned Park Industrial (PI). Ward 4.

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

SECONDED by Mr. Zoller

MOTION CARRIED 6-0

Kayla Jarry, Address Not Given

Ms. Jarry introduced herself as the proprietor of The Babe Cave. Her business has operated in Nashua since 2020. She is looking for a new location and all available spaces are in the industrial zones. They are not making any changes to the structure, and customers are appointment only.

Mr. Bollinger asked what the hours of operation here.

Ms. Jarry said they all work different hours and times but it's usually 8AM-6PM, sometimes later. There will be any from 1 to 3 estheticians there, sometimes on weekends.

Mr. Bollinger said that answered his question about how many employees there are.

Ms. Jarry said it's usually one customer per employee, usually 6 people max at a time.

Mr. Bollinger asked if she reviewed the engineering letter.

Ms. Jarry said yes.

Mr. Bollinger asked if she is okay with the conditions.

Ms. Jarry said yes, she will speak with the owner and get it situated.

Mr. Bollinger asked if she feels she meets all nine conditional use permit criteria.

Ms. Jarry said yes. All of the businesses in the building are services, we will operate the same way.

Mr. McPhie asked the applicant to state each of the nine points.

Ms. Jarry recited the contents of her letter, as detailed in the application materials.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

Kelley Karen, Address Not Given

Ms. Karen said she is the trustee of the trust that owns 6 of the 16 condos at this address, and a member of the board of directors. We are all in support. We have also reviewed the engineering comments and have no issues. We will also be repaving the parking lot, which will address the sinkhole.

Ald. Klee asked if the sinkhole is a sewer issue.

Mr. Hudson said we believe it's a closed drainage issue. They would need to dig it up and repair it. If they are repaving, they will need a driveway permit.

PUBLIC MEETING

Mr. Bollinger closed the public hearing and opened the public meeting. He said this seems fairly straightforward. The applicant is amenable to the conditions, and he views this favorably.

Mr. Green said it meets the conditional use permit criteria.

MOTION by Mr. Green to approve A26-0056 - Conditional Use Permit. The Board finds that the application meets the Approval Criteria under §190-133(F) with the following conditions:

1. Prior to issuing the building permit, all comments in a memo from Joe Mendola, Senior Staff Engineer, May 6, 2026, will be resolved to the satisfaction of the Division of Public Works.

SECONDED by Ald. Klee

MOTION CARRIED 5-0-1 (Hirsch abstained)

NEW BUSINESS - CONDITIONAL/SPECIAL USE PERMITS

A26-0055 The Cadieux Family Revocable Trust (Owner), Regenerative Roots Association (Applicant) requesting Conditional Use Permit approval for a community food services facility. The property is located at 51 ½ Kinsley Street. Map 84 - Lot 126. Zoned C Urban Residence (R-C). Ward 4.

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

SECONDED by Mr. Zoller

MOTION CARRIED 6-0

Andrew Morin, 191 West Hollis St, Nashua NH

Mr. Morin said he is the executive director of the Regenerative Roots Association, a nonprofit organization that supports food security to the development of community farms, orchards, and pantries. We have a community farm in Hudson, are in the process of developing one at Navajo Park in Nashua, and we plant community orchards throughout New England. Three years ago, we expanded our operations to include a food pantry. We have reached the point where we would like to have a long-term facility. We are under contract to purchase 51 ½ Kinsley Street.

Mr. Morin listed the conditions of the conditional use permit, as detailed in the application materials.

Mr. Bollinger asked for hours of operation and number of employees.

Mr. Morin said Sunday 10AM-12PM and Friday 9AM-12PM. Typically there will be 2-4 individuals.

Mr. Bollinger said they are requesting one parking waiver. Will 8 spaces be sufficient?

Mr. Morin said yes.

Ald. Klee asked if this pantry will have people coming in.

Mr. Morin said they currently have a specific client list, it's not open to the public. We get large donations and distribute everything to our clients.

Ald. Klee asked if they are setting appointments.

Mr. Morin said they have 8-10 people total coming in during their operating hours. Some walk, some drive.

Mr. Zoller asked if they are occupying the entire building.

Mr. Morin said yes. It's a large space for our needs, but it would be just us operating at the site.

Mr. Hudson asked if they had reviewed the engineering comments.

Mr. Morin said they also have to meet with Building Dept. and Fire Marshall.

Mr. Hudson read the Engineering comments into the record.

Mr. Morin said he has no concerns.

Mr. Bollinger said the requirement to scope the sewer line is a fairly common one for older properties to make sure the line is still up to snuff.

SPEAKING IN OPPOSITION OR CONCERN

None

SPEAKING IN FAVOR

Mike Apfelburg, United Way of Greater Nashua

Mr. Apfelburg said he comes before the Board as a character witness for this organization. This has been a partner of United Way for many years. We operate a pop-up food pantry, and the food we receive comes in large part from Regenerative Roots and their food rescue partners with local supermarkets. We could not serve the public without this organization.

PUBLIC MEETING

Mr. Bollinger closed the public hearing and opened the public meeting. He said this seems like a really good idea, they are providing a valuable service. He has no issue with the waiver request. There are some potential walkability options and he doesn't see this being a large traffic generator.

Ald. Klee agreed. They do good work. These organizations are so important. She thinks this is an easy request. The waiver is minor.

Mr. Zoller asked if the space is currently vacant.

Unknown in audience said no he owns the space. He is going to be retiring soon.

Mr. Zoller said if it wasn't he is always in favor of occupying vacant space.

MOTION by Mr. Green to approve the following waivers for New Business - Conditional Use Permit Plan A26-0055:

- a. §190-198: To waive the requirement to provide 13 off-street parking spaces, and to provide 8 parking spaces instead.

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 Ald. Klee

MOTION CARRIED 6-0

MOTION by Mr. Green to approve A26-0055 - Conditional Use Permit. The Board finds that the application meets the Approval Criteria under §190-133(F) with the following conditions:

- a) 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. Prior to the issuance of a building permit, all such plans must be approved by the Environmental Health Department.
- b) b) Prior to the Certificate of Occupancy, all comments from the Engineering Department shall be addressed to the satisfaction of the Division of Public Works.

SECONDED by Ald. Klee

MOTION CARRIED 6-0

NEW BUSINESS - SITE PLANS

A26-0057 The E&G Realty Trust (Owner), Alex Nacopoulos (Applicant) requesting site plan approval for a 2,800 square foot restaurant with drive-in or drive-through facilities, with associated site improvements. The property is located at 331 & 333 Amherst Street. Map G - Lots 70 & 74. Zoned General Business (GB). Ward 2.

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

SECONDED by Mr. Zoller

MOTION CARRIED 6-0

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

Mr. Petropulos introduced himself on behalf of the owner. We are seeking site plan approval for two lots.

Mr. Petropulos described the site and surrounding properties. The two parcels will be consolidated and the residences will be razed. We are proposing to construct a 3,000-sqft drive through doughnut and coffee facility. Blaze Café will be the name. There will be 20-40 seats, 6-8 employees, and operating hours of 4AM-11PM.

Mr. Petropulos detailed the construction and flow of the drive-through and parking lot. He said they exceed the requirements. He briefly outlined landscaping, lighting, stormwater improvements, the traffic report, and architecture. We are asking for three waivers, as detailed in the staff report. We hope to start construction in summer 2026, it's a 6-8 month project. The conditions outlined in staff comments are reasonable, and we believe this meets all requirements.

Mr. Bollinger said he appreciates the enhanced green space, older Amherst Street developments are a sea of pavement. If that means fewer parking spaces he is fine with it.

Ald. Klee said she lived in Cannongate for 30 years. She has concerns about the drive-through. The Dunkin Donuts down the street has only room for 10 parking spaces and ends up overflowing onto Amherst Street. The traffic is very fast there. Her concern is potential back-up and queuing on Amherst Street.

Mr. Petropulos said it's a common question for drive-throughs. We did the best we could by siting the pick-up window on the rear side of the building to maximize the stacking distance. The code asks for 160-ft of length and we far exceed that. Beyond that we have 20 car lengths in the stack, if there are more than 20 cars than the owner isn't doing his job. It's a cup of coffee and a doughnut, it's far less of a menu than a McDonalds or Burger King. The Amherst Street Dunkin Donuts is a much smaller property. We recognize the concern; the bypass lane helps. It's for those reasons we believe this will work.

Ald. Klee asked if he does not think there will be a queuing issue that would block those trying to get into Cannongate. Their entrance is one driveway away, next to the mortgage company.

Mr. Petropulos said it's at least 100-ft from our entrance. He doesn't believe it will get that far, that would be a problem.

Mr. Hudson said Engineering had the same concerns initially. We have added a condition of approval that any queuing backing into Amherst Street would constitute a site plan violation, that would give the city the teeth to enforce it.

Ald. Klee asked if it is illegal to queue on Amherst Street.

Mr. Hudson said in other situations they didn't have a strong enough backing. Along Amherst Street there's an ordinance against stopping, standing, and parking, but that puts the onus on the individual instead of the business owner.

Mr. Bollinger said he wouldn't wait 15 cars deep for even the best cup of coffee in the world. Comparatively, this provides a generous amount of stacking compared to other facilities that didn't have the same requirements or bypass lane.

SPEAKING IN OPPOSITION OR CONCERN

Rep. Bill Ohm, Ward 9, 211 Cannongate III Rd, Nashua NH

Rep. Ohm said he lives at Cannongate III. The original layout had access to these two little buildings, will the site plan allow access to this site from Cannongate?

Mr. Bollinger said Mr. Petropulos will have a chance to respond.

Rep. Ohm asked who owns this part of Cannongate road? Whose responsibility is it to maintain it?

SPEAKING IN FAVOR

None

APPLICANT REBUTTAL

Jim Petropulos, IMEG Corp

Mr. Petropulos brought up an aerial of the site. The only property that has access to Cannongate III Road is the adjacent property at 327 Amherst Street. These two parcels don't touch Cannongate III Road whatsoever. He thinks physically the road is on the condominium park at Trafalgar Square and Cannongate has an easement for access.

Ald. Klee said there was an easement when she lived there. When Trafalgar Square started building we had to make sure the easement stayed in place.

PUBLIC MEETING

Mr. Bollinger closed the public hearing and opened the public meeting. He appreciates the comments on the new drive-through facility and queuing, the stipulation gives the city a way to keep tabs on things. The first waiver is one they see frequently. In regards to the architectural waiver, compared to some of the other buildings out there the sketches look pretty good. He has no issue with a flat roof. The parking waiver, overall post covid you see greater propensity towards the drive-through.

Ald. Klee said she doesn't find the flat roof to be a concern. Amherst Street is a hodge podge of building styles. Her main concern was the queuing of traffic and back-ups on Amherst Street. As long as the stipulation puts the onus on the property owner, she feels comfortable with it. As far as parking is concerned she would have liked to see the additional eight spaces, but this sounds like mostly a drive-through situation.

MOTION by Ald. Klee to approve the following waivers for New Business - Conditional Use Permit Plan A26-0057:

- 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.
- c. §190-198: To provide 32 off-street parking spaces, where a minimum of 40 is required, according to Table 198-1 Parking Matrix.

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. Hirsch

MOTION CARRIED 6-0

MOTION by Ald. Klee to approve A26-0057 - Site Plan. 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 technical review comments listed in Section 5 of the Staff Report shall be addressed to the satisfaction of the Planning Department.
- c. All outstanding comments from the Engineering Department, shall be addressed to the satisfaction of the Division of Public Works.
- d. The plan shall include a signature and seal of a New Hampshire licensed engineer 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, a lot consolidation plan for Lot 70 & 74 shall be recorded.
- h. 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.
- i. Prior to the issuance of a Certificate of Occupancy, all site improvements will be completed in accordance with the approved plan.

j. 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.

k. Any drive through queues backing into Amherst Street shall constitute a violation of site plan approval.

SECONDED by Mr. Zoller

MOTION CARRIED 6-0

OTHER BUSINESS

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

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

SECONDED by Mr. Hirsch

MOTION CARRIED 6-0

DISCUSSION ITEMS

Regional Impact: Mr. Hudson led a brief discussion regarding procedures of deciding regional impact.

MOTION to adjourn by Ald. Klee at 8:09 PM

MOTION CARRIED 6-0

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

Kate Poirier - Taped Hearing