



GOVE ENVIRONMENTAL SERVICES, INC.

Date: November 9, 2020

To: Randall Brownrigg, Chairman Hudson Conservation Commission

Cc: John Grace, Hillwood
John Smolak, Smolak & Vaughan
Justin Pasay, Donahue, Tucker & Ciandella
Nathan Kirschner, Langan

From: Brendan Quigley, Gove Environmental Services. Inc.

Re: Hudson Logistics Center
Responses to Public Comments

We are pleased to provide the following responses to public comments received through the Conservation Commission with respect to the proposed Hudson Logistics Center. These responses include significant contributions by Lucas Environmental on wildlife related issues

1. What is the environmental risk mitigation plan for the 3,000,000 sludge storage tank at 21 Fairway.

Response: This tank is located off-site and will not be affected by the project.

2. Wildlife – Deer, turkeys, other wildlife – what is the plan? How will wildlife be relocated?

Response: With the exception of the relocation of fish, reptiles and amphibians from three small man-made ponds that will be filled as part of the construction, there will be no need for relocation of wildlife as part of site development. The significant wildlife habitat on the site will be largely maintained and expanded both within the Shoreline Protection Zone and on the eastern side of the site which contains considerable wetlands. This enhanced and expanded wildlife habitat will expand the habitat availability for existing and future wildlife on the site. *See Wildlife Habitat Evaluation.*

3. It does not meet Town Codes requirements of minimizing impacts – access roadway.

Response: The allowance for the impacts associated with the access road can be found in § 334-36(C.)(2) of Article IX of the Zoning Ordinance which regulates the Wetlands Conservation Overlay District. This section provides for a conditional use allowing the “Construction of streets, bridges, and utilities if essential to the productive use of land beyond the Wetland Conservation Overlay District” if “constructed in such a way as to minimize the potential for detrimental impact to the District and be planned, designed, and constructed in a manner consistent with applicable State and local standards” and if “no viable alternative is available.” There are no viable alternatives for access to the several hundred acres of buildable land on the site due to the orientation of wetlands extending along the entire eastern side of the property, the well-established unsuitability of Steele Road for access, and the need to utilize existing intersections on Lowell Road, where existing easements were established for this purpose decades ago. Further, the accesses which are proposed are the result of previous Planning Board review and approvals for adjacent properties.

Impacts from the main access road have been minimized in several important ways. The first portion of the access road leaves the existing Mercury Systems driveway shortly after the intersection in order to limit interference with the private driveway and parking areas for Mercury Systems. Impacts in this location have been minimized by limiting impacts to the wetland edge along the existing driveway, thus avoiding greater impact to wetland function and values through segmentation. Steeper grading has also been incorporated along this section of the roadway. The roadway is then routed through uplands areas and aligned to cross the narrowest point of the main wetland (Impact Area F) avoiding a much more substantial impact that would be incurred by crossing the main wetland just to the north. A 22-foot wide by 3-foot high, open bottom precast structure is being utilized at Impact Area F to facilitate wildlife movement along the District between wetlands to the north and the ponds associated with Limit Brook to the south. The use of wing walls at either end of the structure has also allowed the width of the crossing to also be reduced. Though this area is not a stream, this crossing will fully comply with New Hampshire and USACOE Stream Crossing Standards. These design measures allowed for a reduction in wetland impacts associated with the access road.

Impacts necessary for the secondary northern access road have been similarly minimized. The road has been routed through uplands up to a single wetland crossing (Wetland Impact Area #1) where it crosses the narrowest area of the wetland. Retaining walls up to 10 feet high have been used through the crossing to eliminate grading impacts that would otherwise be necessary on either side of the road. A large 12-foot wide by 5.5-foot high open bottom precast structure is also being used to facilitate wildlife passage along the District and to fully comply with New Hampshire and USACOE Stream Crossing Standards.



To summarize, Hillwood's accessways are proposed to be constructed in a manner to minimize the potential for detrimental impact to areas governed by the Town's Wetlands Conservation Overlay District and there are no viable alternatives which would create less.

4. Would hope ConComm wouldn't accept the cul de sac in the wetlands. Is there something they can give up to move it?

Response: See response #3.

5. Regs don't say degraded wetlands are less valuable.

Response: The CUP criteria may not explicitly state that degraded wetlands are less valuable, but they do recognize that wetland functions and values are integral to determining the scope of a proposed impact. This is reflected in CUP criteria §334-37(A)(1) and §334-37(A)(2), which specifically cites potential diminution of wetland *function and values* as a measure of the impact to the district. Impacts to wetlands such as the those in the maintained turf areas of the golf course do not result in the same loss of wetland function and value as a similar, or even much smaller, impact to a more valuable wetland area. This concept is also reflected in the state wetland regulations which now require relative wetland function and value to be taken into consideration when planning projects and wetland impacts.

6. I can hear peepers, watch fireflies, see turkeys – show my children. Nashua is a known bald eagle location – their zone of hunting is about 15 miles.

Response: Due to the permanent protection and expansion of approximately 90 acres of wildlife habitat on the eastern side of the parcel and 26 acres along the Merrimack River and the mitigation provided for the movement of wildlife through and off the site it is not expected that abutting properties to the south of the site will experience any measurable change in the types or numbers of wildlife in their neighborhoods. The bald eagle uses the shoreline area for roosting and feeding and the permanent protection of that shoreline, and related canopy habitat, and its significant expansion is not expected to alter the use of the area. In fact, following the revegetation of the area, the site will have one of the most intact vegetated section of the Shoreline Protection Zone in Hudson. See also Wildlife Habitat Evaluation.



7. A bridge will need to be constructed to go over the wetlands - Frogs, turtles need a safe way to get by the road. Has anyone looked at indigenous animals living there?

Response: Yes, the wetland and wildlife habitat studies at the site have identified a number of species that utilize the site for habitat and the wetlands crossed by the access roads are designed with consideration of maintaining wildlife access under the roads at both crossings. *See Wildlife Habitat Evaluation.*

8. How and where will the Town recover lost lands. Don't understand special fund with the State. Will impact local species like Bald Eagles. Salt, sand – impact on habitat.

Response: Compensation for wetland impacts is being proposed to satisfy both Hudson and State of New Hampshire requirements. Since the State and local requirements for mitigation differ, it is difficult to offer a single proposal that satisfies both parties. The proposed mitigation has therefore been broken into two components. Per 334-36 (C)(4) of the Wetlands Protection Ordinance, mitigation is being provided in the form of preservation and restoration. These forms of mitigation are specified in the United States Army Corps of Engineers, New England District, Compensatory Mitigation Guidance document which is referenced in the Ordinance. A total of 116 +/- acres of land will be preserved through a conservation easement offered to the Town of Hudson, comprising much of the eastern portion of the property and the land within 250 feet of the Merrimack River. Additionally, the substantial areas of existing maintained golf course turf in these proposed conservation areas will be naturalized using native seed, shrub, and tree plantings. The second part of the total mitigation package for this project is aimed at satisfying state and federal mitigation requirements and consists of a payment into the Aquatic Resource Mitigation Fund (ARM Fund) which is maintained by the Department of Environmental Services. Funds from this program are awarded to municipalities and organizations via a grant process to carry out conservation projects in the watershed where the impacts that generated them occurred.

See also response #9 regarding Bald Eagles.

9. Concern about bald eagle seen over Sagamore Bridge.

Response: It is possible that the bald eagle utilizes the site area for feeding and roosting. The proposed permanent protection and the significant expansion of the Shoreline Protection Zone at the site will provide one of largest fully vegetated sections of Shoreline Protection Zone area in Hudson and will provide significantly enhanced opportunity for eagle use. *See Wildlife Habitat Evaluation.*



10. What risks and impacts to the watershed and aquifer from this development?

Response: Risks to surface water and groundwater are limited to the potential effects of stormwater runoff during construction and operation of the site and are being addressed by Hillwood. See Responses #19 & #20.

11. Journal of international wildlife; Not sure if you are aware – but noise has a significant impact on wildlife – seems like it will be a power of 10. Proposed use should not be based on just economic considerations. This can be altered – less buildings, less docks.

Response: The site will be held to the Hudson noise regulations which limit increases in noise level to 10 decibels above ambient levels. The wildlife inhabiting the area will not be adversely affected by normal facility operations as they will acclimate to the normal operation noise levels. During construction, the noise levels will be more variable, and some wildlife may occasionally be startled and move further into the protected areas of the site for a short period of time. The protected habitat created by the proposed mitigation plan will provide added habitat to accept those few temporally displaced animals. See Wildlife Habitat Evaluation.

12. What about wildlife migration patterns?

Response: Crossing Rules. Under those rules the northerly stream crossing is considered a Tier 1 crossing due to its small drainage area and must comply with the General Design Considerations and with accepted construction practices for smaller road crossings. These guidelines were established to assure road crossings do not result in migration barriers to fish and wildlife. In consideration for assuring site connectivity between habitat areas, this crossing has been significantly enhanced from a 60-inch culvert to include a 12-foot-wide by 5.5-foot-high open-bottom box culvert in compliance with typical Tier 2 crossings. Additionally, the road crossing at Impact Area F on Green Meadow Drive has been similarly improved. Although this crossing is not considered a stream, the design will eliminate the proposed 24-inch culvert with a 22-foot-wide by 3-foot-high open-bottom structure. The design of the crossings will provide a corridor for wildlife that tend to move between different parts of the site and off the site.

13. Hi, I live near the green meadows golf course., on the wetlands of Limit brook. I am deeply concerned about the impact to wildlife in the area that the proposed “logistics” center will have. I have seen either blue-spotted or Jefferson salamanders- which are very vulnerable to pollution, sandpipers that I still cannot identify, lady slipper orchids, at least four different owl species, and numerous warblers rest near the stream and wetlands. Is there going to be a thorough review of impact to environment here by a third



party? Very concerned!!

Response: The wetland and wildlife studies at the site have concluded that no significant loss of wildlife habitat will result from the proposed development. The significant wildlife habitat is along the river and on the eastern third of the site. The development on the site is centered within the golf course areas which provide limited habitat value. There will be some loss of habitat to provide site access, however, that impact and any loss of habitat associated with the facility will be mitigated by the expansion, restoration and permanent protection of habitat along the Shoreline and on the eastern portion of the site. *See Wildlife Habitat Evaluation.*

14. How will this project affect the wildlife that lives on the golf course?

Response: The golf courses offer very limited wildlife habitat due to the lack of cover, human activity, high maintenance levels, and the paucity of food sources. Some birds, mammals and raptors use the areas for foraging, however, low density and the lack of diversity of food sources and the lack of cover limit the use of the open areas for habitat. There will continue to be open grassed areas around the perimeter of the developed site and the enhanced, expanded, and protected habitat areas will mitigate any loss of golf course wildlife habitat function or value. *See Wildlife Habitat Evaluation.*

15. Since this is a mega project has the Conservation Commission ever thought of requesting the developer to supply a wildlife / amphibian crossing pathway under the access road since it segments sections of wetland areas from their former whole? EA3 and EA4 come to my mind. Per Hillwood public relations documents there will be 250 trucks plus approximately 1,000 to 4,000 employee cars due to their job creation estimates for the facility that will travel the access road 24/7 365 days a year. Holiday traffic is expected to peak even higher. I do not think any 4 legged wildlife, amphibian critter, or even a 2 legged Gold Metal Olympian Sprinter could cross the access road with that much traffic without becoming roadkill. Additionally, any humans trying to travel on Lowell Road will have a killer and very wild life traffic experience. Sorry about that, Lowell Road traffic would be an up-land problem not a Wetland District problem. Just trying to find some dark humor to smile about when it comes to building a mega industrial project directly abutting residential neighborhoods.

Response: *See Response to Comment #12.*

16. Violations of permitted uses. § 334-35 (B) (1) (d). The proposed use within the Wetland Conservation District is not based primarily on economic considerations. The proposed use within the wetlands conservation district does appear to be primarily based on



economic considerations. This is based on hillwood responses indicative that the primary motive is to maintain a large quantity of truck docks. This is primarily an economic consideration.

Response: Article IX of the Zoning Ordinance was amended in March of 2020 and this condition no longer appears in the Ordinance.

17. Rare Wildlife Impacts. The wetlands areas associated with Limit brook are the ideal habitat for the protected eastern box turtles which have many confirmed sightings nearby the affected regions. Wildlife Migration. § 334-35 (B) (1) (e). Provision is made for wildlife access corridors to promote the free migration of wildlife along the length of the Wetland Conservation District. The proximity of the unnatural sloping, and violation of setback requirements to wetlands are likely to inhibit the free migration of wildlife along the length of the Wetland Conservation District.

Response: This citation no longer appears in the amended Zoning Ordinance but the protection of wildlife habitat within the district is still required by the Ordinance in the Conditional Use Permit Criteria (§ 334-37). The site is not within a rare species habitat area mapped by NH NHB. There are areas of eastern box turtle rare species habitat in Hudson that could expand to include the site. This is most likely to occur along the Limit Brook flowage. This area is not impacted by the proposed development, but on site areas will be protected by a Conservation Easement. Should the turtles or other rare wildlife species enter the site the site access roads will be designed to incorporate and comply with the NH Stream Crossing Rules which promote the movement of fish and wildlife through and along wetlands. These corridors would allow eastern box turtles as well as other turtles and wildlife access between habitat areas on the site. *See also* response to Comment 12.

18. Furthermore, due to the significant size of the cul-de-sac that is proposed to be installed directly over the wetlands of limit brook there is significant danger that wildlife will attempt to cross the cul-de-sac for normal migration patterns and be killed by the truck traffic.

Response: Many of the animals that inhabit the site may use several types of habitat to support nesting, feeding and cover requirements. The cul-de-sac has been reduced in size and slightly relocated. That wetland, depicted as Impact Area G on the enclosed plan, is not a water course, but an area of normal turf grass with a hydric soil, as such, it does represent jurisdictional wetlands. Due to the nature of this wetland and the absence of surficial water it is not considered a wetland travel corridor and any impact to it from the access road will not affect wildlife movements. The project is designed to comply with



enhanced versions of the New Hampshire Stream Crossing Rules. These Guidelines were established to promote migration and travel corridor access for fish and wildlife under road crossings. *See also* response to Comment 12.

19. Pollution to wetlands. Per 334-33(A). Prevent the development of structures and certain land uses in wetland areas and their adjacent buffer zones that could contribute to the pollution, degradation or impairment of surface water and groundwater resources.

Response: This citation no longer appears in the amended Zoning Ordinance but the concept is fundamental to wetland regulation and is still reflected in § 334-36(B) of the amended Ordinance (“Prohibited Uses”). This section includes such things as salt storage, automobile junkyards, solid or hazardous waste facilities and sand and gravel excavations. These uses pose a greater risk of pollution than the access roadways and side slope grading that is being proposed in the District as part of this project.

The incorporation of a comprehensive, rigorously reviewed stormwater management system will ensure that the proposed use will comply with the relevant water quality requirements specified in the Conditional Use Permit Criteria at § 334-37(A)(1) and (2). The design requirements for the proposed stormwater management system are specified in the state of NH Alteration of Terrain (AOT) Program rules and the Hudson Stormwater Regulations. Compliance with the design and performance criteria specified in these regulations is subject to review by AOT program engineers, Town of Hudson Engineering Department, and by independent peer review as part of the site plan approval process. At this time both the Town of Hudson and the town’s third party reviewer have reviewed and approved the system as designed.

General design criteria under these regulations require that all stormwater be treated to specified standards prior to being discharged to surface waters. This is accomplished with a number of different treatment measures, or Best Management Practices (BMPs), that have been developed through research and testing to perform the required treatment. This begins with catch basins with sumps and manufactured water quality units placed under and at the edges of the pavement, that are designed to separate oils and suspended solids before they are flushed into downstream BMPs. Additional treatment is then accomplished with a series of vegetated and rock lined swales, sediment forebays, settling ponds, and ultimately infiltration basins. The conveyance system, treatment measures, storage, and infiltration components of the system are all designed with the capacity to handle the required design flows which are calculated based on rainfall data, soil conditions, and engineering principles of stormwater runoff.



An Operation and Maintenance plan for the site will also be required specifying the regular maintenance of drainage facilities and general housekeeping such as street sweeping, and snow storage. Hillwood has also committed to using certified Green Pro snow contractors that are trained in the responsible use of ice melts on paved areas to mitigate salt in the runoff leaving the site.

20. Per 334-33(G).Protect wetland areas from excessive sedimentation associated with construction on, and denudation of, steep slopes adjacent to wetland areas. The Logistics center plan adds a significant new unnatural slope adjacent to the wetlands associated with Limit Brook.

Response: This citation no longer appears in the Authority and Purpose section of the amended Zoning Ordinance but the concept is still reflected in the current CUP criteria. Impacts to adjacent wetlands and waterbodies from erosion, both during and following construction, is a primary consideration of project design and is reviewed under the NH wetlands permit, NH Alteration of Terrain permit, Hudson Site Plan Approval, and the National Pollutant Discharge Elimination System program administered by the EPA as well as the Town of Hudson Engineering Department. The proposed work does not involve construction on or denudation of existing steep slopes adjacent to wetland areas. The project will create slopes adjacent to wetlands and re-grade areas as part of the site work. The construction and stabilization of these slopes and the erosion and sedimentation practices that will be implemented during construction, are carefully specified in the plans and are subject to review by the NH Alteration of Terrain (AOT) Program and are subject to peer review as part of the Site Plan Approval. During construction, these measures will be monitored and maintained throughout the construction period by qualified personnel operating under a Construction Stormwater Pollution Prevention Plan (SWPPP) in compliance with the National Pollutant Discharge Elimination System administered by the USEPA.

21. Ecological Balance. Per 334-33(D). Protect wildlife habitats, maintain ecological balance and enhance ecological values such as those cited in RSA 482-A:1.

Response: The site development will primarily utilize the existing golf course area which has very limited wildlife habitat value or function. There will be some loss of wetland and upland habitat associated with road access construction, however, this loss of habitat will be more than offset by the expansion, restoration and permanent protection of the Shoreline Protection Zone along the Merrimack River and the eastern portion of the site associated with Limit Brook.



22. Cul-de-sac terminus. The design of the proposed access road does not meet 334-36 (C) (4) requirements of minimizing impact on the Wetland District.

Response: See response #3.

23. Per 334-36 (C) (2) for Construction of access roadway: “shall be located and constructed in such a way as to minimize the potential for detrimental impact to the District and be planned, designed, and constructed in a manner consistent with applicable State and local standards. Such construction may be permitted within the District only when no viable alternative is available”. The values of the wetlands associated with this area have been undervalued by only considering historical non-compliances and using that as precedent for continuing non-compliance. As this is a new development, poor adherence to codes and standards should not be grandfathered in. In addition, the value of this wetland area is not an independent entity but is upstream of many other wetland areas that have been clearly marked by wetland specialist survey to be of significant conservational value. As such the health and value of down-stream wetlands must be taken into consideration including the significant disturbance of the area during the proposed construction. This has the potential of taking out and completely changing the ecological balance of the entirety of Limit Brook.

Response: See response #3 & #5.

24. The project driveway turnaround sits right in the middle of a wetland area. The secondary road has a bridge crossing over waterways.

Response: See response #3.

25. Wildlife: according to Hudson Wetland Conservation District code 334-33 E, it should "protect wildlife habitats, maintain ecological balance and enhance ecological values such as those cited in RSA 482-A:1." Even if like what Hillwood said that they are only altering small area of wetland, they are constructing and operating a massive distribution centers right next to the wetland areas. The noise these produce and the bad quality of air these cause, I can imagine many wildlife will be forced to move or even die or get weakened.

Response: This citation no longer appears in the Authority and Purpose section of the amended Zoning Ordinance but the concept is still reflected in the current Ordinance. The site design promotes the protection of significant wildlife habitat and through the design and the implementation of mitigation measures including light and noise minimization, restoration of turf grass areas, compliance with the NH Stream Crossing



Rules, restoration and expansion of the Shoreline Protection Zone to 250 feet, and the permanent protection of habitat there will be no adverse impact on wildlife habitat on or adjacent to the site. *See Wildlife Habitat Evaluation.*

26. Access roads to this project will severely impact the wetlands and wide life. This is a fact! I respectfully ask the Conservation Commission to also consider the following during their review: Wild life in the area is amazing. Bird's, Herons, Geese, Duck's, Deer's, Turkey's, Rabbit's, Turtle's, Frog's, Fox, Fisher Cat's (of many species) just to name a few. This will forever change their lives and likely kill them in the process.

Response: The access roads are necessary to access the site and wetland crossings are required. These crossings are designed to fully comply with the Stream Crossing rules mandated by the State to promote and maintain habitat connectivity for fish and wildlife. There will be wetland and buffer areas impacted by the roads, however, these impacts are mitigated by the contribution of roughly \$700,000 to the Aquatic Resources Mitigation Fund as well as the expansion, enhancement and permanent protection of both wetland and upland buffer on the site. *See Wildlife Habitat Evaluation.*

27. We have resided at 25 Fairway Drive since 1982 and have been privileged to enjoy the flora and fauna that have flourished along the Merrimac River and wetlands located on the Green Meadow Golf Course. When we first moved into our home, the River was considered a class C water body resulting from discharges and ground contaminants from industrial and private properties located along the River banks. The state and surrounding towns worked tirelessly to improve the quality of the water and were, eventually, able to clean up the river to reclassify it to a Class B which meant it was suitable for fishing and recreational use. Now countless species offish and other water inhabitants thrive in this beautiful river. Many birds and animals have populated the golf course, streams and ponds all of which have contributed to their abundant numbers and variety of species. We have been privileged to see fox, deer, owls, eagles, blue heron, coyote, fisher cat, beaver, endangered cotton tail rabbits, gopher, turtles, bluebirds and many other species of birds thriving and living on the golf course and along the river. The river now supports salmon and other fresh water fish that could not survive in a class C body of water. If this industrial development is approved as presented, we fear it will result in irreversible damage to the health of the river and wetlands and the wildlife it supports. Runoff from construction and operations at this enormous development will alter the terrain and will result in excessive, toxic runoff that will have disastrous ecological effects. While this letter primarily expresses our concerns regarding ecological land/water issues, we wish to address air quality concerns. In an effort to avoid redundancy and in appreciation of your time, we will not go into detail here but wish to go on record in support of others who have expressed concerns regarding hazardous environmental air pollutants that will



endanger the health of Hudson's residents for generations to come.

Response: A comprehensive air modeling report has been conducted which accounts for all the cars and trucks associated with the facility. The study demonstrates the emissions, including particulates, will dispersed to concentrations that, when combined with background, are well below State and Federal standards. Therefore, there will be no excessive deposition of particulates on land or in waterways resulting from this project. These standards are protective of humans and wildlife. See responses #10, #19 & #20 regarding water quality impacts.

28. While I assume the meeting will discuss how much wetlands will be developed/modified, how and where will the town recover this lost area? I am not an expert but assuming the town would want to balance the areas lost. This lost area, and the development as a whole, will certainly have negative impact on local species such as Bald Eagles frequenting and living in the general area.

Response: The bald eagle has been observed in the area of the site. They utilize the shoreline of the Merrimack River for foraging and roosting habitat. At the present time, the width of the forested Shoreline Protection Zone on the site is as narrow as 40 feet. As part of the proposed redevelopment of the site, the full 250-foot Zone will be restored and permanently protected. As a result, the Shoreline Protection Zone associated with the site will become one on the longest, fully vegetated and protected stretch of shoreline in Hudson and provide significantly improved habitat for the eagles. *See Wildlife Habitat Evaluation.*

29. Wetlands are one of the most important habitats on the planet. Currently there is little risk of contamination to any of the local waterways and wetlands. Placing a facility like this will change that, and as a person that enjoys the local wildlife this really irritates me. The Merrimack River will inevitably pay the price for any errors! The wetlands are on property will share that burden with disastrous effects.

Response: *See responses #10, #19 & #20.*

30. Wildlife. One of the things I like most about this state is being close to and experiencing what nature has to offer. The amount of activity of local creatures is on the increase in recent years. There are many species my family enjoys seeing, but most notably I never thought I would see Bald Eagles flying over home, but I did. There were two adults and three youngsters. I fear that this facility will prevent that from happening again. RSA 36-A:2 defines the purpose of the commission “for the proper utilization and protection



of the natural resources and for the protection of watershed resources of said city or town.

Response: See responses #19, #20, #28 & #34. See also Wildlife Habitat Evaluation.

31. Water runoff and water pollution- Replacing 400 acres of grassland with over 200 acres of buildings and parking lots means that a lot of water (and melting snow) that used to seep into the ground will now have to go somewhere. If it goes directly into the Merrimack River will it be carrying oil, diesel fuel and whatever other pollutants end up on the parking lots with it?

Response: The project includes extensive infiltration capacity to mimic the preconstruction conditions and will not discharge untreated stormwater to the Merrimack River. See also responses #10, #19 & #20.

32. Wetland destruction - Are the river wetlands being protected?

Response: Yes. There are no impacts proposed to the shoreline of the Merrimack River or any wetland associated with the river. The entire 250-foot Shoreland Zone will be left undisturbed except for the work required to remove certain sections of pavement and to install restoration plantings. Additionally, there will be no impacts to Limit Brook or to its associated wetlands, the entirety of which will be placed in permanent conservation protection. Further, the applicant proposes to convey approximately 116 acres of the property, including the wetland areas to the east, and the entire area along the Merrimack River, to the Town for permanent protection.

33. The gist of what I said is that I believe we don't really know how the wetlands would be affected without a study to help us understand: How the ecosystem of the wetlands currently functions. How chemicals mixed with runoff would impact those wetlands during construction. How ensuing diesel fuel/particulate pollution would impact the wetlands during operation. The study should model those affects and study the impact on all species, both plant and animal, that utilize those wetlands.

Response: Extensive research of this type has been done around the country and in New England. The results have supported the development of modern stormwater management and erosion control design and regulation that is in place today. These measures, which are being fully adhered to by this project, prevent negative effects on adjacent wetlands and surface waters by preventing the pollutants from entering the water in the first place. See responses #19 & #20. An air quality study has been prepared specifically for this for this project. See response #27.



34. As someone who thoroughly enjoys the outdoors, and has been a hunter throughout his life, I have a special respect for the wildlife that surrounds the Green Meadows property. Besides the environmental impacts directly to these animals, they are going to be forced into our neighborhoods causing both concern for both their safety and the safety of our children who play in backyards of these houses. We have seen everything from coyote, fox, rabbits, and deer. These animals have lived in harmony with us since we have lived here. Now, they are going to be forced to find another habitat to live in as well as try to find other sources of food. Are there any plans on creating environmental programs to deal with this issue? I do not see space set aside for these animals on the master plan.

Response: Yes, there are several aspects of the project intended to protect habitat as well as the wildlife that utilize it. Importantly, the majority of the development is centered on the current golf course areas which has limited habitat function or value currently. The Shoreline Protection Zone will be expanded and revegetated out to 250 feet and 26 acres along the Merrimack River will be permanently protected via conservation easement. Further, approximately 90 acres of land on the eastern section of the site consisting of both existing wildlife habitat and golf holes will also be permanently protected via conservation easement. In addition, the golf areas within the protected area will be revegetated and the road crossings will be designed to conform with an enhanced level of the NH Stream Crossing Rules. Both light and noise control programs and designs have been utilized, and an invasive plant control program will be implemented during construction to assure invasive plants do not spread across the site or off-site areas. These mitigation measures will promote wildlife use of the existing and new habitat areas and movement throughout the undeveloped portions of the site. Additionally, the project will be providing roughly \$700,000 to the Aquatic Resources Mitigation Fund which is distributed through a grant process to municipalities and conservation organizations to accomplish high value conservation and preservation projects in the same watershed where they were generated. It is not expected that off-site areas will experience any increased or decreased wildlife in their neighborhoods. *See Wildlife Habitat Evaluation.*

35. We were drawn to the fact that nature surrounded the location and so many people enjoy the outdoors right in their own yards. The first year we lived in the house there was a Red-tailed hawk nest in our yard. What a sight it was on Thanksgiving morning to see both baby and Mom land in our backyard. We have had two children, added food gardens, and set up a fire pit for outdoor enjoyment of our yard. My children spend countless hours watching the birds, squirrels, chipmunks, ground hog (named fatty) and rabbits right out their back window. Last year alone we had a rabbit burrow with three kits in our backyard, robins born in our front bush and collected a monarch caterpillar to watch it become a butterfly. Countless nights over the past years we listen to the local Great Horned Owl and the peepers. I was able to sit in our back room and show my



husband, a Hudson native, fireflies something he never experienced in Fox Hollow growing up. Just this past weekend there were ducks fly in and I have been able to point out the Great Blue Heron as its flown out of the wetlands in the neighborhood. We have pointed out the beaver dam to our daughter age 4 and explained how the wetland ecosystem works. We watch and listen to the many. As I have mentioned we have been able to introduce our children to numerous wild animals and allow them to experience nature in their own yard. With this type of project coming in, it is uncertain what types of animals will remain. I do not want to have to pack my children in the car and drive them over to Nashua to have them enjoy the nature. Currently it is a great neighborhood for taking quiet walks and enjoying the sights and sounds of the animals around us. Mines Falls will have to be the place I take my children for long quiet walks or short bike rides that are peaceful. I understand the company will have to purchase wetlands offsets somewhere else in the state. I am sick of companies needing to purchase wetlands somewhere else in the state. I want them to remain local so I don't have to drive to see them and continue to pollute the roads and air in the state.

Response: See response in #34. See Wildlife Habitat Evaluation.

36. A low-grade wetland – but generally you try to avoid them Why do they have to put that circle in a wetlands? What's another 200 feet to move it? Please consider that before you approve the waiver Developer should explain why they can't move it out of the wetland.

Response: See responses #3 & #5.

37. I do not know that I will enjoy a walk along the river on the property if there are active warehouse activities going on in the background. Only the few employees of the properties may get any benefit from the proposed river walk.

Response: A conservation easement deed preserving the area along the river and areas east of the development is being offered to the Hudson Conservation Commission which will then act as a land steward for the property. The conservation easement will be written with an allowance for public access and trails, which can be developed in accordance with the Town of Hudson's needs. We expect that these areas will be enjoyed by many residents.

38. There are 60 acres of warehouse and they are looking to directly impact 3 acres of wetland but indirectly affect all 39.9 acres of it. With only 65,00 sq ft. of this being for buildings and parking lots, can they potentially reduce the footprint of the warehouses the 1.5 acres to reduce their direct impact to the wetlands? That is only a 0.025% reduction in



size of the warehouses. A reasonable request when irreplaceable wetlands are concerned. I understand that 1.5 acres need to put in the access roads will not be something that can change.

Response: The wetland impact within the Wetlands Conservation Overlay District is largely associated with access to the site along the two alignments which have long been identified as the access to this property and are designed to cause the least amount of impact possible. Impacts necessary for access have been minimized (see Response #3) and will not significantly change, even if large changes were made to the scale of the development. Impacts for development within the Wetlands Conservation Overlay District are limited to four small areas of direct wetland impact totaling 2,611 square feet (impact areas #2 & #3) and buffer impacts totaling 56,281 square feet. These impacts are almost entirely within maintained areas of the golf course and will be offset by substantial restoration of degraded buffer along Limit Brook. Adjustments to the site design have also been made to completely avoid impacts to the southernmost pond, a manmade feature that is not part of the Wetlands Conservation Overlay District.

39. I noticed that the 50 foot buffer around wetlands have berms and roads running through them. Is this correct to be in compliant with the town zoning? Isn't the point of the 50 noninterference zone to keep development 50 feet away so that it will not interfere with the wetlands?

Response: The 50-foot buffer is part of the Wetland Conservation Overlay District regulated by Article IX of the Zoning Ordinance. The Ordinance does prohibit certain uses such as junk yards and hazardous waste facilities but allows for conditional approval of access roads and site development uses as long as the requirements outlined in § 334-36 (C) of the ordinance are met. These requirements relate to the lack of viable alternatives, minimization of impacts, and mitigation. Compliance with these criteria is detailed throughout the responses given in this text.

40. New Hampshire has worked very hard to clean up the Merrimack river so that animals like the bald eagle could start to use the river as a feeding ground again. As seen by this map from the NH fish and game website Bald Eagles are currently in Nashua, that does not mean that they are not using Hudson for feeding grounds. If there is runoff that affects the habitat in the Merrimack could this potentially impact them? One large chemical spill could have major impacts to the wetlands and the river.
<https://www.wildlife.state.nh.us/wildlife/profiles/wap/birds-baldeagle.pdf>

Response: The site will be required to design a state-of-the-art stormwater collection and treatment system which will comply fully with the State and Town requirements. The



increased focus on stormwater treatment has resulted in significant reductions in hazardous chemical releases as the treatment systems intercept releases and allow much greater time for control and clean up. While accidents do happen, the proposed site is well controlled and will be prepared during construction for accidental releases of chemicals or sediment through implementation of the National Pollution Discharge Prevention System (NPDES) Permit which implements a Storm Water Pollution Prevention Plan (SWPPP) to monitor and control pollutants. *See also* responses #19, & #20.

41. I have read the Gove Environmental Report and understand that they did not mention that any birds of prey utilize the golf course as feeding grounds. However, with the number of birds that can be seen in the area this the report does not tell the whole story. Just because they are not nesting on this site does not mean that they do not use it for food. As I have mentioned just a few short years ago we had a Red-tailed hawk nest on our property and we have a Great Horned Owl in the neighborhood. What is the plan to accommodate the many residents of the golf course who will now be homeless? Rabbits, opossum, Fischer cats, deer, fox, coyotes, ground hogs, turkeys, woodpeckers, birds, etc? Where are all the field mice going to go? Are there any provisions for migratory species? (it is an amazing sight seeing flocks of birds land and take off).

Response: *See* response #34. *See* Wildlife Habitat Evaluation.

42. This is why we have made our home here and now with a project like this we have a potential to lose that quality of life. Has there been a study on how a large industrial project such as this impact the environment and wildlife? There are wetlands on this property. Has there been a study on any endangered species?

Response: Yes, the project retained Lucas Environmental, LLC to conduct a detailed wildlife habitat study to assess and demonstrate compliance with the Hudson Wetlands Conservation Overlay District Ordinance. While there have been comments suggesting the presence of rare species on the site by abutters, the NH Natural Heritage Bureau (NHB) does not have records of any rare species on the site. Similarly, the wetland and wildlife studies did not encounter any in their on-site studies. The project is however designed to protect the significant wildlife habitat and to implement wildlife habitat improvements which could promote rare species use of the site. *See* Wildlife Habitat Evaluation.

43. Has a study been done to understand the impact on local wildlife? Specifically what is the current status of the bald eagle which was seen in the area of the Sagamore bridge/green meadow area?



Response: Currently while NH NHB has not revised its records for bald eagle in the Hudson area, the project is however aware of reported observations. The improvements to the Shoreline Protection Zone discussed in the Response to Comments #28 and 34 above will promote the potential for more eagle use of this stretch of the river. *See Wildlife Habitat Evaluation.*

44. Green space. exactly how much green open space will be accessible to the public and how will the public be able to access this green space?

Response: Conservation easements encompassing approximately 26 acres along the Merrimack River and an additional approximately 90 acres east of the development are being proposed, with the Hudson Conservation Commission being the holder of the easement and steward of the property. The easement will be written with an allowance for public access and these areas are expected to be publicly accessible.

45. What is the amount of wetlands being disturbed that will need to be mitigated? What is the plan to mitigate these wetlands?

Response: The proposed impacts within the Wetlands Conservation Overlay District totals 57,766 square feet of wetland and 201,142 square feet of buffer impacts. To mitigate for these impacts approximately 116 acres of land located along Limit Brook and the Merrimack River will be preserved and naturalized with native plantings where managed golf course turf currently exists.

46. The size and scope of the wetlands and the proposed changes is in contradiction to existing town regulations. Conservation means the protection of animal and all life species. The Hudson Logistics Center will end up in destroying the habitat of thousands of creatures... deer, coyotes, foxes, rabbits, snakes, frogs, toads, hawks, eagles etc. Destroying the ecosystem now living on the proposed site.

Response: Refer to the response in #34. *See Wildlife Habitat Evaluation.*

47. Has a study been done to understand the impact on local wildlife? Specifically what is the current status of the bald eagle which was seen in the area of the Sagamore bridge/green meadow area? I am also concerned how this would disrupt the wildlife in this area. Moving from a very densely populated area to this home has been an absolute dream for us and part of that is being so closely connected with nature.

Response: Refer to responses in #28, 34 and 42. *See Wildlife Habitat Evaluation.*



48. There is much wildlife that dwells on the grounds of the Green Meadow property along its wet lands and river banks and beautiful green course. Much of it spends some time in our yards, on our trees and on occasion crossing our streets. Obviously if this proposal went through, sadly an overwhelming number of them would be forced out of their habitat and possibly haphazardly into our property permanently or even worse destroyed. Turkeys, woodchucks, foxes, deer, coyotes, beavers, hawks, owls, would be threatened and deprived of their current safeguards within this woodland area. We see all of them during the year and live in harmony and respect of each other. Are their plans from Hillwood to address these wild life concerns.

Response: See the response to #34. *See Wildlife Habitat Evaluation.*

49. What can be done to minimize the impact on the wildlife? We have more animals here on a daily basis than we did 14 yrs ago when we bought the house. Wild turkeys, cottontails, fisher cats, foxes, coyotes, and deer are regularly spotted on the golf course. Red tailed and Cooper's hawks hunt there every day and even a great blue heron has been seen walking along the tree line.

Response: *See the response to #34. See Wildlife Habitat Evaluation.*

50. I am also concerned how this would disrupt the wildlife in this area. Moving from a very densely populated area to this home has been an absolute dream for us and part of that is being so closely connected with nature.

Response: *See the response to #34. See Wildlife Habitat Evaluation.*

51. From a conservation perspective, the project is abusive and slap to the face of any conservationist from many perspectives. Any proposed changes to wetlands should be disallowed. Changes to the wetlands will cause undo changes to the existing purification of local well waters. Any proposed changes to existing "man-made wetland areas should be denied. Manmade or not... they exist and are part of the current wetlands within the proposed parcels. The developer made light of the fact that "man-made wetlands" were not wetlands at all. Wetlands are wetlands man-made or not. The developer's exclusion of ALL wetlands from their plans shows us the duplicitous nature of the developers and their lack of interest in supporting the clean water wells of the Hudson water supply. The size and scope of the wetlands and the proposed changes is in contradiction to existing town regulations. Conservation means the protection of animal and all life species. The Hudson Logistics Center will end up in destroying the habitat of thousands of creatures... deer, coyotes, foxes, rabbits, snakes, frogs, toads, hawks, eagles etc. Destroying the ecosystem now living on the proposed site.



Response: All wetlands are shown on the site plans, but certain discrete excavated ponds within the golf course qualify as “manmade facilities” which are not included in Wetland Conservation Overlay District pursuant to Section 334-35(C) of the Zoning Ordinance. It should be noted that all impacts have been accounted for and impact to these ponds has been minimized. See Response to #19 & 29 regarding water quality and #34 regarding wildlife impacts.

52. There are a significant amount of wetlands that will be impacted by this project and this project about the Merrimack River. Back in 2007, when a different development was proposed, there were 10-12 areas that needed to be granted a wetlands special exemption. A proposed interchange system to and from the Sagamore Bridge that crossed over a wetland area and some of the proposed parking lots were within wetland buffer areas as well. This previous development would have taken a phased approach over 10-15 years, the first phase including a 1.1 million square feet of retail space, cinema, restaurants, an ice skating rink, and a riverfront park. The second phase would have in total brought the development to 2 million square feet of mixed used purpose. Let’s fast forward to the current proposal, which is 2.5 million square feet entirely made up of distribution warehouse buildings and parking lots. As such, this project will certainly have an even greater impact on wetlands. The Merrimack River is one of our region’s greatest assets, this project will compromise the protection the natural wetlands have in buffering from pollutants.

Response: The previous development proposal that is referenced involved a total wetland impact of over 6 acres and utilized nearly every available upland space across the entire site. That project proposed more than twice the wetland impacts than the existing project. The proximity effects of such a development plan are much larger; nearly every wetland in the eastern portion of the property would have been directly adjacent or surrounded by development. The 2007 proposal also involved a new major crossing of Limit Brook. By contrast, the Hudson Logistics Center will impact less than half the wetland and preserve far more open space, including within ecologically sensitive areas such as along the Merrimack and the entire course of Limit Brook. The short construction schedule for the proposed project will also limit disruption from construction rather than stretching it out over a decade.

53. Has a study been done to understand the impact on local wildlife? Specifically what is the current status of the bald eagle which was seen in the area of the Sagamore bridge/green meadow area?

Response: See responses to #28, #38, and #42. See Wildlife Habitat Evaluation.



54. I am also concerned how this would disrupt the wildlife in this area. Moving from a very densely populated area to this home has been an absolute dream for us and part of that is being so closely connected with nature.

Response: Refer to the response to #34. See Wildlife Habitat Evaluation.

55. I am also concerned how this would disrupt the wildlife in this area. Moving from a very densely populated area to this home has been an absolute dream for us and part of that is being so closely connected with nature.

Response: See #34. See Wildlife Habitat Evaluation.

56. Cul-de-sac terminus. The design of the proposed access road does not meet 334-36 (C) (4) requirements of minimizing impact on the Wetland District. Per 334-36 (C) (2) for Construction of access roadway: “shall be located and constructed in such a way as to minimize the potential for detrimental impact to the District and be planned, designed, and constructed in a manner consistent with applicable State and local standards. Such construction may be permitted within the District only when no viable alternative is available.” The values of the wetlands associated with this area have been undervalued by only considering historical non-compliances and using that as precedent for continuing non-compliance. As this is a new development, poor adherence to codes and standards should not be grandfathered in. In addition, the value of this wetland area is not an independent entity but is upstream of many other wetland areas that have been clearly marked by wetland specialist survey to be of significant conservational value. As such the health and value of down-stream wetlands must be taken into consideration including the significant disturbance of the area during the proposed construction. This has the potential of taking out and completely changing the ecological balance of the entirety of Limit Brook.

Response: See responses #3 & #5.

57. On one hand, Amazon looks like a good environmental citizen, on the other hand Amazon is willing to destroy our beautiful town and the habitat for the wildlife living there. Who is speaking up for the animals? We MUST do this!!! Loss of habitat is the greatest threat to loss of wildlife. The animals don't have a voice. They can't speak for themselves. They are victims here. That's where people of good conscience should focus their time and efforts. Hudson needs to do right by the environment and residents. Hudson needs to set an example



of a good relationship with the Earth. When we remove our beautiful trees and turn Hudson into a moonscape, we will all be sorry. You can't get it back. Yes, protecting wetlands is important, but protecting dry lands is too. Not all creatures live in the wetlands. Come on Hudson.... Do right by us. Protect these animals and their habitat. Have you ever walked along a path with tree canopy on a hot day? And then gone back a month later to find the cool canopy has been demolished and now the road you walk down is almost too hot to walk down? Come on Hudson.... Do right by us. Keep our trees to keep things cool.

Response: See response #34. See Wildlife Habitat Evaluation.

58. Hillwood has celebrated preserving green space in their proposal. Are not these parcels simply the protected wetlands and the river's flood zone (thus undevelopable)?

Response: No. The proposed preservation areas include significant upland area adjacent to Limit Brook and the Merrimack River that are outside of the floodplain and could be used for development. These areas were in fact proposed to be utilized in previous development proposals.

59. What will happen to the hundreds of wildlife species displaced by this proposed development?

Response: See response #34. See Wildlife Habitat Evaluation.

60. What are the findings of the wetland and water flow studies, specifically with regards to the following affects of: natural precipitation run-off to the water table, existing wetlands, river and abutters, absent the absorption of 200+ acres of grass? construction to the water table? the disruption of the water table to Limit Brook - both upstream and downstream? water quality impact of the Merrimack River due to absent the absorption of 200+ acres of grass as the river is used for drinking water for downstream communities? diesel leaks and run-off from the vehicles?

Response: The stormwater management system is designed to prevent these negative effects by intercepting pollutants before reaching the river. See responses #19 & #20. The system is also designed to attenuate increased runoff from impervious surfaces such that preconstruction runoff rates do not exceed post construction rates. This is accomplished in two main ways. Storage is provided on various basins which hold water and release it at a controlled rate. Secondly, the basins are constructed so that all but the largest storm events infiltrate (after treatment) into the sandy soils without ever leaving the site as runoff. If precipitation rate the infiltration capacity of the soils the basins have



been designed to store runoff for up to a 100 year design storm and release water at a controlled rate consistent with the existing conditions.

These systems are designed with the capacity to handle the stormwater flow calculated based on data driven rainfall data, soil conditions, and engineering principles of stormwater runoff. This information is subject to review by NH AOT program engineers, Town of Hudson Engineering Department and by the Town's peer review consultant as part of the site plan approval process. At this time the town and their peer review consultant have approved the design of the stormwater management system and the NHDES permit application is under review.

61. What is the plan to prevent and, if needed, mitigate diesel leaks and run-off?

Response: Catch basins along the edges of the paved surfaces are fitted with oil and grease separators that would intercept any petroleum products released during a spill which would then be cleaned up before being flushed into wetland areas. *See* response #19.

62. There is no berm near my house – what will happen to the runoff from trucks? Manmade pond on the southeast corner.

Response: Trucks will only operate on paved surfaces of the development and all runoff from paved surfaces will be collected and treated by the stormwater management system before being discharged or infiltrated. No runoff will be directed to the pond in the southwest corner of the property. All paved driveways and parking lots are curbed to ensure runoff will not flow directly from the pavement overland but rather be directed into the onsite stormwater management system and water quality treatment train.

63. Access road – what will happen to the runoff there – and the debris, salt, oil. I believe we will own that road – not them.

Response: The access road will now be a private drive, not a public road. All stormwater from both access driveways will be directed to the stormwater management system on the site. The property owner will be responsible for maintaining this system in accordance with the Operations and Maintenance Plan for the site.

64. A huge problem will be during construction – from one end of Fairway to another is 35 feet – you could have massive amounts of water running off to those homes on Fairway – a lot of those homes have sump pumps now; massive erosion and runoff; particulates in wetlands.



Response: See response #20.

65. Plan for a Hydrogen tank – are there any other chemicals planned for the property?

Response: No other chemicals are planned for use on the property.

66. Storm runoff – you could have too much – or not enough.

Response: See response #60.

67. Limit Brook in my backyard. No discussion on flows. I don't believe all that catch basins will be able to handle all that. If there is too much flow the water up there will go low and it will stink. I am really concerned about Limit Brook – all the meadow will be flushed away.

Response: See response #60.

68. No animal in his right mind would stick around for that. 250 feet of natural land along the Merrimack – oh great for the animals – just ducky. Water flow underground. What does it do to put this kind of weight on the land? It has to have an effect on the flow.

Response: All elements of the site have been designed in accordance with accepted engineering practices and state and local regulation applicable to groundwater. See response #34 regarding wildlife. See Wildlife Habitat Evaluation.

69. Concerned about water levels on Limit Brook; It does flood at times. If water from development goes in there – it will have an impact.

Response: See response #60.

70. Impact – loss of green space on almost 400 acres of land. If you go to Texas or Mississippi during a small rainstorm – they have culverts to divert the rain. Limit Brook on the edge of my property. On your master plan there is a stratified drift aquifer – at the end of Eagle Drive in that area. With all the changes – with any blasting – how will that aquifer be impacted?

Response: Extensive geotechnical work was conducted at the site in support of the proposed site and stormwater system design. Pursuant to that analysis no blasting is anticipated at this time, though the applicant reserves the right to modify this response if it is determined that any blasting is necessary, and then, any such blasting will be limited



to the extent it is possible and will be conducted in accordance with all applicable local, State and Federal regulations.

71. The Merrimack River is one of our region's greatest assets, this project will compromise the protection the natural wetlands have in buffering from pollutants.

Response: See responses 19, 20, and 60.

72. Per 334-36 (C) (2) for Construction of access roadway: "shall be located and constructed in such a way as to minimize the potential for detrimental impact to the District and be planned, designed, and constructed in a manner consistent with applicable State and local standards. Such construction may be permitted within the District only when no viable alternative is available". How does the proposed cul-de-sac circle location meet this requirement? There is a very obvious viable alternative to minimize detrimental impact by extending the length of the proposed access road and moving the cul-de-sac circle location out of the wetlands to up-lands. The regulation does not say a degraded wetland by historically unregulated human activity is less valuable than nearby accessible up-lands. The regulations do state however, if it is classified as a wetland the impact on it should be minimized when it comes to access road alignments.

Response: Impacts at the access road have been minimized. See response #3.

73. The threat of oil, gasoline and/ or diesel leaks and spills running off, polluting the Merrimack River as well as the water table under the golf course. Will Hillwood be building its own fueling station on the premises? That comes with even more risks to the environment and water.

Response: There will be no refueling stations on the site. See also responses #19 & #20.

74. My property as well as the properties of my neighbors in the Green Meadow area have shale that exists in the ground beneath the surface. Hillwood, in their presentation last week downplayed this saying it is a sandy soil they will be building upon. Again, an attempt to deceive the town. When they hit shale and they invariably will, what will they have to do.? Blast! What will that blasting do to the land and river banks, not to mention the septic systems, foundations, in ground pools, etc. in our neighborhood?

Response: Extensive geotechnical work was conducted at the site in support of the proposed site and stormwater system design. Pursuant to that analysis no blasting is anticipated at this time, though the applicant reserves the right to modify this response if it is determined that any blasting is necessary, and then, any such blasting will be limited



to the extent it is possible and will be conducted in accordance with all applicable local, State and Federal regulations.

75. We have had several private wetlands specialists survey the wetlands associated with Limit Brook in May 2020. The result of their soil samplings indicated a very healthy and clean water source. The wetlands specialists had special concern due to the storm water management plan that redirecting too much or too little storm water could drastically affect the health of these wetlands areas. This is particularly relevant if the storm water management plan directs too much water away from the wetlands. Due to the significant area of the current natural sloping from the hills towards the wetlands areas associated with Limit Brook, modifications of the storm water away from Limit Brook may significantly contribute to a reduction in water levels destroying the ecological balance.

Response: See responses #19, #20 & #60.

76. Per 334-33(D). Preserve and enhance aesthetic values associated with Hudson's wetland areas. Due to the slope and angles of visibility to visual pollution related to the industrial development of the proposed Logistics Center, the wetlands areas associated with the Merrimack River will neither preserve nor enhance the aesthetic values associated with Hudson's wetlands areas. If we consider that the Merrimack River is one of the most valuable assets to Hudson, we should not take these concerns lightly as this proposal may create irreparable damage to the ability of the town of Hudson to ever enjoy this massive area of wetlands areas associated with the Merrimack River.

Response: In addition to the protection of area within 250 feet of the Merrimack, this area, which is currently largely a maintained golf course, will be restored using native seed mix, shrubs and trees. The trees have been located to specifically provide screening of the development as viewed from the river. The same is being done with the managed turf areas along Limit Brook. Both of these areas are proposed to be protected with a permanent conservation easement held by the Town of Hudson and are expected to be accessible to the public.

77. This excavation and subsequent use of the property will surely result in severe water runoff on the property itself and to the neighboring residential homes, many of which must utilize sump pumps in the cellars now. Where will all this extra water go. It could result in too much water flowing into existing wetland areas and not enough to other wetland areas; either case can ruin or starve existing wetlands. Water runoff will pick up oil, fuel and debris from the parking lots and truck areas which can spill over into the wetlands, the Merrimack River or the Limit Brook. Will it impact neighboring septic systems? This pollution is unacceptable. These particulates and soot will also end up in



the soil, the river, brook, wetlands and wells.

Response: See responses #19, #20, #27, & #60.

78. The project will also have a severe impact on existing wildlife.

Response: See #34 above. See Wildlife Habitat Evaluation.

79. Impact on Limit Brook: according to Hudson Wetland Conservation District code 334-33 I, it should "prevent damage to structures and abutting properties caused by inappropriate development in wetland areas." I share the worries of my neighbors whose property is next to the Limit brook. The possible excessive water runoff due to the large area covered by cement right next to the wetland may cause further erosion of their property due to Limit Brook.

Response: See response #60.

80. Water run off from this project is in the vicinity of 93 million gallons per year (based on 45 inches of precipitation) which will include diesel fuel, oil, salt, anti freeze, etc. next to the Merrimack River and Limit Brook. Killing and destroying the existing wild life.

Response: See responses 19, 20, & 60.

81. If this industrial development is approved as presented, we fear it will result in irreversible damage to the health of the river and wetlands and the wildlife it supports. Runoff from construction and operations at this enormous development will alter the terrain and will result in excessive, toxic runoff that will have disastrous ecological effects.

Response: See responses #19 & #20.

82. The damage to the wetlands and wildlife by this industrial development will be irreversible to the rivers and surrounding areas and the ecological life it supports. The initial construction project will add run off toxins to the land and any water supplies that surround this area. How do we turn that back once done?

Response: See responses #34 and #56.

83. WHERE WILL ALL THE DISTURBED UNDERGROUND WATER GO?



Response: All elements of the site have been designed in accordance with accepted engineering practices and state and local regulation applicable to groundwater.

84. WHERE WILL ALL OF THE RAIN / SNOW GO?

Response: It will be captured and treated by the stormwater management system. *See* responses 19, 20, & 60.

85. WILL THE RIVER GET CONTAMINATED FROM RUN OFF WITH TRUCK OIL/GAS/CHEMICALS?

Response: All runoff from paved surfaces of the development will be captured and treated before discharge to prevent contamination of the river. *See* responses 19, 20, & 60.

86. IF BLDG'S ARE 20 FEET INTO THE GROUND WHERE IS ALL THE WATER GOING?

Response: All elements of the site have been designed in accordance with accepted engineering practices and state and local regulation applicable to groundwater.

87. MASSIVE CONCRETE PARKING LOTS + BLDGS = NO WATER GETTING ABSORBED.

Response: *See* response #60.

88. WILL THE WATER FLOOD THE STREAM AND ERODE PROPERTY LINES.

Response: *See* response #60.

89. WILL THE WATER FLOW INTO THE EAGLE DRIVE / FAIRWAY?

Response: No water will be handled by the stormwater management system. *See* responses 19, 20, & 60.

90. WILL THIS DAMAGE HOUSES AND PRIVATE SEWER AND POOLS?

Response: *See* response 105.



91. WHAT PROTECTIONS ARE BEING GIVEN TO OUR NEIGHBORHOOD?

Response: See response #60.

92. WILL OUR PROPERTIES / US BE POISONED BY ALL THE TOXINS?

Response: No. See responses 19, 20, 27, & 60.

**QUESTIONS TO CONSERVATION COMMISSION AFTER 6/29/2020 SITE
WALK/WETLANDS**

93. How will Hillwood “naturalize” parts of the site? What vegetation etc. and how long will it take to grow?

Response: The restoration landscaping is now specified on the revised plans. The restoration areas will be planted with native seed mixes, shrubs, and tree species appropriate for the specific location. In close proximity to Limit Brook and other wetlands where the buffer is currently maintained turf, plantings were chosen with a goal of reestablishing an effective buffer. This includes a seed mix suitable for moist locations and ticket forming shrub species typical of wetland borders. Upland areas will receive an upland meadow seed mix and a variety of native trees and shrubs distributed in a naturalistic manner. Along the western edge of the development in the Merrimack shoreland protection area, tree species have been selected and specifically located to provide screening from the river. The vegetation will grow at different rates with the seed mixes likely being most prominent in the first few years. Shrubs and trees should be well established within five years.

94. How much water can Limit Brook accommodate from storms and runoff? It was a dry winter and spring.

Response: See response #60.

95. How will the proposed Green Meadow Drive accommodate water runoff as well as oil, particulates etc. that may end up on the road?

Response: See response #63.

96. There was talk of water treatment areas. Who manages those? A comment was made that towns often don't like to do that.



Response: The Applicant intends to withdraw the subdivision application and create a single lot to be subject to a condominium form of ownership. The proposed main access road will become a private driveway. Maintenance responsibilities will be detailed and described in condominium documents which will identify the responsibilities among the unit/building owners.

97. If Hillwood maintains these water treatment/catch basins/etc, are they planning to maintain ownership of the site?

Response: See response #96.

98. Suppose the subdivided parcel is sold to three different owners, who manages water treatment etc. then?

Response: See response #96.

99. Or is the Town responsible for those areas adjacent to the road if it is a Town-maintained road?

Response: See response #96.

100. Has anyone ever assessed what the wetland areas in question look like after a snowy winter and wet spring?

Response: Yes, the wetland areas have been observed in the spring and are generally wetter as is typical. This in no way affects the wetland delineation.

101. For purposes of maintenance and wetlands impact, where would the public road end? At the cul-de-sac? As an aside, if it's a Town road will members of the public be allowed to drive down to the site?

Response: The access road will now be a private driveway. See response #96.

102. As a comment, during the Site Walk many of Hillwood's statements with regard to mitigation and wetlands issues were prefaced by the words "probably and "could." When do they plan to finalize their plan to handle the wetlands issues at the site?

Response: We will be pleased to discuss more details of the proposed mitigation with the Conservation Commission at the next meeting, currently scheduled for 11/16/20.



103. Don't see any reason why they can't move 50 feet away to not violate those buffers. It can be practically located otherwise – move the buildings.

Response: The application has been revised to shift building B approximately 150 feet and building C approximately 50 to the north and away from the residences and southern property line. In addition, the current plan has been adjusted to reduce wetland impacts by an additional 900 square feet and buffer impacts by over 11,000sf since revisions done in August. This represents a total reduction of 11,683 square feet wetland impact and 24,571 square feet of buffer reduction since the applicant's original filing in May.

104. However, the intended meeting is to discuss whether the Hudson Logistics Center proposed by Hillwood Enterprises LP satisfies Hudson, New Hampshire Town Code for the Wetland Conservation Overlay District. This particular code was just recently approved in March 2020 by Town of Hudson voters. At the June 2 meeting I will present during public discussion how there can be a reduction in permanent wetland impact area for the proposed access roadway by approximately 17,000 sq. ft. if the cul-de-sac terminus is simply placed in up-4/ lands instead of wetlands. Therefore, I will demonstrate to the Conservation Commission that the design of the proposed access road does not meet 334-36 (C) (4) requirements of minimizing impact on the Wetland District.

Response: See response #3.

105. To put this in perspective if I were a developer proposing a subdivision on the same parcel as the Hudson Logistics Center, using the same Green Meadow Drive alignment and cul-de-sac terminus point in wetlands, instead of extending it into nearby up-lands so I could maximize the number of approved single family home lots, would you approve the request? I think not, even if I hired lawyers, public relations people and a wetland scientist to explain that the contiguously connected wetland to be impacted in the cul-de-sac circle area has low wetland value due to degrading from previous unregulated human activity. How does rejecting my theoretical maximizing proposed lot yield differ from Hillwood wanting to maximize the total amount of building square footage and parking spaces? Both the theoretical and the current proposals would and should be rejected in writing if necessary by the Conservation Commission to the Planning Board if the cul-de-sac terminus circle is not relocated to up-lands.

Response: See response #3.

106. Per 334- 36 (C) (4) Compensatory Mitigation applies to Lot Development Impacted Wetlands. The 334-36 (C) (2) for Construction of access roadway does not specify Compensatory Mitigation but only minimization of impact. The Conservation Commission should view Wetlands Report Evaluation Area 3.1 (EA3.1) as an opportunity to correct a historically unregulated wetlands disturbance by simply requiring



that 334-36 (C) (2) minimizing requirements are met. I'm sure it wears on all Conservation Commission members they can only minimize wetland impacts for access roadway but never get a chance to revitalize any. Here is a chance to use your authorized written review authority for Planning Board input. Require approximately 17,000 sq. ft. of the contiguously connected EA3.1 to be allowed to heal itself somewhat by not placing a new access road in it. EA3.1 may not return to its original pristine state but the Conservation Commission has a chance to improve the current condition of some of the Wetlands District that is contiguously connected to other undisturbed wetland areas on the parcel. The healing process would only require time to be supplied by nature and fall within Conservation Commission authority to insure applicable regulations are adhered to. Maybe even in the future EA3.1 could support turtle eggs instead of golf ball looking eggs. Sorry about that I needed something to smile about concerning this proposed mega development.

Response: The proposed impacts resulting from the main access road have been minimized. See response #3.

107. Does it bother the Commission that this project is being pushed for fast tracked approval? Why haven't there been any prior preliminary subdivision reviews for this mega project where alternate access road alignments through the Wetland District could be analyzed? I will try to mention less than 10 times during the June 2, 2020 meeting that the proposed project has more building floor space than the Pheasant Lane Mall. However, please keep reminding yourself of the fact that this is a mega project and should be treated as such during your review. I'm sure when the Pheasant Lane Mall project was in the proposal stage it was not fast tracked through various commissions and board reviews. Please consider also if already disturbed with drainage improvements EA2 adjacent to Sagamore Bridge Road aka Circumferential Highway would be a better location than undisturbed EA3 and EA4 for access road alignment. Note I'm wondering about one wetland area versus another wetland area not a wetland area versus an up-land area for access road alignment. The way this project is being presented for only the first time to the Conservation Commission it is nearly impossible to explore whether any other access road routes might result in an improved Wetlands District impact alternative. Hillwood does not supply any information about that. All of us are to believe Hillwood that this is the best alignment of access road through the Wetlands District with no additional information to support their assumption. Did I mention this is a mega project that should receive a mega amount of scrutiny before any commission or board approves any part of it? The Commission is left with only commenting on the project as presented in the June 2, 2020 meeting as the final word of what is best for the Overlay Wetlands District on the parcel to be developed. I know I'm frustrated about that and I hope Conservation Commission members voice a similar frustration to the applicant and his project team at the coming meeting.



Response: The two proposed access roads utilize easements that were created in the 1980s and 1990s with input from the Conservation Commission and Planning Board on their location. In addition to aspects of wetland impact minimization which is detailed in response to comment #3, utilization of existing intersections is a primary consideration.

108. Practical Alternate Location. §334-37(A)(3): The proposed activity or use cannot practically be located otherwise on the site to eliminate or reduce impact to the Wetland Conservation Overlay District. “The shape of the buildings cannot be significantly changed so the ability to reconfigure the layout is extremely limited.” https://www.hudsonnh.gov/sites/default/files/fileattachments/conservation_commission/meeting/packets/44471/hcc-p2020-06-02.pdf . The statement that the buildings cannot be significantly changed is simply stated without justification. Simply stating that ‘I need to impact wetlands’ are not grounds to determine that they cannot be adjusted. Not all Distribution Center buildings are the same size with the same number of truck docks. I motion to reject the claim that the shape of the buildings cannot be significantly changed as this is demonstrably false. It appears that the intent of the appeal is that they can’t maintain the number of docks and still be compliant with 334-37(A)(3).

Response: The size and layout of the buildings, and many other aspects of the site design, are subject to specific minimum requirements by tenant for which they are being constructed. This results in less design flexibility than may otherwise be available for this type of development. Other constraints are also present such as the need for stormwater management, and maintenance of buffers to resource areas buffers and abutting properties. *See also* response #3.

109. Per Hillwood public relations documents there will be 250 trucks plus approximately 1,000 to 4,000 employee cars due to their job creation estimates for the facility that will travel the access road 24/7 365 days a year. Holiday traffic is expected to peak even higher. I do not think any 4 legged wildlife, amphibian critter, or even a 2 legged Gold Metal Olympian Sprinter could cross the access road with that much traffic without becoming roadkill. Additionally, any humans trying to travel on Lowell Road will have a killer and very wild life traffic experience. Sorry about that, Lowell Road traffic would be an up-land problem not a Wetland District problem. Just trying to find some dark humor to smile about when it comes to building a mega industrial project directly abutting residential neighborhoods.

Response: *See* response #34. *See* Wildlife Habitat Evaluation.

110. Can justification be provided that “the shape of the buildings cannot be significantly changed”?



Response: See response #108.

111. What is plan to prevent oil, diesel and salt contamination to Limit Brook.

Response: See responses to #19 & 20.

112. 1 million square feet of pavement – impacts to roadways, wildlife and air. Wetlands and river will receive 200 million gallons of runoff – including spilt oil, etc. based on 47 inches of rain and 56 inches of snow annually. ½ Emissions from all the trucks and cars will drop particulates into the land and river as well.

Response: See response #27, #19 & 20.

113. Water table – will cut into existing terrain – what does this do to table?

Response: All elements of the site have been designed in accordance with accepted engineering practices and state and local regulation applicable to groundwater.

114. There will inevitably be toxic fumes and particulates polluting the river. What if they say “no” about building a fueling station – and then do it later.

Response: See response #27.

115. Sandy soils – who are they kidding? Again – an attempt to deceive the Town.

Response: Extensive geotechnical work was conducted at the site in support of the proposed site and stormwater system design, verifying the nature of the soils.

116. Hillwood will have to remediate all of the diesel, oil, salt etc.. Millions and millions of gallons of runoff.

Response: See responses to #19 & 20.

117. At some point there will be a leak.

Response: See responses to #19 & 20.

118. Very concerned about the wetlands – and the fuel that might get into them.

Response: See responses to #19 & 20.



119. Seems a significant risk of pollution of wetlands. Accidents or spills over the lifespan will be significant. Ecological balance – this is going to change the ecological balance in the area.

Response: See responses to #19 & 20.

120. How will they control all of the dust that will be kicked up during construction?

Response: Monitoring and controlling dust during construction is required Stormwater Pollution Prevention Plan under a construction general permit that will be issued by the EPA. See also response #20.

121. Water/air pollution: according to Hudson Wetland Conservation District code 334-33 A, it should "prevent the development of structures and certain land uses in wetland areas and their adjacent buffer zones that could contribute to the pollution, degradation or impairment of surface water and groundwater resources." From Hillwood's presentation, I get an impression that while they say that they are keeping much of their green space, they are actually using all the land that is not wetland, which they can't build, to be built as the massive parking lots for hundreds (potentially thousands) of distribution trucks and thousands of employee cars and the three gigantic distribution centers. I don't see where they can properly drain the water or plow the snow without having the water run off into the nearby wetland. The exhaust and oil from the trucks and cars could badly contaminate the water and thus badly pollute the wetland environment, animals, and ecosystem. I'm also worried that if our town's limited water processing resources are able to handle the polluted water going into our town's wastewater system.

Response: The stormwater system for this site will not be connected to the Town's sewer or drainage systems. See responses to #19 & 20 regarding stormwater quality.

122. Some of these things can't be avoided even if they use the so-called best management practices (BMP) because what Hillwood wants to build is simply too massive to be put in in this area.

Response: The proposed Hudson Logistics Center meets Zoning Ordinance requirements, and in fact the Zoning Ordinances were amended several years ago to accommodate the proposed structures. From a wetlands perspective, the Hudson Logistics Center significantly reduces wetland impacts when compared to the project proposed on this property in 2007.



123. It would seem a foregone conclusion given that at some point there would be a significant leak, and in general a low level, but constant, influx of oils into the local environment I see this as a significant concern. How will run-off of salt/sand impact remaining wetland areas and habitats? Presumably responsibility for town maintained road extensions for this project will fall to the town - in particular in those areas where the town maintained roads or extensions pass through these wetlands. Will the town taxpayers be paying for mitigation plans or equipment to minimize these concerns?

Response: The access roads will be private driveways. *See* response #96. *See* response #19 & #20 regarding stormwater quality.

124. Are the state guidelines being followed?

Response: Yes. The project has applied for state wetland and alteration of terrain permits and will be adhering to all conditions of those permits as well as best management practices during construction and operation of the site.

125. Hillwood's original wetlands presentation was sub-par, incorrect, and failed to highlight sufficiently the changes to the current wetlands... the detail of EVERY change to the wetlands should be blown up for all to see and explained to the board and residents in a public meeting. Will the planning board be requiring to give more factual detailed analysis of proposed affected wetlands? Three rather large buildings will be built on what is currently "green space." Has a thorough review been done by both the NH Division of Forest and Lands and the NH Division of Fish and Game?

Response: We look forward to providing far more detail on the project at the upcoming conservation commission meetings.

