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MICHAEL J. DONAHUE  
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ROBERT D. CIANDELLA  
NICHOLAS R. AESCHLIMAN

**BY HAND**

CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

7 November 2022

Conservation Commission  
Town of Hudson  
Attn: Elvis Dhima, P.E., Town Engineer  
12 School Street  
Hudson, NH 03051

RE: Hudson Logistics Center – Amended Conditional Use Permit Application **CU# 07-22**, Supplemental Filing

Dear Elvis:

On behalf of the Applicant, Hillwood Enterprises, L.P. (“Hillwood”), please find herewith the following documents intended to supplement Hillwood’s initial Amended Conditional Use Permit filing dated 12 September 2022:

1. Site Walk Overview slide from Langan Engineering & Environmental Services, Inc. (“Langan”) to assist the site walk scheduled for Saturday, 12 November 2022;
2. Wetland Building Section Plan from Langan;
3. Proposed Conditions of Approval for Hillwood’s Amended Conditional Use Permit Application to facilitate discussion with the Commission at the upcoming hearing on 14 November 2022. For reference, we have provided a copy of the approved Conditional Use Permit for the Approved Project, a redlined version of the approved stipulations depicting proposed alterations to same for the Amended Project, and a clean version of the proposed stipulations of approval for the Amended Project.

In addition to these items, Hillwood would like to quickly address a comment made by Ken Dickinson during our recent appearance before the Commission on 24 October regarding apparent discrepancies in the Amended Project’s Wetland Conservation Overlay District (the “District”) impacts within the Application materials filed by Hillwood. We appreciate the comment from Mr. Dickinson.

In response, there is no discrepancy in the filed materials. Rather, the Application form requires a delineation of permanent versus temporary impacts which nuance is not depicted on the Wetland Impact Plan or Hillwood’s Conditional Use Permit Memorandum (the “CUP

DONAHUE, TUCKER & CIANDELLA, PLLC  
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833  
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801  
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253  
83 Clinton Street, Concord, NH 03301

November 7, 2022

Memorandum”). More specifically, the Application form depicts a total permanent wetland impact of 47,719 SF and a permanent wetland buffer impact of 146,243 SF. Collectively, those impacts account for the 193,962 SF of proposed Access Impacts depicted on the Wetlands Impact Plan and discussed at length in the CUP Memorandum. In addition to the permanent impacts, the Application form depicts 2,613 SF of temporary wetland impact and 6,486 SF of temporary buffer impact. Collectively, the temporary impacts amount to 9,099 SF, which figure accounts for the total Lot Development impacts depicted on the Wetland Impact Plan and discussed within the CUP Memorandum. The combination of the permanent and temporary impacts depicted on the Application form reveals figures consistent with those depicted on the Wetland Impact Plan and CUP Memorandum. Specifically, the 50,332 SF of total projected wetland impact is the combination of 47,719 SF of permanent wetland impact and 2,613 SF of temporary wetland impact, and the 152,729 SF of total projected buffer impact is the combination of 146,243 SF of permanent buffer impact and 6,486 SF of temporary buffer impact. We hope this analysis resolves Mr. Dickinson’s question.

Thank you, as always, for your time and consideration and do not hesitate to let us know if you have any comments or questions. Otherwise, we will plan to see you at the site walk on 12 November and the Conservation Commission meeting on 14 November.

Very truly yours,

DONAHUE, TUCKER & CIANDELLA, PLLC

Justin L. Pasay

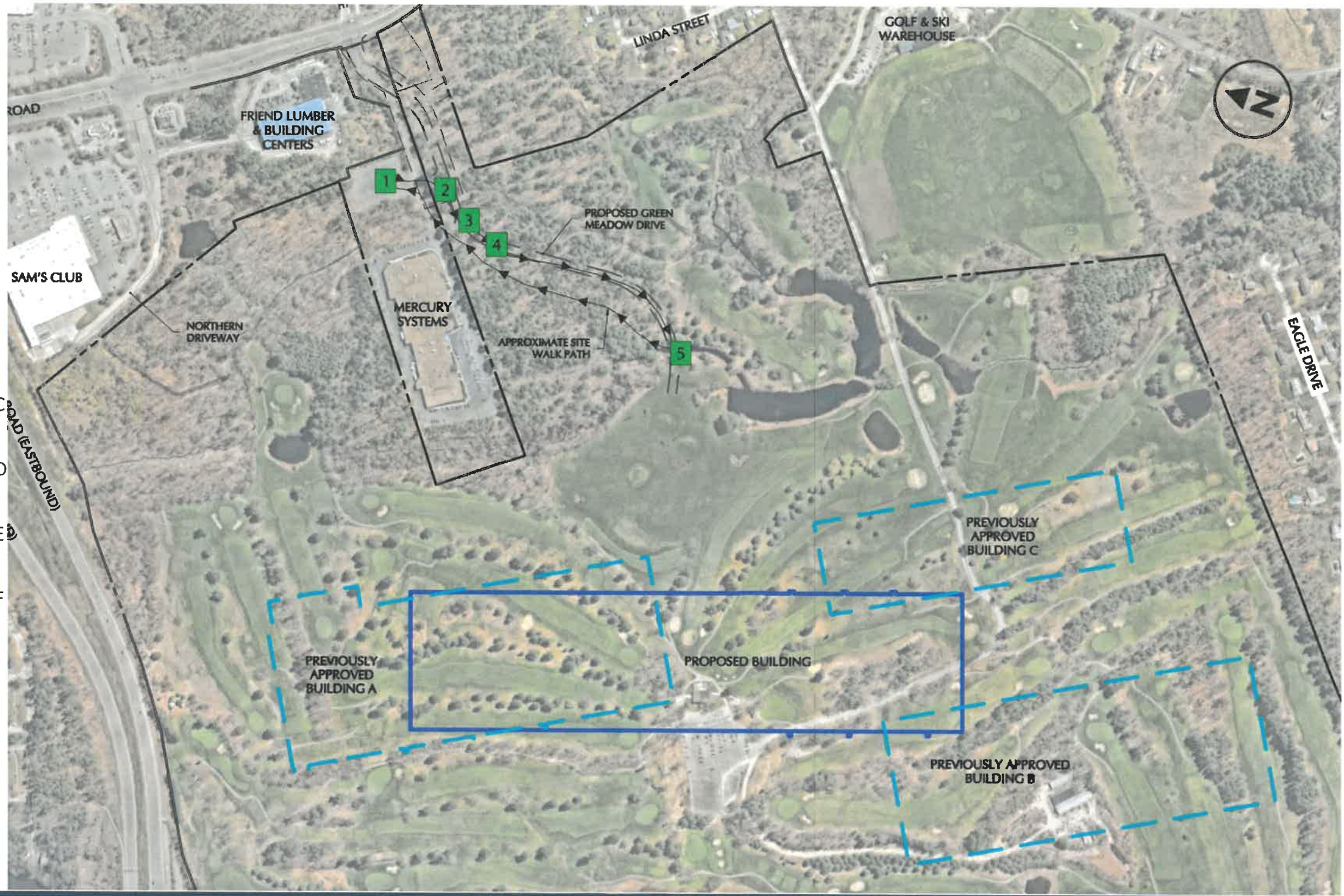
JLP/lmh

Enclosures (3)

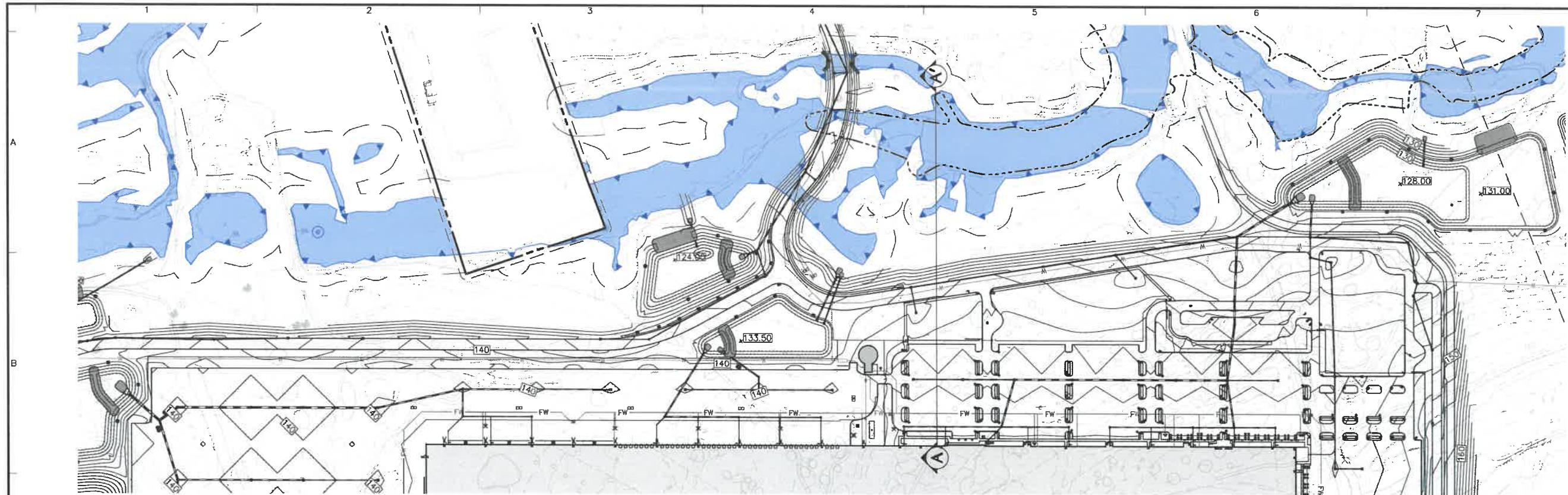
cc: Hudson Planning Board, Attn: Brian Groth, Town Planner  
Brian Kutz, Vice President, Development, Hillwood (email only)  
John T. Smolak, Esq. (email only)  
Langan Engineering & Environmental Services, Inc. (email only)  
Gove Environmental Services, Inc. (email only)  
Lucas Environmental, LLC (email only)

# **Enclosure 1**

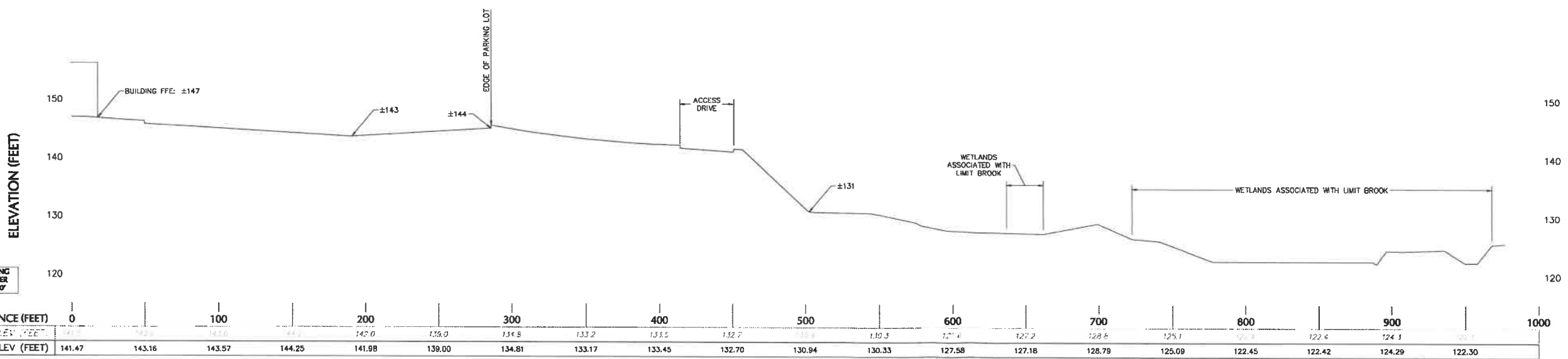
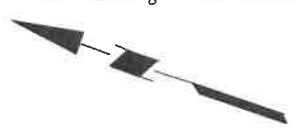
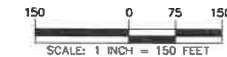
- 1 Parking area  
(Mercury Systems Lot)
- 2 Wetland Impact Area C
- 3 Wetland Impact Area D
- 4 Wetland Impact Area E
- 5 Wetland Impact Area F



# **Enclosure 2**



PLAN VIEW



A - A'  
BUILDING TO WETLAND PROFILE

SECTION VIEW

Date	Description	No.
Revisions		
Signature		Date
PROFESSIONAL PROFESSIONAL LICENSE No. 000000000		
<p><b>LANGAN</b> Langan Engineering and Environmental Services, Inc. 100 CAMBRIDGE STREET, SUITE 1310 Boston, MA 02114 T: 617.824.9100 F: 617.824.9101 www.langan.com</p>		
Project		
<p><b>HUDSON LOGISTICS CENTER</b> MAP No. 239, LOT No. 1 HUDSON HILLSBOROUGH NEW HAMPSHIRE</p>		
Drawing Title		
<p><b>WETLAND BUILDING SECTION</b></p>		
Project No.	Figure	
151010101	FIG. 01	
Date	11/02/2022	
Drawn By	JNW	
Checked By	FH	

FOR PERMITTING ONLY, NOT FOR CONSTRUCTION

Project No. 151010101 © 2018 Langan

# **Enclosure 3**



**TOWN OF HUDSON  
PLANNING BOARD**

**NOTICE OF APPROVAL**



12 School Street

Hudson, New Hampshire 03051

603/886-6008

May 13, 2021

Owner or Applicant:

HILLWOOD ENTERPRISES, L.P.  
5050 W. TILGHMAN ST., SUITE 435  
ALLENSTOWN, PA 18104

On Wednesday, April 21, 2021, the Hudson Planning Board heard subject case CU# 02-20 "Hudson Logistics Center Conditional Use Permit".

LOCATION: LOWELL & STEELE ROAD, MAP 234/LOTS 5 & 34, & MAP 239/LOT 1

The Planning Board moved to approve the Wetlands Conservation Overlay District Conditional Use Permit for the Hudson Logistics Center; prepared by: Langan Engineering & Environmental Services, Inc., 888 Boylston St., Boston, MA 02116; prepared for: Hillwood Enterprises, L.P., 5050 W. Tilghman St., Suite 435, Allentown, PA 18104; and, Greenmeadow Golf Club, Inc., C/O Thomas Friel, 55 Marsh Rd., Hudson, NH 03501; dated April 21, 2020; last revised March 10, 2021; subject to; and revised per, the following stipulations:

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
2. Construction and restoration shall comply with NHDES Best Management Practices set forth in New Hampshire Storm Water Manual Volume 3: Erosion and Sediment Control for construction and restoration, and erosion control measures that meet the Town Engineer's approval.
3. During construction and restoration, erosion control barriers shall be installed in accordance with the approved plans and maintained to the satisfaction of the Town Engineer and Conservation Commission.
4. The Town Engineer, or the Town's Civil Engineer, shall inspect the boundaries of the wetland and wetland buffer areas during construction and report any issues or violations to the applicant and the Conservation Commission for immediate remediation.
5. A stipulation and or note shall be added to the plan that states "Construction vehicles (non-refueling vehicles) shall not be parked within 25 feet of any wetland or wetland buffer boundaries overnight".



6. A stipulation and or note shall be added to the plan that states, "Refueling vehicles shall not be parked overnight or left unattended within 50 feet of any wetland or wetland buffer boundaries".
7. A stipulation and or note shall be added to the plan that states, "Stockpiling of construction materials is not allowed in the wetland or wetland buffer areas of the site or in areas designated for permanent conservation".
8. A stipulation and or note shall be added to the plan that states, "Storage sheds for chemicals used to manage snow and ice at the site shall not be placed within 50 feet of the wetland or wetland buffer areas and such storage areas shall be shown on the final plan set.
9. Members of the Conservation Commission shall be allowed to witness the draw down and relocation of wildlife of the manmade ponds listed as impact areas. At least two weeks notice shall be provided to the Town of Hudson Engineering Department to facilitate this request. To the extent that a potential quorum will occur during this observation, the applicant shall notice the Engineering Department with sufficient time to provide proper public notification, as necessary.
10. An independent third party monitor for plantings (i.e. Professional Landscape Architect and/or Professional Wetland Scientist), at the expense of the Applicant, shall inspect the installation of the restoration areas and submit their findings to the Town Engineer and the Conservation Commission. Timing and scheduling of these inspections and reports shall be set by the Town Engineer. The post installation monitoring of the restoration areas shall take place in accordance with Stipulation #11.
11. Under the supervision of an independent third party monitor (i.e. Professional Landscape Architect and/or Professional Wetland Scientist), at the expense of the Applicant, the restoration areas shall be monitored for five (5) years post installation (during the height of the growing season) and reports shall be submitted to the Town Engineer no later than November 18th of each year. At minimum, the annual reports shall address the 75% cover success standard, the presence, species and relative cover of invasive species anywhere in the restoration areas, and include photographs from predetermined photo stations. If necessary, the reports shall also detail any recommended remedial actions, such as replanting underperforming areas in order to meet success standards, invasive species control, and stabilization of soils. Any such remedial actions shall be performed by the Applicant, at their expense.
12. Any vegetation associated with post-construction BMP's shall be suitably established to withstand erosion.
13. Any proposed landscaping within jurisdictional resource areas shall consist of species native to northeastern USA region.
14. The final landscaping plan shall be subject to any adjustments as may be required by the NHDES under the Alteration of Terrain or Wetlands Permits for the project. Prior to implementation, a final landscaping plan with plant schedule shall be submitted to the Town Planner and the Town Engineer.
15. Invoices for the purchase of native New England seed mixes/plantings shall be provided to the Town Engineer upon availability and before installation.

16. Prior to final seeding, an invasive species inventory shall be performed by the Applicant, at their expense, and shall be delivered to the Town Engineer to provide baseline documentation of invasive species that are either within restored areas or adjacent thereto.
17. If necessary, methods for more involved management of invasive species (such as root barriers for Phragmites or herbicide application) shall be discussed with the Engineering Department. Implementation of any proposed non-manual methods shall be reviewed and approved by the Town Engineer.
18. Upon beginning work in resource areas, the applicant shall submit written progress reports to the Town Engineer every month detailing work performed in or near resource areas, and work that is anticipated to be done over the next period. To the extent applicable, these reports shall update the construction sequence and be incorporated into the weekly erosion control reports.
19. Fertilizers utilized for landscaping and lawn care shall be slow release, low-nitrogen types (<5%), and shall not be used within 25 feet of a wetland resource area. Pesticides and herbicides shall not be used within 25 feet of a wetland resource area, and between 25 and 50 feet from a wetland resource area, a state-approved aquatic-friendly herbicide can be used to remove invasive species. A list of the products to be used shall be provided to the Town Engineer prior to application.
20. A note shall be added to the plan that states: Conservation Wetland Overlay District Markers shall be placed at 100-foot intervals along the conservation easement areas, post construction, as approved by the Town Engineer, to clearly identify the conservation easement areas.

Signed:  Date: May 18, 2021  
Brian Groth  
Town Planner

cc: Langan Engineering & Environmental Services, Inc.  
Greenmeadow Golf Club, Inc.  
John T. Smolak, Smolak & Vaughan LLP

[Date]

Owner or Applicant: HILLWOOD ENTERPRISES, L.P.  
5050 W. TILGHMAN ST., SUITE 435  
ALLENSTOWN, PA 18104

On Wednesday, [Date], the Hudson Planning Board heard subject case CU# 07-22 “Hudson Logistics Center Amended Conditional Use Permit”.

LOCATION: LOWELL & STEELE ROAD, MAP 234/LOTS 5 & 34, & MAP 239/LOT 1

The Planning Board moved to approve the Amended Wetlands Conservation Overlay District Conditional Use Permit for the Hudson Logistics Center; prepared by: Langan Engineering & Environmental Services, Inc., 888 Boylston St., Boston, MA 02116; prepared for: Hillwood Enterprises, L.P., 5050 W. Tilghman St., Suite 435, Allentown, PA 18104; and Greenmeadow Golf Club, Inc., C/O Thomas Friel, 55 Marsh Rd., Hudson, NH 03501; dated September 12, 2022, subject to, and revised per, the following stipulations:

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
2. Construction and restoration shall comply with NHDES Best Management Practices set forth in New Hampshire Storm Water Manual Volume 3: Erosion and Sediment Control for construction and restoration, and erosion control measures that meet the Town Engineer’s approval.
3. During construction and restoration, erosion control barriers shall be installed in accordance with the approved plans and maintained to the satisfaction of the Town Engineer and Conservation Commission.
4. The Town Engineer, or the Town’s Civil Engineer, shall inspect the boundaries of the wetland and wetland buffer areas during construction and report any issues or violations to the applicant and the Conservation Commission for immediate remediation.

~~5. A stipulation and or note shall be added to the plan that states “Construction vehicles (non-refueling vehicles) shall not be parked within 25 feet of any wetland or wetland buffer boundaries overnight”.~~

**Commented [JLP1]:** Stipulations 5 - 7 of the Approved CUP are not needed because the requested language is already incorporated into the Revised Project Plans. See Sheet CE 501 (Page 112 of 164), Soil Erosion Sediment Control Notes 1, 2 and 3.

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~~6. A stipulation and or note shall be added to the plan that states, "Refueling vehicles shall not be parked overnight or left unattended within 50 feet of any wetland or wetland buffer boundaries".~~

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~~7. A stipulation and or not shall be added to the plan that states, "Stockpiling of construction materials is not allowed in the wetland or wetland buffer areas of the site or in areas designated for permanent conservation".~~

~~8. A stipulation and or note shall be added to the plan that states, "Storage sheds for chemicals used to manage snow and ice at the site shall not be placed within 50 feet of the wetland or wetland buffer areas and such storage areas shall be shown on the final plan set".~~

**Commented [JLP2]:** Stipulation 8 of the Approved CUP is not needed because the requested language is already incorporated into the Revised Project Plans. See Sheet CS 003 (page 3 of 164), General Note 1.

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~~9.4. Members of the Conservation Commission shall be allowed to witness the drawn down and relocation of wildlife of the manmade ponds listed as impact areas. At least two weeks notice shall be provided to the Town of Hudson Engineering Department to facilitate this request. To the extent that a potential quorum will occur during this observation, the applicant shall notice the Engineering Department with sufficient time to provide proper public notification, as necessary.~~

**Commented [JLP3]:** Stipulation 9 of the Approved CUP is not needed because the two referenced manmade ponds will be left undisturbed in the Amended Project.

~~10.5. Installation Monitoring and Reporting: Installation of plantings within the 40.04-acre restoration area, as identified on the approved Amended Project Plans within the proposed conservation easement areas (the "Restoration Plantings" or "Restoration Area"), shall be inspected by an independent third-party monitor (i.e., Professional Landscape Architect and/or Professional Wetland Scientist), at the expense of the Applicant and in accordance with the construction and planting sequencing schedule, and the independent third-party monitor shall submit their findings to the Town Engineer and the Conservation Commission. Post-installation monitoring of the Restoration Plantings shall take place in accordance with Stipulation #6. An independent third party monitor for plantings (i.e. Professional Landscape Architect and/or Professional Wetland Scientist), at the expense of the Applicant, shall inspect the installation of the restoration areas and submit their findings to the Town Engineer and the Conservation Commission. Timing and scheduling of these inspections and reports shall be set by the Town Engineer. The post installation monitoring of the restoration areas shall take place in accordance with Stipulation #11.~~

~~11.6. Post-Installation Monitoring and Reporting: Under the supervision of an independent third party monitor (i.e., Professional Landscape Architect and/or Professional Wetland Scientist), at the expense of the Applicant, the restoration Restoration areas-Plantings shall be monitored for five (5) years post installation (during the height of the growing season) and reports shall be submitted to the Town Engineer no later than November 18<sup>th</sup> of each year. At minimum, the annual reports shall address the 75% cover success standard, the presence, species and relative cover of invasive species anywhere in the restoration-Restoration areasArea, and include photographs from~~

predetermined photo stations. If necessary, the reports shall also detail any recommended remedial actions, such as replanting underperforming areas in order to meet success standards, invasive species control, and stabilization of soils. Any such remedial actions shall be performed by the Applicant, at their expense.

- ~~12.7.~~ Any vegetation associated with post-construction BMP's shall be suitably established to withstand erosion.
- ~~13.8.~~ Any proposed landscaping within jurisdictional resource areas shall consist of species native to northeastern USA region.
- ~~14.9.~~ The final landscaping plan shall be ~~subject to any adjustments~~ as may be required by the NHDES under the Alteration of Terrain or Wetlands Permits for the project. Prior to implementation, a final landscaping plan with plant schedule shall be submitted to the Town Planner and the Town Engineer.
- ~~15.10.~~ Invoices for the purchase of native New England seed mixes/plantings shall be provided to the Town Engineer upon availability and before installation.
- ~~16.11.~~ Prior to final seeding, an invasive species inventory shall be performed by the Applicant, at their expense, and shall be delivered to the Town Engineer to provide baseline documentation of invasive species that are either within the Restoration Areas restored areas or adjacent thereto.
- ~~17.12.~~ If necessary, during the monitoring timeline discussed in Stipulations 5, 6 and 11, methods for more involved management of invasive species within the Restoration Area (such as root barriers for Phragmites or herbicide application) shall be discussed with the Engineering Department. Implementation of any proposed non-manual methods shall be reviewed and approved by the Town Engineer and implemented, if at all, by the Town of Hudson.
- ~~18.13.~~ Upon beginning work in resource areas, the applicant shall submit written progress reports to the Town Engineer every month detailing work performed in or near resource areas, and work that is anticipated to be done over the next period. To the extent applicable, these reports shall update the construction sequence and be incorporated into the weekly erosion control reports.
- ~~19.14.~~ Fertilizers utilized for landscaping and lawn care shall be slow release, low-nitrogen types (<5%), and shall not be used within 25 feet of a wetland resource area. Pesticides and herbicides shall not be used within 25 feet of a wetland resource area, and between 25 and 50 feet from a wetland resource area, a state-approved aquatic-friendly herbicide can be used to remove invasive species. A list of the products to be used shall

be provided to the Town Engineer prior to application.

~~20. A note shall be added to the plan that states: Conservation Wetland Overlay District Markers shall be placed at 100-foot intervals along the conservation easement areas, post construction, as approved by the Town Engineer, to clearly identify the conservation easement areas.~~

**Commented [JLP4]:** Stipulation 20 of the Approved CUP is not needed because it has already been incorporated into the revised plan set for the Amended Project. See Sheet CS 003 (page 3 of 164), General Note Number 2.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Brian Groth  
Town Planner

[Date]

Owner or Applicant: HILLWOOD ENTERPRISES, L.P.  
5050 W. TILGHMAN ST., SUITE 435  
ALLENSTOWN, PA 18104

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1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
2. Construction and restoration shall comply with NHDES Best Management Practices set forth in New Hampshire Storm Water Manual Volume 3: Erosion and Sediment Control for construction and restoration, and erosion control measures that meet the Town Engineer’s approval.
3. During construction and restoration, erosion control barriers shall be installed in accordance with the approved plans and maintained to the satisfaction of the Town Engineer and Conservation Commission.
4. The Town Engineer, or the Town’s Civil Engineer, shall inspect the boundaries of the wetland and wetland buffer areas during construction and report any issues or violations to the applicant and the Conservation Commission for immediate remediation.
5. Installation Monitoring and Reporting: Installation of plantings within the 40.04-acre restoration area, as identified on the approved Amended Project Plans within the proposed conservation easement areas (the “Restoration Plantings” or “Restoration Area”), shall be inspected by an independent third-party monitor (i.e., Professional Landscape Architect and/or Professional Wetland Scientist), at the expense of the Applicant and in accordance with the construction and planting sequencing schedule, and the independent third-party monitor shall submit their findings to the Town Engineer and

the Conservation Commission. Post-installation monitoring of the Restoration Plantings shall take place in accordance with Stipulation #6.

6. Post-Installation Monitoring and Reporting: Under the supervision of an independent third party monitor (i.e., Professional Landscape Architect and/or Professional Wetland Scientist), at the expense of the Applicant, the Restoration Plantings shall be monitored for five (5) years post installation (during the height of the growing season) and reports shall be submitted to the Town Engineer no later than November 18<sup>th</sup> of each year. At minimum, the annual reports shall address the 75% cover success standard, the presence, species and relative cover of invasive species anywhere in the Restoration Area, and include photographs from predetermined photo stations. If necessary, the reports shall also detail any recommended remedial actions, such as replanting underperforming areas in order to meet success standards, invasive species control, and stabilization of soils. Any such remedial actions shall be performed by the Applicant, at their expense.
7. Any vegetation associated with post-construction BMP's shall be suitably established to withstand erosion.
8. Any proposed landscaping within jurisdictional resource areas shall consist of species native to northeastern USA region.
9. The final landscaping plan shall be adjusted as may be required by the NHDES under the Alteration of Terrain or Wetlands Permits for the project. Prior to implementation, a final landscaping plan with plant schedule shall be submitted to the Town Planner and the Town Engineer.
10. Invoices for the purchase of native New England seed mixes/plantings shall be provided to the Town Engineer upon availability and before installation.
11. Prior to final seeding, an invasive species inventory shall be performed by the Applicant, at their expense, and shall be delivered to the Town Engineer to provide baseline documentation of invasive species that are either within the Restoration Areas or adjacent thereto.
12. If necessary, during the monitoring timeline discussed in Stipulations 5, 6 and 11, methods for more involved management of invasive species within the Restoration Area (such as root barriers for Phragmites or herbicide application) shall be discussed with the Engineering Department. Implementation of any proposed non-manual methods shall be reviewed and approved by the Town Engineer and implemented, if at all, by the Town of Hudson.
13. Upon beginning work in resource areas, the applicant shall submit written progress reports to the Town Engineer every month detailing work performed in or near resource



areas, and work that is anticipated to be done over the next period. To the extent applicable, these reports shall update the construction sequence and be incorporated into the weekly erosion control reports.

14. Fertilizers utilized for landscaping and lawn care shall be slow release, low-nitrogen types (<5%), and shall not be used within 25 feet of a wetland resource area. Pesticides and herbicides shall not be used within 25 feet of a wetland resource area, and between 25 and 50 feet from a wetland resource area, a state-approved aquatic-friendly herbicide can be used to remove invasive species. A list of the products to be used shall be provided to the Town Engineer prior to application.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Brian Groth  
Town Planner