



*Town of Hudson
12 School Street
Hudson, NH 03501*

CONDITIONAL USE PERMIT APPLICATION: **WETLAND CONSERVATION OVERLAY DISTRICT**

Revised August 30, 2021

Applications must be received at least 21 days prior to the Planning Board and Conservation Commission meetings at which the application will be heard. *The following information must be filed to each board.*

CONSERVATION COMMISSION:

1. Ten (10) copies of the completed application, including the project narrative that demonstrates that the proposal meets the conditions of Article IX of the Zoning Ordinance.
2. Ten (10) reduced size plan sets (sheet size: 11" X 17"). Plans require the stamp of a licensed land surveyor and a certified wetlands scientist. At a minimum, plans must show topography and any wetland within fifty (50) feet of the proposed project.

***Complete Applications should be delivered to the Engineering Department (603)886-6008.**

PLANNING BOARD:

1. Fifteen (15) copies of the completed application, including the project narrative that demonstrates that the proposal meets the conditions of Article IX of the Zoning Ordinance.
2. Three (3) full size folded plan sets (sheet size: 22" x 34") and fifteen (15) reduced size plan sets (sheet size: 11" X 17"). Plans require the stamp of a licensed land surveyor and a certified wetlands scientist. At a minimum, plans must show topography and any wetland within fifty (50) feet of the proposed project.
3. A list of direct abutters and indirect abutters, and two (2) sets of mailing labels for abutter notifications.
4. All of the above application materials, including plans, shall also be submitted in electronic form as a PDF.
5. Check should be made payable to the Town of Hudson, and submitted to the Planning Department.

***Complete Application & check should be delivered to the Planning Department (603)886-6008.**

Revised plans and other application materials must be filed with the Planning Department *no later than 10:00A.M., Tuesday ONE WEEK prior to the scheduled meeting, as applicable. The purpose of these materials is hardcopy distribution to Planning Board members, not review. Any plan revisions that require staff review must be submitted no later than 10:00A.M., Tuesday TWO WEEKS prior to the scheduled Planning meeting. Depending on the complexity of changes, more time may be required for review. Please contact the Town Planner if you have any questions on this matter.*

PLEASE NOTE:

1. To prevent submission of redundant information, submission of a complete Subdivision or Site Plan Application may be used to satisfy some of the requirements for the Conditional Use Permit Application, where applicable.
2. No postage fees or mailing labels are required when submitting with a subdivision or site plan application.
3. Prior to filing an application, it is recommended to schedule an appointment with the Town Planner and Town Engineer.

CONDITIONAL USE PERMIT APPLICATION

Date of Application: September 12, 2022 Tax Map #: 234, Lots 5, 34 & 35; Map #228, Lot 4; Map# 239, Lot 1

Site Address: Lowell Road and Steele Road

Name of Project: Hudson Logistics Center

Zoning District: General-One (G1) and Business (B) General CUP#: _____
(For Town Use Only)

Z.B.A. Action: Not Applicable (N/A)

PROPERTY OWNER: *Additional Owners Below. **DEVELOPER:**

Name: Greenmeadow Golf Club, Inc. Hillwood Enterprises, L.P.

Address: 50 Marsh Road 5050 W. Tilghman Street, Suite 435

Address: Hudson, New Hampshire 03051 Allentown, Pennsylvania 18104

Telephone # 603.882.8293 484.781.6400

Email: tjleonard@lawyersnh.com Brian.Kutz@hillwood.com

PROJECT ENGINEER or SURVEYOR: **CERTIFIED WETLANDS SCIENTIST:**

Name: Langan Engineering & Environ. Ser's, Inc. Gove Environmental Services, Inc.

Address: 100 Cambridge Street, Suite 1310 8 Continental Dr. Bldg 2, Unit H

Address: Boston, Massachusetts 02114 Exeter, New Hampshire 03833-7507

Telephone # 617.824.9100 603.686.0086

Email: fholmes@langan.com bquigley@gesinc.biz

Other Owners:

<u>Thomas Friel 2021 Revocable Trust & Philip Friel, III</u>	<u>267 Lowell Road, LLC</u>	<u>Wal-Mart Stores, Inc.</u>
<u>50 Marsh Road</u>	<u>c/o Chestnut Realty Management LLC</u>	<u>c/o Sam's Real Estate Operations</u>
<u>Hudson, New Hampshire 03051</u>	<u>PO Box 15228</u>	<u>2101 SE Simple Savings Dr.</u>
<u>Telephone # 603.882.8293</u>	<u>Springfield, Massachusetts 01115-5228</u>	<u>Bentonville, AR 72716-0745</u>
	<u>Telephone # 413.241.5310</u>	<u>Telephone # 479.360.3196</u>
<u>Email: tjleonard@lawyersnh.com</u>	<u>Email: bsteinberg@chestnutrealtyllc.com</u>	<u>Email: cpenn@samsclub.com</u>

PURPOSE OF PLAN:

Proposed redevelopment of property into the Hudson Logistics Center which includes a reduction in project scope originally approved, in part, by a Wetlands Conditional Use Permit Decision (CU#02-20), by the Planning Board in April 21, 2021, for redevelopment of a single building having a building footprint of approximately 1,393,822 s.f. for warehouse, distribution and associated uses and structures, where a redevelopment of three (3) buildings having a footprint collectively footprint consisting of 2,614,984 s.f. were formerly approved, on a single 375.37-acre lot, along with access driveways, parking, stormwater/drainage, and other utility infrastructure, along with lighting, landscaping and other improvements shown on the plans.

(For Town Use Only)

Routing Date: _____ Deadline Date: _____ Meeting Date: _____
 _____ I have no comments _____ I have comments (attach to form)
 _____ Title: _____ Date: _____
 (Initials)
 Department: _____

Zoning: ___ Engineering: ___ Assessor: ___ Police: ___ Fire: ___ DPW: ___ Consultant: ___

SITE DATA SHEET

PLAN NAME: Hudson Logistics Center

PLAN TYPE: (Site Plan, Subdivision, or other) Other-C.U.P./Wetlands Impact Plan

LEGAL DESCRIPTION: MAP # 234, Lots 5, 34 & 35; Map 228, Lot 4; Map 239, Lot 1

DATE: September 12, 2022

Location by Street: Lowell Road and Steele Road

Zoning: General-One (G1) and Business (B)

Proposed Land Use: Warehouse, distribution & associated uses

Existing Use: Greenmeadow Golf Course

Total Site Area: S.F.: 16,351,100 Acres: 375.37

Total Wetland Area (SF): 39.9 +/- acres

Permanent Wetland Impact Area (SF): 47.719

Permanent Wetland Buffer Impact Area (SF): 146.243

Temporary Wetland Impact Area (SF): 2.613

Temporary Wetland Buffer Impact Area (SF): 6.486

Flood Zone Reference: Town of Hudson FIRM Community Panel Nos. 33011C056D & 33011C06587 (dated 9.24.19)

Proposed Mitigation:

The Property continues to provide opportunities for on-site mitigation in addition to mitigation which was approved under the Conditional Use Permit Decision (CU#20-02). An amended plan for mitigation will be based upon consultation with the Conservation Commission and Planning Board.

(For Town Use Only)

Data Sheets Checked By: _____ Date: _____

WETLAND CONDITIONAL USE PERMIT CHECKLIST

Yes	No	NA	QUESTIONS/INFORMATION NEEDED	HCC Comments
NARRATIVE REPORT				
Existing Conditions				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Has a DES Dredge and Fill Permit been issued for any part of this site? If yes, provide number, date, and description.</p> <p><i>Yes. A permit was issued by NHDES for the Approved Project on 5/5/21 File # 2020-00956. A new application will be made in the near term for the revised project.</i></p>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Is there evidence of altered wetlands or surface waters on site?</p> <p><i>Wetlands were historically altered and created pre-jurisdiction during construction of the golf course. This is discussed on the Wetland & Natural Resources Report prepared by Gove Environmental Services, Inc. (Wetland Report)</i></p>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>All prime and other wetlands in the vicinity, plus any wetlands/watersheds past the immediate vicinity affected by this project.</p> <p><i>The Merrimack River is a Prime Wetland in the City of Nashua. No 100-foot Buffer is associated with this Prime Wetland. The project will have no effect on the Prime Wetland. Also see Natural Resource Report for more details on wetland associated with the site.</i></p>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Description of each wetland and associated values <p><i>The Wetland Report enclosed with the CUP application contains detail description and functional analysis of all the wetlands on the property.</i></p>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Wetland mapping results – Including the flagging date and technique plus the name, company and qualifications of the wetland scientist</p> <p><i>Brendan Quigley, NHCWS #249 of Gove Environmental Services, Inc. flagged all the wetlands associated with the project in 2017 and 2019/2020. More detail is provided in the attached Wetland Report. The wetlands appear on the figure within that report and the plans. The Wetland Impact Plan provides an overview of all the wetlands, the project and the proposed impacts.</i></p>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Was property surveyed? If yes, the date of survey. (Please attach the survey plan)</p> <p><i>The wetland flags were surveyed by Hayner /Swanson, Inc. between November 2017 and April 2020.</i></p>	
National Wetland Inventory				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Vegetative cover types 	

		<i>These are detailed in the Wetland Report and the Wildlife Habitat Evaluation prepared by Lucas Environmental, LLC. (Wildlife Report)</i>	
X	o	o	<ul style="list-style-type: none"> Existence of vernal pools and associated habitat <i>There is one Vernal Pool on the site. It's described in the Wetland Report and its location is indicated on the project plans.</i>
o	o	X	<ul style="list-style-type: none"> Unique geological and cultural features NONE
X	o	o	<ul style="list-style-type: none"> NH Natural Heritage inventory – For list of rare and endangered species, contact the NH Division of Forests and Lands (603)271-3623 <i>An updated Natural Heritage review report is included and discussed in the Wetland Report.</i>
X	o	o	<ul style="list-style-type: none"> Wildlife and fauna species, including estimated number and locations (large projects) <i>Please see Wetland Report and Wildlife Report</i>

X	o	o	<ul style="list-style-type: none"> Public or private wells located within the vicinity <i>Information on private wells appears in the Groundwater Monitoring Program prepared by LANAGN, March 24, 2021 for the Approved Project in connection with the AOT application. This information will be updated accordingly, and copy provided to the Town, upon submission of the AOT permit application for the Amended Project.</i>
X	o	o	<ul style="list-style-type: none"> Monitoring well(s) located on site
X	o	o	<ul style="list-style-type: none"> Current land use and zoning district <i>The site is currently occupied by two operating 18-hole golf courses (Green Meadow Golf Club). The property is zoned General-One (G1) and Business (B)</i>
X	o	o	<ul style="list-style-type: none"> Photos of existing area (please use color photos) <i>Photos of the impact areas and general area have been included in the Wetland Report and Wildlife Report</i>

Proposed Project Description

X	o	o	<ul style="list-style-type: none"> Entire project and associated activities <i>A description of the revised project is included in the narrative filed for the amended CUP. More detail can also be found in the narrative filed with the request for an amended Site Plan Approval.</i>
X	o	o	<ul style="list-style-type: none"> Time table of project and anticipated phasing <i>Construction is expected to begin in the Spring of 2023 and take approximately 1 year. The project will be constructed in a single phase.</i>
X	o	o	<ul style="list-style-type: none"> Land use <i>The current land use is Commercial Outdoor Recreation (Golf Course) The proposed land use is Industrial (Warehouse/Distribution)</i>

X	<input type="radio"/>	<input type="radio"/>	Grading plan <i>An overall grading plan can be found in Sheet GG100 of the plan set. Detailed grading plans can be found in sheets CG101-CG123</i>	
Impact to Wetlands and/or Buffers				
X	<input type="radio"/>	<input type="radio"/>	<ul style="list-style-type: none"> Depending on size and proposed impacts, a report from a biologist may be appropriate 	
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<p>Removing, filling, dredging, or altering (Area square ft. and locations)</p> <p><i>The Amended Project proposes a total direct wetland impact of 50,332 square feet and a buffer impact of 152,729 square feet. The Wetland Impact Plan provides the location and size of all impacts and contains a summary table. More detail is provided in the enclosed CUP Narrative</i></p>	
X	<input type="radio"/>	<input type="radio"/>	<p>Intercepting or diverging of ground or surface water (Locations and size)</p> <p><i>The drainage system has been designed to closely match existing drainage patterns. More information can be found in the Stormwater Report prepared by LANGAN Engineering & Environmental Services (Stormwater Report). Also See sub-grade drainage plans, sheets CG-200-CG203</i></p>	
X	<input type="radio"/>	<input type="radio"/>	<p>Change in run-off characteristics</p> <p><i>See Stormwater Report for detail on how run-off will be managed. Drainage patterns will remain similar to the existing conditions.</i></p>	
X	<input type="radio"/>	<input type="radio"/>	<p>Delineation of drainage area contributing to each discharge point</p> <p><i>This information can be found in the Stormwater Report.</i></p>	
Yes	No	NA	Questions/Information Needed	HCC COMMENTS
X	<input type="radio"/>	<input type="radio"/>	<p>Estimated water quality characteristics of runoff at each point of discharge for both pre- and post-development.</p> <p><i>This information can be found in the Stormwater Report</i></p>	
X	<input type="radio"/>	<input type="radio"/>	<p>Erosion control practices</p> <p><i>A detailed Construction Phasing, Soil Erosion & Sediment Control plan has been developed for this project. See soil erosion and sediment control plans, sheets CE101 – CE304.</i></p>	
X	<input type="radio"/>	<input type="radio"/>	<p>If using rip-rap, attach documentation explaining why other erosion control methods are not feasible</p> <p><i>Rip-Rap is proposed at stormwater system outlet pipes and emergency spillways for basins to prevent erosion and scour as required by drainage design standards. More information can be found in the Stormwater Report</i></p>	
X	<input type="radio"/>	<input type="radio"/>	<p>How storm water runoff will be handled</p> <p><i>The project includes a comprehensive stormwater management system fully compliant with requirements of the Town's Stormwater Management Regulations (Chapter 290), as well as NHDES Alteration of Terrain Permit (AOT) requirements. More detail can be found on the project plans and Stormwater Report prepared by LANGAN Engineering & Environmental Services, Inc.</i></p>	
<input type="radio"/>	<input type="radio"/>	X	If backyards or lots include a buffer area, buffer restriction wording shall be included in each deed (A physical marker may be requested to designate buffer boundaries at site)	

Mitigation

X	o	o	Square footage of mitigation – wetland and upland areas <i>Proposed Mitigation includes formal preservation of approximately 120 acres of land consisting of most of the area east of the development and the entire 250-foot protected shoreland of the Merrimack River. Comprehensive restoration of approximately 40 acres of existing golf course within this preservation area is also proposed. More detail is provided in the Narrative, on the Mitigation Plan, and landscaping plans within the project plans.</i>
X	o	o	Wetland or upland plants identified to replace any losses
X	o	o	Restoration plan for planting and vegetation <i>The landscaping plans contained in the plan set depict the detailed planting</i> <ul style="list-style-type: none"> • <i>schedule for the restoration areas within the proposed conservation easement. These were developed as well as restoration of temporary buffer impacts, and other open space areas of the site.</i>
X	o	o	Conservation easements, including location and aesthetic, wildlife and vegetative values <i>A conservation easement on the 120 acres of land described above is being offered to the Town of Hudson. The conservation values of this area are discussed in the CUP Narrative, Wetland Report, and Wildlife Report</i>
o	X	o	<ul style="list-style-type: none"> • If easement is on or added to the site(s), a copy of the legal document shall be given to the HCC (HCC conservation easement markers may also be required along the easement) <i>Not yet prepared, to be discussed with Conservation Commission</i>

CONCEPTUAL SITE PLAN/DRAWING

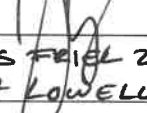
X	o	o	Locus map depicting project site and vicinity within approximately ½ mile and also on a larger scale <i>Project plans</i>
X	o	o	All prime and other wetlands in the vicinity <i>Project plans and Wetland Report</i>
X	o	o	Wetland(s) impacted (identified as prime or other) and the wetland boundaries with 50' buffer areas highlighted in color <i>Impacts (magenta) and buffer Impacts (blue) have been depicted on the Wetland Impact Plan</i>
X	o	o	Assessor's sheet(s), lot(s), and property account number(s) <i>Project plans</i>
X	o	o	Existing and proposed structures <i>Project plans</i>
X	o	o	Square footage listed for temporary and permanent impact <i>Project plans and Wetland Impact Plan</i>
X	o	o	Erosion control plan (Suggested: Biodegradable silt fences so area won't be disturbed again and no hay to avoid invasive species) <i>Project plans</i>
X	o	o	Topographical map with contours <i>Project plans</i>
X	o	o	Storm water treatment swales and basins highlighted in color if in buffer area <i>Wetland Impact Plan</i>

X	<input type="radio"/>	<input type="radio"/>	Conservation and utility easements <i>Project plans and Mitigation Plan</i>	
X	<input type="radio"/>	<input type="radio"/>	Grading plan <i>Project plans</i>	
X	<input type="radio"/>	<input type="radio"/>	Culvert, arch, bridge - sizes, material, etc. <i>Project plans</i>	
X	<input type="radio"/>	<input type="radio"/>	<i>Vegetative cover types</i> <i>General info can be found on the existing conditions plan sheets. The Wildlife Report contains a figure depicting cover types for the site.</i>	
X	<input type="radio"/>	<input type="radio"/>	Vernal pools <i>Project plans and Wetland Report</i>	
X	<input type="radio"/>	<input type="radio"/>	Existing and proposed stone walls, tree lines, and unusually large, rare or beautiful trees, and other notable site features <i>Project plans</i>	


CONDITIONAL USE PERMIT APPLICATION AUTHORIZATION

I hereby apply for *Conditional Use Permit* and acknowledge I will comply with all of the Ordinances of the Town of Hudson, New Hampshire State Laws, as well as any stipulations of the Planning Board, in development and construction of this project. I understand that if any of the items listed under the *Conditional Use Permit* specifications or application form are incomplete, the application will be considered rejected.

Pursuant to RSA 674:1-IV, the owner(s) by the filing of this application as indicated above, hereby given permission for any member of the Hudson Planning Board, the Hudson Conservation Commission, the Town Planner, the Town Engineer, and such agents or employees of the Town or other persons as the Planning Board may authorize, to enter upon the property which is the subject of this application at all reasonable times for the purpose of such examinations, surveys, tests and inspections as may be appropriate. The owner(s) release(s) any claim to or right he/she (they) may now or hereafter possess against any of the above individuals as a result of any examinations, surveys, tests and/or inspections conducted on his/her (their) property in connection with this applications.

Signature of Owner:  _____ Date: 12 SEP 22
Print Name of Owner: THOMAS FRIEL 2021 REVOCABLE TRUST; PHILIP FRIEL, III
267 LOWELL ROAD, LLC ; WAL-MART STORES, INC.

- ❖ If other than an individual, indicate name of organization and its principal owner, partners, or corporate officers.

Signature of Developer:  _____ Date: 12 SEP 22
Print Name of Developer: HILLWOOD ENTERPRISES, L.P.

- ❖ The developer/individual in charge must have control over all project work and be available to the Code Enforcement Officer/Building Inspector during the construction phase of the project. The individual in charge of the project must notify the Code Enforcement Officer/Building Inspector within two (2) working days of any change.

SCHEDULE OF FEES

(Fee covers both Conservation Commission & Planning Board)

A. REVIEW FEES:

1. Conditional Use Permit
\$100 Flat Fee \$ 100.00

LEGAL FEE:

The applicant shall be charged attorney costs billed to the Town for the Town's attorney review of any application plan set documents.

B. POSTAGE:

Direct Abutters Applicant, Professionals, etc. as required by RSA 676:4.1.d @\$4.60 (or Current Certified Mail Rate)	\$ <u>SEE ENCLOSED</u>
Indirect Abutters (property owners within 200 feet) @\$0.60 (or Current First Class Rate)	\$ <u>SEE ENCLOSED</u>
TOTAL	\$ <u>SEE ENCLOSED</u>

(For Town Use)	
AMOUNT RECEIVED: \$ _____	DATE RECEIVED: _____
RECEIPT NO.: _____	RECEIVED BY: _____