

WAIVER REQUEST FORM
(Overhead Utility Lines)

Name of Subdivision/Site Plan: Hudson Logistics Center

Street Address: Lowell and Steele Roads

I Hillwood Enterprises, L.P. hereby request that the Planning Board waive the requirements of item Section 276-13 of the Hudson Land Use Regulations in reference to a plan presented by Langan Engineering & Environmental Services, Inc.

(name of surveyor and engineer) dated September 9, 2022,
for property Tax Map 234, Lots 5, 34 and 35 and Tax Map 239, Lot 1 in the Town of Hudson, NH.

As the aforementioned applicant, I, herein, acknowledge that this waiver is requested in accordance with the provisions set forth in RSA 674:36, II (n), i.e., without the Planning Board granting said waiver, it would pose an unnecessary hardship upon me (the applicant), and the granting of this waiver would not be contrary to the spirit and intent of the Land Use Regulations.

Hardship reason(s) for granting this waiver (if additional space is needed please attach the appropriate documentation hereto):
See attached narrative.

Reason(s) for granting this waiver, relative to not being contrary to the spirit and intent of the Land Use Regulations: (if additional space is needed please attach the appropriate documentation hereto):
See attached narrative.

Signed:

Franc Holman, DULY AUTHORIZED
Applicant or Authorized Agent

WAIVER REQUEST: (Overhead Lines)

Administrative Requirements and Definitions Ordinance: Hudson Administrative Ordinance Chapter 276-13 which states that “all electric, telephone, television and other communication lines, both main and service connections, servicing new developments shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

Waiver Request: A waiver is requested from **Chapter 276-13** in order to allow proposed overhead electrical lines for a distance of approximately 820 linear feet, and extending from an existing line in Lowell Road and westerly to the existing property at 267 Lowell Road currently owned by 267 Lowell Road LLC and occupied by BAE Systems. Waiver is necessitated because the utility provider, Eversource, is requiring that this segment of electrical line be maintained as overhead lines.

Basis of Waiver:

- **Introduction**

The proposed Hudson Logistics Center Project includes a proposed private roadway access known as Green Meadow Drive which extends from Lowell Road, crosses the property located at 267 Lowell Road via an existing easement, and extends onto the Property. Green Meadow Drive will serve as a primary access to the Hudson Logistics Center, and will provide access to the main Building and associated improvements, and the primary access to 267 Lowell Road parcel.

- **This waiver request meets the standard within the Waiver Request Form.**

Strict conformity with 276-13 for this area of the Project would pose an unnecessary hardship to the Applicant due to the fact that Eversource is requiring this segment of the service line remain as overhead line. Eversource is requiring this, as the existing electrical service to the 267 Lowell Road facility is currently overhead from Lowell Road to the building. Eversource’s position is that it is not feasible to covert the initial segment of their service from Lowell Road to a short underground segment, only to return aboveground to connect back to the 267 Lowell Road overhead infrastructure. Therefore, they are requiring the Applicant to have the initial segment of the new service remain above ground until a location that a connection can be made to the 267 Lowell Road existing infrastructure. From that location into and throughout the proposed development, the Eversource system will be underground in compliance with 276-13.

- **Granting of the waiver shall not violate the purposes or general standards of those regulations; nor would the grant of this waiver be contrary to the spirit and intent of the regulations**

Granting of the waiver shall not violate the purposes or general standards, and would not be contrary to the spirit and intent of the regulations since such lines currently exist, and as provided under Section 276-13.C, the placement and alignment of poles for the overhead lines: (a) are designed to lessen the visual impact of overhead lines; (b) the proposed alignment and pole locations have been carefully routed to avoid locations along horizons; (c) will not result in clearing swaths through treed areas via selective cutting, and trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments; and, (d) alignments follow rear lot lines and other alignments to the extent practicable.

Granting this waiver will not be contrary to the spirit and intent of the Town's Land Use Regulations because the spirit and intent of Chapter 276-13 is related primarily to aesthetics, and in this case, the measures proposed above mimic existing conditions and will result in the lessening of any visual impact as it relates to overhead utility lines to the extent practicable but as dictated by Eversource. To summarize, despite the length of the run of the overhead lines, the unique circumstances being dictated by Eversource, necessitate a finding that the regulation's spirit and intent, rooted in public safety and aesthetics, are not compromised through the granting of this waiver.

- **This waiver request also meets the standard within Chapter 276-7.**

- **The requirements of Chapter 276-13 are unnecessary.**

As indicated above, the purpose of Chapter 276-13 is to lessen the visual impact of overhead lines. Here, there are existing lines but they will be relocated, and existing mature trees along with proposed plantings will lessen the visual impact. Since the Applicant will be undertaking efforts to reduce visual impact as described above, the requirements of Chapter 276-13 are unnecessary for this area of the Project as visual impacts are minimized to the extent practicable.

- **Granting the waiver will not violate the purposes or general standards of the Land Use Regulations.**

Many existing overhead utility lines exist today along Lowell Road, and the utility lines for the Project will be located as required under Chapter 276-13 except for this limited area where, as noted above, measures have been undertaken to minimize the potential visual impact of a limited area of overhead utility lines for the purposes described above. As a result, this waiver will not violate the purposes of Chapter 276-13 for the reasons outlined above.

- **Granting the waiver shall result in a general benefit to the Town and surrounding properties.**

Granting the waiver will reduce the potential for disruption of utility services of 267 Lowell Road and its tenant. Granting the waiver will support the Hudson Logistics Center which will create thousands of jobs, constitute millions of dollars in community improvements and new annual tax revenue, will be an economic boost for the Town of Hudson in these uncertain times, and is the type of development specifically contemplated by the Town's Master Plan. As a result, the waiver will result in a general benefit to the Town.

- **Conclusion**

The above request is reasonable considering the unique circumstances of the Property and the scale of the proposed commercial development and, by virtue of the multiple ways the Applicant is taking measures to lessen visual impacts, the waiver request meets the spirit and intent of the Town of Hudson Administrative Regulations.

WAIVER REQUEST FORM
(Parking Space Dimensions)

Name of Subdivision/Site Plan: Hudson Logistics Center

Street Address: Lowell and Steele Roads

I Hillwood Enterprises, L.P. hereby request that the Planning Board waive the requirements of item Section 275-8.C(4) of the Hudson Land Use Regulations in reference to a plan presented by Langan Engineering & Environmental Services, Inc.

(name of surveyor and engineer) dated September 9, 2022 for property Tax Map 234, Lots 5, 34 and 35 and Tax Map 239, Lot 1 in the Town of Hudson, NH.

As the aforementioned applicant, I, herein, acknowledge that this waiver is requested in accordance with the provisions set forth in RSA 674:36, II (n), i.e., without the Planning Board granting said waiver, it would pose an unnecessary hardship upon me (the applicant), and the granting of this waiver would not be contrary to the spirit and intent of the Land Use Regulations.

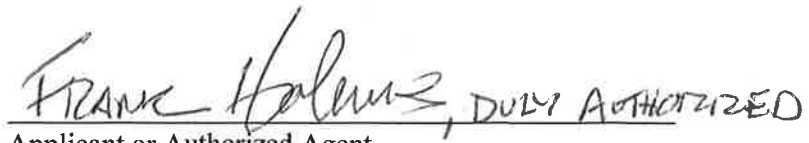
Hardship reason(s) for granting this waiver (if additional space is needed please attach the appropriate documentation hereto):

See attached narrative.

Reason(s) for granting this waiver, relative to not being contrary to the spirit and intent of the Land Use Regulations: (if additional space is needed please attach the appropriate documentation hereto):

See attached narrative.

Signed:


FRANK HALASZ, DULY AUTHORIZED
Applicant or Authorized Agent

WAIVER REQUEST: (Parking Space Dimensions)

Land Use Regulation: Site Plan Review Regulations, Chapter 275-8(C)(4) states that “[p]arking space dimensions shall be 10 feet by 20 feet, except that the PLANNING BOARD may vote to allow dimensions of nine feet by 18 feet.”

Waiver Request: A waiver is requested from **Chapter 275-8(C)(4)** to permit parking space dimensions for the Hudson Logistics Center to be 9 feet by 18 feet instead of 10 feet by 20 feet.

Basis of Waiver: It is not clear that a waiver is required from Chapter 275-8(C)(4) to permit use of parking spaces that are nine by 18 feet in support of the Hudson Logistics Center, because the Planning Board has independent authority per the plain language of the regulation to allow nine by 18-foot parking spaces by vote. Nonetheless, Hillwood files this waiver request as a precautionary measure and submits that it plainly meets the Waiver Request Form waiver standard, as well as the waiver standard articulated within Chapter 276-7 of the Town’s Land Use Regulations, both of which standards are addressed below.

- **This waiver request meets the standard within the Waiver Request Form.**

Use of nine by 18-foot parking stalls is specifically contemplated by Chapter 275-8(C)(4). Further, ten by 20-foot stalls are not necessary for the project and would lead to more impervious surface and corresponding environmental impact. Requiring Hillwood to develop more impervious surface than what is required to satisfy the proposed use, is a hardship.

Granting the requested waiver will not be contrary to the spirit and intent of the Town’s Land Use Regulations. On the contrary, permitting the use of nine by 18-foot spaces which aptly serve the proposed use and will reduce the impervious footprint of the project, will advance the Site Review Regulation’s purpose of “provid[ing] for and protect[ing] the public health, safety and wellbeing.” Land Use Regulations, Chapter 275, §275-3.

- **This waiver request also meets the waiver standard within Chapter 276-7.**
 - **The requirements of Chapter 275-8(C)(4) are unnecessary for this application.**

The three new distribution and logistics buildings at the heart of the Hudson Logistics Center do not require 10 by 20-foot parking spaces and the nine by 18-foot spaces, specifically contemplated by the Site Review Regulations and authorized by vote of the Planning Board without a waiver, are sufficient.

- **Granting the waiver will not violate the purposes or general standards of the Land Use Regulations.**

The primary purpose of the Site Review Regulations and the Town’s Land Use Regulations is to preserve the public’s health and welfare through safe development. As the potential use of nine by 18-foot parking spaces is specifically contemplated by the Site Review Regulations, and as

use of such will not compromise the public's health, safety or welfare, granting the requested waiver is appropriate.

- **Granting the waiver shall result in a general benefit to the Town and surrounding properties.**

Granting the requested waiver will result in a general benefit to the Town and surrounding properties because smaller parking spaces will translate into less impervious surface for the project.

- **Conclusion**

Strict enforcement of the 10 by 20-foot parking space requirement would constitute a hardship because it would require Hillwood to build more impervious surface than what is necessary to serve the proposed use, especially where Chapter 275-8(C)(4) specifically contemplates use of nine by 18-foot spaces, as proposed. Further, use of nine by 18-foot spaces will benefit the public and surrounding properties for the reasons outlined above. For these reasons, the requested waiver is appropriate.

WAIVER REQUEST FORM
(Parking Space Reduction)

Name of Subdivision/Site Plan: Hudson Logistics Center
Street Address: Lowell and Steele Roads

I Hillwood Enterprises, L.P. hereby request that the Planning Board waive the requirements of item Chapter 275-8.C(2) of the Hudson Land Use Regulations in reference to a plan presented by Langan Engineering & Environmental Services, Inc.

(name of surveyor and engineer) dated September 9, 2022
for property Tax Map 234, Lots 5, 34 and 35 and Tax Map 239, Lot 1 in the Town of Hudson, NH.

As the aforementioned applicant, I, herein, acknowledge that this waiver is requested in accordance with the provisions set forth in RSA 674:36, II (n), i.e., without the Planning Board granting said waiver, it would pose an unnecessary hardship upon me (the applicant), and the granting of this waiver would not be contrary to the spirit and intent of the Land Use Regulations.

Hardship reason(s) for granting this waiver (if additional space is needed please attach the appropriate documentation hereto):

See attached narrative.

Reason(s) for granting this waiver, relative to not being contrary to the spirit and intent of the Land Use Regulations: (if additional space is needed please attach the appropriate documentation hereto):

See attached narrative.

Signed:

FRANK HOLMES, DUTY AUTHORIZED
Applicant or Authorized Agent

WAIVER REQUEST: (Parking Spaces)

Site Plan Review Ordinance: Hudson Site Plan Review Ordinance Chapter 275-8.C(2) which states that:

“C. In addition to the general regulations, notations of, or showing compliance with, the following shall be required of all SITE PLAN APPLICATIONS: ... (2) The calculations for required off-street spaces shall be computed in accord with the specifications listed below. Any use not listed shall provide parking as required by the PLANNING BOARD. The PLANNING BOARD may vary these requirements if the APPLICANT can demonstrate that fewer spaces than required below are consistent with the proposed use:

...

(g) Industrial: one for each 600 square-feet of gross floor space or 0.75 space per employee of the combined employment of the two largest successive shifts, whichever is larger.

Waiver Request: A waiver is requested from **Chapter 275-8.C(2)** in order to reduce the number of renumber of required parking spaces from 3,705 parking spaces to 1,585 parking spaces, or a reduction of 2,120 parking spaces.

Basis of Waiver:

- **Introduction**

Off-street parking requirements in Hudson are regulated by 275-8(C)(2) of the Site Plan Regulations. Subsection 2(g) provides that for industrial uses, one space for each 600 square-feet of gross floor space or 0.75 space per employee of the combined employment of the two largest successive shifts, whichever is larger, is required. Under these provisions, the number of required parking spaces for the buildings and structures is greater based upon square-footage and is as follows:

<u>Building</u>	<u>Building Size (s.f.)</u>	<u>Required Spaces</u>	<u>Proposed</u>
➤ Main Building	2,210,403	3,684	1,554
➤ Guard Shack	1,114	2	2
➤ Maintenance Building	7,427	13	13
➤ Transportation Building	3,538	6	6
➤ Total Required / Provided Parking		3,705	1,575

- This waiver request **meets the standard within the Waiver Request Form.**

Strict conformity with 275-8.C(2) for this Project would pose an unnecessary hardship to the Applicant due to the significant impervious surfaces and resulting groundwater impacts resulting from the need to build in excess of over 1,990 parking spaces not required for Project operations. It would appear that the requirement of 1 space per 600 square feet of gross-floor-area is an outdated parking standard designed for much less labor intensive certain industrial or manufacturing operations. As a result, and based upon actual operational data from similar facilities, as described in traffic data generated by the or on behalf of the Applicant, the number of desired parking spaces is significantly less than the standard imposed. The desired spaces also include capacity for peak season operations. To impose such a parking standard would both impose an unnecessary hardship on the Applicant, and result in greater stormwater runoff that would need to be treated and then discharged to the ground. Accordingly, the requirement is unnecessary for this Application.

- **Granting of the waiver shall not violate the purposes or general standards of those regulations; nor would the grant of this waiver be contrary to the spirit and intent of the regulations**

Granting of the waiver shall not violate the purposes or general standards, and would not would not be contrary to the spirit and intent of the regulations since the purpose of the parking standard is to ensure the provision of adequate on-site parking, and given that Section 275-8.C also contemplates providing the Planning Board with the ability to vary the requirements if the Applicant can demonstrate that fewer spaces than required below are consistent with the proposed use, the Applicant's demonstration of this fact through traffic operational data demonstrates that granting this waiver will not be contrary to the spirit and intent of the Town's Land Use Regulations. To summarize, the industrial use requirement of 1 parking space per 600 square-foot of gross-floor-area is a generic, and perhaps, outmoded standard for modern industrial uses, and flexibility in this standard by granting the Planning Board with the flexibility to vary this standard upon a demonstration of parking need necessitate a finding that the regulation's spirit and intent, is not compromised through the granting of this waiver.

- **This waiver request also meets the standard within Chapter 276-7.**
 - **The requirements of Chapter 275-8.C(2) are unnecessary.**

As indicated above, the purpose of Chapter 275-8.C is to ensure the provision of adequate parking based upon the type of use proposed. Here, the Applicant has made a demonstration that significantly less parking that what the regulation suggests confirms that adherence to this requirement is unnecessary.

- **Granting the waiver will not violate the purposes or general standards of the Land Use Regulations.**

The regulations ascribe the required number of parking spaces based upon the type of use, and contemplates the potential need of the Planning Board to vary this standard based upon the particular circumstances of the use and upon the Applicant's demonstration that a different number of required parking spaces is appropriate. As a result, this waiver to reduce the number of required parking spaces, based upon operational programming for these specific facilities and a history with other facilities, will not violate the purposes of Chapter 275-8.C(2) for the reasons outlined above.

- **Granting the waiver shall result in a general benefit to the Town and surrounding properties.**

Granting the waiver will reduce the area of impervious surfaces, and therefore, will significantly reduce the amount of parking lot runoff from those areas, resulting in a benefit to the environment, including nearby wetlands, the Merrimack River, Limit Brook, and downstream abutters in the form of improved water quality. By not including the excess parking required under the regulation, the Applicant was able to consolidate the development area into less acreage, resulting in providing additional setbacks from the residential neighbors, the wetland resource areas and the Merrimack River. As a result, the waiver will result in a general benefit to the Town.

- **Conclusion**

The above request is reasonable considering the type of use and demonstrated need for lesser parking, all of which results in benefits to the Town in terms of impact to the environment and setbacks from the residential neighbors. As a result, the waiver request meets the spirit and intent of the Town of Hudson Site Plan Regulations.

WAIVER REQUEST FORM

(Driveways – Design Criteria – More Than One Driveway/Parcel)

Name of Subdivision/Site Plan: Hudson Logistics Center

Street Address: Lowell and Steele Roads

I Hillwood Enterprises, L.P. hereby request that the Planning Board waive the requirements of item Chapter 193-10 of the Hudson Land Use Regulations in reference to a plan presented by Langan Engineering & Environmental Services, Inc.

(name of surveyor and engineer) dated September 9, 2022
for property Tax Map 234, Lots 5, 34 and 35 and Tax Map 239, Lot 1 in the Town of Hudson, NH.

As the aforementioned applicant, I, herein, acknowledge that this waiver is requested in accordance with the provisions set forth in RSA 674:36, II (n), i.e., without the Planning Board granting said waiver, it would pose an unnecessary hardship upon me (the applicant), and the granting of this waiver would not be contrary to the spirit and intent of the Land Use Regulations.

Hardship reason(s) for granting this waiver (if additional space is needed please attach the appropriate documentation hereto):

See attached narrative.

Reason(s) for granting this waiver, relative to not being contrary to the spirit and intent of the Land Use Regulations: (if additional space is needed please attach the appropriate documentation hereto):

See attached narrative.

Signed:

FRANZ HOLMUS, DULY AUTHORIZED

Applicant or Authorized Agent

WAIVER REQUEST: (Driveways – Design Criteria – More Than One Driveway/Parcel)

Driveway Ordinance: Hudson Driveway Ordinance Chapter states that “G. Only one driveway per parcel having adequate frontage, as required by Chapter 334, Zoning, is allowed, except in the case of two-unit residential buildings (duplexes), one DRIVEWAY per unit shall be allowed. I. With the exception of Subsection G, above, shared driveway are not allowed unless approved by the Planning Board.”

Waiver Request: A waiver is requested from **Chapter 193-10** in order to allow the Property to have two driveways, including the private shared driveway to the north of the Property extending onto the Sam’s Club property, a second main shared private driveway extending over a portion of 267 Lowell Road, named Green Meadow Drive.

Basis of Waiver:

- **Introduction**

The proposed Hudson Logistics Center Project includes a proposed private roadway access known as Green Meadow Drive which extends from Lowell Road, crosses the property located at 267 Lowell Road, via an existing easement, and extends onto the Property. Green Meadow Drive will serve as a primary access to the Hudson Logistics Center, and will provide access to Buildings A, B, C and the primary access to the 267 Lowell Road parcel. The proposed Project includes a second proposed access point serving as a access to serve the three buildings and is located to the north as an extension of access to Wal Mart Boulevard serving Sam’s Club, via an existing easement.

- **This waiver request meets the standard within the Waiver Request Form.**

Strict conformity with 193-10 for this area of the Project would pose an unnecessary hardship to the Applicant due to the significant disruption of the operations of the Project with a single driveway, impact on the operations of the property owners over which the access easement is provided, potential impacts to the operations of Lowell Road, and it would be unsafe to maintain a single driveway which could interfere with Fire Department and other emergency operations if a single driveway became blocked. Given that the Project needs to maintain two access points for operational purposes, and the other needs of emergency services, the imposition of the requirement of a single driveway is impractical for the size of the operations and the varying needs of the driveways as described above.

- **Granting of the waiver shall not violate the purposes or general standards of those regulations; nor would the grant of this waiver be contrary to the spirit and intent of the regulations**

Granting of the waiver shall not violate the purposes or general standards, and would not would not be contrary to the spirit and intent of the regulations since the purpose of the Driveway Ordinance as articulated under Section 193-3 is to:

“...ensure the public safety through the orderly control of traffic movement onto and from highways, exits, streets and roadways....

“...ensure the existence of necessary drainage facilities required to provide a safe and controlled approach to a highway in all seasons of the year...

“... prevent the existence of unsafe conditions resulting from improper placements of any driveway, wall, barrier, structure or any other object or combination thereof within or adjacent to any right-of-way accepted by or dedicated to the Town.”

Here, the provision of the number of proposed driveways for a 375+ acre lot would not violate the purposes or general standards, and would not be contrary to the spirit and intent of the regulations under Section 193-10 since the purpose of the separate driveways is in fact to ensure public safety, to provide a controlled approach to a highway, and prevents the existence of unsafe conditions by the proper placement of the driveways. Moreover, historic planning efforts specifically required the reservation of driveway access to the Property.

To summarize, despite the number of driveways, the unique circumstances of the Property, and its multiple access ways necessitate a finding that the regulation's spirit and intent, rooted in public safety, are not compromised through the granting of this waiver.

- **This waiver request also meets the standard within Chapter 276-7.**
 - **The requirements of Chapter 193-10 are unnecessary.**

As indicated above, the purpose of Chapter 193-10 is to ensure the public safety through the orderly control of traffic movement. Here, the two separate driveways each have an integral purpose to ensure public safety. Since the Applicant will be undertaking efforts to improve public safety as described above, the requirements of Chapter 193-10 are unnecessary, and in fact would be dangerous if required to be adhered to under these unique circumstances.

- **Granting the waiver will not violate the purposes or general standards of the Land Use Regulations.**

Granting of the waiver will not violate the purposes of the Land Use Regulations, and in fact, the waiver furthers the purposes of the Land Use Regulations by ensuring public safety and orderly traffic flow which are critical to the operations of the Project. As a result, this waiver will not violate the purposes of Chapter 193-10 for the reasons outlined above.

- **Granting the waiver shall result in a general benefit to the Town and surrounding properties.**

Granting the waiver will reduce the potential for negative traffic impacts by spreading out the vehicle trips and related access to multiple points which will prevent excessive queuing and bottlenecks. As a result, the waiver will result in a general benefit to the Town.

- **Conclusion**

The above request is reasonable considering the unique circumstances of the Property and the scale of the proposed commercial development and, by virtue of the multiple ways the Applicant is taking measures to lessen traffic impacts, the waiver request meets the spirit and intent of the Town of Hudson Administrative Regulations.

WAIVER REQUEST FORM
(Driveways – Design Criteria – Driveway Width)

Name of Subdivision/Site Plan: Hudson Logistics Center

Street Address: Lowell and Steele Roads

I Hillwood Enterprises, L.P. hereby request that the Planning Board waive the requirements of item Chapter 193-10.F of the Hudson Land Use Regulations in reference to a plan presented by Langan Engineering & Environmental Services, Inc.

(name of surveyor and engineer) dated September 9, 2022
for property Tax Map 234, Lots 5, 34 and 35 and Tax Map 239, Lot 1 in the Town of Hudson, NH.

As the aforementioned applicant, I, herein, acknowledge that this waiver is requested in accordance with the provisions set forth in RSA 674:36, II (n), i.e., without the Planning Board granting said waiver, it would pose an unnecessary hardship upon me (the applicant), and the granting of this waiver would not be contrary to the spirit and intent of the Land Use Regulations.

Hardship reason(s) for granting this waiver (if additional space is needed please attach the appropriate documentation hereto):

See attached narrative.

Reason(s) for granting this waiver, relative to not being contrary to the spirit and intent of the Land Use Regulations: (if additional space is needed please attach the appropriate documentation hereto):

See attached narrative.

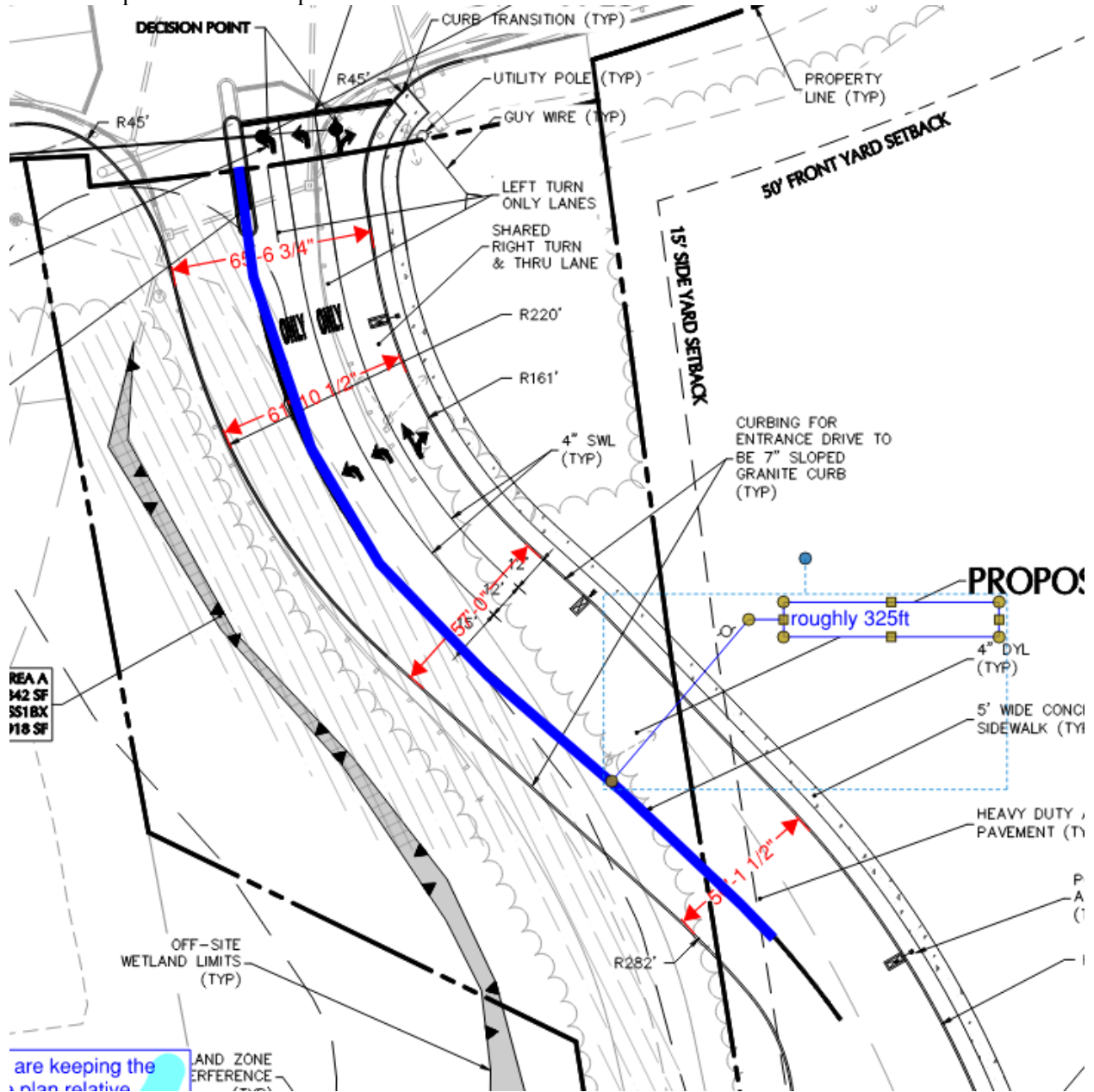
Signed:

FRANK HOLMES, DULY AUTHORIZED
Applicant or Authorized Agent

WAIVER REQUEST: (Driveways – Design Criteria – Driveway Width)

Driveway Ordinance: Hudson Driveway Ordinance Chapter 193-10.F states that:

“F. Maximum DRIVEWAY width of 50 feet, except that a DRIVEWAY may be flared beyond a width of 50 feet, at and near its junction with the HIGHWAY, to accommodate the turning radius of vehicles expected to use the particular DRIVEWAY.”



Waiver Request: A waiver is requested from **Chapter 193-10.F** in order to allow for certain sections of Green Meadow Drive to exceed 50 feet in width.

Basis of Waiver:

- **Introduction**

The proposed Hudson Logistics Center Project includes a proposed private roadway access known as Green Meadow Drive which extends from Lowell Road, crosses the property located at 267 Lowell Road via an existing easement, and extends onto the Property. Green Meadow Drive will serve as the primary access to the Hudson Logistics Center, and will provide access to the main Building and other improvements, and the primary access to the 267 Lowell Road parcel.

- **This waiver request meets the standard within the Waiver Request Form.**

Strict conformity with 193-10 for this area of the Project would pose an unnecessary hardship to the Applicant due to the need for certain sections of Green Meadow Drive to exceed the 50-foot width which is critical to safe and efficient vehicular operations. Given that the Project needs to maintain a certain width along Green Meadow Drive for operational purposes, the imposition of the width requirement is impractical for the size of the operations and the varying needs of the driveways as described above. The proposed with reflects the lane arrangements identified in the traffic impact study to provide adequate and efficient operation of the signalized intersection of Lowell Road and Green Meadow Drive.

- **Granting of the waiver shall not violate the purposes or general standards of those regulations; nor would the grant of this waiver be contrary to the spirit and intent of the regulations**

Granting of the waiver shall not violate the purposes or general standards, and would not would not be contrary to the spirit and intent of the regulations since the purpose of the Driveway Ordinance as articulated under Section 193-3 is to:

“...ensure the public safety through the orderly control of traffic movement onto and from highways, exits, streets and roadways....

“...ensure the existence of necessary drainage facilities required to provide a safe and controlled approach to a highway in all seasons of the year...

“... prevent the existence of unsafe conditions resulting from improper placements of any driveway, wall, barrier, structure or any other object or combination thereof within or adjacent to any right-of-way accepted by or dedicated to the Town.”

Here, the provision of a certain width for certain sections of Green Meadow Drive would not violate the purposes or general standards, and would not would not be contrary to the spirit and intent of the regulations under Section 193-10 since the purpose of the driveway width requirement is in fact to ensure public safety, to provide a controlled approach to a highway, and prevents the existence of unsafe conditions.

To summarize, unique circumstances of the Property, and its access requirements necessitate a finding that the regulation’s spirit and intent, rooted in public safety, are not compromised through the granting of this waiver.

- **This waiver request also meets the standard within Chapter 276-7.**
 - **The requirements of Chapter 193-10.F are unnecessary.**

As indicated above, the purpose of Chapter 193-10 is to ensure the public safety through the orderly control of traffic movement. Here, the width of driveway plays an integral purpose to ensure public safety. Since the Applicant will be undertaking efforts to improve public safety as described above, the requirements of Chapter 193-10.F are unnecessary, and in fact would be dangerous if required to be adhered to under these unique circumstances.

- **Granting the waiver will not violate the purposes or general standards of the Land Use Regulations.**

Granting of the waiver will not violate the purposes of the Land Use Regulations, and in fact, the waiver furthers the purposes of the Land Use Regulations by ensuring public safety and orderly traffic flow which are critical to the operations of the Project. As a result, this waiver will not violate the purposes of Chapter 193-10 for the reasons outlined above.

- **Granting the waiver shall result in a general benefit to the Town and surrounding properties.**

Granting the waiver will reduce the potential for negative traffic impacts by ensuring safe and efficient access to and from the Property through Green Meadow Drive. As a result, the waiver will result in a general benefit to the Town.

- **Conclusion**

The above request is reasonable considering the unique circumstances of the Property and the scale of the proposed commercial development and, by virtue of the ways the Applicant is taking measures to lessen traffic impacts, the waiver request meets the spirit and intent of the Town of Hudson Administrative Regulations.

WAIVER REQUEST FORM
(Plan Requirements – Approval Block)

Name of Subdivision/Site Plan: Hudson Logistics Center

Street Address: Lowell and Steele Roads

I Hillwood Enterprises, L.P. hereby request that the Planning Board waive the requirements of item Section § 276-11.1.B(4) of the Hudson Land Use Regulations in reference to a plan presented by Langan Engineering & Environmental Services, Inc. (name of surveyor and engineer) dated September 9, 2022

for property Tax Map 234, Lots 5, 34 and 35 and Tax Map 239, Lot 1 in the Town of Hudson, NH.

As the aforementioned applicant, I, herein, acknowledge that this waiver is requested in accordance with the provisions set forth in RSA 674:36, II (n), i.e., without the Planning Board granting said waiver, it would pose an unnecessary hardship upon me (the applicant), and the granting of this waiver would not be contrary to the spirit and intent of the Land Use Regulations.


Hardship reason(s) for granting this waiver (if additional space is needed please attach the appropriate documentation hereto):

See attached narrative.

Reason(s) for granting this waiver, relative to not being contrary to the spirit and intent of the Land Use Regulations: (if additional space is needed please attach the appropriate documentation hereto):

See attached narrative.

Signed:

 , DULY AUTHORIZED
Applicant or Authorized Agent

WAIVER REQUEST
(Excavation of Soils -- Exemptions)

Regulation: Administrative Requirements Chapter 200-3 which provides that no owner shall excavate or allow any excavation of earth on his/her/its premises without first obtaining an EXCAVATION permit unless exempt. Chapter 200-3.B(2) states “EXCAVATION of eventual nonresidential occupancy or use that is in conformance with SITE PLANS approved and signed pursuant to Section XVI of the Hudson SUBDIVISION Regulations.[1] Editor's Note: For current site plan review regulations, see Ch. 275.”

Waiver Request: A waiver is requested from Chapter 200-3 to exempt the Project from Chapter 200 because it appears that the intent of the exemption above under 200-3.B(2) was to exempt project excavations from review under Chapter 200 if the project was reviewed under the Site Plan regulations of Chapter 275, but there is a clerical error under Chapter 200 which potentially creates an ambiguity. Moreover, Section 200-3.B(2) also refers to Section XVI of the Hudson SUBDIVISION Regulations which is a section which does not exist under the Subdivision Regulations under Chapter 289, and the Editor’s Note above refers to the Site Plan Regulations under Chapter 275.

Basis of Waiver:

- **This waiver request meets the standard within the Waiver Request Form.**

The hardship reason for granting the requested waiver relates to the fact that it appears that the intention of the exemption above was to exempt projects from Chapter 200 if a project is reviewed and approved under the Site Plan Regulations under Chapter 275, consistent with other similarly situated projects, and it appears that this exemption has been historically interpreted to exempt projects from Chapter 200 if a Site Plan is approved under Chapter 275.

Further, the granting of this waiver will not be contrary to the spirit and intent of the Town’s Land Use Regulations because notwithstanding this typographical error as noted above, it appears the clear intent was to exempt projects from Chapter 200 if a Site Plan is approved under Chapter 275.

- **This waiver request also meets the standard within Chapter 276-7.**
 - **The requirements of Chapter 200-3.B(2) are unnecessary.**

The requested waiver satisfies the criteria of Chapter 276-7 because the requirement only relates to the correction of a typographical error, where earth excavation is reviewed through the Site Plan process location, and requiring further earth excavation review would be duplicative and unnecessary.

- **Granting the waiver will not violate the purposes or general standards of the Land Use Regulations.**

Granting of the waiver will not violate the purposes of the Land Use Regulations, and in fact, the waiver furthers the purposes of the Land Use Regulations by ensuring there is no duplicative review. As a result, this waiver will not violate the purposes of Chapter 200-3 for the reasons outlined above.

- **Granting the waiver shall result in a general benefit to the Town and surrounding properties.**

Granting the waiver will result in an interpretation of the exemption which is consistent with the Board's customary review of projects of this nature where earth excavation also undergoes review pursuant to the Site Plan review process under Chapter 275. As a result, the waiver will result in a general benefit to the Town.

- **Conclusion**

The above request is reasonable considering the need to consistency of interpretation of the excavation regulations under Chapter 200-3, and of the Site Plan regulations under Chapter 275, and the waiver request meets the spirit and intent of the Town of Hudson Administrative Regulations.