



TOWN OF HUDSON

Planning Board



Timothy Malley, Chairman

Roger Coutu, Selectmen Liaison

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-594-1142

MINUTES/DECISIONS OF THE PLANNING BOARD

MEETING DATE: MAY 5, 2021

In attendance = X	Alternate Seated = S	Partial Attendance = P	Excused Absence = E
Remote = R			
Tim Malley Chair <u> X </u>	Ed Van der Veen Vice-Chair <u> X </u>	Elliott Veloso Secretary <u> X </u>	Jordan Ulery Member <u> X </u>
Dillon Dumont Member <u> X </u>	William Collins Member <u> X </u>	Victor Oates Alternate <u> R </u>	Leo Fauvel Alternate <u> X </u>
Brian Groth Town Rep. <u> X </u>	Roger Coutu Select. Rep. <u> X </u>	Marilyn McGrath Alt. Select. Rep. <u> E </u>	

- I. CALL TO ORDER BY CHAIRPERSON AT 7:03 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. SEATING OF ALTERNATES

None.

V. OLD BUSINESS

A. Hudson Logistics Center Site Plan

SP# 04-21

Lowell & Steele Road

Map 234/Lots 5, 34 & 35, Map 239/Lot 1

Purpose of Plan: to propose commercial development consisting of three (3) new distribution and logistics buildings with associated access ways, parking, stormwater/drainage infrastructure and other site improvements. Continuance of Hearing.

Recess @ 7:41 p.m. & resumed @ 7:52 p.m.

Mr. Van der Veen moved to approve the Site Plan application 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 Development Agreement, which shall be recorded at the HCRD, together with the Plan.
2. The “Applicant” refers to Hillwood Enterprises, L.P., 5050 W. Tilghman Street, Suite 435, Allentown, Pennsylvania 18104, c/o Brian Kutz, Vice President - Development, the Applicant with respect to this Decision, its successors and assigns.
3. This decision hereby approves the use of the three warehouse distribution facility buildings including associated accessory uses, as non-sort facilities, as defined by the “Trip Generation Manual, 10th Edition Supplement”, dated February 2020 by the Institute of Traffic Engineers. Any use other than a non-sort facility shall be deemed a new use and/or change of use, and shall be subject to site plan review and approval by the Planning Board.
4. A cost allocation procedure (CAP) shall be paid prior to the issuance of a Certificate of Occupancy for each building as follows: \$944,885.75 for Building A, \$713,890.80 for Building B, and \$376,189.24 for Building C.
5. Subject to final administrative review by the Town Planner and Town Engineer.
6. The plan shall be subject to receiving an Alteration of Terrain Permit and Wetlands Permit from NH DES.
7. The plan shall be subject to approval of the traffic mitigation plan by NH DOT.
8. Construction activities involving this plan shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction shall occur on Sunday.
9. For purposes of this site plan approval, the term “active and substantial development or building” shall mean the construction of the site improvements on the Property relating to Building A and Building B, to include construction of Green Meadow Drive and the access to Walmart Boulevard, construction of the fire lanes, utilities, and corresponding stormwater facilities, all as to be shown on the construction phasing plan approved by the Town Planner as described above.
10. “Substantial completion” shall be defined as completion of Buildings A and B.
11. Per HR 276-4, the Applicant shall post with the Town of Hudson a performance surety in an amount to be approved by the Town Engineer in a form approved by the Town Attorney, if necessary.

12. No construction vehicles shall park or stand on residential streets. The use of Steele Road by construction vehicles shall cease upon establishment of the proposed access ways.
13. The proposed buildings shall require an approved sprinkler system. The Hudson Fire Department upon review of the building plans shall conduct this review. This requirement is in accordance with the International Building Code (IBC) and Hudson Town Code (HTC), current revision, Chapter 21O, Article VI. Any fire protection system shall be monitored by an approved fire alarm system.
14. The final plans shall be amended to include the following:
 - a. Note 18 on Sheet CS003 shall be amended to provide that “all proposed utilities will be located underground except as waived by the Planning Board.”
 - b. Note 39 on Sheet CS003 shall be deleted and replaced with the following: “All signs are subject to approval by the Zoning Administrator/Code Enforcement Officer prior to installation thereof.”
 - c. The Planning Board requests the applicant not to install street lighting along Steele Road, and a plan note shall reflect this condition.
 - d. Sheet CS 119 shall be amended to remove the light pole fixture from the shoreland protection area.
 - e. The final plan set shall properly index Sheet CP 125, which was misplaced in the most recent revision plan set.
 - f. Shall be subject to any comments and adjustments as required by the NHDES.
 - g. A temporary turnaround for emergency vehicles shall be installed at the westerly terminus of the Steele Road access easement outside the shoreland protection area, until such time as the design, permitting and installation of the permanent infrastructure such as a turnaround, or other infrastructure that the Town or Fire Department desires within the shoreland protection area is complete as described in Condition #48 below.

The following shall be completed prior to the issuance of a building permit for Building A and/or B:

15. The Applicant shall meet with the Fire Chief and Town Planner to review and develop a schedule for the implementation of the Fire Chief’s recommendations and requirements described in the Fire Chief’s March 2, 2021 Memorandum to Brian Groth, Town Planner. Notwithstanding the timing of the implementation of the Fire Chief’s recommendations in his March 2, 2021 memorandum and in this decision, the Fire Chief (in consultation with the Town Planner and the Applicant), may modify the timing of the implementation of such requirements.

16. Prior to the issuance of a building permit the applicant shall secure a contract and pay in full for a tower truck with the design, vendor and construction schedule approved by the Hudson Fire Chief, utilizing funds identified in Condition #71. Timing of this deliverable may be modified with the Hudson Fire Chief's approval.
17. Prior to the issuance of a building permit the applicant shall meet with the Hudson Fire Chief to identify technical rescue training programs and equipment needs as identified by the Hudson Fire Department, utilizing funds identified in Condition #71. The applicant shall pay for this additional training and equipment in entirety. Timing of this deliverable may be modified with the Hudson Fire Chief's approval.
18. The Inspectional Services Division and Planning Department shall be provided with a construction schedule, which shall include the details, timing, construction phasing plan, and related safety measures for the demolition and construction of the on-site and off-site improvements.
19. The Applicant shall schedule a pre-construction meeting with the Town Engineer and other Town Staff.
20. The Applicant shall provide the Town Planner and Town Engineer for its review and approval a phased construction plan for Green Meadow Drive so that no detour to the Mercury Systems building (267 Lowell Rd) is required during the construction of the roadway.
21. The earthen berm and sound fence shall be constructed prior to the issuance of any building permit of Building A and/or Building B.
22. The Applicant shall construct and stabilize the earthen berm as designed at the height and length shown in drawings to mitigate potential sound and visual impacts.
23. The Applicant shall install an approximately 2,000-foot-long noise control fence along the spline of the proposed earthen berm as designed and presented.
24. The Applicant shall install an approximate ± 785 -foot-long fence as designed and presented near the southeastern corner of Building C to mitigate potential visual impacts and noise to off-site residential receptors.
25. The sound fence shall meet the following requirements to be confirmed by the Town Engineer:
 - a. The fence needs to be solid, without openings, and a minimum surface weight of 7 lbs. /SF.

- b. Appropriate materials of construction for the fence to include natural, non-reflective materials such as wood or wood composite.
- c. The fence must be designed to resist wind load and will have engineered footings.
- d. In the event the sound fence fails to meet the standards set forth in the sound study, the Applicant, at their sole expense, shall remediate the fence to ensure full compliance with said standards, which shall be confirmed by the Town Engineer.

The following shall be completed prior to the issuance of a building permit for Building C:

- 26. Prior to the issuance of a building permit for Building C, a post opening traffic assessment subsequent to the opening and normal operations of Buildings A and B shall be conducted by an independent, third-party peer review identified by Town staff, at the sole expense of the Applicant. This assessment must confirm the Project's proposed traffic mitigation as evaluated in the submitted traffic impact study ("TIS"), if necessary. This information will be provided to the Town Planner to confirm the actual operations of the two buildings. No additional Planning Board action is required.
- 27. The post opening traffic evaluation shall be conducted during a period of the Building A & B operations that mimic the period evaluated in the TIS. The study is anticipated to be undertaken within six months after the commencement of full operations of Building A and Building B, or other period agreeable to the Applicant and the Town Planner.
- 28. The Applicant shall present the post opening traffic evaluation to the Town Planner and Town Engineer, and if requested, to a peer review firm selected by the town and paid for by the Applicant, all for the purpose of confirming the TIS recommendations.
- 29. If the post-opening traffic evaluation identifies post-occupancy operating conditions which identify operational impacts differing from those identified in the TIS, the Applicant may be required to perform additional mitigation to the extent permitted by the Town in cooperation with NHDOT.
- 30. The Applicant shall provide evidence to the Town Planner and Code Enforcement Officer demonstrating that Building C shall comply with the Building Height limitations as required by the Zoning Ordinance.
- 31. Steele Road shall be addressed as indicated in plan notes, or by other lawful means.

Conditions related to construction practices:

32. There shall be weekly construction meetings scheduled and available for attendance by Town staff until such time as Inspectional Services reasonably determines that weekly inspections, or less frequent or no further scheduled meetings are necessary.
33. The Applicant shall pay for the cost of locating a construction trailer on the site (with appropriate HVAC, electrical, and other utilities) to support a work space for the Town of Hudson Inspectional Service and Land Use Divisions. The Applicant shall also pay for the retention of inspector(s) solely for the purpose of inspecting the construction and project for the duration of the project as reasonably agreed by the Applicant and Fire Chief. The inspectional services trailer shall be located on the site within thirty (30) days after notice by the Inspectional Services Division to the Applicant, but not later than the commencement of construction of the first building foundation, and remain on the site until the Certificate of Occupancy is issued for the last building or as otherwise agreed between the Applicant and Fire Chief.
34. All new gas, telephone, cable, electric and other utilities, except for temporary utilities, shall be installed underground as specified by the respective utility companies unless otherwise waived, or except for so called "green utility boxes" or other aboveground poles or structures as may be required by the utility companies, and except as may otherwise be temporarily required to effect the movement and operation of any other temporary improvements. If final locations of appurtenant equipment to these utilities (e.g. transformer pads) not shown on the Plans materially impact the design, the Applicant and/or Project Owner shall provide such details of such modification to the Town Planner for review.
35. Additional stormwater and infiltration testing shall be performed during construction to complete the design, and all infiltration testing results shall be submitted to the engineer of record, the Town Planner, the Town Engineer, and the NHDES Permitting Department for review.
36. A blasting permit shall be required for any blasting on the site in accordance with the Hudson Town Code, Chapter 202.
37. During construction, the Applicant shall submit plans for controlling fugitive dust during excavation and construction include mechanical street sweeping, wetting and/or misting portions of the site during periods of high wind and careful removal of debris by covered trucks.
38. The construction contract shall provide measures to be used by contractors to reduce potential emissions and minimize impacts. These measures are expected to include:
 - a. Using wetting agents on area of exposed soil on a scheduled basis;

- b. Using covered trucks to transport any debris or other materials to or from the site;
 - c. Monitoring of actual construction practices to ensure that unnecessary transfers and mechanical disturbances of loose materials are minimized;
 - d. Minimizing storage of debris on the site; and
 - e. Periodic street and sidewalk cleaning with water to minimize dust accumulations.
 - f. Limit maximum travel speeds on unpaved areas; and
 - g. Provide wheel wash stations to limit trackout of soil during the excavation phase.
39. Construction equipment engines shall comply with requirements for the use of ultra-low sulfur diesel (ULSD) in off-road engines. The construction contractor will be encouraged to use diesel construction equipment with installed exhaust emission controls such as oxidation catalysts or particulate filters on their diesel engines.
40. All trucks leaving the site shall have all dirt/mud removed from the wheels and undercarriage of the truck prior to leaving the site. In addition, any loads containing soil for off-site disposal shall be covered.
41. Construction vehicles and equipment shall not be permitted to be washed in the streets outside of the Project site. Excess water from the wheel wash stations shall be managed and catch basins in the surrounding street will be protected from potential runoff from the cleaning operations.
42. The Applicant shall encourage contractors to use proper emission controls, use of clean fuels, control of truck and equipment idling times.

The following shall be completed prior to the issuance of a Certificate of Occupancy for Building A and/or Building B:

43. Prior to the issuance of a final certificate of occupancy for Building A and/or Building B, a L.L.S. certified “As-Built” site plan shall be provided to the Town of Hudson Planning Department confirming that Building A and/or Building B, as appropriate, conform to the Plan.
44. The Applicant shall coordinate with the Fire Department on the appropriate location and type of gate for use on Steele Road, and coordinate the Fire Department’s access requirements through such gate, to reach and use the Steel Road Easement.
45. The Applicant shall convey conservation easements for the 30 +/- acres along the Merrimack (the “Merrimack River Conservation Easement”), as well as the 90 +/-

- acres along the easterly side of the Property (the “Eastern Conservation Easement”), in a form acceptable to the Town Planner and Town Attorney.
46. The Eastern Conservation Easement shall not allow access to the general public but the use shall be strictly limited to rights for the Conservation Commission (or its agents) to enter and access the conservation easement Areas for the sole purpose of monitoring and maintaining the Eastern Conservation Easement areas.
47. As a part of the proposed Merrimack River Conservation Easement, the Applicant shall also grant a public trail easement where, once completed, the public’s use of the trail easement for passive recreation purposes (walking, jogging, bicycling, and cross country skiing, snowshoeing) shall be limited between dawn and dusk. The limits of the public trail easement shall extend from the northern boundary of the Property, adjacent to Merrimack River and the Circumferential Highway bridge, and running southerly within said conservation easement to the southerly boundary of the Property located within the conservation easement. The Town has the right, but not the obligation, to design, permit, construct, repair and maintain such trail improvements as deemed necessary for the purposes described above, subject to any permits, approvals or conditions which may be imposed by the NHDES.
48. The Applicant shall convey a 30-foot-wide non-exclusive easement to the Town which extends from Steele Road westerly to the Merrimack River as depicted on the Site Plan. The easement shall not allow access to the general public, except for the area of the easement located within the 250-foot shoreland area for the trail easement purposes described in Condition #47 above, but the use of the easement shall otherwise be strictly limited to Town of Hudson and its emergency services personnel to access the Merrimack River for water withdrawal or other public safety uses, and for the Town of Hudson Conservation Commission members for purposes of using said easement for access for purposes of monitoring compliance with the landscape requirements contained within the Merrimack River Conservation Easement as described in the Decision, and thereafter, for purposes of maintaining the vegetation within the Merrimack River Conservation Easement, as needed. Access over this easement area shall be restricted utilizing the existing swing gate on the existing driveway, with use of the gate to be coordinated with emergency services. This gate is noted to remain on drawings CS100 and CS120. As a part of this easement, the Applicant grants the town an easement, of sufficient size, from the end of the constructed access drive, through the 250-foot shoreland area, to the river, allowing the town the right, but not the obligation, to design, permit, and install the infrastructure, such as a turn around, or other infrastructure the Town and Fire Department require within said 250-foot shoreland boundary as deemed necessary for the emergency services purposes described above, through a design, permitting and construction process separate from the Applicant’s permitting process. The language of the easement is subject to the Town Planner’s and Attorney’s approval, and shall include a temporary easement to allow for the construction of improvements described in Condition #14.g above.

49. A General State Permit (GSP) for Internal Combustion Engines – Emergency Generators or Fire Pump Engines shall be required for each unit to be included for Building A and Building B for the backup power emergency generators in accordance with ENV-A-610, and shall be secured prior to the issuance of a certificate of occupancy for each building.
50. The off-site roadway improvements depicted in the Traffic Impact Study and Conceptual Off-Site Improvement Plans shall be substantially completed, such that the impact of the development's traffic is addressed.

The following shall be completed prior to the issuance of a Certificate of Occupancy for Building C:

51. Prior to the issuance of a final certificate of occupancy for Building C, a L.L.S. certified "As-Built" site plan shall be provided to the Town of Hudson Planning Department confirming that the Building C site conforms to the Plan.
52. A General State Permit (GSP) for Internal Combustion Engines – Emergency Generators or Fire Pump Engines shall be required for each unit to be included for Building C for the backup power emergency generators in accordance with ENV-A-610, and shall be secured prior to the issuance of a certificate of occupancy for each building.
53. HVAC equipment plans for Building C shall be consistent with Buildings A and B, keeping in mind acoustical performance to ensure project noise goals are met in compliance with Hudson Ordinances.

Other conditions:

54. Upon completion of construction, evidence of retained contractor's Salt Application Certification under the NHDES Green SnowPro Certification Program shall be submitted to the Town Planner.
55. The Applicant shall be obligated to maintain the paved portions of the Steele Road Easement from the paved limits of the easement along the westerly end of the site, easterly to the Steele Road gate.
56. The Applicant shall provide additional evergreen landscaping for the purposes of screening 267 Lowell Road.
57. The buildings shall have internal refuse control and dumpsters and compactors directly connected to the building, and occupying loading dock bays. There shall be no freestanding dumpsters elsewhere on the site. Therefore, the trash removal activity will be very similar to other truck activity on the site.

58. The recommendations in the March 2, 2021 Memorandum to Brian Groth, Town Planner, from Robert Buxton, Fire Chief, shall be implemented and comply with the conditions contained therein relating to fire suppression and public safety to the reasonable satisfaction of the Fire Chief, and written Fire Department acknowledgement of compliance with such recommendations shall constitute satisfaction of this condition.
59. The Project shall comply with the vehicle idling requirements of New Hampshire regulation ENV-A-1100, as amended, unless otherwise exempt.
60. The Applicant shall equip all terminal tractors with smart, ambient sensing, multi-frequency back-up alarms.
61. All water and sewer infrastructure requirements shall be provided in accordance with Town's regulations and guidelines in coordination with the Town Engineer.
62. All Tier II reporting requirements shall be followed each year for all facilities if there will be inside or outside storage above the exempt amounts of hazardous materials, liquids or chemicals presenting a physical or health hazard as listed in the International Building Code, Sections 307, 414 or 415.
63. All storage either inside or outside of hazardous materials, liquids or chemicals presenting a physical or health hazard as listed in NFPA 1, Section 20.15.2.2 shall be in accordance with the applicable portions of the following:
 - a. NFPA 13, Standard for the Installation of Sprinkler Systems
 - b. NFPA 30, Flammable and Combustible Liquids Code;
 - c. NFPA 308, Code for the Manufacture and Storage of Aerosol Products
 - d. NFPA 230, Standard for the Fire Protection of Storage;
 - e. NFPA 430, Code for the Storage of Liquid and Solid Oxidizers;
 - f. NFPA 432, Code for the Storage of Organic Peroxide Formulations; and,
 - g. NFPA 434, Code for the Storage of Pesticides.
64. The fire alarm system shall be connected to the Hudson Fire Department's municipal fire alarm system or a substantially equivalent system in accordance with the Hudson Town Code, Chapter 210. A site plan detailing the aerial or underground layout to the municipal fire alarm connection must be provided before the utilities are completed for this project.
65. Any required fire alarm system component shall remain accessible and visible at all times.

66. Upon commencement of operations of the completed improvements, drivers shall be allowed to take their Federal Motor Carrier Safety Administration (FMCSA) Hours of Service Regulations required non-driving interruptions and off-duty break periods on the Property.
67. Based upon the Town Engineer's recommendations, the Stormwater Management and Erosion Control Plan (SMECP) is hereby approved as the Project complies with Chapter 290, and the property owner of record shall record at the Registry of Deeds documentation sufficient to provide notice to all persons that may acquire any property that the property is subject to the requirements and responsibilities described within the approved SMECP, including the operation and maintenance requirements and all BMPs.
68. The Applicant agrees to provide \$250,000 to the Town of Hudson's sidewalk fund for the purpose of funding a sidewalk along the easterly side of Lowell Road extending from Rena Avenue to Wal-Mart Boulevard. In the event these funds are not used in this location, these funds may be used for general sidewalk purposes consistent with the purposes of this fund.
69. The Applicant agrees to fund the following potential future improvements at the town intersection of Lowell Road/Wason Road/Flagstone Drive as identified in the Traffic Impact Study, dated September 2020. The Applicant shall fund the physical improvements in the form of an escrow account with \$100,000 increments (with the Applicant's total obligation not to exceed \$1,000,000), as needed and requested by the Engineering Department, which may include:
 - a. Widening the northbound approach to provide an exclusive left-turn lane, three through lanes and two exclusive right-turn lanes;
 - b. Widening the eastbound approach to provide a shared left-turn/through lane and two exclusive right-turn lanes;
 - c. Widening to provide an additional northbound receiving lane on the north side of the intersection that becomes an exclusive right-turn lane into the Market Basket plaza; and,
 - d. Installing variable lane usage signing/controls for the northbound approach to allow for two exclusive left-turn lanes, two through lanes and two exclusive right-turn lanes during the weekday morning commuter peak to account for the high volume of left-turning traffic onto Flagstone Drive.
70. Directional signage, directing truck traffic back to Route 3 (the Sagamore Bridge) shall be included in the traffic mitigation plan.
71. The Applicant has voluntarily offered to provide funding to the Town as set forth in the *Scope and Schedule - Impact Mitigation and Exactions*, which is attached

hereto, to be assessed as exactions and as a condition of approval The Planning Board hereby assesses said fees in the total amount of \$7,750,000.00, which shall be paid by the Applicant to offset the impacts caused by the development. These fees are described in full detail in the document entitled “*Scope and Schedule - Impact Mitigation and Exactions,*” which shall be included as Exhibit A to the Development Agreement, to be recorded at the HCRD. The Applicant agrees that the fees are properly assessed as off-site exactions as permitted by applicable law.

72. In the event of a discrepancy between the spoken motion and the written motion, the written motion, as amended by the Planning Board at its May 5, 2021 meeting, shall control.

Motion seconded by Mr. Ulery. Motion carried 5/2/0 (Veloso & Coutu opposed).

VI. ADJOURNMENT

Mr. Coutu moved to adjourn. Motion seconded by Mr. Ulery. All in favor – motion carried.

Meeting adjourned at 9:11 p.m.

Elliott Veloso
Member, Planning Board

*Mr. Ulery moved to accept the minutes/decisions on 5/26/21.
Motion seconded by Mr. Collins. Motion carried 6/0/1 (Morin abstained).*

Note: Planning Board minutes are not a transcript. For full details on public input comments, please view the meeting on HCTV (Hudson Community Television).