



TOWN OF HUDSON

Planning Board



Timothy Malley, Chairman

Robert Guessferd, Selectmen Liaison

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MINUTES/DECISIONS OF THE PLANNING BOARD

MEETING DATE: DECEMBER 14, 2022

In attendance = X	Alternate Seated = S	Partial Attendance = P	Excused Absence = E
Tim Malley Chair <u>X</u>	Ed Van der Veen Vice-Chair <u>X</u>	Dillon Dumont Secretary <u>X</u>	Jordan Ulery Member <u>X</u>
James Crowley Member <u>X</u>	Brian Etienne Member <u>X</u>	Michael Lawlor Alternate <u>X</u>	Victor Oates Alternate <u>X</u>
George Hall Alternate <u>X</u>	Bob Guessferd Select. Rep <u>X</u>	Dave Morin Alt. Select. Rep. <u>E</u>	Brian Groth Town Rep. <u>X</u>

- I. CALL TO ORDER BY CHAIRPERSON AT 7:15 P.M. (Attorney client ended @ 7:11 P.M.)
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL

Chairman Malley announced that the Friars project on the agenda under “New Business A” is rescheduled to January 11, 2023 due to an abutter notification error.

- IV. MINUTES OF PREVIOUS MEETING(S)
30 November 2022 Meeting Minutes
Mr. Dumont moved to approve the November 30, 2022 minutes.
Motion seconded by Mr. Crowley. Motion carried 5/0/2 (Etienne & Ulery abstained).

- V. SEATING OF ALTERNATES
Mr. Crowley & Mr. Hall recused themselves.
@ 7:18 P.M., Mr. Lawlor seated for Mr. Crowley.

- VI. OLD BUSINESS
 - A. Hudson Logistics Center Amended Site Plan & Conditional Use Plan
SP# 12-22
CU# 07-22

Lowell & Steele Road
Map 239/Lot 001

Purpose of proposals:

From the Site Plan Application: to propose redevelopment of Property for a warehouse and distribution facility, representing a reduction of the scope of the approved Hudson Logistics Center originally approved by Site Plan Decision SP# 04-20, issued on May 5, 2021, for redevelopment of three (3) building having a footprint collectively consisting of 2,614,984 s.f., to a single building have a footprint of approximately 1,393,822 s.f. for warehouse, distribution, and associated uses

and structures 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.

From the Conditional Use Permit Application: Proposed redevelopment of property into the Hudson Logistics Center which includes a reduction in project scope originally approved, in part, by a Wetland Conditional Use Permit Decision (#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 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.

John Smolak of Smolak & Vaughan presented & explained the project updates since the last meeting.

John Plante of Langan Engineering presented a PowerPoint presentation showing the changes & improvements made with screening around bridge are in response to previous staff reports.

Justin Pasay of Donahue, Tucker & Ciandella, summarized the Conditional Use Permit application and action from the Conservation Commission.

Brendan Quigley of Gove Environmental explained the impacts to the wetland and the areas where impact was reduced. Mr. Plante described the excavation process for the stream crossing.

Mr. Etienne asked the applicant to clarify if this project is new or amended.

Mr. Pasay clarified their view and stance is that this is an amended site plan, and said for the record that they will include a note on the plan stating that if approved, the new plan will supersede the existing plan.

Mr. Oates expressed concern over NHDOT's review and that the potential tenant will grow, thus affecting their traffic. Mr. Plante explained that the study projects out to 2034 using growth factors, the traffic report has been reviewed by multiple peer reviews, state and local agencies and the mitigation addresses impact beyond that of the project. Mr. Oates suggested the scope of the study be expanded to the entire town and maybe neighboring towns for 15 years out. The applicant suggested their study was sufficient, comprehensive and has undergone extensive review.

Public input opened @ 8:10 P.M.

Ed Thompson, 22 Burns Hill Road – made the statement that he is speaking as a resident and not an alternate to the ZBA. Wants to know where the “rigs” are fueled, and what kind of protection will be in place to stop the “rigs” from traveling through Hudson; Asked what the tenant's utilization rate is, will there be any refrigeration or shipment of groceries; are there any stipulations added not allowing future building; wondered if nearby parcels would be developed as fuel stations in the future.

Heidi Jakoby, 94 Gowing Road – thanked the planning board & applicant for the positives changes with the screening; wants to know if there is something that will hide the HVAC; Wondered if seasonal surge of traffic had been discussed; felt that the additional screening near bridge/river

would help with her concerns of sound travelling over the river; wondered about glow from light reflection off of snow; asked the board to uphold stipulations approved on the last plan.

Jim Dobens, 4 Eagle Drive – concerned with traffic impact of overall development in town; does not like traffic studies; stated the traffic study is not large enough; concern with size of trucks relative to passenger cars; wonders if distance between traffic lights has been measured relative to capacity for trucks.

Public input closed @ 8:23 P.M.

Mr. Plante answered questions brought forward in public input: rooftop equipment will not be visible from residential properties because they would be set back from edge of building, screening of equipment would create “more building to see”; traffic study accounts for seasonal surge and vehicle size.

Mr. Dumont reiterated tenant utilization rate and refrigeration question. Mr. Plante conferred with Target representative and states that utilization rate was in study and that it is not planned to be a refrigerated building.

Mr. Oates reiterated concern with traffic study due to personal experience that can be used to refute professional opinion citing Vannah v. Bedford. Mr. Pasay responded that uncontroverted expert testimony cannot be ignored citing Condos East Corp. v. Conway, and that the traffic studies were peer reviewed by the Town’s own consultant who concurred with the applicant’s conclusions.

Mr. Guessferd asked if the applicant could definitely say that trucks would not fill up at the local Irving station. Mr. Plante said that he cannot guarantee that.

Mr. Lawlor asked why the undeveloped southwestern portion of the site was not included in the conservation easement. Mr. Smolak responded that the applicant did not want to permanently restrict that part of the property but any future development would require the Planning Board’s approval.

Mr. Etienne asked about smart signal technology. Mr. Plante explained how smart signal or adaptive signal technology works.

MOTION TO APPROVE CUP# 07-22

Mr. Dumont moved to approve CU# 07-22 Amended Wetlands Conservation Overlay District Conditional Use Permit for the Hudson Logistics Center; prepared by: Langan Engineering & Environmental Services, Inc., 100 Cambridge Street Suite 1310, Boston, MA 02114 and Gove Environmental Services, Inc., 8 Continental Drive Building 2 Unit H, Exeter, NH 03833; prepared for: Hillwood Enterprises, L.P, 5050 W. Tilghman St., Suite 435, Allentown, PA 18104; and Greenmeadow Golf Club, Inc., 55 Marsh Road, Hudson, NH 03051.; dated September 9, 2022; subject to, and revised per, the following stipulations:

1. All stipulations of approval shall be incorporates 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 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 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 4, 5 and 10, 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
15. In addition to the existing landscaping and restoration plans showing planting and restorations in the upland and easement areas additional shrub and tree varieties shall be planted with the planned meadow mix grasses along the two proposed roadways to aide in slope stabilization along these roadways.

Motion seconded by Mr. Van der Veen. All in favor – motion carried 7/0/0.

Mr. Smolak asked the Board if it wished to have the Town Planner begin drafting conditions for potential site plan approval. Chairman Malley polled the Board, the Board agreed 6 to 1.

MOTION TO CONTINUE:

Mr. Dumont moved to continue the site plan application SP# 12-22, Hudson Logistics Center, Map 234/Lot 005, 034 & 035; Map 239/Lot 001, to date certain, January 11, 2023.

Motion seconded by Mr. Ulery. All in favor – motion carried 7/0/0.

Mr. Crowley was re-seated at 9:05 P.M., returning Mr. Lawlor to alternate. Mr. Hall returned to his seat at 9:05 P.M.

VII. ADJOURNMENT

Mr. Dumont moved to adjourn. Motion seconded by Mr. Van der Veen. Motion carried 7/0/0. Meeting adjourned at 9:07 P.M.

Dillon Dumont
Secretary

*Mr. Ulery moved to accept the minutes/decisions on 12/28/22.
Motion seconded by Mr. Etienne. Motion carried 6/0/1 (Crowley 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).