



TOWN OF HUDSON

Planning Board



Timothy Malley, Chairman

Robert Guessferd, Selectmen Liaison

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MINUTES/DECISIONS OF THE PLANNING BOARD

MEETING DATE: JANUARY 11, 2023

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 7:00 P.M.
 II. PLEDGE OF ALLEGIANCE
 III. ROLL CALL
 IV. SEATING OF ALTERNATES
 Mr. Lawlor seated for Mr. Crowley @ 7:03 P.M.

- V. MINUTES OF PREVIOUS MEETING(S)
 • 28 December 2022 Meeting Minutes

Mr. Ulery moved to approve the December 28, 2022 minutes.

Motion seconded by Mr. Etienne. Motion carried 6/0/1 (Malley abstained).

Chairman Malley took the agenda out of order to hear New Business items B & C.

VI. NEW BUSINESS

Mr. Crowley recused himself from New Business items B and C. Mr. Lawlor seated @7:03 P.M.

- B. Zoning Amendment Public Hearing: To amend the Table of Permitted Principal Uses to separate Wholesale, Warehouse, Self-Storage mini-warehouse and Distribution facilities into their own separate categories.

Public input opened @ 7:04 P.M. There being none – Public input closed @ 7:04 P.M.

Mr. Ulery moved to recommend the amendment to 334 Attachment 1 – Table of Permitted Principal Uses to separate the uses listed in Category E.8 into individual categories.

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

- C. Petitioned Zoning Amendment Public Hearing: To amend the Table of Permitted Principal Uses to remove under General (G), and General-1 (G-1) zones, warehouses or distribution facilities greater than 100,000 square feet and allow them ONLY in Industrial (I) zones effective immediately following passage of this warrant article.

Public input opened @ 7:06 P.M.

Thomas Jay Leonard, Attorney @ Welts, White & Fontaine, P.C. – spoke on behalf of his client The Friels, and voiced his concern over the article & how it focuses on the building size and not the building impact, and thinks it goes away from what the Board is working on with the Master Plan.

Ed Thompson, 22 Burns Hill Road – stated that he is the author of this Petition Article and alternate member of the Zoning Board. Explains the petition and states that it is a “check & balance.” The intent is to bridle some of the growth in town, this is a start. No reason an applicant can’t go to the zoning board and apply for a variance. Spoke on behalf of Dean Sakati, 11 Fairway Drive, and read his concerns to ensure development conforms with character of town, restrict development. Current town challenge with master plan, zoning, development proposals, traffic problems.

Heidi Jakoby, 94 Gowing Road – encourages the Board to affirm the warrant article, stated variances can be granted when necessary, need to address G and G-1 zones.

Tom Farrelly, Cushman & Wakefield – explained he feels this petition is bad for the town and business because it impedes commercial development and that taxpayers of Hudson will suffer.

Public input closed @ 7:18 P.M.

Mr. Etienne moved to recommend the petition zoning amendment to prohibit distribution facilities and warehouses greater than 100,000 square feet from the G and G-1 zones.

Motion seconded by Mr. Van der Veen. Motion carried 5/2/0 (Dumont & Ulery opposed).

VII. OLD BUSINESS

- D. Hudson Logistics Center Amended Site Plan Lowell & Steele Road
SP# 12-22 Map 239/Lot 001

Purpose: 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. Continuance of hearing.

Mr. Crowley recused himself, and Mr. Lawlor was seated.

John Smolak of Smolak & Vaughn, representing Hillwood Enterprises, summarized compliance matters, conclusion of reviews, and asked the board to render a decision.

@ 7:33 P.M. the Chairman opened for the board's discussion.

Selectman Guessferd asked about refrigeration, washing of vehicles, truck access to site, Mr. Smolak said the application is not proposing a refrigerated building. Frank Holmes, Lnagan, said there are no specific facilities for washing vehicles but some washing is required by DOT and by construction management practices; there is stormwater management treatment.

Mr. Dumont asked if the tenant intended to educate drivers and provide signage. David Loveland, Target, and Mr. Holmes said they anticipate a great majority of trucks to use the northern entrance, there would be signage.

Mr. Oates asked Target to confirm lease and to prohibit washing of vehicles. Mr. Loveland said they are working on it but cannot disclose at this point. Chair Malley stated Planning Board is permitted to approve land use, not tenants.

Mr. Loveland said there are DOT requirements to keep trucks clean. Mr. Smolak stated construction management and air quality practices require washing vehicles before leaving site. Mr. Etienne pointed out that there is stormwater treatment. Mr. Holmes said there is treatment area at inspection site. Mr. Van der Veen opined that this may be the purview of NHDES.

Mr. Oates asked if Hillwood would provide another \$600,000 in exactions due to the increase in the price of platform truck. Mr. Smolak stated that Hillwood remains committed to \$7.75 million in additional benefits to the town beyond what is required and covers the purchase of the platform truck, \$1 million in traffic improvements beyond required and \$250,000 for sidewalks, in addition to the impact fee and the revenue generated.

Mr. Van der Veen made a motion to approve the Amended Site Plan Application (SP #12-22) for the Hudson Logistics Center prepared by: Langan Engineering & Environmental Services, Inc., 888 Boylston St., Boston, MA 02116; prepared for: Hillwood Enterprises, L.P, 5050 W. Tilghman St., Suite 435, Allentown, PA 18104; and, Greenmeadow Golf Club, Inc., c/o Thomas Friel, 55 Marsh Rd., Hudson, NH 03501; dated September 9, 2022; last revised December 19, 2022 (the "Amended Plan" or the "plan"); subject to, and revised per, the following conditions subsequent, many of which are stipulations of the Original Approval which are amended and restated herein for consistency:

1. All stipulations of approval shall be incorporated into an Amended Development Agreement, which shall be recorded at the Hillsborough County Registry of Deeds (the "HCRD"), together with the Amended Plan, and shall amend and restate the conditions contained within the Original Development Agreement which is that Development Agreement, dated September 7, 2022, including the conditions pertaining to the original Wetlands Overlay District Conditional Use Permit (CU# 02-20), the original Site Plan Waivers, the stipulations contained within the Original Approval (SP# 04-20) including Attachment A, as well as the general provisions under Articles I through XVIII of the Original Development Agreement, which is recorded with the HCRD in Book 9650, Page 470. The Amended Plan shall also be recorded at the HCRD at the same time as the Amended Development Agreement, and shall amend the original Site Plan which consists of eleven (11) sheets and is recorded as Plan # 41557 (the "Original Site 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 one warehouse distribution facility building (the “Main Building”) and associated accessory structures and uses as presented by the Applicant, as a non-sort facility, as defined by the “Trip Generation Manual, 11th Edition Supplement”, dated September 2021 by the Institute of Transportation 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 the Main Building in the amount of \$1,666,861.00.
5. Subject to final administrative review by the Town Planner and Town Engineer.
6. The plan shall be subject to receipt, and shall be amended to incorporate any requirements, of 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 related to but not including the Main Building, 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 the Main Building.
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 Main Building 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.

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

14. 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 September 29, 2022 Memorandum to Brian Groth, Town Planner. Notwithstanding the timing of the implementation of the Fire Chief’s recommendations in his September 29, 2022 memorandum and in this decision, the Fire Chief (in consultation with the Town Planner and the Applicant), may modify the timing and/or implementation of such requirements.

15. Prior to the issuance of a building permit the Applicant shall secure a contract and pay for a tower truck (upon terms approved by the Fire Chief) with the design, vendor and construction schedule approved by the Hudson Fire Chief, utilizing funds identified in Condition #61. Timing of this deliverable may be modified with the Hudson Fire Chief's approval.
16. 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, and which programs and equipment needs shall be paid for utilizing funds provided by the Applicant and identified in Condition #61. Timing of this deliverable may be modified with the Hudson Fire Chief's approval.
17. 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. The Applicant shall also provide documentation acceptable to the Inspectional Services Division and Planning Department, including but not limited to, plans for floor drain connections, to ensure that an acceptable spill prevention plan is developed as recommended in Paragraph 5 of the January 6, 2023 Fuss & O'Neill sewer peer review letter.
18. The Applicant shall schedule a pre-construction meeting with the Town Engineer and other Town Staff.
19. 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.
20. The earthen berm and sound fence shall be constructed prior to the issuance of the building permit for the Main Building.
21. 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.
22. The Applicant shall install an approximately 2,000-foot-long noise control fence along the spline of the proposed earthen berm as shown on the plan, designed and presented.
23. The Applicant shall also install approximately ± 785 total feet of fencing as shown on the plan, designed and presented to mitigate potential visual impacts and noise to off-site residential receptors.
24. 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 its sole expense, shall remediate the fence to ensure full compliance with said standards, which shall be confirmed by the Town Engineer.

25. A turnaround for emergency vehicles shall be installed at the westerly terminus of the Steele Road access easement outside the shoreland protection area. The Town may, at its sole election and expense, design, permit and install permanent infrastructure such as a turnaround, or other infrastructure that the Fire Department desires, within the shoreland protection area as described in Condition #42 below.

Conditions related to construction practices:

26. 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.
27. 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 Main Building foundation, and remain on the site until the Certificate of Occupancy is issued or as otherwise agreed between the Applicant and Fire Chief.
28. 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 plan materially impact the design, the Applicant and/or Project Owner shall provide such details of such modification to the Town Planner for review.
29. Additional stormwater and infiltration testing required, if any, by the NHDES 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.
30. A blasting permit shall be required for any blasting on the site in accordance with the Hudson Town Code, Chapter 202.
31. During construction, the Applicant shall submit plans for controlling fugitive dust during excavation and construction including mechanical street sweeping, wetting and/or misting portions of the site during periods of high wind, and careful removal of debris by covered trucks.
32. 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.
33. 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.
34. 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.
35. 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.
36. 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 the Main Building:

37. Prior to the issuance of a final certificate of occupancy for the Main Building, a L.L.S. certified "As-Built" site plan shall be provided to the Town of Hudson Planning Department confirming that the Main Building and accessory structures, as appropriate, conform to the plan.
38. 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 Steele Road Extension Easement discussed in Condition #42.
39. 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"), as depicted on the plan, in a form acceptable to the Town Planner and Town Attorney.
40. The Eastern Conservation Easement shall not allow access to the general public and the use shall be strictly limited to rights of 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.
41. The Merrimack River Conservation Easement shall include rights of the Conservation Commission (or its agents) to enter and access the conservation easement area for the purpose of monitoring and maintaining the Merrimack River Conservation Easement area. 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) and such uses may be made only 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 or any other regulatory authority. If the Town permits and constructs a public trail within the Merrimack River Conservation Easement area pursuant to this Stipulation, no public access or other rights to same will be granted to or from the Property except as otherwise expressly provided herein.

42. 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 plan (the "Steele Road Extension Easement"). The Steele Road Extension Easement will not allow access to the general public except for the area of the easement which is located within the Merrimack River Conservation Easement, and only for those uses described in the Merrimack River Conservation Easement described in Condition #41 above. Otherwise, the use of the Steele Road Extension Easement shall be strictly limited to the Town of Hudson's 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 to access the Merrimack River Conservation Easement area 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 more specifically described in Condition #41. 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 CS115. As a part of the Steele Road Extension Easement, the Applicant grants the Town an access easement of sufficient size, from the end of the constructed Steele Road Extension through the 250-foot shoreland area depicted in the Merrimack River Conservation Easement area to the River, to allow the Town's right, but not the obligation, to design, permit, and install infrastructure, such as a turnaround, or other infrastructure the Town and Fire Department require within the Merrimack River Conservation Easement area, as deemed necessary for the emergency services purposes described above. The Town's use of this easement area will be through a Town design, permitting and construction process separate from the Applicant's permitting process. The language of the Steele Road Extension Easement is subject to the Town Planner's and Town Attorney's approval, and shall include a temporary easement to allow for the construction of improvements described in Condition #25 above.
43. If required, a General State Permit (GSP) for Internal Combustion Engines – Emergency Generators or Fire Pump Engines for each unit to be included for the Main Building for the backup power emergency generators in accordance with ENV-A-610 shall be secured prior to the issuance of a certificate of occupancy for the Main Building. As recommended by the Board's air pollution control consultant to mitigate impacts from the emergency engine, operations for testing and maintenance shall be performed during times when the atmosphere

is more unstable and has better mixing, leading to better dispersion of pollutants. These hours are typically mid-afternoon when the ground has been effectively heated by the midday sun.

44. The off-site roadway improvements depicted in the Traffic Impact Study and Construction Plans (Revised December 1, 2022) shall be substantially completed, such that the impact of the development's traffic is addressed.

Other Conditions:

45. Upon completion of construction, evidence of a retained contractor's Salt Application Certification under the NHDES Green SnowPro Certification Program shall be submitted to the Town Planner.
46. The Applicant shall be obligated to maintain the paved portions of the Steele Road Extension Easement from the paved limits of the easement along the westerly end of the site, easterly to the Steele Road gate.
47. Additional landscaping for the purposes of screening 267 Lowell Road shall be provided as shown on the plan.
48. The Main Building 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.
49. The recommendations in the September 29, 2022 Memorandum to Brian Groth, Town Planner, from Scott Tice, 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.
50. The Amended Project shall comply with the vehicle idling requirements of New Hampshire regulation ENV-A-1100, as amended, unless otherwise exempt.
51. The Applicant shall equip all terminal tractors with smart, ambient sensing, multi-frequency back-up alarms.
52. The Amended Project shall be serviced by a private sewer line connected to the existing public sewer line on the Property. The Amended Project shall be serviced by the public water system. All water and sewer infrastructure requirements shall be provided in accordance with Town's regulations and guidelines in coordination with the Town Engineer.
53. 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.
54. 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.
55. 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.
56. Any required fire alarm system component shall remain accessible and visible at all times.
57. 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 of the Town Code, and the incorporation of this condition within the Development Agreement when recorded constitutes the required 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.
58. 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.
59. 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, 2022 (Revised October, 2022). 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.

60. Directional signage, directing truck traffic back to Route 3 (the Sagamore Bridge) shall be included in the traffic mitigation plan.
61. 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 described below, 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 and shall be incorporated into the Amended 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.

Scope and Schedule – Impact Mitigation and Exactions:

(a) STEM Program for CTE: \$2,300,000

Intent: To provide annual funding for a period of ten years for STEM related activities and/or training at the Palmer CTE School.

Payable: \$230,000 annual payments for 10 years beginning at time of issuance of Certificate of Occupancy (C.O.) for Main Building and recurring on that anniversary. Payments to be made to SAU 81. In lieu of the foregoing scheduled annual payments, payments may be made according to such terms as may be mutually agreed upon between the School Board and the Applicant, including, by way of example, a single lump sum payment at an agreed upon present value.

(b) Riverfront Recreation: \$1,500,000

Intent: To identify, plan, design, construct and procure necessary equipment related to public recreation & an emergency services boat ramp associated with the Merrimack River.

Payable: \$500,000 annual payments for 3 years beginning at time of issuance of C.O. for Main Building and recurring on that anniversary.

(c) Shoreline Improvement: \$500,000

Intent: To identify, plan, design, construct and procure necessary equipment related to public recreational trails along the Merrimack River, including within the easement area identified in the Applicant's plans.

Payable: At time of issuance of C.O. for Main Building.

(d) Public Safety: \$1,050,000

Intent: To provide the Fire and Police Departments with training and equipment and other requirements necessitated by the development.

Payable: Prior to issuance of building permit for Main Building. Timing of this deliverable may be modified with the Hudson Fire Chief's and Police Chief's approval.

(e) Fire Department Platform Truck: \$2,100,000

Intent: To procure a platform truck needed to service the proposed buildings.

Payable: prior to issuance of building permit for Main Building. Timing of this deliverable may be modified with the Hudson Fire Chief's approval. In the event manufacturing is not complete at the time of application for Certificate of Occupancy, alternative coverage may be negotiated

with the Fire Chief's approval. Any remaining funds shall be contributed to Item (a) STEM Program for CTE.

(f) Master Planning: \$200,000

Intent: To provide funding to the Hudson Planning Board and Planning Department to conduct Master Planning studies and/or strategic planning studies.

Payable: \$100,000 annual payments for 2 years beginning at time of building permit for Main Building, and recurring on that anniversary.

(g) Community Fee: \$100,000

Intent: To support the Town of Hudson's Community Grants program.

Payable: at time of C.O. issuance for Main Building.

62. Steele Road shall be addressed as indicated in plan notes, or by other lawful means.
63. This Amended Site Plan has been approved in accordance with the Town of Hudson Town Code, including but not limited to, Chapter 275 and in accordance with the requirements for an amended site plan pursuant to Chapter 276-5.
64. The conditions contained within this Amended Approval will amend and replace the conditions contained within the Original Approval, effective as of the date of the recording of the Amended Site Plan and Amended Development Agreement, at which time the conditions and stipulations contained in the Original Approval and the Original Plan shall no longer be in effect.
65. Any Stipulations of the Original Approval not expressly addressed or modified by this amended and restated approval are incorporated herein by reference.
66. In the event of a discrepancy between the Original Approval and this amended and restated approval, the terms of this amended and restated approval shall control.
67. 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 January 11, 2023 meeting, shall control.

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

@ 8:40 P.M., the Chairman put the board in recess & returned @ 8:52 P.M.

@ 8:52 P.M., Mr. Crowley reseated, Mr. Lawlor returned to alternate and Mr. Hall reseated as alternate.

VIII. NEW BUSINESS

- A. Friars Drive Industrial Site Plan – Tenant Addendum
SP# 15-22

48 Friars Drive
Map 209/Lot 001

Purpose: addendum tenant adjustments of previously approved site plan SP# 10-21. Consists of replacing previously approved truck docks and truck areas with parking and green space and related adjustments, and adding 19,320 SF of office space in a second level fully contained within the previously approved building envelope. No new pavement is proposed, and no changes are involved outside of the previously approved paved footprint area. Application acceptance & hearing.

Mr. Etienne moved to accept the site plan application for the Site Plan Tenant Addendum, Friars Drive, Parcel 209-001-000 @ Sagamore Industrial Park, 48 Friars Drive; Map 209/Lot 001-000.

Motion seconded by Mr. Ulery. Discussion, Mr. Crowley opposed to acceptance because he felt traffic study should include more specific information about turning movements. Mr. Etienne responded that he felt that quality of the study is a matter to discuss during application review after it has been accepted for review.

Motion carried 6/1/0 (Crowley opposed).

Attorney Morgan Hollis of Gottesman & Hollis presented the plan & its updates/amendments from the previously approved site plan. Explained that the tenant needs office space on the second floor. He also raised the issue that they believe Mr. Crowley may not be impartial & cannot make an unbiased decision.

Mr. Crowley stated that he believes he can remain unbiased and remain impartial. No objection from Board members.

Hayley Palazola of Lowell Road Property Owner/GFI Partners presented the tenant, Life is Good, and new updates.

Tom Hassel, Vice-President of Operations Life is Good – talked about how the company has grown, and how they are currently inefficiently operating out of four different warehouses, but want to stay in Hudson. This new warehouse will be their headquarters.

Public input opened @ 9:31 P.M.

Denise Hollis, 16 Hickory – concerned with additional windows on the second floor and the light that could shine through at night onto the neighborhood. Stated she is very happy that Life is Good is the tenant.

Public input closed @ 9:34 P.M.

Haley & Morgan addressed public input questions, agreed to install shades on the second story windows on west facing windows.

Mr. Etienne concerned that there is potential for more employees and need for parking.

Mr. Oates felt that all traffic studies are garbage but is happy with tenant.

Mr. Crowley asked if tenant has their own trucks. Keith Campbell VP of Operations for Life is Good – states they have 2 “yard” trucks they operate with and clarified they are box trucks.

Mr. Van der Veen asked a clarification question on the operation and exchange of trucks and goods.

Mr. Crowley asked the applicant to eliminate more truck slips. Ms. Palazola said they wanted to limit the number of changes they were proposing. Mr. Crowley wondered if more truck docks are needed for the land use.

@ 9:52 P.M., Mr. Van der Veen made a motion to extend the Planning Board meeting past 10:00 P.M.

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

Mr. Van der Veen moved to approve the site plan for the Site Plan Tenant Addendum, Friars Drive, Parcel 209-001-000 @ Sagamore Industrial Park, Hudson, New Hampshire, 48 Friars Drive, Hudson, NH; prepared by: The Dubay Group, Inc. 136 Harvey Rd. Bldg B101, Londonderry, NH 03053; prepared for: GFI Partners / Lowell Road Property Owner DE, LLC, 133 Pearl Street #300, Boston, MA 02110; consisting of 6 sheets (including proposed building elevations prepared by Eugene T. Sullivan, Inc.), with 1 general note on Sheet 1; dated October 24, 2022; last revised, November 29, 2022; 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. This approval remains subject to the conditions of approval of SP# 10-21 approved on March 23, 2022.
3. The addition of office space necessitates an additional cost allocation procedure (CAP) amount of \$44,629.20 to the previously assessed amount of \$357,840.00 for a combined total of \$402,469.20, which shall be paid prior to the issuance of a Certificate of Occupancy.
4. Prior to the issuance of a final certificate of occupancy, an L.L.S. Certified “as-built” site plan shall be provided to the Town of Hudson Land Use Division confirming that the development conforms to the Plan approved by the Planning Board.
5. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.
6. Construction activities involving the subject lot shall be limited to the hours between 7:00 A.M. and 7:00 P.M. No exterior construction activities shall be allowed on Sundays.
7. Hours of refuse removal shall be exclusive to the hours between 7:00 A.M. and 7:00 P.M., Monday through Friday only.
8. Applicant shall install shades on the second story windows on the side facing Hickory Street.

Motion seconded by Mr. Dumont.

Mr. Crowley proposed to amend the motion with a condition limiting the approval to ITE Land Use code 154. Mr. Ulerly concerned that the proposed amendment would prevent the tenant from doing any manufacturing. Mr. Van der Veen did not accept the amendment.

Mr. Dumont felt the condition was already covered within the application and plan set, any change beyond the approved plan would require site plan approval. Chair Malley affirmed that a change in land use would require site plan approval.

All in favor – motion carried 7/0/0.

IX.

ADJOURNMENT

Mr. Etienne moved to adjourn. Motion seconded by Mr. Crowley. Motion carried 7/0/0.
Meeting adjourned at 10:06 P.M.

Dillon Dumont
Secretary

*Mr. Hall moved to accept the minutes as amended on 01/25/23.
Motion seconded by Mr. Ulery. 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).