

HUDSON LOGISTICS CENTER

SITE PLAN APPLICATION #04-20

CONDITIONAL USE PERMIT APPLICATION #02-20

STAFF REPORT #11

SITE: 43 Steele Road; Map 234 Lots 5, 34 & 35 and Map 239 Lot 1

ZONING: General – 1 (G-1) and Business (B)

PURPOSE OF PLANS: Proposed commercial development consisting of three (3) new distribution and logistics buildings with associated access ways, parking, stormwater/drainage infrastructure and other site improvements.

ATTACHMENTS

- A. Conservation Commission Wetlands Conservation Overlay District Recommendation, dated January 25, 2021
- B. Conditional Use Permit Application Supplemental Filing, DTC Lawyers, dated January 18, 2021.
- C. Final Wetland Impact Plan, dated January 11, 2021
- D. Mitigation Plan
- E. Cul-de-Sac Configuration Sketches, dated December 14, 2020.
- F. Truck Turn Geometry and narrative from Langan Engineering: Green Meadow Drive onto Lowell Rd.
- G. Public Comment received January 21 to February 3, 2021.

WETLANDS CONSERVATION OVERLAY DISTRICT

Impacts to wetlands and wetland buffers are regulated by Article IX of the Zoning Ordinance: Wetlands Conservation Overlay District (the District). This ordinance identifies permitted uses, prohibited uses and conditional uses within the District. Conditional uses may be permitted by a Conditional Use Permit granted (CUP) by the Planning Board. Prior to reaching the Planning Board, the Conservation Commission reviews CUP applications for their recommendation to grant or deny the permit.

Scope of Impact

The applicant proposes construction of two driveways (referred to as Green Meadow Drive & WalMart Boulevard) that cross over several wetland areas in order to access the developable portion of the land. The site is approximately 372 acres, about 10% of which is wetland (~39 acres). As noted in on page 7 of **Attachment B**, the application proposes 14 discrete impacts to wetlands and/or wetland buffers totaling 55,525 SF (1.3 acres) of wetland and 178,344 SF (4.1 acres) of wetland buffer. Also noted, approximately 72% of total impacts are caused by Green Meadow Drive. Resulting from the Conservation Commission's review process the proposed

impacts to the District were reduced by about 20%. See **Attachment C** for the proposed impacts to the District. See **Attachment D** for the proposed mitigation and restoration plan.

The applicant has also provided a design study of the Green Meadow Drive cul-de-sac to demonstrate the effect reconfiguration has on potential impacts (**Attachment F**).

Conservation Commission Timeline:

- June 2, 2020 - Initial meeting to review CUP application, take public input and schedule the site walk.
- June 13, 2020 – Site Walk at property
- June 29, 2020 – Second Site Walk
- July 20, 2020 – CUP application discussion
- August 24, 2020 – CUP application discussion
- November 16, 2020 – CUP application discussion
- December 14, 2020 – CUP application discussion
- January 11, 2021 – CUP application discussion
- January 25, 2021 - *Motion to recommend made*

At its January 25, 2021 meeting, the Conservation Commission voted to recommend the favorable acceptance of the CUP application with a list of 24 stipulations (**Attachment A**). Conservation Commission members authored a series of meaningful safeguards for environmental protection and may be incorporated as conditions of approval of the CUP by the Planning Board.

Also offered by the Conservation Commission are some site plan related recommendations. Stipulation #21 calls for a pedestrian easement along Steele Road Extension, however at the moment this access way is primarily contemplated as Fire Department emergency access. However, the opportunity for pedestrian access to the Merrimack River should not be missed, and may be achieved by alternate means. For instance, the Town currently has trails on the northern side of the Sagamore Bridge, as well as ample room for parking. This trail system could be expanded/connected to trails on the subject site, thereby providing dedicated pedestrian access. This concept will likely require cooperation from NH DOT to improve the portion of the trail that runs beneath the Sagamore Bridge, which would connect the northern trails to the subject site.

The Conservation Commission also recommends the provision for boat access. The application originally proposed emergency boat access at the end of Steele Road Extension, but an alternate, preferably town-owned site might be a more practical location. A funding mechanism to provide for the boat ramp off-site might be an appropriate condition of approval, rather than keeping it on this site as originally proposed.

Conditional Use Permit

At town vote in March 2020, the Planning Board’s proposed Wetlands Conservation Overlay District and CUP process was adopted to the Zoning Ordinance. Upon favorable

recommendation by the Conservation Commission, it is now within the Planning Board's purview to review the application for its conformance with the District. **Attachment B** represents the applicant's testimony as to how they believe they have met these requirements. §334-36.C provides requirements for conditionally permitted uses within the District, among which, is item (2): construction of streets, roads and other access ways is essential to the productive use of land beyond the District. These access ways must be designed to minimize the potential detrimental impact to the District, and where no viable alternative is available. "Other uses" should also provide compensatory mitigation and retain the functionality of the existing wetland system.

CONCLUSION

Staff recommends the Planning Board deliberate whether to approve or deny the CUP at a future meeting, perhaps in tandem with the Board's deliberation of the Site Plan application as has been done in the past. However, it is recommended that the Board render its decision on the CUP and the Site Plan application separately, each with independent conditions associated with their outcome.

DRAFT MOTION:

I move to continue the Hudson Logistics Center proposal, to date certain, February 24, 2021.

Motion by: _____ Second: _____ Carried/Failed: _____.