

VIA EMAIL

February 24, 2021

Town of Hudson Planning Board
Attn: Brian Groth, Town Planner
bgroth@hudsonnh.gov
planning@hudsonnh.gov

RE: Hudson Logistics Center Site Plan & Conditional Use Permit SP# 04-20, CU# 02-20 Lowell & Steele Road- Map 234/Lots 5, 34 & 35, Map 239/Lot 1
Closing Statement

Dear Chair Malley and Members of the Planning Board:

As you know, I represent more than fifty households in Hudson. My clients continue to oppose the applications for Site Plan and Conditional Use Permit approval (“Applications”) submitted by Hillwood Enterprises, L.P. (“Applicant”) to redevelop the golf course, property identified as Town Tax Map 234, Lot 5 and Tax Map 239, Lot 1 (“Property”), into the proposed Hudson Logistics Center (“Proposed Project”). This letter makes a request for public comment and highlights four primary deficiencies in the Applications. Please make this letter a part of your record in these matters.

First, it seems that the Planning Board’s ongoing proceedings on the Applications are heading towards a conclusion over the coming weeks or months, including closure of the public hearing portion of the proceedings. As such, my clients and I respectfully request that at the outset of your upcoming meeting on Wednesday February 24, 2021, the Planning Board announce that it will provide an opportunity for the public to provide one final round of public comment on the Applications as a whole. This final round of public comment should occur after the Applicant has completed its presentation of the Applications and before the Planning Board closes the Public Hearing and moves into deliberations. It is not clear when these circumstances will occur, which is why we request that this be announced at the outset of the upcoming meeting so that the public may have maximum advance notice. To be clear, while the topic of such opportunity for final words would not be limited to any particular topic of the Applications, we do understand that the time limit of three minutes per person would apply.

Second, though Hillwood has plied the record full of reports, data, studies, etc., several critical pieces remain missing. Following is a non-exhaustive list of some of the most prominent and important of these.

1. **Property Values.** Hillwood is required to prove that the project would not significantly decrease the values of surrounding properties. The Town’s peer reviewer is on record that Hillwood has not provided any information that would satisfy this requirement. Nothing in Hillwood’s recent submission cures this problem because it simply consists of an update of the prior, deficient, analysis.

2. **Traffic.** Hillwood is required to meet several requirements about traffic. The Town's peer reviewer is on record that Hillwood has not demonstrated that there is available ROW or that Hillwood has the ability to obtain the needed ROW to construct the roadway upgrades being proposed while meeting design requirements. The record also contains comments from TEPP LLC on this point.

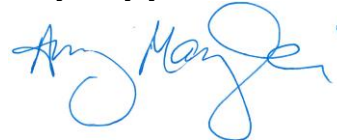
3. **Character of the Area.** Hillwood is required to meet various requirements about the character of the area ("attractive development"; "harmonious and aesthetically pleasing development of the municipality and its environs"; "travelways" "suitably located" "to afford adequate light, air..."; "landscaping in keeping with the general character of the surrounding area"; "minimization of encroachment on neighboring land uses"). Hillwood has not provided evidence to prove these requirements. Additionally, the record contains a letter from professional planner, Carol Ogilvie, opining that the Applications do not meet these requirements.

4. **Water.** Hillwood is required to prove that the project would not significantly interfere with wetlands, water quality, or wildlife or that it will impact wetlands, but the project is significantly in the public benefit and wetland impacts will be offset in whole and wetland impacts have been avoided and minimized to the fullest extent practicable. The record lacks Town peer review on these points and contains opinions from Marc Jacobs, Certified Wetland Scientist, and professional engineers from GeoInsight that Hillwood has not provided sufficient, credible information to satisfy these requirements.

Each of these issues alone is grounds for the Planning Board to deny the Applications because Hillwood is required to satisfy all requirements, not merely most requirements. Taken together, these deficiencies mean that Hillwood has not provided the Planning Board with sufficient, credible evidence upon which the Planning Board could defensibly base any approval, and, therefore, the Planning Board should deny the Applications.

On behalf of my clients, I extend thanks and gratitude to the Planning Board for your continued careful consideration of the concerns of my clients with respect to these Applications and for your extraordinary investment of time and effort.

Very truly yours,



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Cc: Clients

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Requested Conditions of Approval

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Summary

For all the reasons I have raised throughout your consideration of the Applications, along with the other information contained in your record of the Applications, my clients feel strongly that the Applications should be denied. However, should the Planning Board feel differently, which we urge the Board not to, I respectfully request that you incorporate the following conditions of approval into any approval. To be clear, this request should in no way be taken to mean that my clients believe that the Applications are legally approvable. Indeed, they reserve their rights to appeal any approval.

Requested Conditions of Approval

1. Hillwood will fund the Town’s retention of the following consultants to monitor, prepare written reports to the Town, and otherwise track the project for purpose of assuring compliance with approvals as follows: at least quarterly during construction; at least once within five years of operations commencing; and as recommended by the consultants:
 - a. Certified wetland scientist;
 - b. Wildlife or conservation biologist (or similar);
 - c. Acoustic engineer (or similar);
 - d. Traffic engineer;
 - e. Landscape architect;
 - f. Environmental engineer; and
 - g. Civil engineer.
2. Hillwood will, monitor, and report to the Town, air quality, water quality of Limit Brook, traffic counts, and noise levels, and provide details regarding the placement, equipment, and other aspects

of this data collection to the Town's consultants. The goal of this monitoring will be to confirm continued compliance with all applicable regulations and approvals. This would continue for at least the first five years of operations. Hillwood will promptly take remedial measures in the event any data demonstrates noncompliance with same. In the event of chronic non-compliance of any approval, meaning more than 15 instances of non-compliance in any 30-day period, the approval shall be rescinded until compliance is achieved.

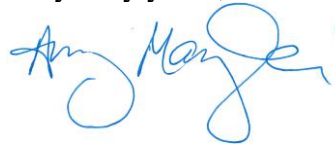
3. The site plan will not be modified in a manner to increase the proposed sizes or locations of Buildings/Lots/Units A, B and C, or to increase the projected noise to the abutting residences.
4. Hillwood would minimize impact to the abutting residential neighborhood as follows. No removal of trees within 800-feet of the rear property line of the homes, except as required for construction. All screening will be living vegetation or natural materials, such as wood. (No artificial materials, such as concrete.) In the construction sequence, screening between the neighborhoods and the project is either the first aspect to be constructed/installed or is constructed as early in the construction sequence as is possible. No use of loading docks near the abutting residential neighborhood during overnight hours, i.e., 11 PM to 4 AM.
5. Hillwood shall: (a) create or fund the creation of a river walk recreational area, primarily consisting of a pathway suitable for walking along the river's edge and for picnicking and similar outdoor enjoyment; (b) provide \$500,000 for the maintenance of such amenities; and (c) mutual development of a mechanism to ensure robust public participation in the management and expenditure of the funds.
6. Construction timing will comply with all applicable regulations, including no construction before 7:00, after 7:00 p.m., or on Sundays. The start-up and idling of construction trucks and equipment is understood to be a construction activity subject to limits on construction timing and will conform to all applicable New Hampshire Department of Transportation regulations.
7. Use of the property shall conform to all representations made by or on behalf of Hillwood during the applications processes.
8. Hillwood shall, in addition to traffic mitigation Hillwood has already proposed, signalize with adaptive technologies the intersection of Chalifoux and River Roads, and shall square off that intersection.
9. Should blasting be required, Hillwood or its agent will perform pre- and post-blasting surveys in accordance with its internal policies, which shall be submitted to the Town as part of the record of these matters, and all applicable rules and regulations.
10. To the extent not prepared and submitted yet, Hillwood shall prepare a survey plan of the boundaries of Limit Brook.

11. Hillwood shall coordinate with Amazon to host a job fair, or similar event, within Hudson as has been indicated by Amazon.
12. Hillwood will comply with all required pre-construction meetings and will establish a website to show construction phasing and roadway improvement phasing. Further, Hillwood will regularly communicate with the Town to address complaints and/or concerns made to the Town regarding its construction activities.
13. Hillwood shall pay \$500,000 into a traffic mitigation fund held by the Town for the sole purpose of curing any failure or noncompliance with traffic-relates aspects of any approval.
14. The property shall not be used for any “last-mile” facility for packages or any facility for refrigerated services in support of Whole Foods, Amazon Fresh, or similar business lines.
15. Hillwood shall locate hydrogen tanks and any future refueling stations as far away from residences as possible.
16. Hillwood shall provide at least 90 days’ notice to abutters in the expected scenario that any application is submitted to install any solar capacity and shall convene at least one community meeting for purposes of providing information about the plan, especially about the potential for glare, and to collect public input.
17. Hillwood shall maintain the residence-side of the berm in a neatly landscaped fashion and not permit the area of the berm visible from residences to become unkempt, including regular that it shall have the grassed portions of the berm mowed regularly.

Conclusion

In closing, reserving all rights to appeal, I respectfully request that if the Planning Board is to approve the Applications, that it also imposes the conditions of approval listed here.

Very truly yours,



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