

HUDSON LOGISTICS CENTER

SITE PLAN APPLICATION #04-20

CONDITIONAL USE PERMIT APPLICATION #02-20

STAFF REPORT #9

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. Letter in response to BCM Environmental & Land Law letter dated November 18, 2020 from Attorney Justin Pasay of DTC Lawyers, on behalf of Hillwood, dated December 14, 2020, received December 15, 2020.
- B. Letter from BCM environmental & Land Law, dated December 22, 2020, received December 22, 2020.
- C. Letter from Carol Ogilvie, Planning Consultant, on behalf of BCM Environmental & Land Law, dated December 21, 2020, received from BCM on December 22, 2020.
- D. Letter from BCM Environmental & Land Law regarding RSA91 and process, dated December 14, 2020.
- E. Letter from Town Planner to Planning Board in response to December 14, 2020 BCM Environmental & Land Law Letter (Attachment D).
- F. Public Comment received December 9 to December 23, 2020.

SUMMARY OF CONTENT

The first two attachments relate to the interpretation of the 200-foot setback found in §276-11.1(B)(12). This land use regulation calls for a 200-foot setback between residential uses and industrial development.

Additionally, BCM Environmental & Land Law (BCM) submitted a letter from Planning Consultant Carol Ogilvie who offers a series of observations and opinions on the application.

Last is a letter from the Town Planner to the Planning Board in response to BCM's December 14, 2020 letter to the Board alleging violations of the Right-to-Know law and due process.

A. 200-foot Setback

As first noted in my October 8, 2020 letter to the Board, I recommend the Planning Board make a formal determination on its interpretation of the 200-foot setback between residential uses and industrial development.

1. In **Attachment B**, BCM incorrectly states that the Zoning Board of Adjustment authorized the Planning Board to take jurisdiction on the matter (page 1). The ZBA simply concurred with the Zoning Administrator's determination that drainage features, topographical modifications, fences, utilities, and driveways are not subject to building setbacks. The Planning Department and Zoning Department made this clear in the beginning of October.
2. As BCM correctly identifies in **Attachment B**, the intent of the 200-foot setback is "specifically to protect established residential uses that would abut proposed industrial uses." (page 2)
3. Elements that provide protection between incompatible uses are typically a package of screening and buffering strategies and is required under §275-8.C.
4. §275-8.C specifically mentions new plantings, grade separations, fences or similar features.
5. §276-11.1(B)(12) requires a 200-foot setback between residential parcels and "any improved part of the industrial development."
6. The industrial development, at its closest point, appears to be about 300 feet from a residential lot.
7. As proposed, in between the industrial development and the residential lots there is a fire safety access way which is outside of the 200-foot setback, and then a berm and sound wall to mitigate visual and audible impacts of the proposed development.
8. In my opinion, the proposed screening strategies are required by the land use regulations and meet the purpose and intent of the 200-foot setback.

B. Ogilvie Letter

BCM contracted Planning Consultant Carol Ogilvie to offer her observations and opinions on the application (**Attachment C**). I submit the following respectfully:

1. As found in the fiscal analyses, there are no exact comparable developments in the region to this proposal.
2. There is not just one Amazon facility in Nashua. There are several facilities and several satellite van lots.
3. The video of FW Webb on our website, provided by Selectman McGrath, provides a comparable understanding of the mass of proposed Buildings A & B. This area also includes distribution centers for UPS (~600-700sf) and FedEx (~300sf). At its closest point, the industrial development appears to be between 300-350' from a residential lot. There is also a lot cleared for future distribution center development adjacent to the FW Webb building which is even closer to abutting residences.
4. It does not appear that the studies and associated peer reviews of Noise, Light and Air were reviewed as part of the analysis.
5. Blueberry Lane is not the access point to the Green Meadow neighborhood.
6. There are no light fixtures proposed on the sound wall or berm.

7. It is my understanding that the applicant is preparing sight line studies with respect to visual impact.
8. No reasoning is provided as to why the application does not meet the site plan items listed in the last page. The applicant has proposed a substantial amount of developable land to be placed in conservation (J), which will keep parts of Lowell Road wooded that could otherwise be developed. The site plan is being fully vetted by the Fire Department and the State Fire Marshall (K). A comprehensive landscaping plan has been proposed (L). The applicant revised their plans by moving the building further away from the residences than originally proposed, and the berm and sound wall are proposed to minimize encroachment (Q).

C. Alleged Violations

Please see **Attachments D and E.**

RECOMMENDATIONS

At its December 30, 2020 Planning Board meeting, I recommend the Board make a formal determination on their interpretation of the 200-foot setback under §276-11.1(B)(12).



CELEBRATING OVER 30 YEARS OF SERVICE TO OUR CLIENTS

Please Respond to the Portsmouth Office

14 December 2020

Timothy Malley, Chairman
Town of Hudson Planning Board
Attn: Brian Groth, AICP, Town Planner
12 School Street
Hudson, NH 03051

Re: Response to BCM Environmental & Land Law, PLLC Letter dated 18 November 2020

Dear Chair Malley and Members:

As you know, this firm serves as co-counsel to Hillwood Enterprises, L.P. (“Hillwood”) with regard to its redevelopment proposal for the Greenmeadow Golf Club on property identified as Town Tax Map 234, Lot 5 and Map 239, Lot 1 (the “Property”) and its corresponding land use applications pending before the Planning Board. This letter provides Hillwood’s response to BCM Environmental & Land Law, PLLC’s (“BCM”) letter dated 18 November 2020.

Executive Summary

Hillwood’s site plan contemplates 90 LF of sound fence, portions of an earthen berm and a grass swale to collect stormwater from the berm and direct it away from residences to the south, within the 200-foot buffer established by §276-11.1(B)(12) of the Administrative Requirements and Definitions (the “Administrative Requirements”). These facilities clearly comply with the Zoning Ordinance’s 15-foot side yard building setback. They also comply with §276-11.1(B)(12) because they are screening elements required by the Site Plan Review Regulations, and not “industrial development.” BCM’s interpretation that nothing can be placed within the 200-foot buffer established by §276-11.1(B)(12) is inconsistent with New Hampshire law regarding regulatory interpretation, is inconsistent with the Town’s historic interpretation, and would lead to absurd results. Accordingly, the berm and sound fence are permitted within the 200-foot buffer required by §276-11.1(B)(12).

Factual Context

On 1 October 2020, BCM filed a letter with the Planning Board which included an argument regarding the “setback” requirements applicable to the Property’s southern boundary pursuant to §276-11.1(B)(12). Specifically, BCM argued “[t]he applicable setback is 200 feet

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‘from the residential property line to any improved part of the industrial development.’”¹ BCM concluded that given the “stormwater runoff, drainage features, [] berm and soundwall” BCM alleges to be within 200’ of the southern property line, Hillwood’s applications “do not comply” and said applications must either be denied, redesigned, or variance relief must be obtained.² To support this conclusion, BCM refers to the definition of “building setback” within the Zoning Ordinance, and to two unrelated provisions within the Administrative Requirements and the Town’s Subdivision Regulations, both a part of the Town’s Land Use Regulations, as detailed below.³

In response to the 1 October Letter, the Town’s Zoning Administrator/Code Enforcement Officer (the “Zoning Administrator”) issued a Zoning Determination.⁴ That Administrative Decision includes the following determinations:

- Building Setbacks are regulated by Article VII of the Zoning Ordinance.
- “Building Setback” is defined in the Zoning Ordinance as “[t]he minimum distance from the RIGHT-OF-WAY to a FRONT, SIDE or REAR LOT LINE at which a building, driveway or other regulated structure or feature may be set or constructed.”
- The “screening elements” Attorney Manzelli refers to in her 1 October Letter are not structures based on the definition of “structure” in the Zoning Ordinance.
- Fences are not subject to setback requirements per §334-12(F) of the Zoning Ordinance.

On 8 October 2020, the Town Planner responded to BCM’s 1 October Letter and in a letter to The Planning Board.⁵ The Town Planner’s Response stated the following in relevant part:

- The 200-foot buffer contained within the Administrative Requirements and Definitions “has been shown on the plans since the original submittal on April 21, 2020.”
- Building setbacks apply to buildings, driveways and other regulated features.
- The screening elements found within the 200’ Buffer on Hillwood’s proposed plan are not subject to building setbacks pursuant to the Administrative Decision.
- Attorney Manzelli’s reliance on provisions of the Administrative Requirements and Subdivision Regulations is misplaced.
- Bounds monumentation, drainage facilities and culverts are typically located within or on the property line, setbacks and rights-of-way.
- The Town’s Site Plan Review Regulations require screening between two incompatible uses.
- The berm, “sound wall” and associated improvements are screening strategies pursuant to §275-8(C)(8)(b) of the Site Plan Review Regulations, which specifically permit new plantings, grade separations, fences and other similar features.

¹ See Attorney Manzelli Letter dated 1 October 2020 (the “1 October Letter”). Hillwood submits its Project has complied with this requirement and has depicted the 200-foot buffer on its proposed site plans since its initial filing in April 2020. See also Administrative Requirements, §276-2 (defining “Land Use Regulations” as “[t]he Town of Hudson, NH, Land Use Regulations, consisting of Chapter 193, 200, 275, 276, and 290 of the Hudson Town Code”).

² *Id.* at pg. 3.

³ *Id.*

⁴ See Zoning Determination #20-106 (the “Administrative Decision”).

⁵ See Brian Groth, AICP, Letter dated 8 October 2020 (“Town Planner Response”).

- Landscaping, fences and other screening features are commonly permitted within the building setbacks.⁶

On 4 November 2020, BCM filed an appeal of the Administrative Decision (the “Appeal”) to the Zoning Board of Adjustment. The Appeal restates the conclusions of the 1 October Letter. In response to the Appeal, the Zoning Administrator clarified his Administrative Decision via letter to Attorney Manzelli on 9 November 2020.⁷ The Clarified Administrative Decision states the following:

- The Zoning Administrator’s Administrative Decision does not offer any interpretation or opinion regarding anything other than the Hudson Zoning Ordinance.
- The Zoning Administrator has not provided any determination regarding the Planning Board’s Site Plan Review Regulations, Subdivision Regulations, or Administrative Requirements.
- The “screening elements” referred to by the Zoning Administrator in the Administrative Decision are the “sound wall and the berm.”
- The sound wall is a structure under §334-6 of the Zoning Ordinance.
- If the sound wall is a fence, it is not subject to the setback requirements of the Zoning Ordinance pursuant to §334-12(F).
- If the sound wall is not a fence, it is subject to the 15-foot setback requirement in §334-27, Table of Minimum Dimensional Requirements.
- The berm is not a structure under the Zoning Ordinance and therefore not subject to the setback requirements of the Zoning Ordinance.

On 18 November 2020, BCM filed an additional letter with the Planning Board. That letter advances BCM’s interpretation of the 200-foot buffer issue and requests that the Planning Board stay its review of Hillwood’s land use applications until “after the ZBA renders its decision of the appeal and that decision has become final.”⁸

Hillwood has filed an objection to BCM’s Appeal which is enclosed herewith and expects the ZBA will take the issue up at its 17 December 2020 public meeting.⁹

BCM’s Argument

I. Interpretation of §276-11.1(B)(12) (the 200-foot Buffer)

BCM’s argument is that nothing can be placed within the 200-foot buffer required by §276-11.1(B)(12)(a). From BCM’s perspective, ostensibly, the 200-foot buffer is a complete no-cut, no-disturb buffer.

BCM bases this conclusion on the assertions that: 1) the Zoning Ordinance applies building setbacks to buildings, driveways, and “other regulated structures or features” like “drainage, stormwater management, and the like”¹⁰ and 2) all stormwater facilities, drainage

⁶ See Town Planner Response, pgs. 2, 3.

⁷ See Zoning Determination #20-106R1 (the “Clarified Administrative Decision”).

⁸ See 18 November 2020 Letter, pg. 3 (the “18 November Letter”).

⁹ See Enclosure (1).

¹⁰ Id.

features and “other aspects of development” are improved parts of the industrial development pursuant to §276-11.1(B)(12)(a) and therefore cannot be located within the 200-foot buffer.¹¹ Though not expressly stated, BCM’s implied argument here is that §276-11.1(B)(12) is actually part of Article VII of the Zoning Ordinance and a modification of the Zoning Ordinance’s building setback requirement.¹²

BCM does not comment on or address the issues raised by the Town Planner in the Town Planner’s Response, mainly that BCM’s reliance on §276-9(D)(1) and §289-28 is misplaced, that bounds monumentation, drainage facilities, and culverts are typically located within or on the property line and within building setbacks, that the Site Plan Review Regulations require screening between incompatible uses, and that the berm and sound fence and associated improvements “are identified as screening strategies” in the Site Plan Review Regulations.¹³

BCM also does not comment on or address the Zoning Administrator’s Clarified Administrative Decision to include his conclusions that the “sound wall” is a structure under the Zoning Ordinance but is only subject to a 15-foot setback under the Zoning Ordinance, that if the “sound wall” is a fence, it is not subject to the building setback, and that the berm is not a structure under the Zoning Ordinance, and therefore not subject to the Zoning Ordinance’s building setback requirements.

II. Request for Stay

The basis for BCM’s request to stay the Planning Board’s review of Hillwood’s application is narrowly rooted in the assertion that such an approach “is the most efficient way forward.”¹⁴ BCM advances no legal argument and points to no precedent in this context.

Hillwood’s Argument

I. Proposed screening facilities within 200-foot buffer.

Hillwood has accounted for and depicted the 200-foot buffer on all plans for this Project since its initial filing. The only facilities proposed by Hillwood to be within the 200-foot buffer are as follows:

- Approximately 90 LF of the sound fence.
- Portions of the proposed earthen berm.
- Landscaping elements including trees, shrubs and ground cover

¹¹ Id.

¹² This argument is not addressed in this letter but is addressed in Enclosure (1). To summarize, the Administrative Requirements are not Zoning Ordinances and BCM’s argument conflates the two. The proposed berm and sound fence implicate two requirements. First, the Zoning Ordinance imposes a 15-foot side yard building setback which is plainly met. If it were not met, variance relief from the Zoning Board of Adjustment would be required. Second, the Administrative Requirements impose a 200-foot buffer. Hillwood asserts that it complies with that regulation, but if it does not, the required relief is a waiver from the Planning Board, not a variance from the Zoning Board of Adjustment; See also 1 October Letter, pg. 3.

¹³ See 18 November Letter; Town Planner’s Response.

¹⁴ 18 November Letter, pg. 3.

- A grass swale at the southern side of the berm to capture stormwater runoff from the berm and direct it away from the residence.

Contrary to BCM’s contentions that the berm is a structure that would “be assembled from a combination of various earthen and geotextile materials and concrete or similar” to “support the sound wall” and “provide shelter between the abutting residential and industrial uses,”¹⁵ the berm is simply dirt, topsoil and vegetation and serves no function but to provide natural screening and suppress sound.

No stormwater management or drainage features supporting the Project’s industrial development are proposed within the 200-foot buffer. The proposed grass swale is designed only to direct stormwater runoff from the berm away from the residences to the south. It is not related at all to stormwater from the industrial development.

II. The Project complies with the Zoning Ordinance’s building setback requirement and §276-11.1(B)(12)(a) of the Administrative Requirements.

The Project complies with the Zoning Ordinance’s applicable 15-foot side yard building setback requirement¹⁶ and the provisions of Section 276-11.1(B)(12) of the Administrative Requirements.

The Project’s compliance with the 15-foot building setback is self-evident and does not warrant additional analysis.¹⁷

Section 276.11.1(B)(12) of the Administrative Requirements prohibits “buildings, parking or display areas” within the 200-foot buffer. Further, “there shall be a two-hundred-foot distance from the residential property line to any improved part of the industrial development.”¹⁸

First, no buildings, parking facilities or display areas are located within the 200-foot buffer.¹⁹ As noted above, only 90 LF of the sound fence, portions of the berm, landscaping and a grass swale to capture stormwater runoff from the berm itself, not any portion of the Project, are located within the 200-foot buffer.

Similarly, no “improved part of the industrial development” is proposed to be sited within the 200-foot buffer because the sound fence and berm are not part of the industrial development and because they are screening elements which are required by the Site Plan Review Regulations

¹⁵ See Appeal, pg. 6.

¹⁶ See Zoning Ordinance, Article VII, Table of Minimum Dimensional Requirements.

¹⁷ Pursuant to §334-6 of the Zoning Ordinance, building setbacks in Hudson apply to “the minimum distance from the RIGHT-OF-WAY to a FRONT, SIDE or REAR LOT LINE at which a building, driveway or other regulated structure or feature may be set or constructed.” Hillwood notes that there is no right-of-way located proximate to the area in question, and notes further that the word “structure” is not capitalized within the definition of “BUILDING SETBACK” in the Zoning Ordinance, which is interpreted to mean that said definition is not referring to the Zoning Ordinance definition of “structure.” Assuming it applies for the sake of this argument, the Project plainly complies with the Zoning Ordinance’s 15-foot side yard setback.

¹⁸ §276-11.1(B)(12)(a).

¹⁹ See Site Plan.

and are commonly found within the §276-11.1(B)(12) buffer and the Zoning Ordinance’s building setbacks, as discussed below.

The Administrative Requirements do not define the term “industrial development” but they do define “development²⁰” which is “[a]ny construction or land disturbance or grading activities other than for agricultural and silvicultural practices.”²¹ The plain and ordinary meaning of “industrial”, confirmed by Merriam-Webster Dictionary, is “of or relating to industry.” Taken together, the plain and ordinary meaning of “industrial development” is construction or land disturbance pertaining to industrial use.

Here, the industrial use is the proposed Hudson Logistics Center comprised of three logistics buildings and associated improvements, not the berm, sound fence and landscaping. The berm, sound fence and landscaping do not pertain to the industrial use, which could exist and function unaffected without them. Any construction or land disturbance related to completing the berm, sound fence and landscaping will not pertain in any way to the Hudson Logistics Center use. Further, earthen berms are not “structures” as defined by the Zoning Ordinance²² and fences are expressly exempted from the Zoning Ordinance’s setback provisions.²³ As such, the berm, sound fence and landscaping are not part of the Hudson Logistics Center industrial use.

The berm, sound fence and landscaping *are* screening elements, however, which are required by the Site Plan Review Regulations to create visual separation between the Hudson Logistics Center and the residential uses to the south.²⁴ Specifically, screening is required between parking or loading areas and an abutting residential zone.²⁵ Where screening is required, like here, it must provide a reasonable and effective buffer via the use of existing vegetation and terrain where possible, or via *new plantings, grade separations, fences or similar features*.²⁶

The Hudson Logistics Center proposes use of all three of these screening elements and the berm, sound fence and landscaping are exclusively designed and intended to provide an effective visual and sound buffer between the Hudson Logistics Center and the residential uses to the south, all as required by the Site Plan Review Regulations. These features are permitted within the Zoning Ordinance’s building setbacks and within the buffers established by §276-11.1(B)(12).

BCM’s arguments to the contrary strain credulity. While ignoring the Zoning Ordinance which expressly permits fences within the building setback²⁷ and the Site Plan Review Regulations which require screening, BCM points to two obscure land use regulations totally unrelated to the issue of whether the berm or sound fence may be sited within the 200-foot buffer

²⁰ Hillwood notes that the word “development” within §276-11.1(B)(12)(a) is not capitalized.

²¹ Administrative Requirements, §276-2.

²² See Clarified Administrative Decision.

²³ See *id.*; See also Zoning Ordinance, §334-12(F).

²⁴ See Site Plan Review Regulations, §275-8(C)(8).

²⁵ *Id.*

²⁶ §275-8(C)(8)(a), (b) (emphasis added); See also Town Planner’s Response.

²⁷ Zoning Ordinance, §334-12(F).

established by §276-11.1(B)(12). First, BCM points to §276-9(D)(1) of the Administrative Regulations. This land use regulation addresses the definition of “substantial development” for the purposes of approval vesting.²⁸ Next, BCM points to §289-28 of the Subdivision Regulations, which regulates the work that must be performed by an applicant who has obtained conditional subdivision approval and seeks to file a final plat with the Town.

These regulations are cited by BCM seemingly for sole purpose that they reference topographical modifications, drainage facilities, and culverts. On this evidence alone, BCM concludes that the berm and sound fence are simply prohibited. This argument is not sufficient to overcome the commonsense conclusion that the berm and sound fence are screening elements required by the Site Plan Review Regulations and permitted within the 200-foot buffer established by §276-11.1(B)(12).

III. BCM’s interpretation of §276-11.1(B)(12) is inconsistent with the law of regulatory interpretation and would lead to absurd results.

Courts in New Hampshire construe land use regulations according to their plain and ordinary meaning.²⁹ They interpret legislative or administrative intent from the rule as written and will not consider what the legislature or administrative agency might have said or add language that the legislature or administrative agency did not see fit to include.³⁰ When language of a regulation is plain and unambiguous, New Hampshire Courts do not look beyond the regulation for further indications of legislative or administrative intent.³¹ Further, New Hampshire Courts will construe all parts of a regulation together to effectuate its overall purposes and to avoid absurd or unjust results.³²

In this case, had the Planning Board intended to apply §276-11.1(B)(12) to screening features like the berm, sound fence and landscaping, it could have. Rather than expressly prohibiting “buildings, parking [and] display areas” within the 200-foot buffer, the Planning Board could have prohibited all improvements to include these screening elements. The Planning Board could have expressly applied the 200-foot buffer to culverts, drainage facilities, signs, landscaping, etc. In addressing required screening within the Site Plan Review Regulations³³, the Planning Board could have expressly stated that such features were required to be sited *outside* the Zoning Ordinance’s building setback and the §276-11.1(B)(12) buffers.

Similarly, the Planning Board could have made the 200-foot buffer a strict “no-cut, no-disturb” buffer and instead of applying the 200-foot buffer to activity between the property line and any improved part of the “industrial development”, the Planning Board could have broadened the regulation to apply to “any DEVELOPMENT”, as defined in the Administrative Requirements.

²⁸ See RSA 674:39.

²⁹ Girard v. Town of Plymouth, 172 N.H. 576, 582 (2019).

³⁰ Id.

³¹ Id.

³² Id.

³³ See Site Plan Review Regulations, §275-8(C)(8).

Despite its authority to do so, the Planning Board did not legislate §276-11.1(B)(12) in this fashion. Rather, it elected to expressly prohibit *only* buildings, parking and display areas, and to measure the 200-foot buffer from the property line to “industrial development.” As a result, BCM’s insistence that §276-11.1(B)(12) prohibits the berm and sound fence is an interpretation unsupported by basic notions of regulatory interpretation because New Hampshire Courts will not read into regulations language which the drafters did not see fit to include.

Beyond this, BCM’s interpretation would lead to absurd results because as noted in its filings, BCM’s interpretation applies not just to §276.11.1(B)(12) but to the Zoning Ordinance’s building setback regulations found in Article VII of the Zoning Ordinance. According to BCM, *nothing* can be located within the building setback or 200-foot buffer. That includes screening elements, culverts, driveways, utilities, boundary monumentation, drainage facilities, signs, landscaping, etc. This interpretation strains credulity. If this interpretation prevails, henceforth, presumably every proposed development in Hudson, regardless of its nature, and every site plan review application will require both variance relief from the Zoning Board of Adjustment, and a waiver from the Planning Board, if for no other reason than to construct a driveway to access the underlying property and bring in utilities. Hillwood presumes that is why it has been advised by the Town’s Planning Staff that §276-11.1(B)(12) has not historically been interpreted to apply to screening elements like the berm, sound fence and landscaping, and why the Zoning Administrator made the administrative decisions he did regarding application of the Zoning Ordinance’s building setbacks.³⁴

Because BCM’s interpretation of §276-11.1(B)(12) regarding the berm and sound wall is inconsistent with basic notions of regulatory interpretation, would lead to absurd results, and is inconsistent with the Town’s previous interpretation of same, it should not be adopted by the Planning Board.

IV. BCM’s request for stay should be denied.

BCM provides no legal basis to stay the Planning Board’s review of Hillwood’s applications, and none exists in the law. Further, BCM’s conclusion that staying the Planning Board’s review would be most “efficient” defies common sense. Efficiency is not accomplished through delay. Hillwood respectfully requests the Planning Board deny BCM’s request to stay the Planning Board’s review.

Conclusion

If the Planning Board does not agree with Hillwood’s interpretation of §276-11.1(B)(12), the required relief is a wavier from the Planning Board, not, as BCM suggests, via variance from the ZBA.³⁵

³⁴ See Town Planner’s Response; Administrative Decision, Clarified Administrative Decision.

³⁵ See Administrative Requirements, §276-7 (“Any or all requirements of the Town of Hudson, NH, LAND USE REGULATIONS may be waived *at the sole discretion of the Planning Board* . . .”) (emphasis added); See also 1 October Letter (Attorney Manzelli improperly concludes “[a]lternatively, the Applicant has the right to pause or withdraw the Applications to seek variance from the Town of Hudson Zoning Board of Adjustment”).

We look forward to discussing our response to the BCM's interpretation and request at the 16 December 2020 Planning Board hearing and we thank you for the Board's time and attention. Please do not hesitate to contact me with any comments or questions.

Very truly yours,

DONAHUE, TUCKER & CIANDELLA, PLLC

A handwritten signature in black ink, appearing to be 'Justin L. Pasay', written in a cursive style.

Justin L. Pasay

JLP/lmh

cc: Hillwood Enterprises, L.P. (email only)
John Smolak, Esq. (email only)
Brian Vaughan, Esq. (email only)



VIA EMAIL

December 22, 2020

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
200-Foot Setback

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”).

Background & Introduction

This letter updates my request for a determination about the applicability of the 200-foot setback. In particular, I respectfully request that the Planning Board determine that the berm with the sound wall on top of it and the large drainage swale are subject to the 200-foot setback, and therefore cannot be located within 200 feet of the rear property lines of the abutting homes.

I wrote on November 18, 2020 to request that the Planning Board determine that the 200-foot setback provided in § 276-11.1(12)(a) of the Administrative Requirements and Definitions applies to drainage and other stormwater management. Since then, the Zoning Board of Adjustment has clarified the record such that the Planning Board may now determine whether that setback also applies to the proposed berm and sound wall. I write to request that the Planning Board determine that it does apply.

Berm with Sound Wall on Top & Drainage Swale Subject to 200-foot Setback

As noted, the law states, “In the ... General-One (G-1) Zoning Districts, where a proposed industrial use abuts ... a residential use, there shall be a two-hundred-foot distance from the residential property line to *any improved part* of the industrial development”. Town of Hudson Administrative Requirements and Definitions § 276-11.1(12)(a) (emphasis added).

Review of the Applicant’s site plan dated December 1, 2020 includes the following improvements proposed to be located inside the 200-foot setback:

1. Part of the berm, which is proposed to be approximately 2,000 feet long, 100 feet wide, and vary in height from fifteen to thirty-five feet and in some place up to forty-eight feet counting the elevation gain from the adjacent drainage swale.



2. The sound wall on top of the peak of the berm.
3. Most of a drainage swale with check dams that is approximately 1,500 feet long, fifty feet wide, and five to ten feet deep.

The 200-foot setback is a special setback specifically to protect established residential uses (homes) that would abut proposed industrial uses. As such, it makes sense that the improvements required by the Proposed Project not be permitted to be located inside the very setback that is meant to protect abutting homes. The size and scope of the berm and drainage is of an entirely different, larger, magnitude than that of the abutting established homes. The berm with the sound wall on top of it and the drainage swale are truly humungous. They would completely overpower the homes, walling them in with their tremendous bulk. The only logical way to accomplish the special protection called for in the law is to require these improvements to be located at least 201 feet from the abutting residences. That would accomplish the 200-foot “distance” the law requires “from the residential property line to any improved part of the industrial development.”

The berm with sound wall on top of it and the drainage swale are both an “improved part of the industrial development.” That phrase is not defined in Hudson law. When phrases in a law are not defined, it is appropriate to look elsewhere in the law to ascertain their definition. Another section of the Town of Hudson Administrative Requirements and Definitions supports the assertion that the berm with the sound wall on top of it and the drainage swale are improvements. The section has to do with the expiration date of permits, which is not at issue here. However, the section categorizes “roads, utilities or topographical modifications” as “improvements”, which is very much at issue here. It says, “For subdivision plans that do not include improvements such as roads, utilities or *topographical modifications*, substantial development is achieved when...” Town of Hudson Administrative Requirements and Definitions § 276-9(1) (emphasis added). This helps make clear that the berm with the sound wall on top of it and the drainage swale, being topographical modifications, are improvements.

Also, the term “development” is defined as “any construction or *land disturbance or grading activities* other than for agricultural and silvicultural practices.” Town of Hudson Administrative Requirements and Definitions § 276-2 (emphasis added). The berm with the sound wall on top of it and the drainage are also land disturbance and/or grading. Accordingly, they are development, as defined, which means they are both “an improved part of the development.”

Putting these considerations together makes clear that the correct interpretation of the law is that the berm with the sound wall on top of it and the drainage swale cannot be located inside of the 200-foot setback.

Immaterial Whether Screening and/or Fence; Practically No Precedential Value

This section refutes the Applicant’s assertions about why the berm with the sound wall on top of it and the drainage swale are not subject to the 200-foot setback.



First, it does not matter whether the berm with the sound wall on top of it and/or the drainage swale are proposed for the purpose of meeting screening or other requirements. The law requiring the 200-foot setback does not contain any exception. It could have been written to the effect of “where a proposed industrial use abuts ... a residential use, there shall be a two-hundred-foot distance from the residential property line to any improved part of the industrial development, except for screening” but it was not. The Planning Board is not authorized to write into the law exceptions that do not exist. The berm with the sound wall on top of it and the drainage swale can be both: (1) proposed to meet screening or other requirements; *and* (2) still subject to the 200-foot setback. These are not mutually exclusive in any way.

Second, it also does not matter whether the sound wall is considered to be a fence. The Zoning Ordinance makes clear that fences are not subject to the building setback specified in the Zoning Ordinance. However, the building setback provided in the Zoning Ordinance does not apply when § 276-11.1(12)(a) applies. Section 276-11.1(12)(a) expressly states that the more stringent requirement as between the Zoning Ordinance and that section is the one that applies. As between no setback and 200-feet of setback, 200-feet is more stringent, so the 200-foot setback applies, even if one considers the sound wall to be a fence.

If the Planning Board were to determine that the berm with the sound wall on top of it and the drainage swale are subject to the 200-foot setback, the precedent that would set would be so narrow it would probably never apply. It would not be contrary to or disrupt any of the routine land use permitting in the Town of Hudson, except as follows. Anytime an industrial use on the scale of 2.5 million square feet were proposed to be located immediately adjacent to an established residential neighborhood and the applicant were to propose a berm approximately the size of 40 homes end to end and a drainage swale with check dams approximately 1,500 feet long, those improvements would have to be located outside of the 200-foot setback. It would be extremely unusual for a town to have many projects like that.

Conclusion

In closing, I respectfully request that the Planning Board determine that the 200-foot setback apply to the berm with the sound wall on top of it and the drainage swale.

Very truly yours,

Amy Manzelli, Esq.
Licensed in New Hampshire
(603) 225-2585
manzelli@nhlandlaw.com

Cc: Clients

Carol Ogilvie Planning Consultant	P. O. Box 309 Gilsum, NH 03448	603-357-5048 Cell: 603-831-1702 ogilvie.klein@gmail.com
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December 21, 2020

VIA EMAIL

Town of Hudson Planning Board
12 School Street
Hudson, NH 03051
planning@hudsonnh.gov

Re: Hudson Logistics Center, Tax Map 234, Lots 5, 34 & 35 and Tax Map 239, Lot 1

Dear Chair Malley and Members of the Planning Board,

At the request of Amy Manzelli and her clients, some of whom are abutters to this property, I am submitting this letter to provide an opinion as a land use planner on the potential impacts of this proposal on the adjacent neighborhood. In order to gain a better sense of the issues, I visited the neighborhood and walked in and through the yards of most of the residents on the north side of Eagle Drive and Fairway Drive.

For comparative purposes, I looked for similar facilities so that I could get a sense of how they operate within their particular location and what the impacts on the surrounding neighborhood might be. I found no comparative facilities in New Hampshire; not even close. In fact, the only Amazon facility I could find is in Nashua, and by comparison, it doesn't compare at all, at a mere four acres and 64,000 square feet; in addition, there are no residential neighborhoods in the vicinity. Likewise, the link on the Planning Department's webpage to the F. W. Webb facility in Londonderry for comparison is, again, no comparison in terms of acreage, size of the building or neighborhood impact. Looking farther afield, closest Amazon facilities I found are in Massachusetts and Connecticut. Below is the information I was able to find on these facilities. None of these examples compare either in size of footprint to the Hudson proposal, nor do they share any similarity with their locations.

Facility	Name	Location	Acres	Square Footage
#1	BAE Systems	Hudson, NH	170	303,508
#2	F. W. Webb	Londonderry, NH	9	800,000
Amazon Facilities				
#3	Amazon	Nashua, NH	4	64,000
#4	Amazon	Fall River, MA	54	1.2 Million
#5	Amazon	North Haven, CT	142	2 Million
#6	Amazon	Windsor, CT	89.5	1.016 Million

Nor do the Amazon facilities sit on the edge of a residential neighborhood. BAE and F.W. Webb do; however, as noted, they are both so much smaller in scale as to not be comparable. Appended to this letter is an aerial photo of each of the six facilities listed above that illustrates this point. In sum, I could find no comparable facility by which one might begin to assess how this proposal could impact the adjacent neighborhood.

Despite not being able to assess another similar facility in New Hampshire, there are obvious potential impacts to be expected from a project like this, for example:

Noise

Noise from this project could reasonably be expected to negatively impact the neighborhood. The ongoing truck and employee vehicle traffic, the loading and unloading of the trucks, and the mechanical equipment on the roof of the buildings is a dramatic change from what is currently experienced by the neighborhood, that is, the lack of sound from a golf course that is essentially open space with significant wetlands and wildlife on site. Although the plans indicate that noise levels will be within appropriate ranges, this does not take into account that the noise would be virtually incessant.

Light Pollution

Along with the incessant noise will be light pollution coming from the light fixtures on the buildings and the numerous light fixtures in the parking and loading areas. It is possible that the proposed berm will shield some of these, but it is hard to imagine that there would not be some level of light pollution reaching into the sky that would not be shielded by a berm. Again, this is a significant change in what the neighborhood now experiences for light pollution, which is essentially none. I understand that the applicant proposes to use “dark sky” compliant lighting, which would keep lights from being aimed upward; it may not, however, protect the neighborhood from lighting impacts from fixtures that are higher than eye level for the neighbors.

Air Quality

Air quality is another issue for the neighborhood. With a proposed 24 hours a day/7 day a week operation, it is likely that trucks will be operating 24/7 as well. The effects of this would be to discharge pollutants into the air constantly. It is possible to mitigate some air pollution at the source of the mechanical equipment; I cannot see that happening with the trucks.

Furthermore, it is not just the existence of these most obvious impacts, but that in this case they would be ongoing 24 hours a day, seven days a week. Given that, it defies reason to propose that adequate mitigation measures could be taken to ensure that this neighborhood is not negatively impacted and that the quality of life and the property values of the residents would not be severely impacted.

Traffic Impacts

The proposed plans show rather significant widening of Lowell Road and Dracut Road. While these improvements do not extend all the way to Blueberry Lane, one

of the access points to this neighborhood, it is hard to imagine that more than doubling in some areas is not going to result in major traffic impacts to the adjacent area. Even with the installation of traffic control systems, there will be the addition of those hundreds of trucks to and from the site, with the attendant wait times at the traffic signals.

The presentation made by the applicant dated November 8, 2020 also stated that this project is not the largest project ever in New Hampshire. As examples of comparable or larger average daily traffic, it cited Tuscan Village in Salem, the Mall of New Hampshire and Rockingham Park, a Sam's Club and a Walmart. Tuscan Village is a mixed-use project that has a number of residential units in addition to retail and office, as well as other uses. The other examples cited are all commercial/retail; and as far as I can tell, none of these are open 24 hours a day, nor do they have hundreds of tractor trailers coming and going 24 hours a day. I think this comparison is a bit disingenuous.

Berm

The applicant has proposed a berm adjacent to the subject neighborhood for mitigation purposes. Further, there is a plan for a sound wall to be placed on top of the berm. If there are plans to place light fixtures on this sound wall, that creates another source of light pollution for the abutters. Not only that, but depending on the combined height of the wall and light fixtures, it might be necessary for the fixtures to be lighted, per FAA requirements. That would create yet another source of light pollution and disturbance. Recognizing that this may not be a known factor at this time, I do think it needs to be taken into consideration.

Zoning Setback

Another issue that has come to my attention is the 200-foot setback from the residential district. The neighborhood adjacent to this proposal – the west side of Eagle Drive and Fairway Drive, is zoned R-1, meaning that there is a 200-foot setback for development from the residents' backyards. I understand that the applicant contends that components of the project such as the berm and sound wall, drainage features and stormwater management are not subject to the 200-foot setback. In my opinion, all of these features are part of the project, not independent from it, and therefore should be subject to the setback.

Visual Impacts

I believe it is essential that the applicant provides line-of-sight photo simulations of what these residents will be seeing from their yards and houses. I understand that one of the abutters created a diagram to illustrate this visual impact; however, it is unreasonable to expect other residents to provide this detailed analysis – that is clearly the responsibility of the applicant. Not only that, a sketch is not sufficient; they need the photo simulation provided by the applicant for a more accurate representation of what they would be seeing in their backyards.

General Requirements of the Site Plan Review

Hudson’s site plan review regulations require that “In the review of any nonresidential SITE PLAN conducted under this Regulation, the PLANNING BOARD shall require that adequate provisions be made by the OWNER or his/her/its authorized agent for the following:”, after which a list of topic areas for which proposals must demonstrate an adequate response. I have included below several items in this list that I believe are particularly pertinent to this proposal, and that, in my opinion, the applicant has not demonstrated an adequate response.

- J. Harmonious and aesthetically pleasing DEVELOPMENT of the municipality and its environs.
- K. Suitably located travelways of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air and ACCESS for fire-fighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system.
- L. Landscaping in keeping with the general character of the surrounding area, showing trees, shrubbery and grass areas and other reasonable landscape details.
- Q. The minimization of encroachment on neighboring land uses.

The applicant may well have met the technical requirements for Site Plan Review; these items, however, call for some judgment on the part of the Planning Board. It is my judgment that this proposal is not harmonious or aesthetically pleasing, the travelways will negatively impact light and air and the additional traffic will affect emergency response, the landscaping for a project of this scale can not be in keeping with the general character of the surrounding area, and the encroachment on neighboring land uses is certainly not minimized.

Respectfully,

Carol Ogilvie

Carol Ogilvie



VIA EMAIL

December 14, 2020

Town of Hudson Planning Board
Attn: Brian Groth, Town Planner
broth@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 Due Process Concerns

Dear Chair Malley and Members of the Planning Board:

I write again on behalf of more than fifty households in Hudson, who continue to oppose the applications for Site Plan & 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”). Overall, this letter addresses concerns about the proceedings that violate my clients due process rights and requests adjustments to the Planning Board’s process moving forward. Please make this letter a part of your record in this matter.

Right-to-Know Violations

To keep apprised of the Applications, I have had several right-to-know requests made to the Town pursuant to RSA 91-A (June 16, 2020, Aug. 7, 2020, Sept. 16, 2020, Oct. 16, 2020, and Nov. 23, 2020). I have not received any response to my November request and the responses to the other requests were not complete. This lack of responsiveness violates RSA 91-A.

With respect to incompleteness, in October, when I heard a document referenced at a public meeting that I had not known of, I realized the responses to date were incomplete. They included records associated with only one staff person despite the requests seeking information from the Town as a whole. After discussions with the staff person, we followed instructions to direct requests to Town Administrator Steve Malizia. After doing so by phone and follow up email dated October 16, 2020, we received no records until November 12, 2020, and that was only what had been collected at that time with an estimate that it would be a couple more weeks to produce the remainder. Since that time, we have reviewed what was produced on November 12, 2020 and I followed up by email on November 23, 2020 to note categories of documents that were not yet included. Having had no response, I followed up again by email on December 4, 2020. I have had no response.

Due Process Violations

I wrote to you, by letter dated October 1, 2020, with concerns about my clients’ due process rights. At that time, I wrote that the Planning Board process to that date had frustrated, if not violated, my clients’ due process rights. I am addressing this topic again to apprise you of my



clients' opinion that the Planning Board process has only worsened since that time and that their due process rights are now clearly being violated. (I do not repeat here the law applicable to this issue, but instead respectfully refer you to my October 1, 2020 letter.)

The result of the way the Applications are being handled is that my clients do not have adequate notice of Application materials and they do not have a meaningful opportunity to be heard.

For example, before the Board's last meeting, I submitted a written request to stay the proceedings, but I was not allowed to address the request during the meeting. Instead, I believe I will be permitted to address the request at the outset of the Planning Board's upcoming meeting December 16, 2020. Because this meeting has been fully planned out to cover various site plan topics, including that the Town and Applicant each will have many paid consultants and staff in attendance from all over the northeastern US to address various site plan topics, indicates the Planning Board has somehow already decided it will not grant the request of a stay.

As another example, meetings are structured such that the Applicant's presentation is allowed to take up many hours of meetings relegating public comment to very late in the meeting, such as public comment beginning at 10:30 p.m. at the last meeting (three-and-a-half hours after the meeting began at 7 p.m.) Because of this, sometimes, public comment must be carried over to the next meeting, when the applicable consultants and staff are no longer present, and the Planning Board has materials before it concerning the next topic. While it can be expected that an Applicant gets more meeting airtime than members of the public, in this case the allocation of airtime is far too unbalanced. Once or twice, it has completely prevented public comment on a topic. It has also resulted in an initial decision of the Planning Board to not allow public comment only to be changed later, allowing public comment at a subsequent meeting without any notice that it would be allowed. Consigning public comment to the end and letting the Applicant present for so long has not accorded the public to provide meaningful comment as would satisfy their due process rights.

As another example, my clients exercised their rights to request that a Selectboard member sitting on the Planning Board as a voting member recuse himself, only to be publicly yelled at by another Selectboard member sitting on the Planning Board as a voting member. This type of behavior from public officials unlawfully chills public comment.

As another example, the Planning Board has continued to hold its meetings in person even though the pandemic is steadily worsening. When the Planning Board holds a meeting in person in these circumstances, it creates pressure to participate in person because the quality of participating remotely is not as good as participating in person.

As a final example, materials about the Applications continue to not be made available enough in advance of Planning Board meetings. I had suggested in my October 1, 2020 letter that two weeks in advance would generally allow sufficient time to review comment. That was not



met. Moreover, it is clear that no longer suffices. For the Board's upcoming meeting on December 16, 2020, over 2,400 pages of highly technical material prepared by a fleet of civil engineers, environmental engineers, traffic engineers, acoustical engineers, certified wetland scientists, and other professionals became available on the Town's website on approximately December 4, 2020. That is not sufficient time for myself, my clients, and my clients' consultants to review and consider these materials in time for the December 16, 2020 meeting. Neither the Applicant's desire to proceed as fast as possible nor any other reason justifies such lack of meaningful opportunity for notice and to be heard.

Conclusion

Putting these two problems together, I respectfully request that the Planning Board employ the following concepts as it brings these Applications to a close. First, at least two weeks after both: (1) the Applicant and the Planning Board's peer reviewers and staff have completed submittals associated with the Applications; and (2) the Town has come into compliance with the right-to-know law, the Planning Board would devote one entire meeting to a final round of public comment on all topics associated with the Applications. Second, my clients and I understand that after such meeting, the Applicant would be permitted to provide a final set of responses. However, the Planning Board should not permit any substantive amendments to the Proposed Project at that time (or else further public comment would be justified, which would obviate the intent to bring the process to a close). Third, the Planning Board would not act to approve or deny any aspect of the Applications until at least its next meeting after the meeting during which the public was able to provide final public comment. (To be clear, up until the time Application submissions are complete, the public should still have the opportunity to present public comment at each topical meeting.)

My clients and I continue to thank the Planning Board for your attention to their concerns about the Applications.

Very truly yours,

Amy Manzelli, Esq.
Licensed in New Hampshire
(603) 225-2585
manzelli@nhlandlaw.com

Cc: Clients



TOWN OF HUDSON

Land Use Division



12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-816-1291

TO: Chairman Tim Malley and members of the Planning Board

FROM: Brian Groth, AICP, Town Planner

DATE: December 23, 2020

RE: Due Process Concerns Letter received December 14, 2020 from BCM Environmental & Land Law, PLLC

CC: BCM Environmental & Land Law, PLLC via e-mail only

On Monday, December 14, 2020, 5:24pm, the Planning Department received via email a letter from Amy Manzelli, attorney from BCM Environmental & Land Law (BCM), disputing the Town's response to their Right-to-Know request and the Planning Board's meeting process. This letter misrepresents the great amount of work staff and the Planning Board have put toward conducting a transparent and fair process.

BCM has and continues to maintain they represent over 50 households, but has only identified three. It is unclear whom BCM represents.

Alleged Right-to-Know Violations

- BCM submitted a Right-to-Know request to the Planning Department on June 16, 2020, August 7, 2020 and September 16, 2020. The Planning Department provided all documentation and communication available to the department in very short time. BCM indicated satisfaction with the deliverable in June, and requested two more rounds of the same deliverable in August and September.
- I explicitly described what I had submitted – all project files I had relevant to the project, and all of my emails relevant to the project. I described the process I was going through to export my inbox & outbox in a variety of ways to accommodate the formatting requests made by BCM. The content of my deliverable could not have been more transparent.

- At some time in October, BCM asked how to go about getting emails from other Town staff members, at which point I directed them to the Town Administrator.
- Specifically regarding the allegation that BCM was not provided with a document in October: These documents were with NH DOT, not the Town. I took it upon myself to obtain these documents from NH DOT and provide them to BCM. I did not have them, I cannot provide something I do not have. BCM made the request for these documents on October 6, 2020, I received them on October 7, 2020, and I delivered them to BCM on October 8, 2020.
- The Town Administrator has submitted the relevant material in the Town's possession. Again, we cannot provide something we don't have. It is unclear what BCM believes is missing.
- By example, BCM followed up with the Town Administrator stating scopes of the Town's peer review consultants. Peer review scopes were submitted to BCM by the Planning Department in June 2020.

Alleged Due Process Violations

- BCM falsely asserts the Planning Board has already made a decision on their request of stay. BCM attempted to deliver a new letter to the Planning Board at the time of the meeting, it was not delivered in time to be addressed at that meeting.
- Previously, the Planning Board has accommodated BCM's requests for due process, to which they are now taking exception to:
 - The structure of the meetings beginning in August is the brainchild of BCM. This was their suggested format, which the Planning Board adopted.
 - At BCM's request, the Planning Board requested that the applicant to "make every best effort possible" (BCM's words) to submit relevant/revised meeting materials 2 weeks prior to the meeting, where 1 week is the requirement. The applicant has done so. BCM commonly submits materials the evening of a Planning Board meeting.
- Contrary to BCM's letter, the following are true:
 - At the first hearing, the public input portion lasted longer than any other part of the meeting (2 hours). So far, public comment has represented approximately 25% of total meeting time.
 - The Planning Board never made "an initial decision... to not allow public comment." That has never been the case.

- There has been only one hearing at which oral public comment was not received, due to time constraints. However the public input portion for that topic was heard at the next meeting.
- The Planning Board has received nearly 500 pages of written comment.
- BCM finds issue with meetings held either physically or remotely. I am unaware of a third way to have a meeting.
- The “2,400 pages” submitted by the applicant are revisions to existing content based on previous meetings, not new content.
- To my understanding, the only potential violation of due process that has occurred during this application is that a member of BCM’s client group, William Cole, was sitting on the Planning Board as an alternate without the Board’s knowledge that he was a BCM client. BCM did not inform the Board of this blatant conflict of interest until the applicant requested this member’s recusal.

Alleged Conduct of Selectmen

BCM continues to maintain a recitation of events that is not accurate. The following reflect my account of events following the October 21, 2020 Planning Board meeting.

- Board of Selectmen Chairman Morin defended Selectman Martin from being verbally insulted by a member of SaveHudsonNH with the words, “You can’t talk to people like that.” Chairman Morin then spoke to Alternate Planning Board member William Cole, not the residents.
- At no time did I witness Chairman Morin behave in the manner described by BCM toward members of the public.
- I personally intercepted three people wearing SaveHudsonNH shirts from charging toward Chairman Morin and escalating the situation.
- Separately, another member of SaveHudsonNH approached a Planning Board member following the meeting with hostility. I did not observe this, but was informed of the interaction by two Planning Board members.
- Last, despite my repeated requests not to, SaveHudsonNH continued to barricade the door to the meeting hall as Planning Board members, other residents and the applicant’s consultants enter the building. In response, the Fire Department has needed to rope off the entrance to ensure safe egress.

The culmination of these acts has left Planning Board members feeling intimidated to the point that members have requested police detail for all meetings on this application moving forward. The observations above are not intended to discredit the views of SaveHudsonNH or any other resident, but only to correct the wrongful accusations put forth by BCM Environmental & Land Law.

Groth, Brian

From: Scott Wade <sjwade7422@gmail.com>
Sent: Thursday, December 10, 2020 8:23 AM
To: Planning
Cc: Groth, Brian; Dubowik, Brooke
Subject: Question about the HLC

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

Good morning,

On the following town website: <https://www.hudsonnh.gov/bc-cc/page/conservation-commission-153>, there is a response from Gove Environmental to Conservation Committee members and the public. Once again, Hillwood refuses to answer the question that has been posed many times publicly: where else in the country have they built a facility like this near a neighborhood and done X (x being, in this case, mitigate for the wildlife). Why are they dodging this question? It's very telling that they don't truly answer the questions they are asked and promised to answer.

Below is the question and their response.

Can Hillwood provide an example of habitat enhancement next to a facility such as this?

Response: Restoration of degraded land for habitat enhancement is a common practice and is routinely carried out in connection with large developments, particularly redevelopment projects. It is also often requested by New Hampshire Fish and Game, especially in conjunction with permanent protection as is being proposed here

Thank you,
Scott

--

1 Fairway Drive

December 12, 2020

To: Brian Groth, Town of Hudson Planner

RE: HLC Constant Groundwater Flow Engineering Data

Brian

Please forward this letter to Fuss and O'Neill stating some of my concerns with the Hudson Logistic Center Stormwater Management Report, Revised December 2020.

I have recently received a copy of the HLC Stormwater Management Report, Revised December 2020. I have always been bothered by page 35 of 38 **Table-6: Additional Flow Due to Sub-Grade Drainage System in the September report**. How these flow rate values were determined was not provided in either the September or new December report.

Both Reports state "..., a groundwater flow analysis was performed for each area. The affected areas were secluded in the groundwater analysis model to ensure drawdown from lower elevation impacts would not decrease daily flows from higher elevation impact areas, ensuring a conservative model. The following flow rates to each system have been included in the sizing of the stormwater management system peak discharge rates and volumes. Where collected groundwater is introduced to the conveyance network, the flow rate for the entire impact area is applied to the most upstream structure to ensure conservative hydraulic grade line modeling and pipe sizing. Groundwater impact areas and proposed sub-grade drainage networks can be seen in the CG200 Series."

Since these supporting calculations are not in the Revised December Stormwater Management Report one would assume they can be found in the Geotechnical Reports from this sentence following Table 6, "For additional information on groundwater, please refer to the geotechnical engineering study."

The three Geotechnical Engineering Reports are for Lots A, B & C. The files for these reports are on the Town of Hudson website in the Latest Submissions Dec 2020 section and referenced as "hillwood_-_hudson_geotechnical_report_a.pdf, hillwood_-_hudson_geotechnical_report_b.pdf, and hillwood_-_hudson_geotechnical_report_c.pdf. All the reports in the computer files are dated 31 August 2020. However, all the Geotechnical Reports only give the square footage of each area requiring a Sub-Grade Drainage System but NO supporting information concerning constant groundwater flow rates.

CONCLUSIONS:

At a minimum the applicant needs to supply additional validation calculations supporting the constant groundwater flow rates stated in Table 6. The constant groundwater flow rate calculations used for the Sub-Grade Drainage System designs are not supported by any reporting of accepted geotechnical parameters and calculations for determining groundwater flow rates.

QUESTIONS THAT SHOULD BE ANSWERED BY STORMWATER DESIGN ENGINEER

1. **Where is the geotechnical backup data and calculations for these constant groundwater flow rates?**
2. **Why do hydrographs 57, 49 & 52 have varying Time(s) to Peak if they are a 24/7 365 day a year constant flow, what is the basis for these numeric values ?**
3. **Why do the 57, 49 & 52 Hydrographs have varying Hyd. Volume(s) for different 24 hour duration storms for different storm year events if the constant groundwater flow is a 24/7 365 day a year constant flow?**

4. Per regulation Env-Wq 1504.10 the Water Quality Volume (WQV) for an Infiltration Basin is calculated based on all contributing areas. The constant groundwater flow is a factor that is necessary in the WQV calculation. What is the designers reasoning for not adding in the 100 acres used in the modeling program or an acreage that represents the actual contributing groundwater drainage area?
5. Per regulation Env-Wq 1508.06 (f) the Water Quality Volume (WQV) maximum allowable drawdown is 72 hours for an Infiltration Basin. With a constant groundwater flow into Infiltration Basins A1-2, A1-4 & A11-2 how can this requirement be met?

ANALYSIS AS TO WHY SUPPORTING CALCULATIONS AND ANSWERS ARE NECESSARY

1. Stormwater Modeling Program
 - a. Inflow Hydrographs 48, 51 & 56 are artificial watersheds have: no supporting data for 100 acre watershed areas, assumed Curve Number (CN) of 98 or 100, and no supporting data sheet for Time of Concentration Tc minutes value.
 - i. The Stormwater Modeling Program uses the same: Time to peak (12.07hrs), Hydraulic length (0 ft.), Time of conc. Tc (5 min), Distribution (Type III), and Shape factor (484).
 - ii. Therefore Peak Discharge (cfs) and Hydraulic Volume (cuft) are the same for each 24 hour storm event for Inflow Hydrographs 48, 51 & 56. The Stormwater Modeling Program is consistent with the artificial input data used for calculations.
 - b. Diversion 1 Constant Groundwater Flow Hydrographs 49, 52 & 57 are generated from constant flow rates plugged into the Stormwater Modeling Program.
 - i. These Hydrographs are generated with no watershed areas, Curve Number (CN), and no supporting data sheet for Time of Concentration Tc minutes value.
 - ii. Time(s) to peak can vary for 24 hour 2, 10, 25 & 50 year events. So the constant Q (flow rate) is the primary control factor.
 - iii. **Simply plugging in Constant Q values into a Stormwater Modeling program does not provide sufficient information to justify the output Hydrograph.**
 - iv. Again there is no supporting geotechnical backup data and calculations for these constant groundwater flow rates in the Hudson Logistics Center Stormwater Management Report or Geotechnical Reports. **This information is needed before a peer review of these values used in Hydrographs 49, 52 & 57 can be completed.**
 - c. Diversion 2 Removed From Model Hydrographs 50, 53 & 58 are artificial watersheds with: no supporting data for watershed areas, no supporting Curve Number (CN) data, and No supporting data sheet for Time of Concentration Tc minutes value.
 - i. For each 24 hour storm event the 100 acre Inflow Hydrograph volume simply equals the Diversion 1 Hydrograph volume plus the Diversion 2 Hydrograph volume.
 - ii. For example for West Lot A location for a 25 year storm event. Diversion 1 (Hyd. No. 57) 22,415 cf added to Diversion 2 (Hyd. No 58) 1,887,429 cf equals the associated 100 acre watershed (Hyd. No. 56) 1,909,843 cf Hyd. Volume. So mathematically volumes balance.
 - iii. However, the 100 acre watershed Hydrograph is artificial, the Diversion 1 Constant Groundwater Flow Hydrograph has no supporting data so the Diversion 2 Removed

From Model Hydrograph is simply used to balance volumes in the Stormwater Modeling Program.

2. Infiltration considerations

- a. Has any chemical analysis been performed on the groundwater areas affected? Will there be an impact to the design infiltration rates and pollutant removal efficiencies of Infiltration Basis **A1-2, A1-4 & A11-2** from continuous mineral depositing? The Stormwater Designer needs to analyze this.
- b. Per regulation **Env-Wq 1504.10** the Water Quality Volume (WQV) for an Infiltration Basin is calculated based on all contributing areas. This has been discussed previously in a letter from me concerning use of erroneous contributing area quantities used in the original 05/21/2020 Stormwater Management Report. The Infiltration Basin WQV calculations were revised in the 09/14/2020 Stormwater Management Report to comply with the regulation. However, a new constant groundwater flow was added in the 09/14/2020 report and it is also a factor that needs to be added into the WQV calculation even though it is not surface runoff. What is the designers reasoning for not adding in 100 acres or an acreage that represents the actual contributing groundwater drainage area? The area of groundwater interconnected and up gradient of the Sub-Grade Drainage System foot print would also have to be considered.
- c. Per regulation **Env-Wq 1508.06 (f)** the Water Quality Volume (WQV) maximum allowable drawdown is 72 hours for an Infiltration Basin. With a constant groundwater flow into Infiltration Basins A1-2, A1-4 & A11-2 how can this requirement be met? The Stormwater Designer needs to analyze this.

3. Groundwater considerations

- a. The designer has stated “The affected areas were secluded in the groundwater analysis model to ensure drawdown from lower elevation impacts would not decrease daily flows from higher elevation impact areas, ensuring a conservative model.” However, do the constant groundwater flow values consider more than the area of coverage of each of the three Sub-Grade Drainage System designs. The constant groundwater flow rates should also consider the following parameters:
 - i. Area and Volume of interconnected up gradient groundwater table that will replenish the groundwater to be removed by the Sub-Grade Drainage System.
 - ii. Depth of groundwater table above drain pipe elevation before drawdown.
 - iii. Depth to bedrock below the design groundwater elevation will be less than the original depth. This reduction will be a factor by the excessively large cuts to the existing grade for this project. Geotechnical Engineering Study Lot C on page 5 of 27 the Building C Finished Floor elevation (149.0) will require a 19 foot cut below existing grade. Add feet of depth for a loading dock plus 4 feet of foundation wall for building code frost protection plus foundation footing equals $19 + 4 + 4 + ?$, or approximately 27 feet of cut. That is deeper than the full height of a two story house. Has the effect of restrictions due to bedrock elevation and contours been considered in calculations of groundwater flow rates?

Respectfully Submitted

James Crowley

4 Fairway Drive

Hudson, NH 03051

December 14, 2020

To: Brian Groth, Town of Hudson Planner

RE: HLC Sub-Grade Drainage System Design

Please forward this letter to Fuss and O'Neill stating some of my concerns with the Hudson Logistic Center design.

Please request them to consider the following while performing their review of the project. The following states some of my concerns with the current Hudson Logistic Center plans, reports and studies.

My comments are based on review of the most recent documents available to the public:

- Hudson Logistic Center Stormwater Management Report, Revised December 2020
- Geotechnical Engineering Study Lots A, B, & C (three studies), Revised 31 August 2020
- CG 100 series Grading & Drainage Plans, Revisions vary from 09/14/2020 to 11/30/2020
- CG 200 series Sub-Grade Drainage Plans, Revised 09/14/2020

CONCLUSIONS:

I have found the following concerns with the current Sub-Grade Drainage System for groundwater management:

- 1. GW (West Lot A) CS201 – The maintained limits of Groundwater 4 foot below Finished Grade appear to be above the bottom elevation of adjacent Infiltration Basin A1-3. GW (West Lot A) is currently intended to be completely routed to Infiltration Basin A1-2.**
- 2. GW (North Lot B) CS202 – The maintained limits of Groundwater 4 foot below Finished Grade appear to be above the bottom elevation of adjacent Infiltration Basin A1-3. Possible groundwater seepage from steep slope between GW (North Lot B) and Infiltration Basin A1-3 also exists.**
- 3. GW (South B/C) CS203 & CS204 - Forebay / swale between Buildings B and C appears to be continuously flooded by the constant groundwater flow to the crest elevation 136 before overflowing into Infiltration Basin A1-4 per plan elevations.**
- 4. All Sub-Grade Drainage Systems; GW (West Lot A), GW (North Lot B) CS202 and GW (South B/C) lack detail on invert elevations and pipe slopes. This should be added to plans.**
- 5. It does not appear the Sub-Grade Drainage System incorporates the recommended Design Groundwater elevation = Highest recorded Groundwater Elevation to date + 4 feet in all the Geotechnical Studies.**
- 6. The three Sub-Grade Drainage Systems each have a constant groundwater flow rate value. If the collection system is not level under the sloped pavement and truck court areas the hydraulic head would vary in the collection system with fluctuations in the groundwater table. The designer should submit calculations for the basis of the constant flow rates beyond just stating they are the worst case scenario. Are groundwater replenishment flows from up gradient interconnecting groundwater areas included in the constant flow rate?**

Per Geotechnical Engineering Studies it is recommended for groundwater management:

- Design Groundwater elevation = Highest recorded Groundwater Elevation to date + 4 feet. (a conservative safety factor recommendation to compensate for possible seasonal fluctuations in the groundwater table)
- Per Geotechnical Study recommendation the in-board side of building with truck court foundation areas should have a perimeter drain at bottom of footing. This would be approximately 5 feet below the building finished floor elevation at a minimum

SUPPORTING DETAILS AND ANALYSIS FOR SUB-GRADE DRAINAGE DESIGN CONCERNS

1. Drawing CG201 Sub-Grade Drainage Plan I, aka: **GW (West Lot A)**
 - a. Information per plans, studies & report
 - i. Building A – FFE=141.75
 - ii. Groundwater
 1. A-B-BOR-49 = 138.7 actual observed GW elev per boring log
 2. A-B-BOR-110 = 138.0 actual observed GW elev per boring log
 3. Maintained GW upper limit at truck court Building A foundation = approximately FFE 141.75 – 5 = 136.75 +/-
 4. Sub-Grade Drainage to Infiltration Basin A1-2 = 0.27 cfs of continuous groundwater flow per Table 6 of HLC Stormwater Report.
 - b. Apparent Problems
 - i. In the truck court and pavement area west of Building A the elevation of Sub-Grade piping appears to be approximately elevation 134 – 4 feet cover = 130 for surface of maintained groundwater table at edge of pavement. The recommended Design groundwater elevation to control would have been 4 feet higher or elevation 134. It appears the area requiring Sub-Grade Drainage management is understated on the design plans. The adjacent Infiltration Basin A1-3 has a bottom elevation of 128.0. This is lower than what the highest fluctuation of the nearby proposed maintained groundwater table elevation.
2. Drawing CG202 Sub-Grade Drainage Plan II, aka: **GW (North Lot B)**
 - a. Information per plans, studies & report
 - i. Building B – FFE=148.0
 - ii. Groundwater
 1. B-R-BOR-06 = 156.5 actual observed GW elev per boring log
 2. B-R-BOR-07 = 156.5 actual observed GW elev per boring log
 3. The area North of Building B is not a truck court area.
 4. Sub-Grade Drainage to Infiltration Basin A11-2 = 0.15 cfs of continuous groundwater flow per Table 6 of HLC Stormwater Report.
 - b. Apparent Problems
 - i. The pavement area north of Building B the elevation of Sub-Grade piping appears to be approximately elevation 154 – 4 feet cover = 150 for surface of maintained groundwater table at the northern most edge. The outer pavement edge of 154 Finished Grade slopes towards the south to an approximate Finished Grade elevation of 145. The elevation of Sub-Grade piping in that area would be approximately elevation 145 – 4 feet cover = 141 for surface of maintained groundwater table at this interior pavement area. However, a down

gradient Infiltration Basin A1-3 has a bottom elevation of 128.0. This is lower than what the highest fluctuation of the nearby proposed groundwater table will be limited to in the **GW (North Lot B)** pavement area.

- ii. Possible groundwater seepage from steep slope between **GW (North Lot B)** and Infiltration Basin A1-3 also exists.
 - iii. The recommended Design groundwater elevation to control would have been 4 feet higher than the proposed elevation(s) used on the plans. It appears the area requiring Sub-Grade Drainage management is understated on the design plans.
3. Drawing CG203 & CG204 Sub-Grade Drainage Plans III & IV, aka: **GW (South B/C)**
- a. Information per plans, studies & report
 - i. Building B – FFE=148.0
 - ii. Building C – FFE=149.5
 - iii. Groundwater
 1. B-B-BOR-06 = 149.0 actual observed GW elev per boring log
 2. B-B-BOR-08 = 149.0 actual observed GW elev per boring log
 3. B-B-BOR-09 = 149.0 actual observed GW elev per boring log
 4. C-S-BOR-19 = 151.0 actual observed GW elev per boring log
 5. Maintained GW upper limit at truck court Building C foundation = approximately FFE 149.5 – 5 = 144.5 +/-
 6. Sub-Grade Drainage to Infiltration Basin A1-4 = 0.93 cfs of continuous groundwater flow per Table 6 of HLC Stormwater Report.
 - b. Apparent Problems
 - i. The maintained groundwater table elevation next to the Building C foundation is expected to be approximately 144.5 when it reaches its highest fluctuation elevation.
 - ii. The Sub-Grade Drainage SD FES-1 (C South) thru SD FES-7 (C South) outlet elevations are 138.5. Forebay / swale between Buildings B and C appears to be continuously flooded by the constant groundwater flow to the crest elevation 136 before overflowing into Infiltration Basin A1-4 per plan elevations.

Respectfully Submitted
James Crowley
4 Fairway Drive
Hudson, NH 03051

Groth, Brian

From: Christopher Thatcher <clthatch@gmail.com>
Sent: Thursday, December 17, 2020 11:52 AM
To: Groth, Brian
Subject: Questions

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

Hi Brian, I hope that you are staying warm and safe during this storm. Was town hall open today or do you get to work remotely today?

I had planned on asking a few questions last night at the planning board meeting. I thought I would submit them to you and the town anyways as I'm not sure I'll be able to attend the rescheduled one.

- What are the salt and snow removal plans and have the impacts been examined on the environment and river? I have first hand experience with this from the Town of Tyngsboro and our company. I also have seen articles and reports on this in other towns such as Boston.
- How does Hillwood and Amazon plan on handling Jessica's Law and all the cars and trucks which will be there, even during snow storms? Will they be required to install truck sweeps to remove snow and ice?
- As a 24 hour operation and from reading the news and looking at Amazon as a company, we know that most likely they will not shut down during a storm, requiring employees to come in and trucks to keep rolling regardless. Has the safety impact of this been examined, safety to the public, to the employees and impact on public road snow removal services?
- I also want to make a statement of concern regarding the intersection mitigation plans. All one has to do is look at other examples, such as the replacement of the rotary in Chelmsford with a 4 intersection 6 lane interchange and the RT 3/128 interchange to understand that more lanes does not fix the issue if traffic still winds down to 1 lane. The Town Planner in Litchfield stated it the best, the plans seem to mitigate traffic at the intersection but do not address over all traffic concerns.

Best, Chris Thatcher

Dear Planning Board,

For the past four years, I have lived in Connecticut and moved back to the area this year. I am amazing at how much this town has changed since graduating from Alvirne four years ago. Just driving up Lowell Road towards Alvirne, one sees a new fire station, Irving, Cumberland Farms, Rite Aid, Alvirne's new addition (I wish that was around when I was there) and coming soon is the affordable housing. Driving through the backroads, one sees new housing developments with many having amazing views overlooking the Merrimack Valley. It's saddening to hear that a distribution center might be added to the list.

My concerns are as followed:

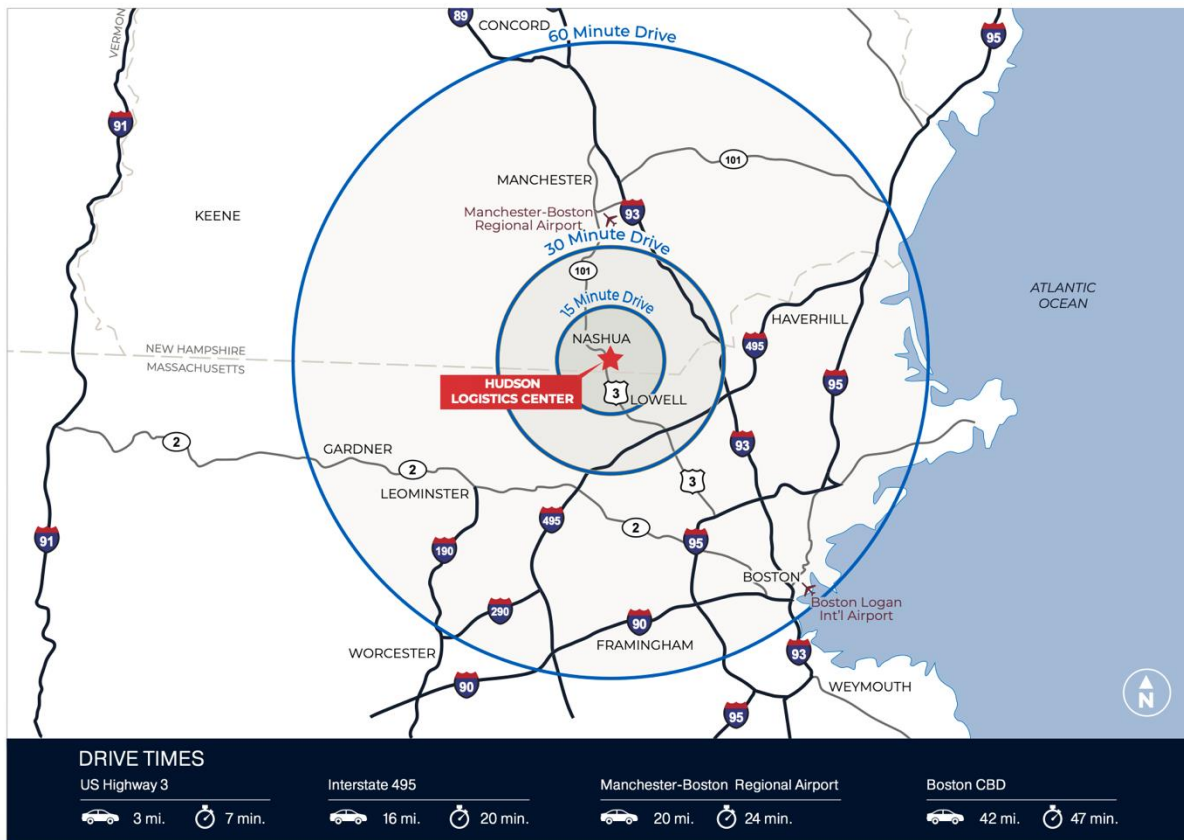
- Traffic
 - I am extremely surprised by how much more traffic there is even with a Pandemic. I used to be able to leave my house in south Hudson and get to Alvirne in about 15 minutes, but now it takes a good 30 minutes with much of the traffic occurring where lanes drop.
 - Amazon utilizes a variety of drivers to deliver their packages. Some of their drivers are not technically under their control. According to Amazon's 10-k statement of 2019 "employment levels fluctuate due to seasonal factors affecting our business. Additionally, we utilize independent contractors and temporary personnel to supplement our workforce." **Did Hillwood bake both the vehicles that are contracted by Amazon and those who are independent into their traffic study numbers? How will seasonality affect traffic and does the mitigation plan take this into account?**
 - A company that prides itself on efficiency and optimization of their supply channel operating their facility at 40% does not make sense to me. Unless this 40% is a yearly average. Amazon states again in their 10-k that they make 33-35% of their revenue in Quarter 4. **Why would a facility that makes 33-35% of their revenue around the holidays operate at 40%?** Seems like you would miss out on a lot of potential revenue. Additionally, not sure how a company that only started turning a profit in 2016 – in part due to their Web Services division, could afford to be operating at 40% (Investors would demand better than this). **How does an increase in their demand change traffic and is this again made clear in their traffic study?**
 - After attending a state of retail event, e-commerce has grown by 50% with the pandemic. **Does Amazon forecast growth in their e-commerce space and how will this growth influence their delivers to and from the facility? I think it would be helpful if they could provide the town with a forecast of demand to ensure the traffic mitigation will not have to be redone in a year due to an increase in demand.**
 - Hillwood in their marketing brochure boasts about access to Logan and Manchester airports, and shows mile radius' in attempts to showcase how convenient this location is. You don't market something your customers won't use or don't care about. **Will there be limitations on vehicles contracted or**

independent of Amazon as to where they can travel? If this is not a last-mile facility, then there should be no reason for trucks, sprinter vans, or vehicles to travel on our backroads. Also, it's wildly inefficient for the vehicles to travel on the paths presented at the planning board meetings... you don't need to be a supply chain manager to know that - all you need is your phone's GPS. Here are Hillwood's brochure (buildings A & B) images to further illustrate:

HUDSON LOGISTICS CENTER | LOTS A & B

LOWELL ROAD | HUDSON, NEW HAMPSHIRE

AREA INFORMATION



Hudson Logistics Center is situated at the core of an active industrial market with access to the Everett Turnpike near the Massachusetts border, 20 miles from Manchester, and 30 miles from Boston. The location offers proximity to skilled labor pools to accommodate a range of uses.

The best-in-class construction and ample size offer unparalleled flexibility for prospective tenants and feature up to 1,000 spaces for trailer parking and 1,500 employee spaces.

- Environmental Impact
 - The proposal calls for digging into the earth 20 feet at its deepest, removing this dirt, and leveling the ground. **How will gutting this land affect the water table and the surrounding towns' water supply? Has Hillwood supplied the town with the how construction will contribute to our traffic situation?**
- Jobs
 - I am all for job creation. Although, I do have a problem with the ethics of Amazon's working conditions, I can understand that a job is a job. However, the number of jobs Hillwood proposes continues to fluctuate and **can they guarantee that the same number of jobs will be at these facilities in years to come?** Amazon is busy automating their facilities and buying technology to increase efficiency. My concern is that although Amazon will create jobs today, in a year or five they will be replaced with robots. Thus, leaving the town with a traffic nightmare and limited job creation.
 - **Will the jobs Hillwood says Amazon will create be available to Hudson residents first?** I think it would only be fair that Amazon prioritized those in our town who need a job over other individuals, since they have to live with the mess.
 - **How will our small business be affected by these new jobs?** Amazon says they will pay up to \$15-17 an hour. Will local businesses who cannot afford to increase their wages have their employees switch to the distribution center and how will that affect them? Additionally, with the reduced revenue from golfers spending money within the town and the Amazon workers inability to go out for lunch – **how will these factors affect our small businesses who have already felt a tremendous impact from the pandemic?**
- Town Character
 - One thing that I loved about living in Connecticut were all the town centers. A bustling center with local shops and locals walking around gave me a sense of community. Unfortunately, Hudson does not have a town center, as the original center was carved up with roads to Nashua. However, Hudson still has a strong sense of community. **I am fearful that the distribution center will change the trajectory of this town from being the one of the hottest places to live to one of the worst places to live.**

In a year, I will not be living in Hudson, but I want the best for Hudson. A distribution center is not the right fit for the town. Why not a medical facility that could also be used to help train and expose students to health care professions. Or a town center complete with local shops, restaurants, meeting/function venue, or recreational facilities (golf course, rowing, ice skating, swimming pool, etc.).

Sincerely,
Abigail Sakati

-----Original Message-----

From: Hudson New Hampshire via Hudson New Hampshire <noreply@hudsonnh.gov>

Sent: Monday, December 21, 2020 1:30 PM

To: Laffin, Jill <jlaffin@hudsonnh.gov>

Subject: Form submission from: Requests or Concerns

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

Submitted on Monday, December 21, 2020 - 1:29pm Submitted by anonymous user: 73.143.178.208

Submitted values are:

First Name: FRANK

Last Name: GURRISI

Email: fgurrisi_145@comcast.net

Question/Comment: I and many of my neighbors are in favor and support fully the project called the Hudson logistics Center. I support the many many jobs that will be created during the construction of such a project also the ongoing jobs that will always be here in our town. Our children are educated in town let's keep them here by supplying good paying stable jobs. Also Amazon has invested heavily in Green energy what a fine company to have in our town

The results of this submission may be viewed at:

<https://www.hudsonnh.gov/node/7/submission/16021>

Groth, Brian

From: Jerome Bento <jeromejbento@gmail.com>
Sent: Tuesday, December 22, 2020 9:20 PM
To: Groth, Brian; Planning; ~BoS
Subject: Hudson Logistics Center

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

Mr Groth,
Planning Board,

I am writing as a follow-up to my request from October 12th. See below for original request.

During the September 9th, 2020 Planning Board Meeting we all received the preliminary results of the Fiscal Impact of the above project to the Town of Hudson. It was preliminary as there was no input received or presented indirectly from the Fire Department, Inspectional Services, Police Department, Highway Department, Water Department and Sewer Department. This input from our town departments is but one of the critical pieces of this massive project. We also needed the updated projected taxes if some of the land is put in some type of conservation trust.

Is there a reschedule date for the Fiscal presentation that would include input from the above departments?

Thank you
Jerome J. Bento

----- Forwarded message -----

From: Jerome Bento <jeromejbento@gmail.com>
Date: Mon, Oct 12, 2020 at 8:57 PM
Subject: Hudson Logistics Center
To: <planning@hudsonnh.gov>, <bgroth@hudsonnh.gov>
Cc: <bos@hudsonnh.gov>

Mr .Groth,
Planning Board,

My name is Jerome Bento. My wife Linda and myself have lived at 7 Muldoon Drive here in Hudson for the past 32 years.

During the September 9th, 2020 Planning Board Meeting we all received the preliminary results of the Fiscal Impact of the above project to the Town of Hudson. It was preliminary as there was no input received or presented indirectly from the Fire Department, Inspectional Services, Police Department, Highway Department, Water Department and Sewer Department. This input from our town departments is but one of the critical pieces of this massive project.

Is there a reschedule date for the Fiscal presentation that would include input from the above departments?

Thank you
Jerome J. Bento