

March 30, 2021

VIA EMAIL AND BY HAND

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

RE: Hudson Logistics Center – Site Plan, Conditional Use Permit and Lot Line
Relocation Applications
Supplemental Information

Dear Brian:

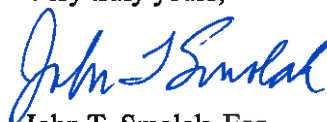
On behalf of the Applicant, Hillwood Enterprises, L.P., enclosed for filing with the Board are twelve (12) copies of the following documents:

1. Draft Proposed Site Plan Conditions; and,
2. Proposed Draft Modifications to Conservation Commission Wetlands
Conservation Overlay District Recommendations, dated January 25, 2021.

We have reviewed the set of proposed conditions described in a February 24, 2021 letter to the Hudson Planning Board from Amy Manzelli, Esq. which were attached to Staff Report #13, dated March 10, 2021. Since we do not agree with most of the recommendations contained in that letter, or such conditions were addressed in other materials filed with the Board, we feel it would be appropriate to provide a proposed draft set of site plan conditions, along with proposed modifications of the Conservation Commission's recommended conditions, for the Board's consideration as we feel the conditions we have proposed are robust, fair, and capture the essence of the process which we have participated in over these many months.

We thank you and the Board in advance for considering these materials as the Board enters into its deliberations, and please do not hesitate to contact me with any comments, questions or concerns. Thank you for your time.

Very truly yours,


John T. Smolak, Esq.

cc: Brian Kutz, Hillwood (email only)
Langan (email only)
Justin L. Pasay, Esq. (email only)

Site Plan Conditions

PRIOR TO THE ISSUANCE OF BUILDINGS PERMIT FOR BUILDINGS A OR B

The following conditions must be satisfied as preconditions to the issuance of a Building Permit for Building A or Building B:

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
2. Subject to final administrative review by the Town Planner and Town Engineer.
3. Subject to receipt of an Alteration of Terrain Permit and Wetlands Permit from the NHDES.
4. The Final Plans shall be amended to include the following:
 - a. Note 18 on Sheet CS003 shall be amended to provide that "all proposed utilities will be located underground except as waived by the Planning Board."
 - b. Note 39 on Sheet CS003 shall be deleted and replaced with the following: "All signs are subject to approval by the Zoning Administrator/Code Enforcement Officer prior to installation thereof."
 - c. The Planning Board requests the applicant not to install street lighting along Steele Road, and a plan note shall reflect this condition.
5. The Applicant shall meet with the Fire Chief and Town Planner to review and develop a schedule for the implementation of the Fire Chief's recommendations and requirements described in the Fire Chief's March 2, 2021 Memorandum to Brian Groh, Town Planner, to the extent not otherwise included in this Decision.
6. The Inspectional Services Division and Planning Department shall be provided with a construction schedule, which shall include the details, timing, construction phasing plan, and related safety measures for the demolition and construction of the on-site and off-site improvements.
7. The Applicant shall schedule a pre-construction meeting with the Town Engineer and other Town Staff.
8. The Applicant shall provide the Town Planner for its review and approval a phased construction plan for Green Meadow Drive so that no detour to the Mercury Systems building is required during the construction of the roadway.
9. As a part of the second phase of construction, the Applicant shall construct and stabilize the earthen berm as designed at the height and length shown in drawings to mitigate potential sound and visual impacts.
10. The Applicant shall install an approximately 2,000-foot-long noise control fence along the spline of the proposed earthen berm as designed and presented.
11. The Applicant shall install an approximate ±785-foot-long fence as designed and presented near the southeastern corner of Building C to mitigate potential visual impacts and noise to off-site residential receptors.

Comment [JS21]: Since the Fire Chief's conditions in his 3 2 21 Memo create some uncertainty as to the timing of deliverables, this condition would enable the Fire Chief to have a dialogue with the Applicant to confirm deliverable deadlines post-permit via a schedule. Or a condition could be included to authorize the Fire Chief to modify the timeframe for conditions listed in this Decision

12. The sound fence shall meet the following requirements to be confirmed by the Town Engineer:
 - a. The fence needs to be solid, without openings, and a minimum surface weight of 7 lbs/SF.
 - b. Appropriate materials of construction for the fence to include wood or wood composite, non-reflective material.
 - c. The fence must be designed to resist wind load and will have engineered footings.

Comment [JS22]: Recommendations from "Site Sound Evaluation and Control – Proposed Hudson Logistics Center, Hudson, NH, Revision 2" Prepared by Benjamin C. Mueller, P.E., OAA File 4228A, 1 December 2020, and follow-up correspondence.

PRIOR TO ISSUANCE OF BUILDING PERMIT FOR BUILDING C

Prior to the issuance of a building permit for Building C:

1. A post opening traffic assessment subsequent to the opening and normal operations of Buildings A and B shall be conducted by the Applicant. This assessment will confirm the Project's proposed traffic mitigation as evaluated in the submitted traffic impact study ("TIS"), if necessary. This information will be provided to the Town Planner to confirm the actual operations of the two buildings. No additional Planning Board action is required.
2. The post opening traffic evaluation will be conducted during a period of the Building A & B operations that mimic the period evaluated in the TIS. The study is anticipated to be undertaken within six months after the commencement of full operations of Building A and Building B, or other period agreeable to the Applicant and the Town Planner.
3. The Applicant shall present the post opening traffic evaluation to the Town Planner and Town Engineer, and if requested, to a peer review firm selected by the town and paid for by the Applicant, all for the purpose of confirming the TIS recommendations.
4. If the post-opening traffic evaluation identifies post-occupancy operating conditions which identify operational impacts differing from those identified in the TIS, the Applicant may be required to perform additional mitigation to the extent permitted or required by NHDOT.
5. The Applicant shall provide evidence to the Town Planner and Code Enforcement Officer demonstrating that Building C shall comply with the Building Height limitations as required by the Zoning Ordinance.
6. The proposed building will require an approved sprinkler system. The Hudson Fire Department upon review of the building plans shall conduct this review. This requirement is in accordance with the International Building Code (IBC) and Hudson Town Code (HTC), current revision, Chapter 210, Article VI. Any fire protection system shall be monitored by an approved fire alarm system.
7. Steele Road will be addressed as indicated in plan notes, or by other lawful means.

Comment [JS23]: This Fire Chief recommendation from his 3.2.21 Memo could be deleted if the entire Memo is incorporated by reference as noted above.

CONSTRUCTION STIPULATIONS (ALL BUILDINGS)

The following are conditions which shall be maintained during construction:

1. There shall be weekly construction meetings scheduled and available for attendance by Town staff until such time as the Town Planner reasonably determines that weekly inspections, or less frequent or no further scheduled meetings are necessary.
2. The Applicant shall pay for the cost of locating a construction trailer on the site (with appropriate HVAC, electrical, and other utilities) to support a work space for the Town of Hudson Inspectional Service and Land Use Divisions. The Applicant shall also pay for the retention of third party inspectors solely for the purpose of inspecting the construction and project for the duration of the project as reasonably agreed by the Applicant and Fire Chief. The inspectional services trailer shall be located on the site within thirty (30) days after notice by the Inspectional Services Division to the Applicant, but not later than the commencement of construction of the first building foundation, and remain on the site until the Certificate of Occupancy is issued for the last building or as otherwise agreed between the Applicant and Fire Chief.
3. Hours of construction activity shall be Monday - Saturday, between 7:00am to 7:00PM, with no exterior construction on Sunday, but once a building is enclosed, interior construction shall be allowed outside these restricted hours.
4. All new gas, telephone, cable, electric and other utilities, except for temporary utilities, shall be installed underground as specified by the respective utility companies unless otherwise waived, or except for so called "green utility boxes" or other aboveground poles or structures as may be required by the utility companies, and except as may otherwise be temporarily required to effect the movement and operation of any other temporary improvements. If final locations of appurtenant equipment to these utilities (e.g. transformer pads) not shown on the Plans materially impact the design, the Applicant and/or Project Owner shall provide such details of such modification to the Town Planner for review.
5. Additional stormwater and infiltration testing shall be performed during construction to complete the design, and all infiltration testing results shall be submitted to the engineer of record, the Town Planner, the Town Engineer, and the NHDES Permitting Department for review.
6. A blasting permit will be required for any blasting on the site in accordance with the Hudson Town Code, Chapter 202.
7. During construction, plans for controlling fugitive dust during excavation and construction include mechanical street sweeping, wetting and/or misting portions of the site during periods of high wind, and careful removal of debris by covered trucks.

Comment [JS24]: This Fire Chief recommendation from his 3.2.21 Memo could be deleted if the entire Memo is incorporated by reference as noted above.

Comment [JS25]: This Fire Chief recommendation from his 3.2.21 Memo could be deleted if the entire Memo is incorporated by reference as noted above.

8. The construction contract will provide measures to be used by contractors to reduce potential emissions and minimize impacts. These measures are expected to include:
 - Using wetting agents on area of exposed soil on a scheduled basis;
 - Using covered trucks to transport any debris or other materials to or from the site;
 - Monitoring of actual construction practices to ensure that unnecessary transfers and mechanical disturbances of loose materials are minimized;
 - Minimizing storage of debris on the site; and
 - Periodic street and sidewalk cleaning with water to minimize dust accumulations.
 - Limit maximum travel speeds on unpaved areas; and
 - Provide wheel wash stations to limit trackout of soil during the excavation phase.
9. Construction equipment engines will comply with requirements for the use of ultra-low sulfur diesel (ULSD) in off-road engines. The construction contractor will be encouraged to use diesel construction equipment with installed exhaust emission controls such as oxidation catalysts or particulate filters on their diesel engines.
10. All trucks leaving the site must have all dirt/mud removed from the wheels and undercarriage of the truck prior to leaving the site. In addition, any loads containing soil for off-site disposal will be covered.
11. Construction vehicles and equipment will not be permitted to be washed in the streets outside of the Project site. Excess water from the wheel wash stations will be managed and catch basins in the surrounding street will be protected from potential runoff from the cleaning operations.
12. The Applicant shall encourage contractors to use proper emission controls, use of clean fuels, control of truck and equipment idling times.

Comment [JS26]: Recommendations from "Air Quality Impact Analysis, Hudson Logistics Center, Hudson, New Hampshire" (Revised 11/30/20), submitted to Hudson Planning Board, and prepared by Epsilon Associates, Inc.

PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY (BUILDINGS A OR B)

The following shall be completed prior to the issuance of a Certificate of Occupancy for Building A and/or Building B:

1. Prior to the issuance of a final certificate of occupancy for Building A and/or Building B, a L.L.S. certified "As-Built" site plan shall be provided to the Town of Hudson Planning Department confirming that Building A and/or Building B, as appropriate, conform to the Plan.
2. The Applicant shall coordinate with the Fire Department on the appropriate location and type of gate for use on Steele Road, and coordinate the Fire Department's access requirements through such gate, to reach and use the Steel Road Easement.

3. The Applicant shall convey conservation easements for the 30 +/- acres along the Merrimack (the "Merrimack River Conservation Easement"), as well as the 90 +/- acres along the easterly side of the Property (the "Eastern Conservation Easement"), in a form acceptable to the Town Planner and Town Attorney.
4. The Eastern Conservation Easement shall not allow access to the general public but the use shall be strictly limited to rights for the Conservation Commission (or its agents) to enter and access the conservation easement Areas for the sole purpose of monitoring and maintaining the Eastern Conservation Easement areas.
5. As a part of the proposed Merrimack River Conservation Easement, the Applicant shall also grant a public trail easement where, once completed, the public's use of the trail easement for passive recreation purposes (walking, jogging, bicycling, and cross country skiing, snowshoeing) shall be limited between dawn and dusk. The limits of the public trail easement shall extend from the northern boundary of the Property, adjacent to Merrimack River and the Circumferential Highway bridge, and running southerly within said conservation easement to the southerly boundary of the Property located within the conservation easement. The Town has the right, but not the obligation, to design, permit, construct, repair and maintain such trail improvements as deemed necessary for the purposes described above, subject to any permits, approvals or conditions which may be imposed by the NHDES.
6. The Applicant shall convey a 30-foot-wide non-exclusive easement to the Town which extends from Steele Road westerly to the Merrimack River as depicted on the Site Plan. The easement shall not allow access to the general public, except for the area of the easement located within the 250-foot shoreland area for the trail easement purposes described in Condition No. 5 above, but the use of the easement shall otherwise be strictly limited to Town of Hudson and its emergency services personnel to access the Merrimack River for water withdrawal or other public safety uses, and for the Town of Hudson Conservation Commission members for purposes of using said easement for access for purposes of monitoring compliance with the landscape requirements contained within the Merrimack River Conservation Easement as described in the Decision, and thereafter, for purposes of maintaining the vegetation within the Merrimack River Conservation Easement, as needed. Access over this easement area shall be restricted utilizing the existing swing gate on the existing driveway, with use of the gate to be coordinated with emergency services. This gate is noted to remain on drawings CS100 and CS120. As a part of this easement, the applicant grants the town an easement, of sufficient size, from the end of the constructed access drive, through the 250-foot shoreland area, to the river, allowing the town the right, but not the obligation, to design, permit, and install the infrastructure, such as a turn around, or other infrastructure the Town and Fire Department require within said 250-foot shoreland boundary as deemed necessary for the emergency services purposes described above, through a design, permitting and construction process separate from the Applicant's permitting process. The

language of the easement is subject to the Town Planner's and Attorney's approval

7. A General State Permit (GSP) for Internal Combustion Engines - Emergency Generators or Fire Pump Engines is required for each unit to be included for Building A and Building B for the backup power emergency generators in accordance with ENV-A-610, and shall be secured prior to the issuance of a certificate of occupancy for each building.
8. The off-site roadway improvements depicted in the Traffic Impact Study and Conceptual Off-Site Improvement Plans to be substantially completed, such that the impact of the development's traffic is addressed.

Comment [JS27]: Recommendation of Epsilon in Air Quality Report

PRIOR TO A CERTIFICATE OF THE CERTIFICATE OF OCCUPANCY FOR BUILDING C

The following shall be completed prior to the issuance of a Certificate of Occupancy for Building C:

1. Prior to the issuance of a final certificate of occupancy for Building C, a L.L.S. certified "As-Built" site plan shall be provided to the Town of Hudson Planning Department confirming that the Building C site conforms to the Plan.
2. A General State Permit (GSP) for Internal Combustion Engines - Emergency Generators or Fire Pump Engines is required for each unit to be included for Building C for the backup power emergency generators in accordance with ENV-A-610, and shall be secured prior to the issuance of a certificate of occupancy for each building.
3. HVAC equipment plans for Building C shall be consistent with Buildings A and B, keeping in mind acoustical performance to ensure project noise goals are met in compliance with Hudson Ordinances.

Comment [JS28]: Recommendation of Epsilon in Air Quality Report

ONGOING SPECIAL CONDITIONS

1. The "Applicant" refers to Hillwood Enterprises, L.P., 5050 W. Tilghman Street, Suite 435, Allentown, Pennsylvania 18104, c/o Brian Kutz, Vice President - Development, the Applicant with respect to this Decision, its successors and assigns.
2. For purposes of this site plan approval, the term "active and substantial development or building" shall mean the construction of the site improvements on the Property relating to Building A and Building B, to include construction of Green Meadow Drive and the access to Walmart Boulevard, construction of the fire lanes, utilities, and corresponding stormwater facilities, all as to be shown on the construction phasing plan approved by the Town Planner as described above.
3. "Substantial completion" shall be defined as completion of Buildings A and B.
4. Per HR 276-4, the Applicant shall post with the Town of Hudson a performance surety in an amount to be approved by the Town Engineer in a form approved by the Town Attorney, if necessary.

5. Upon completion of construction, evidence of retained contractor's Salt Application Certification under the NHDES Green SnowPro Certification Program shall be submitted to the Town Planner.
6. The Applicant shall be obligated to maintain the paved portions of the Steele Road Easement from the paved limits of the easement along the westerly end of the site, easterly to the Steel Road gate.
7. The buildings will have internal refuse control and dumpsters and compactors directly connected to the building, and occupying loading dock bays. There are no freestanding dumpsters elsewhere on the site. Therefore the trash removal activity will be very similar to other truck activity on the site.
8. The recommendations in the March 2, 2020 Memorandum to Brian Groth, Town Planner, from Robert Buxton, Fire Chief, are implemented and comply with the conditions contained therein relating to fire suppression and public safety to the reasonable satisfaction of the Fire Chief, and written Fire Department acknowledgement of compliance with such recommendations shall constitute satisfaction of this condition.
9. The Project shall comply with the vehicle idling requirements of New Hampshire regulation ENV-A-1100, as amended, unless otherwise exempt.
10. The Applicant shall equip all terminal tractors with smart, ambient sensing, multi-frequency back-up alarms.
11. All water and sewer infrastructure requirements shall be provided in accordance with Town's regulations and guidelines in coordination with the Town Engineer.
12. All Tier II reporting requirements shall be followed each year for all facilities if there will be inside or outside storage above the exempt amounts of hazardous materials, liquids or chemicals presenting a physical or health hazard as listed in the International Building Code, Sections 307, 414 or 415.
13. All storage either inside or outside of hazardous materials, liquids or chemicals presenting a physical or health hazard as listed in NFPA 1, Section 20.15.2.2 shall be in accordance with the applicable portions of the following:
 - a. NFPA 13, Standard for the Installation of Sprinkler Systems
 - b. NFPA 30, Flammable and Combustible Liquids Code;
 - c. NFPA 308, Code for the Manufacture and Storage of Aerosol Products
 - d. NFPA 230, Standard for the Fire Protection of Storage;
 - e. NFPA 430, Code for the Storage of Liquid and Solid Oxidizers;
 - f. NFPA 432, Code for the Storage of Organic Peroxide Formulations; and,
 - g. NFPA 434, Code for the Storage of Pesticides.
14. The fire alarm system shall be connected to the Hudson Fire Department's municipal fire alarm system or a substantially equivalent system in accordance with the Hudson Town Code, Chapter 210. A site plan detailing the aerial or underground layout to the municipal fire alarm connection must be provided before the utilities are completed for this project.
15. Any required fire alarm system component must remain accessible and visible at all times.

Comment [JS29]: Recommendation from Epsilon Air Quality Report.

Comment [JS210]: A recommendation from Epsilon Air Quality Report.

Comment [JS211]: This Fire Chief recommendation from his 3.2.21 Memo could be deleted if the entire Memo is incorporated by reference as noted above.

16. Upon commencement of operations of the completed improvements, drivers will be allowed to take their Federal Motor Carrier Safety Administration (FMCSA) Hours of Service Regulations required non-driving interruptions and off-duty break periods on the Property .
17. The Planning Board hereby assesses the following impact and off-site exaction fees in the total amount of \$9,784,965.70, to be paid by the Applicant to offset the impacts caused by the development to include:
 - a. Up to a \$2,034,965.70 impact fee assessed and collected in accordance with Article XIV of the Town's Zoning Ordinance and New Hampshire Law; and
 - b. Off-site exaction fees in the amount of up to \$7,750,000.00 and for the purposes presented by the Applicant at the March 10, 2021 Planning Board hearing. To be paid on a schedule and in a manner consistent with a proposal to be provided by the Applicant, as reviewed and approved by the Town Planner, Town Administrator and Town Counsel.

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LOT LINE ADJUSTMENT CONDITIONS

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.

WAIVER REQUESTS

The Board voted to grant the following waivers:

1. §276-13, which requires underground utilities in new developments.
2. §275-8.C(4), which allows for parking space dimensions to be reduced from 10'x20' to 9'x18' with Planning Board approval.
3. §275-8.C(2), which would require 4,777 parking spaces for an industrial use, with a reduction of the number of parking spaces to 1,806.
4. §193-10.G-I, which permits only one driveway per parcel and does not allow driveways within the side yard setback unless shared access is approved by the Planning Board.
5. §193-10.F; which sets a maximum driveway width of 50 feet, where proposed Green Meadow Drive serving the proposed development as well as Mercury Systems exceeds this width as it approaches Lowell Road.
6. §276-11.1.B(4); which requires the Planning Board approval block to be located on the lower left corner of each sheet in the plan set.



TOWN OF HUDSON

Conservation Commission



William Collins, Chairman Dave Morin, Selectmen Liaison

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

Motion to Recommend/Not Recommend the Conditional Use Permit Application

Date: January 25, 2021

Case: Hudson Logistics Center-Green Meadow Golf Course
Hudson, New Hampshire
Map 234, Lots 5, 34, and 35 and Map 239, Lot 1
Zone: General (G1) and Business (B)

Description of work to be performed: The project proposes construction of two new access roadways, the first, proposed Green Meadows Drive which extends from Lowell Road and the second, proposed Northern Access Road extending from Walmart Boulevard. Three warehouse buildings, driveways and parking areas surrounding the facilities and numerous retention ponds to manage storm-water runoff. The site plan if built will have a permanent wetland impact of 55,525 square feet (1.28 acres) and a permanent wetland buffer impact of 178,344 square feet (4.09 acres). As stated by the applicant a majority of these impacts will occur along the two proposed access driveways.

Note: Prior to tonight's meeting representatives of HillWood Development have presented information on wetland and wetland buffer impacts, roadway design and storm water management design. Two site walks of the property have been completed by commission members along with residents of the community. The applicant has responded to numerous public comments and input from conservation commission and through multiple meetings and public input sessions has redesigned the roadway and other parts of the project to reduced overall wetland and buffer impacts by 61,293 square feet.

Members Present: Randy Brownrigg, Ken Dickinson, Paula Hubert and William Collins

Conservation Members Stepping Down: None

Alternates Seated: None

Motion to “Recommend”

Mr. Dickinson moved to recommend a favorable acceptance of the Conditional Use Permit application to the Hudson Planning Board for the application filed by representatives of HillWood Logistic Center reference Tax Map 234, Lots 5, 34 & 35 and Map 239, Lot 1 dated April 21, 2020, revised 5/19/20 and 1/18/21 After CUP application review by the Hudson Conservation Commission we find that the uses presented by the applicant for access to the upland portion of the property and for storm water management comply with Town of Hudson Zoning Ordinance 334, Article IX- Wetland Conservation Overlay District, paragraph 334-36(C) 2 through 4 and 334-37. This favorable acceptance is contingent upon Planning Board approval of the proposed plan and with the recommendations of the Hudson Conservation Commission listed below.

Motion second Mr. Brownrigg

This motion is based on the plan(s) submitted by the applicant. It is recommended that if additional wetland and wetland buffer impacts are made the plan be returned to the Conservation Commission for further review.

Recommendations by the Hudson Conservation Commission to the Planning Board to address potential environmental issue during construction and as part of any Condition of Approval by the Planning Board.

- # All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
- # Final administrative review by Town Planner and Town Engineer.
- # Hours of construction activity as indicated in the Site Plan Approval Conditions of Approval.
- # Approval of the Wetlands Conservation Overlay District Conditional Use Permit is conditioned on use of NHDES Best Management Practices set forth in New Hampshire Storm Water Manual Volume 3: Erosion and Sediment Control for construction and restoration, and erosion control measures that meet the Town Engineer’s approval.
- # During construction and restoration, erosion control barriers shall be installed in accordance with the approved plans and maintained to the satisfaction of the Town Engineer and Conservation Commission.

1. e

Comment [JS21]: These 5 stipulations are proposed to be added, and were not numbered in order to facilitate the review by maintaining the current numbering of the Commission’s other proposed conditions

Comment [JS22]: Combined original Nos. 1 & 2 into the condition immediately above

Deleted: Construction and restoration shall comply with Best Management Practices set forth in New Hampshire Storm Water Manual Volume 3: Erosion and Sediment Control

2. ~~_____~~
3. Conservation Commission members shall be allowed to inspect the boundaries of the wetland and wetland buffer areas during construction and report any finding to the applicant and Town engineer for immediate remediation.
4. A stipulation and or note should be added to the plan that states "Construction vehicles (non-refueling vehicles) shall not be parked within 25 feet of any wetland or wetland buffer boundaries overnight".
5. A stipulation and or note should be added to the plan that states "Refueling vehicles shall not be parked overnight or left unattended within 50 feet of any wetland or wetland buffer boundaries".
6. A stipulation and or note should be added to the plan that states "Stockpiling of construction materials is not allowed in the wetland or wetland buffer areas of the site or in areas designated for permanent conservation".

Deleted: During construction and restoration erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer and the Hudson Conservation Commission

7. ~~_____~~
8. A stipulation and or note should be added to the plan that states "Storage sheds for chemicals used to manage snow and ice at the site shall not be placed within 50 feet of the wetland or wetland buffer areas and such storage areas shall be shown on the final plan set.
9. If members of the conservation commission would like to witness the draw down and relocation of wildlife of the manmade ponds listed as impact areas, a two day notice should be provided to the Town of Hudson Engineering Department to facilitate this request.

Deleted: Due to the nature of this project which will create large areas of impervious surfaces the applicant should consider the use of alternate materials such as ~~pervious concrete and or asphalt~~ pervious pavement to help with ground water recharge and minimize the need for snow and ice control chemicals i.e. Sidewalks, Handicap Parking and other low use areas are good candidates for this type of surface

Deleted: Members

Recommendations by the Hudson Conservation Commission to the Planning Board to address Restoration and Landscaping of areas that were presented by the applicant and as part of any Condition of Approval by the Planning Board.

10. During the installation of the restoration areas, a Professional Landscape Architect and/or Professional Wetland Scientist will perform monthly visits and submit logs to the Town Engineer and Commission on a quarterly basis.
11. Any vegetation associated with post-construction BMP's to be suitably established to withstand erosion.
12. Maintain access to planting areas within the conservation easement wide enough to accommodate a mini-excavator and skid steer capable of transplanting a 6" caliper tree (8 foot minimum width).

Comment [JS23]: We assume this condition calls for monitoring during construction, with post-construction monitoring described under Condition No. 16 below.

Deleted: to

Deleted: during the growing season for a 3 year period

Deleted: maintenance

Deleted: Provide maintenance paths for

Deleted: to be constructed of pervious material

Deleted: Provide similar sufficient maintenance access between sound wall and southern property line.

Landscaping specific stipulations

13. Any proposed landscaping within jurisdictional resource areas shall consist of species native to northeastern USA region, and the final landscaping plan shall be subject to any conditions imposed by the NHDES under the Alteration of Terrain or Wetlands Permits for the project.

Deleted: . Prior to implementation, a

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Deleted: submitted to the Town for review and approval

The final landscaping plan shall be subject to any adjustments as may be required by the NHDES under the Alteration of Terrain or Wetlands Permits for the project, and prior to implementation, a final landscaping plan with plant schedule shall be submitted to the Town Planner.

14. Invoices for the purchase of native New England Seed Mixes/plantings shall be provided to the Town Engineer upon availability and before install/ seed application in the field.

Deleted: referenced in Condition #4 above

Deleted: Engineering Department

15. Prior to final seeding, an invasive species inventory shall be performed by the applicant and shall be delivered to the Town Engineer to provide Baseline documentation of invasive species that are either within restored areas or Adjacent thereto.

16. Under the supervision of a qualified Wetland Scientist or Landscape Architect the restored areas within jurisdictional areas shall be monitored for three (3) years post installation of each area (during the height of the growing season) and reports shall be submitted to the Town Engineer no later than November 18th of each year. At a minimum, the annual reports will address the 75% cover success standard, the presence, species and relative cover of invasive species anywhere in the restoration areas, and include photographs from predetermined photo stations. If necessary, the reports shall also detail any recommended, by the professional, of remedial actions such as replanting underperforming areas in order to meet success standards, invasive species control, and stabilization of soils.

Comment [JS24]: We understand that this revised condition is a fairly standard post construction monitoring requirement for reports

Deleted: 5

Deleted: Commission

Deleted: Upon observation, dead or dying plantings or seeded areas shall be replanted, as seasonal conditions allow. Invasive species shall be monitored and removed manually upon observation. Detection of invasive species, an estimation of their coverage and management of same shall be included in said reports.

17. If necessary, methods for more involved management of invasive species (such as root barriers for Phragmites or herbicide application) shall be discussed with the Engineering Department and implementation of any proposed non-manual methods shall be reviewed and approved by the Town Engineer.

Deleted: Methods

Deleted: , Conservation Commission, or Administrator depending on type of methods proposed

18.,

Comment [JS25]: See condition No 16 above

19. Upon beginning work in resource areas, the applicant shall submit written progress reports every month detailing what work has been done in or near resource areas, and what work is anticipated to be done over the next period. This will update the construction sequence and can be a part of the weekly erosion control reports.

Deleted: The planting areas shall exhibit an overall survivorship of at least 75% after three full growing seasons

20. Fertilizers utilized for landscaping and lawn care shall be slow release, low-nitrogen types (<5%), and shall not be used within 25 feet of a wetland resource area. Pesticides and herbicides shall not be used within 25 feet of a wetland resource area, and between 25 and 50 feet from a wetland resource area, a state-approved aquatic-friendly herbicide can be used to remove invasive species.

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Recommendations by the Hudson Conservation Commission to the Planning Board to address recreational aspects of the property as a Final Conditions of approval by the Planning Board.

21.

Comment [JS26]: See site plan decision

22.

Deleted: Pedestrian access shall be granted along the Steele Road extension in the form of an easement to allow for access to any agreed upon river trail recreation area. This easement should be shown on the final Site Plan of Record

23.

24. A stipulation and or note should be added to the plan that states "Conservation Wetland Overlay District Markers shall be placed at 300 yard intervals along the conservation easements, post construction, as approved by the Town Engineer to clearly identify the conservation easement areas.

Deleted: Proposed conservation easements discussed by the applicant for areas along the eastern and western portions of the property should be solidified in writing and legal agreements drawn up in tandem with the Site Plan approval process as part of any final condition of approval set forth by the Planning Board

Roll Call Vote: Mr. Brownrigg Yes, Mr. Dickinson Yes, Mrs. Hubert No
Mr. Collins Yes

Deleted: As this property abuts the Merrimack River, one of Hudson's biggest potential recreational asset. The Applicant, Planning Department, Engineering Department and the Conservation Commission should work together to establish a public river boat access location and launch facility, either on sight or at a location best suited for such a facility, that will provide the most accessible point for residents of Hudson as part of any final condition of approval set forth by the Planning Board. Funding for said site could be in the form of a financial contribution by the applicant in lieu of any other mitigation requirements proposed by the planning board

Reason for Dissenting Vote: Mrs. Hubert Stated that her No vote was related to her inability to attend meetings in person and that it was difficult for her to provide direct and substantial input on this application.

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William Collins

William Collins
HCC Chairman

A copy of this recommendation shall be stapled to the CUP application and forward it to the Town Planning Office for inclusion in the Planning Board Member Packets.