

HUDSON LOGISTICS CENTER

SITE PLAN APPLICATION SP#04-20

CONDITIONAL USE PERMIT APPLICATION CUP#02-20

LOT LINE RELOCATION & CONSOLIDATION SB #01-21

STAFF REPORT #15

SITE: 43 Steele Road; Map 234, Lots 5 & 34 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. And, to relocate a lot line between Map 234, Lot 5 and Map 234, Lot 34 and then to consolidate Map 234, Lot 5 with Map 239, Lot 1.

PLAN UPDATES

1. Lot Line Relocation/Consolidation Plan, Hudson Logistics Center; prepared by Hayner Swanson, Inc., 3 Congress St., Nashua, NH 03062; prepared for Langan Engineering, 888 Boylston St, Boston, MA 02116; dated February 16, 2021, last revised March 25, 2021.

ATTACHMENTS

- A. Applicant's Response Packet, from Smolak & Vaughan LLP, received March 23, 2021, containing the following:
 1. Email Correspondence Concerning Fire Chief Input on Site Plan Review Criteria, dated March 3, 2021
 2. Memorandum, dated March 13, 2021, from John Plante, Langan, to Brian Desfosses, NHDOT
 3. Letter to Tim Malley, Chair, dated March 20, 2021, from Judi Barrett, Barrett Planning Group LLC
 4. Memorandum to Hudson Planning Board and Brian Groth, Town Planner, dated March 19, 2021 (responding to Planning Board questions)
- B. Correspondence from BCM Environmental & Land Law, PLLC with review of wetlands by Marc E. Jacobs, Professional Wetland/Soil Scientist, received March 24, 2021.
- C. Applicant Response Packet from Smolak & Vaughan LLP, received March 31, 2021, containing the following:
 1. Response to Jacobs Letter (Attachment B), performed by Gove Environmental Services, Inc., received March 31, 2021.

2. Response to certain comments received at the March 24, 2021 public hearing, including a Trip Generation Sensitivity Analysis performed by Langan Engineering, dated March 3, 2021.
- D. Correspondence from Town Engineer, Elvis Dhima, relative to previous correspondences related to engineering standards and traffic mitigation, received March 31, 2021.
- E. Correspondence from NH DOT Commissioner William Cass relative to impact of mezzanine floor space on trip generation, via Smolak & Vaughan, received March 24, 2021.
- F. Correspondence from Gregg Lantos, Principal Transportation Planner, Nashua Regional Planning Commission relative to the impact of mezzanine floor space on trip generation, received March 31, 2021.
- G. Correspondence from Tom Farrelly, SIOR, Cushman & Wakefield related to past Zoning actions taken by town, received March 31, 2021.
- H. Correspondence from BCM Environmental & Land Law, PLLC relative to requested conditions of approval, received February 24, 2021, originally included in the March 10, 2021 packet.
- I. Correspondence from Smolak & Vaughan, LLP relative to proposed conditions of approval, received March 31, 2021.
- J. Correspondence from BCM Environmental & Land Law, PLLC relative to public input, received March 31, 2021.
- K. Public Comment received March 18, 2021 to March 31, 2021, 12:00PM.

SUMMARY OF PACKET

APPLICANT'S RESPONSE - ATTACHMENT A

Staff's summary of each of the items within **Attachment A**:

1. The Town's Fire Chief confirmed the site plan is required to meet the State Building and Fire Code, including fire lane markings.
2. The applicant's engineer (John Plante, Langan) explained that the tenant-specific methodology used in developing the trip generation for Lot A follows a conservative approach and is representative of the traffic volume calculated through the ITE methodologies based on total gross floor area or total employees. Thus, the earlier traffic analysis and proposed roadway and traffic signal improvements remain valid when accounting for the 215,125 sq. ft. mezzanine. This issue is also addressed by NHDOT (**Attachment E**) and NRPC (**Attachment F**).
3. The applicant's consultant (Judith Barrett, Barrett Planning Group) estimated that the 215,125 sq. ft. mezzanine not accounted for in the original Building A size profile would generate \$302,000 in additional tax revenue, for a total of \$5,426,300 in property taxes per year.

4. The applicant's attorneys responded to the list of questions provided to the applicant through the Town Planner. These questions relate to a wide range of topics.

WETLANDS DISCUSSION – ATTACHMENTS B & C

BCM has provided testimony from Marc Jacobs, a Professional Wetland/Soil Scientist who contends that wetland impacts have not been minimized (**Attachment B**). In response, the applicant has supplied a rebuttal from Gove Environmental Services (**Attachment C**).

This issue is relevant to the Conditional Use Permit for the Wetlands Conservation Overlay District and a topic recommended by staff to be specifically addressed during the Board's deliberation.

TRAFFIC DISCUSSION – ATTACHMENTS C THROUGH F

These attachments all address the issue of traffic. **Attachment C** contains a sensitivity analysis performed by Langan Engineering that presents an evaluation of traffic conditions under "exaggerated" trip generation.

Town Engineer, Elvis Dhima, has provided the Board with comments in response to questions about utility design and traffic mitigation in **Attachment D**. Mr. Dhima indicates his comments in an email from August 2020 came prior to reviewing the applicant's traffic mitigation plan, which he has endorsed as being appropriate for the proposed development.

Attachments E & F are correspondences from NH DOT and NRPS, respectively, in which they respond to the effect of the mezzanine level on trip generation. Both agencies concur with the applicant's findings.

RECENT ZONING ACTIONS OF SUBJECT PROPERTY – ATTACHMENT G

Tom Farrelly, Executive Director – New England Region Brokerage Services of Cushman Wakefield has submitted to the Board a recitation of the most recent zoning changes affecting the Green Meadow Golf Course in **Attachment G**. In particular, Mr. Farrelly explains that the building height change from 38-feet to 50-feet was implemented for the purposes of economic development by adjusting to market demands, a vote that was approved by Town voters by a margin of 1,627 to 684 on the 2017 town ballot.

PROPOSED CONDITIONS OF APPROVAL – ATTACHMENTS H & I

Both the applicant and BCM have submitted for the Board's consideration, proposed conditions of approval of the site plan application in **Attachments H & I**. The applicant also proposes modifications to the Conservation Commission's recommended conditions of approval on the conditional use permit application. Staff has vetted both documents and offers draft conditions for Board's consideration later in this staff report.

MATTERS RELATED TO PUBLIC INPUT – ATTACHMENTS J & K

BCM has submitted a letter (**Attachment J**) to the Board alleging that the Board has not afforded adequate opportunity for public comment. Town Counsel has reviewed this letter and wholly disagrees with this assertion. Furthermore, it is Town Counsel's opinion that the allegations related to conflict of interest have already been addressed by the Board.

Attachment K contains all written public input received between March 18, 2021 and March 31, 2021.

RECOMMENDATIONS

As the Planning Board begins deliberation on these applications, staff recommends the Board review the application for its conformance with applicable Zoning Ordinances and Land Use Regulation. Further, staff recommends focused deliberations, including but not limited to, the following topics:

- **Traffic:** Beyond the applicant, the traffic impact associated with this proposal has been examined by NH DOT, NRPC, VHB (on behalf of the town), Stantec (hired as an independent review by applicant), TEPP (on behalf of BCM), GPI (on behalf of 267 Lowell Road) and the Town Engineer. This information has been provided in previous meeting packets. If a Board member requires a new copy of any associated documents, please request such from town staff.
- **Property Values:** Nearby property owners have expressed concern that this development may negatively affect their property values. The applicant's subject matter expert has provided the Board with their analyses in previous meeting packets. The town's peer review consultant indicated agreement with the applicant's methodology but noted the uniqueness of this particular proposal creates difficulty in identifying comparable sites.
- **Wetland Impact:** The Conservation Commission favorably recommended the Wetlands Conservation Overlay District Conditional Use Permit with recommended conditions (previously provided). Marc Jacobs, Professional Wetland/Soil Scientist, on behalf of BCM, offers countering opinions on the wetland impact to those put forth by Gove Environmental (on behalf of the applicant). These impacts are also subject to approval by NH DES.
- **Site Plan:** Both the applicant and BCM have submitted testimony from Planning Consultants (John Krebs and Carol Ogilvie, respectively). These documents present competing opinions which staff recommends the Board assess during its deliberations.

DRAFT MOTIONS

Note: a continuance motion is provided at the end of the report.

LOT LINE RELOCATION & CONSOLIDATION PLAN

ACCEPT the Lot Line Relocation & Consolidation application:

I move to accept the application for the lot line relocation and consolidation plan, SB# 01-21, for Map 239 Lot 1 and Map 234, Lots 5 & 34.

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

APPROVE the lot line relocation application:

I move to approve the lot line adjustment plan between Map 234, Lot 5 and Map 234, Lot 34 and then to consolidate Map 234, Lot 5 with Map 239, Lot 1

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

CONDITIONAL USE PERMIT

Town staff, along with Town Counsel, has reviewed the Conservation Commission’s proposed conditions of approval on the conditional use permit and suggests some modifications. These modifications include elements that belong with site plan, and some elements that are beyond the purview of the Commission. The applicant also proposed modifications which are found in **Attachment I**. The following are draft conditions for the Board’s consideration.

APPROVE the conditional use permit application:

I move to approve the Wetlands Conservation Overlay District Conditional Use Permit for the Hudson Logistics Center; prepared by: Langan Engineering & Environmental Services, Inc., 888 Boylston St., Boston, MA 02116; prepared for: Hillwood Enterprises, L.P, 5050 W. Tilghman St., Suite 435, Allentown, PA 18104; and, Greenmeadow Golf Club, Inc., C/O Thomas Friel, 55 Marsh Rd., Hudson, NH 03501; dated April 21, 2020; last revised March 10, 2021; subject to, and revised per, the following stipulations:

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. Construction and restoration shall comply with 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.
3. 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.
4. The Town Engineer shall be allowed to inspect the boundaries of the wetland and wetland buffer areas during construction and report any finding to the applicant and the Conservation Commission for immediate remediation.
5. 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”.
6. 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”.
7. 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”.

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.
10. A third party monitor for plantings, i.e. Professional Landscape Architect and/or Professional Wetland Scientist to perform monthly visits during the growing season for a 3 year period and submit maintenance logs to the Town Engineer and Commission on a quarterly basis.

Note: the applicant has requested this to be changed from a 3-year period to “during the installation of the restoration areas.

11. Any vegetation associated with post-construction BMP’s to be suitably established to withstand erosion.
12. Any proposed landscaping within jurisdictional resource areas shall consist of species native to northeastern USA region.
13. 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.
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 the restored areas within jurisdictional areas shall be monitored for 5 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. 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.

Note: the applicant has proposed the following modification:

*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.***

Staff believes the proposed, modified second sentence is more demonstrable standard than the language put forth by the Conservation Commission.

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.
18. 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.
19. 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.

Note: the modifications to #19 are proposed in order to allow for the establishment of restoration planting mixes.

20. A note shall be added to the plan that states: Conservation Wetland Overlay District Markers shall be placed at 100 foot intervals along the conservation areas, post construction, as approved by the Town Engineer, to clearly identify the conservation easement areas.

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

SITE PLAN APPLICATION

WAIVER REQUESTS

GRANT a waiver:

I move to grant a waiver from §276-13 regarding underground utilities requirements, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

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

GRANT a waiver:

I move to grant a waiver from §275-8(C)(4) regarding parking space dimensions, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

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

GRANT a waiver:

I move to grant a waiver from §275-8(C)(2) regarding parking requirements, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

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

GRANT a waiver:

I move to grant a waiver from §193-10.F regarding maximum driveway width, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

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

APPROVE the site plan application:

I move to approve the Site Plan application for the Hudson Logistics Center; prepared by: Langan Engineering & Environmental Services, Inc., 888 Boylston St., Boston, MA 02116; prepared for: Hillwood Enterprises, L.P, 5050 W. Tilghman St., Suite 435, Allentown, PA 18104; and, Greenmeadow Golf Club, Inc., C/O Thomas Friel, 55 Marsh Rd., Hudson, NH 03501; dated April 21, 2020; last revised March 10, 2021; subject to, and revised per, the following stipulations:

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. The “Applicant” refers to Hillwood Enterprises, L.P., 5050 W. Tilghman Street, Suite 435, Allentown, Pennsylvania 18104, c/o Brian Kutz, Vice President - Development, the Applicant with respect to this Decision, its successors and assigns.
3. A cost allocation procedure (CAP) shall be paid prior to the issuance of a Certificate of Occupancy for each building as follows: \$944,885.75 for Building A, \$713,890.80 for Building B, and \$376,189.24 for Building C.
4. Subject to final administrative review by the Town Planner and Town Engineer.
5. Subject to receiving an Alteration of Terrain Permit and Wetlands Permit from NH DES.
6. Subject to approval of the traffic mitigation plan by NH DOT.
7. Construction activities involving this plan shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction shall occur on Sunday.
8. 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.
9. “Substantial completion” shall be defined as completion of Buildings A and B.
10. 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.
11. 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.

12. 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 Groth, Town Planner, to the extent not otherwise included in this Decision.
13. Prior to the issuance of a building permit the applicant shall secure a contract and pay in full for a tower truck with the design, vendor and construction schedule approved by the Hudson Fire Chief. Timing of this deliverable may be modified with the Hudson Fire Chief's approval.
14. Prior to the issuance of a building permit the applicant shall meet with the Hudson Fire Chief to identify technical rescue training programs and equipment needs as identified by the Hudson Fire Department. The applicant shall pay for this additional training and equipment in entirety. Timing of this deliverable may be modified with the Hudson Fire Chief's approval.
15. 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.
16. The Applicant shall schedule a pre-construction meeting with the Town Engineer and other Town Staff.
17. The Applicant shall provide the Town Planner and Town Engineer for its review and approval a phased construction plan for Green Meadow Drive so that no detour to the Mercury Systems building (267 Lowell Rd) is required during the construction of the roadway.
18. No construction vehicles shall park or stand on residential streets. The use of Steele Road by construction vehicles shall cease upon establishment of the proposed access ways.
19. The earthen berm and sound fence shall be constructed prior to the issuance of any building permit.
20. 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.
21. 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.
22. 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.

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

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

24. Prior to the issuance of a building permit for Building C, 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 must 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.
25. 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.
26. 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.
27. 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 by the Town in cooperation with NHDOT.
28. 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.
29. 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 21O, Article VI. Any fire protection system shall be monitored by an approved fire alarm system.
30. Steele Road will be addressed as indicated in plan notes, or by other lawful means.

Conditions related to construction practices:

31. There shall be weekly construction meetings scheduled and available for attendance by Town staff until such time as Inspectional Services reasonably determines that weekly inspections, or less frequent or no further scheduled meetings are necessary.
32. The Applicant shall pay for the cost of locating a construction trailer on the site (with appropriate HVAC, electrical, and other utilities) to support a work space for the Town of Hudson Inspectional Service and Land Use Divisions. The Applicant shall also pay for the retention of inspector(s) solely for the purpose of inspecting the construction and project for the duration of the project as reasonably agreed by the Applicant and Fire Chief. The inspectional services trailer shall be located on the site within thirty (30) days after notice by the Inspectional Services Division to the Applicant, but not later than the commencement of construction of the 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.
33. 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.
34. 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.
35. A blasting permit will be required for any blasting on the site in accordance with the Hudson Town Code, Chapter 202.
36. 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.
37. The construction contract will provide measures to be used by contractors to reduce potential emissions and minimize impacts. These measures are expected to include:
 - a. Using wetting agents on area of exposed soil on a scheduled basis;
 - b. Using covered trucks to transport any debris or other materials to or from the site;

- c. Monitoring of actual construction practices to ensure that unnecessary transfers and mechanical disturbances of loose materials are minimized;
 - d. Minimizing storage of debris on the site; and
 - e. Periodic street and sidewalk cleaning with water to minimize dust accumulations.
 - f. Limit maximum travel speeds on unpaved areas; and
 - g. Provide wheel wash stations to limit trackout of soil during the excavation phase.
38. 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.
39. 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.
40. 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.
41. The Applicant shall encourage contractors to use proper emission controls, use of clean fuels, control of truck and equipment idling times.

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

42. 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.
43. 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.
44. 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.

45. 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.
46. 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.
47. 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.
48. 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.

49. 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.

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

50. 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.
51. 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.
52. 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.

Other conditions:

53. 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.
54. 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 Steele Road gate.
55. The Applicant shall provide additional evergreen landscaping for the purposes of screening 267 Lowell Road.
56. 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.
57. 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.
58. The Project shall comply with the vehicle idling requirements of New Hampshire regulation ENV-A-1100, as amended, unless otherwise exempt.

59. The Applicant shall equip all terminal tractors with smart, ambient sensing, multi-frequency back-up alarms.
60. All water and sewer infrastructure requirements shall be provided in accordance with Town's regulations and guidelines in coordination with the Town Engineer.
61. 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.
62. 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.
63. 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.
64. Any required fire alarm system component must remain accessible and visible at all times.
65. 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.
66. In agreement with the Applicant and the Planning Board hereby assesses the following off-site exaction fees in the total amount of \$7,750,000.00, to be paid by the Applicant to offset the impacts caused by the development and for the purposes presented by the Applicant at the March 10, 2021 Planning Board hearing. These are 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.

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

CONTINUE to a date certain:

I move to continue the Hudson Logistics Center, SP#04-20, CU#02-20 and SB#01-21, to date certain, _____.

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

*[If the Board needs more time to deliberate, move to **continue** the hearing]*