

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 #16

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.

ATTACHMENTS

- A. Revised Draft of conditions of Conditional Use Permit decision. Track Changes and Clean Copy.
- B. Revised Draft of conditions of Site Plan decision. Track Changes copy and Clean Copy.
- C. List of Wetland Conservation District Zoning criteria
- D. List of Land Use Regulation Criteria

DRAFT DECISIONS

REVISED CONDITIONS

Attachment A presents conditions recommended for the Board's consideration in the event of a decision on the Wetlands Protection Overlay District Conditional Use Permit (CUP).

Attachment B presents conditions recommended for the Board's consideration in the event of a decision on the Site Plan application. These revisions are a result of feedback heard at the April 7, 2021 meeting and the work of Board member Mr. Veloso and Town Staff.

REGULATORY CONFORMANCE

§334 – ZONING

Staff finds that the proposal conforms to applicable zoning requirements, including: permitted uses, dimensional requirements, building height, and provision of on-site parking.

The Applicant has submitted an application for a Conditional Use Permit in accordance with Article IX Wetlands Conservation Overlay District, which was thoroughly reviewed and given a favorable recommendation from the Conservation Commission on January 25, 2021 with suggested conditions of approval, which have been incorporated in **Attachment B**. Some revisions made by Staff and the Planning Board.

Competing opinions relative to the application's conformance with Article IX have been offered by Marc Jacobs, GeoInsight, Inc. and the public on behalf of project opponents, and by Gove Environmental Services on behalf of the Applicant (Documents provide in the April 7, 2021 packet). The proposed impacts to the Wetland Conservation District result from the construction of access ways into the upland portions of the site, which is a conditionally permitted use in the District.

Attachment C is provided as a guide to evaluating the requirements of this ordinance.

§275 – SITE PLAN REVIEW

Staff and the Town's peer review consultants have found that the application meets the technical requirements of the land use regulations including §275 – Site Plan Review and §290 – Stormwater Management. However, Staff recommends the Planning Board deliberate topics where competing opinions have been submitted and where waivers have been requested, including the following topics that fall under §275-8 General Plan Requirements. **Attachment D** is provided as a guide for Land Use Regulations pertinent to the Board's deliberations.

- **Traffic:** Beyond the applicant, the traffic impact associated with this proposal has been examined by the Town's peer review consultant, NH DOT, NRPC, Stantec (hired as an independent review by applicant), TEPP (on behalf of project opponents), GPI (on behalf of 267 Lowell Road) and the Town Engineer. The trip generation model has been approved by NH DOT and was favorably reviewed by NRPC and the Town's independent peer review consultant.
- **Property Values:** Nearby property owners have expressed concern that this development may negatively affect their property values. The applicant's 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. Additionally, the Chief Assessor has reported that properties abutting the Green Meadow Golf course do not receive an adjustment, and are assessed the same as non-abutting properties.
- **Environmental Impacts:** The Town's peer review consultants have found that the application adheres to air quality standards and the noise ordinance. While no expert testimony was received to the contrary, residents have articulated particular concern over these issues.
- **Planning:** Both the applicant and project opponents 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.

§290 – STORMWATER MANAGEMENT

The Applicant's Stormwater Management plan has been reviewed by the Town's peer review consultant four times. As of their February 8, 2021 memo, provided as part of the February 24, 2021 Planning Board meeting packet, it has been found that the application complies with the requirements of this section.

WAIVER REQUESTS

§193-10 Driveway Design Criteria

(F) Driveway Width: The Applicant is requesting relief from the maximum driveway width of 50-feet, as proposed Green Meadow Drive is nearly 66-feet in width at its intersection with Lowell Road.

(G) Number of Driveways: The Applicant proposes two access points (WalMart Blvd & Green Meadow Drive) where this regulation limit lots to one driveway unless it is a duplex.

Staff points the Board to §275.C.10 which states:

“Entrance design and construction shall conform with the requirements of Chapter **193**, DRIVEWAYS, except that SITE PLAN approval shall constitute the issuance of a DRIVEWAY Permit.”

Accordingly, these waivers may not be necessary depending on the Board's interpretation.

§ 275-8 Application submission (C)

(2) Parking Calculations: The Applicant has submitted a waiver request seeking relief from the number of required parking spaces based on:

- (g) Industrial: one for each 600 square feet of gross floor space or 0.75 space per employee of the combined employment of the two largest successive shifts, whichever is larger.

The Applicant proposes 1,806 number of spaces, where 4,777 would be required by subsection (g) Industrial above.

(4) Parking Space Dimensions: The Applicant has submitted a waiver request to allow for parking space dimensions of 9'x18' rather than 10'x20' with the stated goal of reducing impervious surface coverage.

§276-11.1.B(4) Approval Block Location

This regulation requires the approval block on each plan sheet to be in the lower left-hand corner. The applicant is requesting the Board allow the title block to be placed in alternate locations on some sheets for drafting/layout purposes.

§ 276-13 Underground Utilities

The Applicant is requesting a waiver from this section to allow for overhead lines from Lowell Road to neighboring 267 Lowell Road and then going underground for the remainder of the site. The applicant states this is a requirement of the utility provider, Eversource.

DRAFT MOTIONS

Note: Draft Motions for the CUP and Site Plan are Attachments.

CONTINUANCE OF DELIBERATION

To 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]

SITE PLAN WAIVER REQUESTS

Driveway Width - To 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: _____

Number of Driveways - To GRANT a waiver:

I move to grant a waiver from §193-10.G regarding maximum number of driveways, 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: _____

Parking Space Dimensions - To 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: _____

Number of Parking Spaces - To 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: _____

Title Block - To GRANT a waiver:

I move to grant a waiver from §276-11.1.B(4) regarding location of approval block, 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: _____

Underground Utilities - To 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: _____

Conditional Use Permit Decision DRAFT - Revised per Planning Board meeting April 7, 2021

Track Changes Copy

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, or the Town's Civil Engineer, shall ~~be allowed to~~ inspect the boundaries of the wetland and wetland buffer areas during construction and report any finding-issues or violations to the applicant and the Conservation Commission for immediate remediation.
5. A stipulation and or note ~~should~~shall 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~~shall 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~~shall 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~~shall 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~~ shall be allowed to witness the draw down and relocation of wildlife of the manmade ponds listed as impact areas. At least two weeks ~~a two day~~ notice ~~should~~ shall be provided to the Town of Hudson Engineering Department to facilitate this request. To the extent that a potential quorum will occur during this observation, the applicant shall notice the Engineering Department with sufficient time to provide proper public notification, as necessary.
10. An independent third party monitor for plantings, (i.e. Professional Landscape Architect and/or Professional Wetland Scientist), ~~at the expense of the Applicant, to~~ shall inspect the installation of the restoration areas ~~perform monthly visits during the growing season for a 3 year period~~ and submit ~~maintenance log~~ their findings to the Town Engineer and the Conservation Commission ~~on a quarterly basis~~. Timing and scheduling of these inspections and reports shall be set by the Town Engineer. The post installation monitoring of the restoration areas shall take place in accordance with Stipulation #11.
11. Under the supervision of an independent third party monitor (i.e. Professional Landscape Architect and/or Professional Wetland Scientist), at the expense of the Applicant, the restoration areas shall be monitored for five (5) years post installation (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 minimum, the annual reports shall 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 remedial actions, such as replanting underperforming areas in order to meet success standards, invasive species control, and stabilization of soils. Any such remedial actions shall be performed by the Applicant, at their expense.
- 11.12. Any vegetation associated with post-construction BMP's ~~to~~ shall be suitably established to withstand erosion.
- 12.13. Any proposed landscaping within jurisdictional resource areas shall consist of species native to northeastern USA region.
- 13.14. 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~~ Prior to implementation, a final landscaping plan with plant schedule shall be submitted to the Town Planner and the Town Engineer.
- 14.15. Invoices for the purchase of native New England ~~s~~ Seed ~~m~~ Mixes/plantings shall be provided to the Town Engineer upon availability and before installation/seed ~~application in the field.~~

~~15.16.~~ Prior to final seeding, an invasive species inventory shall be performed by the applicant, at their expense, and shall be delivered to the Town Engineer to provide ~~b~~Baseline documentation of invasive species that are either within restored areas or ~~a~~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.~~

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 i~~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 to the Town Engineer every month detailing ~~what work has been done~~work performed in or near resource areas, and ~~what~~ work that is anticipated to be done over the next period. To the extent applicable, these reports shall~~This will~~ update the construction sequence and ~~can be a part of~~incorporated into 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. A list of the products to be used shall be provided to the Town Engineer prior to application.

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 easement areas, post construction, as approved by the Town Engineer, to clearly identify the conservation easement areas.

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

Conditional Use Permit Decision DRAFT - Revised per Planning Board meeting April 7, 2021

Clean Copy

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, or the Town's Civil Engineer, shall inspect the boundaries of the wetland and wetland buffer areas during construction and report any issues or violations to the applicant and the Conservation Commission for immediate remediation.
5. A stipulation and or note shall 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 shall 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 shall 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 shall 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. Members of the Conservation Commission shall be allowed to witness the draw down and relocation of wildlife of the manmade ponds listed as impact areas. At least two weeks notice shall be provided to the Town of Hudson Engineering Department to facilitate this request. To the extent that a potential quorum will occur during this observation, the applicant shall notice the Engineering Department with sufficient time to provide proper public notification, as necessary.
10. An independent third party monitor for plantings (i.e. Professional Landscape Architect and/or Professional Wetland Scientist), at the expense of the Applicant, shall inspect the installation of the restoration areas and submit their findings to the Town Engineer and the Conservation Commission. Timing and scheduling of these inspections and reports shall be set by the Town Engineer. The post installation monitoring of the restoration areas shall take place in accordance with Stipulation #11.
11. Under the supervision of an independent third party monitor (i.e. Professional Landscape Architect and/or Professional Wetland Scientist), at the expense of the Applicant, the restoration areas shall be monitored for five (5) years post installation (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 minimum, the annual reports shall 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 remedial actions, such as replanting underperforming areas in order to meet success standards, invasive species control, and stabilization of soils. Any such remedial actions shall be performed by the Applicant, at their expense.
12. Any vegetation associated with post-construction BMP's shall be suitably established to withstand erosion.
13. Any proposed landscaping within jurisdictional resource areas shall consist of species native to northeastern USA region.
14. 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. Prior to implementation, a final landscaping plan with plant schedule shall be submitted to the Town Planner and the Town Engineer.
15. Invoices for the purchase of native New England seed mixes/plantings shall be provided to the Town Engineer upon availability and before installation.

16. Prior to final seeding, an invasive species inventory shall be performed by the applicant, at their expense, and shall be delivered to the Town Engineer to provide baseline documentation of invasive species that are either within restored areas or adjacent thereto.

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. 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 to the Town Engineer every month detailing work performed in or near resource areas, and work that is anticipated to be done over the next period. To the extent applicable, these reports shall update the construction sequence and be incorporated into 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. A list of the products to be used shall be provided to the Town Engineer prior to application.

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 easement areas, post construction, as approved by the Town Engineer, to clearly identify the conservation easement areas.

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

Site Plan Decision DRAFT - Revised per Planning Board meeting April 7, 2021

Track Changes Copy

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. The plan shall be Ssubject to receiving an Alteration of Terrain Permit and Wetlands Permit from NH DES.
6. The plan shall be Ssubject 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. 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.

~~10.~~12. The proposed buildings shall 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.

~~11.~~13. 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.

d. Sheet CS 119 shall be amended to remove the light pole fixture from the shoreland protection area.

e. The final plan set shall properly index Sheet CP 125, which was misplaced in the most recent revision plan set.

f. Shall be subject to any comments and adjustments as required by the NHDES.

e.g. A temporary turnaround for emergency vehicles shall be installed at the westerly terminus of the Steele Road access easement outside the shoreland protection area, until such time as the design, permitting and installation of the permanent infrastructure such as a turnaround, or other infrastructure that the Town or Fire Department desires within the shoreland protection area is complete as described in Condition #47 below.

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

~~12.14.~~ 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. Notwithstanding the timing of the implantation of the Fire Chief's recommendations in his March 2, 2021 memorandum and in this decision, the Fire Chief (in consultation with the Town Planner and the Applicant), may modify the timing of the implementation of such requirements.

~~13.15.~~ 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, utilizing funds identified in Condition #67. Timing of this deliverable may be modified with the Hudson Fire Chief's approval.

~~14.16.~~ 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, utilizing funds identified in Condition #67. 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.

~~15.17.~~ 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.

~~16.18.~~ The Applicant shall schedule a pre-construction meeting with the Town Engineer and other Town Staff.

~~17.19.~~ 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.~~

~~19.20.~~ The earthen berm and sound fence shall be constructed prior to the issuance of any building permit of Building A and/or Building B.

~~20.21.~~ 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.

~~21.22.~~ 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.

~~22.23.~~ 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.

~~23.24.~~ 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:

~~24.25.~~ 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.

~~25.26.~~ The post opening traffic evaluation ~~will~~shall 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.

~~26.27.~~ 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.

~~27.28.~~ 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 by the Town in cooperation with NHDOT.

~~28.29.~~ 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 210, Article VI. Any fire protection system shall be monitored by an approved fire alarm system.~~

30. Steele Road ~~will~~shall 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~~shall be required for any blasting on the site in accordance with the Hudson Town Code, Chapter 202.

36. During construction, the Applicant shall submit 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-shall 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-shall 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-shall 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-shall be covered.
40. Construction vehicles and equipment will-shall not be permitted to be washed in the streets outside of the Project site. Excess water from the wheel wash stations will shall 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#46~~ 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, and shall include a temporary easement to allow for the construction of improvements described in Condition #11.g above.

48. A General State Permit (GSP) for Internal Combustion Engines – Emergency Generators or Fire Pump Engines ~~is~~shall be 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~~shall 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~~shall 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~~ shall have internal refuse control and dumpsters and compactors directly connected to the building, and occupying loading dock bays. There ~~are~~ shall be 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~~ shall be 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~~ shall remain accessible and visible at all times.

65. Upon commencement of operations of the completed improvements, drivers ~~will~~ shall 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.

~~65.~~66. Based upon the Town Engineer's recommendations, the Stormwater Management and Erosion Control Plan (SMECP) is hereby approved as the Project complies with Chapter 290, and the property owner of record shall record at the Registry of Deeds documentation sufficient to provide notice to all persons that may acquire any property that the property is subject to the requirements and responsibilities described within the approved SMECP, including the operation and maintenance requirements and all BMPs.

~~66.~~67. 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~~ shall 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~~ shall 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.

Site Plan Decision DRAFT - Revised per Planning Board meeting April 7, 2021

Clean Copy

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. The plan shall be subject to receiving an Alteration of Terrain Permit and Wetlands Permit from NH DES.
6. The plan shall be 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. 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.
12. The proposed buildings shall 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.
13. 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.
 - d. Sheet CS 119 shall be amended to remove the light pole fixture from the shoreland protection area.
 - e. The final plan set shall properly index Sheet CP 125, which was misplaced in the most recent revision plan set.
 - f. Shall be subject to any comments and adjustments as required by the NHDES.
 - g. A temporary turnaround for emergency vehicles shall be installed at the westerly terminus of the Steele Road access easement outside the shoreland protection area, until such time as the design, permitting and installation of the permanent infrastructure such as a turnaround, or other infrastructure that the Town or Fire Department desires within the shoreland protection area is complete as described in Condition #47 below.

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

14. 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. Notwithstanding the timing of the implantation of the Fire Chief's recommendations in his March 2, 2021 memorandum and in this decision, the Fire Chief (in consultation with the Town Planner and the Applicant), may modify the timing of the implementation of such requirements.
15. 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, utilizing funds identified in Condition #67. Timing of this deliverable may be modified with the Hudson Fire Chief's approval.
16. 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, utilizing funds identified in Condition #67. 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.
17. 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.
18. The Applicant shall schedule a pre-construction meeting with the Town Engineer and other Town Staff.
19. 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.
20. The earthen berm and sound fence shall be constructed prior to the issuance of any building permit of Building A and/or Building B.
21. 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.
22. 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.

23. 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.
24. 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:

25. 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.
26. The post opening traffic evaluation shall 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.
27. 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.
28. 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 by the Town in cooperation with NHDOT.
29. 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.
30. Steele Road shall 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 shall be required for any blasting on the site in accordance with the Hudson Town Code, Chapter 202.
36. During construction, the Applicant shall submit 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 shall 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 shall 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 shall 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 shall be covered.
40. Construction vehicles and equipment shall not be permitted to be washed in the streets outside of the Project site. Excess water from the wheel wash stations shall 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.
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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 #46 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, and shall include a temporary easement to allow for the construction of improvements described in Condition #11.g above.
48. A General State Permit (GSP) for Internal Combustion Engines – Emergency

Generators or Fire Pump Engines shall be 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.

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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 shall 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.
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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 shall have internal refuse control and dumpsters and compactors directly connected to the building, and occupying loading dock bays. There shall be 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, shall be 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 shall remain accessible and visible at all times.
 65. Upon commencement of operations of the completed improvements, drivers shall 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. Based upon the Town Engineer's recommendations, the Stormwater Management and Erosion Control Plan (SMECP) is hereby approved as the Project complies with

Chapter 290, and the property owner of record shall record at the Registry of Deeds documentation sufficient to provide notice to all persons that may acquire any property that the property is subject to the requirements and responsibilities described within the approved SMECP, including the operation and maintenance requirements and all BMPs.

67. 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, shall 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 shall 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.

Checklist for Conditional Use Permit for Uses within Wetland Conservation District

#	Section	Requirement	Status
1	§ 334-36	Uses within Wetland Conservation District	
§ 334-37. Conditional Use Permit Criteria			
2	§ 334-37 (A)	The Planning Board shall, in addition to referencing the findings referenced in the preceding section, consider all relevant facts and information prior to making a decision on any application for a Conditional Use Permit; find that the proposed project is consistent with the stated Purpose of this article; and find, that to the extent possible, the project avoids and minimizes impacts to land situated within the District, including but not limited to the following:	
3	§ 334-37 (A)(1)	<p>The proposed activity minimizes degradation of land situated within the District and offsets potential adverse impacts to functions and values of wetlands, surface waters, and vernal pools including but not limited to their capacity to:</p> <ul style="list-style-type: none"> (a) Support fish and wildlife; (b) Attenuate flooding; (c) Supply and protect surface and groundwater resources; (d) Remove sediments; (e) Remove pollutants; (f) Support wetland vegetation; (g) Promote public health and safety; and (h) Moderate fluctuations in surface water levels. 	
4	§ 334-37 (A)(2)	The proposed activity will have no significant negative environmental impact to abutting or downstream properties and/or hydrologically connected water and/or wetland resources, including:	

#	Section	Requirement	Status
		(a) Increased potential for erosion, siltation, and turbidity of surface waters; (b) Loss of fish and wildlife habitat; (c) Loss of unique habitat having demonstrable natural, scientific, or educational value; (d) Loss or decrease of beneficial aquatic organisms and wetland plants and their habitat; (e) Increased danger of flooding and/or transport of pollutants; and (f) Destruction of the economic, aesthetic, recreational, and other public and private uses and values of the wetland to the community.	
5	§ 334-37 (A)(3)	The proposed activity or use cannot practicably be located otherwise on the site to eliminate or reduce impact to the Wetland Conservation Overlay District.	
6	§ 334-37 (A)(4)	The proposed activity incorporates the use of those Best Management Practices recommended by the New Hampshire Department of Environmental Services and/or other state agencies having jurisdiction.	
7	§ 334-37 (A)(5)	All applicable federal and/or state permit(s) have been received for the proposed activity in accordance with New Hampshire Code of Administrative Rules, Part Env-Wt 100-800 and Section 404 of the Federal Clean Water Act, as amended.	
8	§ 334-37 (A)(6)	Where applicable, proof of application to all required state and/or federal permits.	
9	§ 334-37 (A)(7)	Prior to making a decision on any Conditional Use Permit pursuant to the Wetland Conservation Overlay District, the Planning Board shall receive a written comment from the Conservation Commission. The Conservation Commission may recommend the Planning Board impose conditions of approval	

#	Section	Requirement	Status
		is deemed necessary to mitigate the potential for adverse effects of the proposed activity or use.	
10	§ 334-37 (B)	Application requirements for this Conditional Use Permit are set forth in Chapter 276, Administrative Requirements and Definitions.	

Checklist for Site Plan Review

#	Section	Requirement	Status
§ 275-6. General Requirements for Site Plan Review			
1	§ 275-6 (A)	The safe and attractive DEVELOPMENT of the site and to guard against such conditions as would involve danger or injury to health or safety, and no significant diminution in value of surrounding properties would be suffered.	
2	§ 275-6 (B)	Traffic circulation and access, including adequacy of entrances and exits, traffic flow, sight distances, curb cuts, turning lanes and traffic signalization.	
3	§ 275-6 (C)	Pedestrian and bicycle safety and access.	
4	§ 275-6 (D)	Off-street parking and loading.	
5	§ 275-6 (E)	Emergency vehicle access, including fire lanes.	
6	§ 275-6 (F)	Stormwater drainage and groundwater recharge.	
7	§ 275-6 (G)	Water supply, wastewater disposal and solid waste disposal.	
8	§ 275-6 (H)	Elimination of undesirable and preventable elements of pollution, such as noise, smoke, soot, particulates or any other discharge, into the environment which might prove harmful to persons, structures or adjacent properties.	
9	§ 275-6 (I)	Adequate provision for fire safety, prevention and control.	
10	§ 275-6 (J)	Harmonious and aesthetically pleasing DEVELOPMENT of the municipality and its environs.	
11	§ 275-6 (K)	Suitably located travelways of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air and ACCESS for fire-fighting	

#	Section	Requirement	Status
		apparatus and equipment to buildings, and be coordinated so as to compose a convenient system.	
12	§ 275-6 (L)	Landscaping in keeping with the general character of the surrounding area, showing trees, shrubbery and grass areas and other reasonable landscape details.	
13	§ 275-6 (N)	Signage and exterior lighting.	
14	§ 275-6 (P)	Conformance with all existing codes.	
15	§ 275-6 (Q)	The minimization of encroachment on neighboring land uses.	
16	§ 275-6 (R)	Green areas, open space, conservation easements, pedestrian easements, slope easements and such other easements as may be applicable.	
17	§ 275-6 (S)	The use of a shared DRIVEWAY for ACCESS to two or more proposed SITE PLANS shall be allowed.	
18	§ 275-6 (T)	<p>Installation of improvements.</p> <p>(1) The PLANNING BOARD shall weigh the burden that proposed DEVELOPMENT places on public facilities, infrastructure, sewers and amenities and shall require the installation of public improvements, both on-site and off-site, to compensate for this burden. Improvements may include, but are not limited to:</p> <ul style="list-style-type: none"> (a) Granite curbing. (b) Sidewalk and STREET trees. (c) Improvements to existing roadways and drainage. (d) Traffic control devices. 	

#	Section	Requirement	Status
		<p>(e) Open space.</p> <p>(f) Recreational space.</p> <p>(g) Moneys granted in lieu of land for recreational space, which shall be held by the Town in a nonlapsing fund for the future purchase and DEVELOPMENT of recreational space/facilities to serve this particular neighborhood/DEVELOPMENT.</p> <p>(h) Improvements to nearby traffic corridors as warranted by the Town's cost allocation procedure traffic study.</p> <p>(2) All requested improvements, whether on-site or off, shall be consistent with the standards enunciated by the New Hampshire Supreme Court and this legislature.</p>	
19	§ 275-6 (U)	The PLANNING BOARD shall require the APPLICANT to execute a DEVELOPMENT agreement. This agreement shall detail the terms, conditions and responsibilities of the APPLICANT and the Town in conjunction with an approved plan.	
20	§ 275-6 (V)	Installation or placement of outside appurtenances: e.g., utility boxes, storage containers trash receptacles and/or air-conditioning equipment.	
21	§ 275-6 (W)	Exterior storage or display areas.	
§ 275-8. Requirements pertaining to Parking Areas			
22	§ 275-8 (C)(2)(g)	<p>C. In addition to the general regulations, notations of, or showing compliance with, the following shall be required of all SITE PLAN APPLICATIONS:</p> <p>(2) Parking Calculations. The calculations for required off-street spaces shall be computed in accord with the specifications listed below. Any use not listed shall provide parking as required by the PLANNING BOARD. The PLANNING BOARD may vary these requirements if the APPLICANT can demonstrate</p>	Waiver requested from § 275-8 (C)(2) to allow fewer spaces than required

#	Section	Requirement	Status
		<p>that fewer spaces than required below are consistent with the proposed use:</p> <p>(g) Industrial: one for each 600 square feet of gross floor space or 0.75 space per employee of the combined employment of the two largest successive shifts, whichever is larger.</p>	
23	§ 275-8 (C)(3)	Statement of Parking Space Calculation: A note stating the number of parking spaces provided is to be included on the plan.	
24	§ 275-8 (C)(4)	Parking space dimensions shall be 10 feet by 20 feet, except that the PLANNING BOARD may vote to allow dimensions of nine feet by 18 feet.	Waiver requested from § 275-8 (C)(4) to allow parking space dimensions of nine feet by 18 feet
25	§ 275-8 (C)(5)	<p>Minimum aisle widths for various parking PLANS are as listed and shown below. When any combination of PLANS is used facing the same drive aisle, the greatest width requirements shall prevail:</p> <p>(a) Ninety-degree (perpendicular) parking: 24 feet (either one-way or two-way circulation).</p> <p>(b) Sixty-degree (angle) parking: 18 feet (one-way circulation only).</p> <p>(c) Forty-five-degree (angle) parking: 13 feet (one-way circulation only).</p> <p>(d) Thirty-degree (angle) parking: 11 feet (one-way circulation only).</p> <p>(e) Zero-degree (parallel) parking: 12 feet (one-way circulation only).</p>	
26	§ 275-8 (C)(6)	<p>Off-street loading spaces required for the acceptance or distribution of materials or merchandise by vehicles shall be provided as follows:</p> <p>(a) Spaces required. Every nonresidential building or structure having 5,000 square feet or less of gross floor area shall provide at least one loading and/or unloading space. One additional space shall be provided for every additional 10,000 feet of gross floor area.</p>	

#	Section	Requirement	Status
		<p>(b) Dimensions. Each off-street loading space shall be at least 12 feet in width and at least 60 feet in length, exclusive of aisle and maneuvering spaces, and shall have vertical clearance of at least 14 feet. However, when it is demonstrated that a particular loading space will be used by shorter trucks, the minimum length may be reduced to 35 feet.</p> <p>(c) Location. All required loading and/or unloading spaces shall be located on the same LOT as the use served. No loading space for vehicles over 13,000 pounds (empty) shall be closer than 100 feet to any property in a residential zone, unless completely enclosed by a fence, wall or screen.</p> <p>(d) Required maneuvering area. Off-street loading space shall be designed and constructed so that all maneuvering for loading and/or unloading can take place entirely within the property lines of the use. Off-street loading spaces shall not hinder the free movement of pedestrians and vehicles over a sidewalk, street, road, HIGHWAY or deeded rights-of-way.</p>	
27	§ 275-8 (C)(7)	<p>Landscaping requirements.</p> <p>(a) A minimum of 10% of the interior of a parking LOT shall be set aside for landscaping areas exclusive of paved pedestrian surfaces.</p> <p>(b) The landscaped area shall be calculated as 10% of the total area and drive aisles.</p> <p>(c) A minimum of one shade tree shall be planted per 1,600 square feet of paved area, or one shade tree per every five parking spaces, whichever is greater.</p> <p>(d) One shrub per 200 square feet of paved area shall be planted or 1.6 shrubs per every parking space.</p> <p>(e) This section shall not apply to parking areas consisting of a single access lane.</p>	

#	Section	Requirement	Status
28	§ 275-8 (C)(8)	<p>Screening shall be provided for visual separation of incompatible uses. Screening shall be required between parking or loading areas and, if present, an abutting residential zone. Screening may also be required between abutting nonresidential sites. Where screening is required, it shall provide a reasonable effective visual buffer by:</p> <p>(a) Use of existing vegetation and terrain where possible; or</p> <p>(b) New plantings (type, size and spacing to be approved by the PLANNING BOARD), grade separations, fences or similar features.</p>	
29	§ 275-8 (C)(9)	All parking spaces provided pursuant to this section shall be on the same LOT as the use.	
30	§ 275-8 (C)(10)	Entrance design and construction shall conform with the requirements of Chapter 193, DRIVEWAYS, except that SITE PLAN approval shall constitute the issuance of a DRIVEWAY Permit.	Waivers requested from § 193-10(F) to allow a wider driveway (Green Meadow Drive), and from § 193-10(G) to allow more than one driveway on the lot
31	§ 275-8 (C)(11)	Handicap accessibility shall be provided in accordance with the latest ADA Regulations. Appropriate handicap parking spaces and other details associated with parking and pedestrian ACCESS must be shown and detailed. The PLAN shall provide a note indicating that it complies to the best of the designer's knowledge with the latest ADA requirements and shall include the latest revision date for the ADA Regulations used.	
§ 275-9. Requirements for Final Application Acceptance			
32	§ 275-9 (A)	Stormwater Management Plan	
33	§ 275-9 (B)	Traffic Study, if required	

#	Section	Requirement	Status
34	§ 275-9 (C)	Noise Study, if required	
35	§ 275-9 (D)	Fiscal Impact Study, if required	
36	§ 275-9 (E)	A utility PLAN showing provisions for all existing and planned utilities, on- or off-site, necessary for the DEVELOPMENT	
37	§ 275-9 (F)	Copies of any proposed or existing easements, covenants, deed restrictions or any other similar document pertinent to the SITE PLAN	
38	§ 275-9 (G)	A copy of all applicable Town, state, county or federal approvals or permits	
39	§ 275-9 (I)	Environmental impact study, if required	
§ 276-11.1. General Plan Requirements			
40	§ 276-11.1 (B)(1-11)	General Plan Requirements: sheet size, scale, title block, approval block, owner's information, abutter's information, locus plan, boundary of entire parcel & error of closure, zoning classification note	Waiver requested from § 276-11.1(B)(3) to allow approval block to be located on locations other than the lower left corner of each sheet
41	§ 276-11.1 (B)(12)(a)	In the General (G) and the General-One (G-1) Zoning Districts, where a proposed industrial use abuts or is across a HIGHWAY from a residential use, there shall be a two-hundred-foot distance from the residential property line to any improved part of the industrial development.	
42	§ 276-11.1 (B)(13)	The location, size and character of all signs or a note stating: "All signs are subject to approval by the Hudson PLANNING BOARD prior to installation thereof."	

#	Section	Requirement	Status
43	§ 276-11.1 (B)(14)	The location, details and character of all exterior lighting or a note stating: "There will be no exterior lighting."	
44	§ 276-11.1 (B)(15)	The location of all buildings within 50 feet of the tract.	
45	§ 276-11.1 (B)(16)	The location of roadways, DRIVEWAYS, travel areas or parking areas within 200 feet of the tract. If any of the aforesaid features cannot be so indicated on the primary drawing, an additional sheet drawn to a scale of 100 feet to the inch or 200 feet to the inch shall be submitted to satisfy the requirements of this section and/or Subsection B(15) . Aerial photography or Town topographic mapping at a scale of not less than one inch equals 100 feet, which suitably depicts the aforementioned features and properly identifies the tract may be used for this purpose.	
46	§ 276-11.1 (B)(17)	Existing topography at two-foot contour intervals of that portion of the tract being proposed for development. Said topography shall be the result of a topographic survey. Contours on the remainder of the tract, if applicable, may be a representation of contours determined from other reliable PLAN sources, e.g., aerial photogrammetry or maps of the United States Geological Survey. Location and description of each permanent monument and benchmark, including primary control points and reference to a USGS benchmark, shall be provided.	
47	§ 276-11.1 (B)(18)	Proposed topography at two-foot contour intervals.	
48	§ 276-11.1 (B)(19)	A note identifying the Tax Map and LOT number of the tract.	
49	§ 276-11.1 (B)(20)	The location of all existing buildings (including size and height), DRIVEWAYS, sidewalks, parking spaces, loading area, open spaces, large trees, open drainage	

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		courses, signs, exterior lighting, service areas, easements, landscaping and other pertinent items.	
50	§ 276-11.1 (B)(21)	The location of all proposed construction, buildings, structures, pavement, etc.	
51	§ 276-11.1 (B)(22)	A green (i.e., grass or landscaping) area shall be shown between the RIGHT-OF-WAY line and any pavement, gravel or structure (excepting approved DRIVEWAYS). The minimum width shall be 20 feet where there is a thirty-foot building setback line or 35 feet where there is a fifty-foot building setback line.	
52	§ 276-11.1 (B)(23)	HIGHWAY projects listed on the transportation improvement program adopted by the Nashua Regional Planning Commission or shown in the Hudson Master Plan or listed in the Corridor Study adopted by the Hudson PLANNING BOARD. If a RIGHT-OF-WAY taking is determined necessary in accord with RSA 230 or RSA 231 (or is anticipated to be necessary as determined by the Town Engineer), then the proposed RIGHT-OF-WAY line shall be used as the property line on SITE PLANS that have frontage along said HIGHWAY projects.	
53	§ 276-11.1 (B)(24)	<p>Open space equal to not less than the following percentages of the LOT (as defined in the Zoning Ordinance) being developed shall be required, thus:</p> <ul style="list-style-type: none"> (a) Thirty-five percent, if the area of the LOT is located within the area bounded by the corridor or RIGHT-OF-WAY of the Nashua-Hudson Circumferential HIGHWAY and the Merrimack River; or (b) Forty percent, if the area of the LOT is located outside of the area bounded by the corridor or RIGHT-OF-WAY of the Nashua-Hudson Circumferential HIGHWAY and the Merrimack River. <p>(NOTE: "Open space," in this regulation only, is defined as grassed, treed, landscaped or natural growth areas designated for no activity associated with the nonresidential use proposed; there must be reasonable open space near or</p>	

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		adjacent to each building or structure, including pavement, as determined by the PLANNING BOARD.)	
54	§ 276-11.1 (B)(25)	No parking area or travelway shall be proposed within the area between the side LOT lines or rear LOT lines and the corresponding setback lines. The PLANNING BOARD may allow use of such areas for parking or travelways, provided that an equal amount of frontage green area is added to the minimum green area required or where shared ACCESS is required.	
§ 276-13. Utilities Requirements			
55	§ 276-13 (A)	All electric, telephone, television and other communication lines, both main and service connections, servicing new developments shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services. "New developments" means any LOTS created by SUBDIVISION and any SITE PLANS approved since the passage of this amendment. Where the topography is such as to make difficult the inclusion of any utilities or other facilities within the public area so laid out, the preliminary PLAN shall show the boundaries of proposed permanent easements over or under private property.	Waiver requested from Chapter 276-13 to allow proposed overhead electrical lines to service 267 Lowell Road
56	§ 276-13 (B)	LOTS that abut existing easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. Replacement or relocation of overhead utility lines shall only be permitted in SUBDIVISIONS and on SITE PLANS that existed prior to the passage of this amended regulation.	
57	§ 276-13 (C)	Where overhead lines are permitted as a waiver, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines. Alignments and pole locations shall be carefully routed to avoid locations along	

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		horizons; clearing swaths through treed areas shall be avoided by selective cutting and staggering alignment; trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments; and alignments shall follow rear LOT lines and other alignments.	
58	§ 276-13 (D)	Year-round screening of any utility apparatus appearing above the surface of the ground, other than utility poles, shall be required.	
59	§ 276-13 (E)	In SUBDIVISIONs to be served by a public sewer or public water system, the SUBDIVIDER shall submit a separate PLAN and profile of the proposed STREET or HIGHWAY showing proposed sewers, water mains and an additional PLAN and profile of the sewerage and water connections from the existing public sewer and water lines through or over any existing STREET or HIGHWAY or over private property to connect with the proposed systems of the SUBDIVISION shall be submitted. The SUBDIVIDER shall obtain a letter from the governmental agency or public utility company controlling the system or systems indicating their acceptance of the proposed design and agreement to furnish the public service or services.	
60	§ 276-13 (F)	Upon completion of all improvements required herein, and all others that may be agreed upon at the time of submittal of the proposed public utility designs, upon the petition of the APPLICANT to the appropriate governmental agency or public utility company and upon acceptance by the appropriate governmental agency or public utility company, the completed improvements shall become the property of the governmental agency or public utility company.	
61	§ 276-13 (G)	In areas not currently served by public sewer systems, it shall be the responsibility of the APPLICANT to provide adequate information to prove that the area of each LOT is adequate to PERMIT the installation and operation of an individual sewage disposal system (septic tank and drain field). Such information shall consist of a PLAN and PERMIT showing compliance with the requirements for SUBDIVISION, SITE PLAN and other approvals required in the New Hampshire Department of Environmental Services Subsurface Disposal	

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		Regulations, latest edition. The engineer shall locate the best position of each private sewerage system and shall submit a typical design for each system also done in accordance with the above state regulations.	
62	§ 276-13 (H)	In areas not currently served by public water systems, it shall be the responsibility of the APPLICANT to provide adequate information to prove that the area of each LOT is adequate to PERMIT the installation and operation of both individual on-LOT water and sewerage systems. Each water system shall be at least 75 feet from any portion of a septic tank or drainage field and shall be constructed in accordance with the United States Department of Health, Education and Welfare publication titled Manual of Individual Water Supply Systems, Public Health Service Publication No. 24.	

Via Email

April 7, 2021

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

RE: Hudson Logistics Center: Site Plan SP# 04-20, Conditional Use Permit CU# 02-20, Conditions of Approval

Dear Chair Malley and Members of the Planning Board,

On behalf of my clients, I submit the following with respect to the applications for Site Plan and Conditional Use Permit (“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”). Please make this letter and its enclosure a part of your record in these matters.

I enclose a revised set of the conditions of approval contained in Mr. Groth’s Staff Report dated 4/7/21 and published online on 4/2/21. I have revised them to distinguish between the types of conditions, including precedent versus subsequent, and those that require further hearing versus those that do not. On that latter point, pursuant to RSA 676:4, I(i), conditions that requires the judgment of the Planning Board to determine if the applicant has satisfied the concern of the Board that triggered the need for the condition in the first place are the conditions that require further hearing.

I respectfully request that if the Planning Board is inclined to approve any Application, that the Board include in each condition of approval specific designations of the type of condition. This will be to the great benefit of all for purposes of clarity, minimizing avoidable disputes in the future, and easing any enforcement.

I understand that the Planning Board previously set a deadline of 3/31/21 for the public, the Applicant, and their representatives to submit written comment. However, because the conditions of approval were not available until after that and because the subject of this letter is legal argument, which may be presented at any time, I respectfully submit this letter at this time.

To be clear, my clients continue to take the position that the Applicant has not provided sufficient, credible evidence such that the Planning Board is authorized to approve either of the Applications. Furthermore, my clients have previously requested conditions of approval if the Planning Board is inclined to grant any approvals. (My 2/24/21 letter to that effect is contained in the packet for tonight’s meeting.) Many of those requested conditions of approval are not included in the conditions of approval proposed by Mr. Groth. My clients continue to urge the Planning Board to adopt the conditions of approval we requested if the Board is inclined to grant any approvals.



Thank you.

Very truly yours,

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

Cc: Clients

*Condition Precedent – Approval not effective or final until the condition is satisfied.

†Condition Subsequent – After becoming final, approval remains effective only so long as condition remains satisfied.

‡Condition is minor, administrative, and/or relating to the issuance of other approvals and therefore no further hearing is required pursuant to RSA 676:4, I(i).

*Condition is not minor, administrative, or relating to the issuance of other approvals and therefore further hearing is required pursuant to RSA 676:4, I(i).

CONDITIONAL USE PERMIT

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 (nonrefueling 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. ††
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. *††

SITE PLAN APPLICATION

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, the applicant shall make and implement plans for controlling fugitive dust during excavation and construction, to 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 ultralow 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, multifrequency 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. †+

Dubowik, Brooke

From: JAMES CROWLEY <jkcrowleynh@comcast.net>
Sent: Saturday, April 3, 2021 4:33 PM
To: Planning
Subject: HLC Lot Line Relocation and Consolidation plans last revised March 25, 2021

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Brian

It appears the next 04/07/2021 Planning Board meeting for the Hudson Logistic Center will limit Public comment to the Lot Line Relocation and Consolidation application and plans.

I have checked the Town website under Planning; Hudson Logistic Center; Lot Line Relocation section. The application submittal is dated 02/17/2021 and the plans in that section are dated 16 February 2021. However, Staff Report #15 states the plans are dated February 16, 2021, **last revised March 25, 2021**. I have reviewed all the planning board packets from 02/10/2021 thru 04/07/2021 and can not find the "last revised March 25, 2021" plans.

My question is are the "Town website under Planning; Hudson Logistic Center; Lot Line Relocation section" plans the most current? I do not see a revised date of March 25, 2021 on them.

Could you supply me a link to the revised plans. I do not want to be commenting at the Planning Board meeting with only knowledge of the original dated February 16, 2021 Lot Line Relocation and Consolidation plans.

I would greatly appreciate your help in obtaining the most current plans. They may answer some of my observations concerning the original plans.

Thank You as always
Jim Crowley

Dubowik, Brooke

From: JAMES CROWLEY <jkcrowleynh@comcast.net>
Sent: Sunday, April 4, 2021 9:37 PM
To: Planning
Subject: HLC Grading Plans verification of most current revision of drawing CS118 needed

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Brian

I have checked the Town website under Planning; Hudson Logistic Center; Latest (02/26/2021) Plans and the last posting of Site Plans in Planning Board packet #12 for 02/24/2021 meeting. Particularly **CG118 Grading & Drainage Plan XVIII** in each location is **Last revised 11/30/2020 revision No.4..**

Now for the problem at the 03/24/2021 Planning Board meeting. I presented based on my understanding of most current plans available to the public that Infiltration Basin A1-3 which is shown on the CS118 plan Last revised 11/30/2020 revision No.4 drawing had **NO** emergency spillway. Now in the 04/07/2021 Planning Board packet Attachment C Memorandum from the Applicants representatives dated 03/30/2021 Re: Response to Public Comments, it says:

- First Response to James Crowley that "There is an emergency spillway in infiltration basin A1-3 and it is shown on the plans."

Wondering how the Applicant and I could disagree on such a basic stormwater design and grading plan issue I did further research. In Staff Report #13 for 03/10/2021 Planning Board meeting under PLAN UPDATES item 1 "Site Plan & Wetlands Conditional Use Applications; prepared by Langan Engineering, 888 Boylston St, Boston, MA 02116; prepared for Greenmeadow Golf Club, Inc. 55 March Rd, Hudson, NH 03051; **last release date March 10, 2021**. However, no revised plans were posted in that packet. The two reference locations I gave earlier supposedly have the most current revised plan set.

So my question: Is CG118 Grading & Drainage Plan XVIII, Last revised 11/30/2020 revision No.4 the most current revision for this drawing or not?

If it is not the most current then I would assume the total plan set available to the public is not the most current. This should be corrected immediately. I need this information ASAP because I plan on defending my name at the 04/07/2021 Planning Board meeting if there are no revised plan(s) showing an emergency spillway for Infiltration Basin A1-3. Additionally, the highlighted plan I used at the 03/24/2021 Planning Board meeting for the A1-3 Infiltration Basin came out of the FINAL Stormwater Management Report dated February, 2021 electronic file page 844 of 897.. It does not show an emergency spillway for Infiltration Basin A1-3. This is a mega-million dollar project with a state-of-the-art stormwater management system. I would expect at a minimum project plans and reports to go with them to be coordinated. If the most current revised drawings do not show an emergency spillway then Langan is wrong about their statement in the 03/30/2021 Memorandum that it exists on plans. If they are right that it exists on the most current plans available to the Planning

Board then the current February 2021 Stormwater Management Report is in error. I hope you see why the public is frustrated with the Applicant and this project.

Please let me know what the **most current revised date on plan CS118** is. If there is a more current plan then last revised 11/30/2021 date, please give me a link to it (or them) as soon as possible, I definitely need it (or them) plan(s) fast or sooner then that if possible.

Thank You as always for your coordination efforts.
Jim Crowley

Dubowik, Brooke

From: Aletta Stone <alettaanns@gmail.com>
Sent: Monday, April 5, 2021 1:59 AM
To: Planning
Subject: Hillwood Project

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We are all aware of the reputation Amazon has as a third rate employer, yet the planning board seems to give the impression that you think they would be a first class tenant. Also, the mystery of no tenant in the empty building is strange! Hillwood could be wasting their money building that building if no one wanted it. The governor's approval??? PFFT! I wonder how many times he has even driven through Hudson, let alone stopped! All he sees is dollar signs.

Please see more than the dollar signs. Think of noise and air pollution, think of the current and future children living and growing up in a town overtaken by one giant industry. A project like this needs to be far out and away from town.

Please don't do this to all the citizens who love and support Hudson/. I am not asking that you do not throw us under the bus, I am asking that you do not throw us under the trucks!!

I have been waiting for years to be asked if we would like town water and sewer on MY street, yet you offhandedly say "SURE" to Hillwood. Things at Town Hall are starting to smell a little, please help "clear the air" and deny Hillwood and Amazon access to our town!

Thank you for your attention.

Dubowik, Brooke

From: Linda Zarzatian <zarzatian@gmail.com>
Sent: Monday, April 5, 2021 8:23 PM
To: ~BoS; Groth, Brian; Planning
Subject: Hillwood

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There is a monumental problem with the sewer allocation vote. Norman Martin has on his facebook page the following, "Hudson Logistics Center, show your support. " Oh my God! I am beyond appalled. This has been posted by Norman Martin while he was a board of selectman for the town of Hudson. This has been posted prior to his giving the Hillwood representatives an opportunity for them to come back with new additional information suggesting that the sewer allocation was in fact expected to be used by Green Meadow Golf Course owners. They came back with information that was not new and not relative to them obtaining the sewer allocation legally. He stated that it was new relative information and due to that he changed his vote from No to Yes for the sewer allocation.

This must be illegal , certainly a conflict of interest. He is promoting the Hudson Logistics Center. He was a selectman for the town when and while he is posting this. This is not acceptable and must be corrected and addressed and investigated by all of you on all these boards. it must be done now, the sewer allocation vote is illegal due to all I have just stated.

Us residents can not sit here and be treated unfairly and unjustly. This is 100% wrong. The vote needs to be overturned due to Norman Martin, a former selectman promoting Hillwood in plain sight for anyone and everyone to see and read. Up front and center. I can only imagine what could have been transpiring behind closed doors.

We need this resolved immediately. Every human being knows this is a blatant conflict of interest. Our previous selectman Martin was and still is in favor of Hillwoods proposals and has been requesting people to support said project. Oh my God..

The sewer allocation must be revoked.

On another note, I am quite upset about what Norman Martin is posting regarding dumping couches on Eagle Drive. His dislike for Eagle Drive residents is concerning. It makes me wonder why, why would a former selectman say such disparaging words about any Hudson resident. It makes me wonder why he would suggest and allow a change in the sewer allocation vote? Why did he change his mind and vote Yes, without anything legal or new pertinent information to allow them access to the sewer? He has a conflict of interest, it seems he is against the abutting residents and therefore will allow for the sewer to be allocated to Hillwood.

Conflict of interest to say the least, to say it nicely and not as it really looks, not so nice. He is promoting Hillwood loud and clear and suggesting negativity on Hudson residents on Eagle drive.

The importance of all of this, is that he was a selectman at the time. He operated in a way that was inappropriate.

I realize he is no longer a board member, but while he was, with all of what he was involved in, as just stated, his changing the sewer vote was a conflict of interest and can not remain as a yes. The original vote must be reinstated.

No to the sewer allocation.

Sleepless in Hudson

Dubowik, Brooke

From: John Dubuc <johnnygd24@gmail.com>
Sent: Monday, April 5, 2021 4:06 PM
To: Planning; Groth, Brian; Malizia, Steve; ~BoS
Subject: Hudson Logistics Center

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Good Afternoon All,

I wanted to reach out after reading the Planning Board Packet for April 7, 2020. Specifically the "Staff Report #15"

With all of the Public Input that was accepted until March 31st, I am shocked that this document was finalized on April 2, 2021 at 10am!

I question how all of the Public Input was looked at carefully and any consideration was given to the residents' concerns when less than 48 hours of Public Input Closing this document was drafted. I personally do not see any of my concerns in the Conditional Use Permit.

I wanted to mention a few items and ask how this could be approved with these still outstanding?

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.

This document states "The town's peer review consultant indicated agreement with the applicant's methodology" BUT does not state that NO PEER REVIEW was completed after the last study. There is NO CURRENT PEER REVIEW to look at the assumption that property values will not go down. If the developer is so convinced, why do we NOT have a property value guarantee from Hillwood.

SOUND FENCE

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 Sound Study required the following:

ρ Appropriate materials of construction for the fence include 5/8-inch thick sheet steel piling, precast or poured-in-place concrete, acoustical metal panels, or other hybrid system specifically manufactured for the purpose.

How can WOOD or WOOD COMPOSITE be used when the Sound Study calls for specific material?

BERM

I still question why the Planning Board is allowing the Berm\SoundWall to be built as is with residents viewing the buildings. Why has the Town not required the wall be raised 10 – 20 Feet higher to protect the residents?

I hope this is not a Done Deal. Please do not approve this without answering the many questions that have been raised by so many concerned residents. Please take the time to discuss the Residents concerns when deliberating on this project.

We have done research for you, we have asked the tough questions and there are still so many problems with this development.

Please protect Hudson, our Residents and Neighboring communities and deny this application.

Thank you again for all of the work that you have done on this project.

John Dubuc
11 Eagle Drive

April 7, 2021

Brian Groth
Town Planner

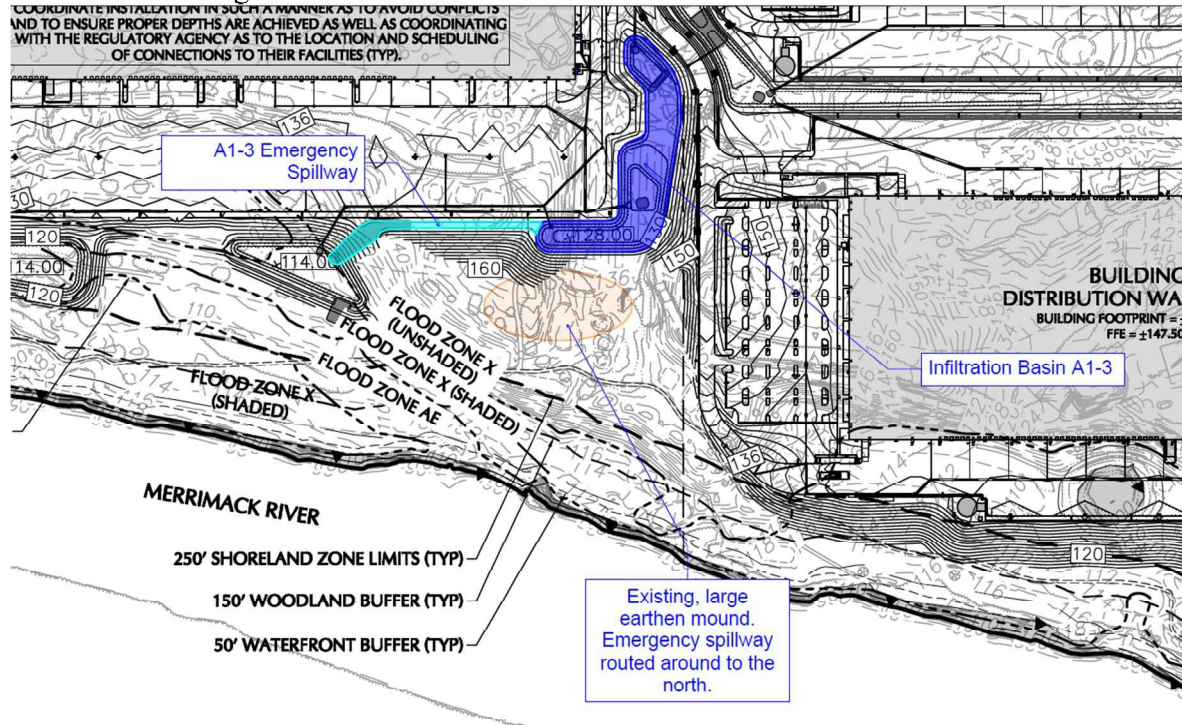
RE: A1-3 supplementary information

This is my second more thorough reply to your email with A1-3 supplementary information.

It got so long I put it into a letter format.

Again I thank you for your extra efforts in providing me with the information.

Below is an image of that information.



After examining your attachment it becomes apparent the Stormwater designer supplied an over flow swale at the one foot free board level instead of a standard rip rapped emergency overflow. Usually, Rip rap is shown on plans for any emergency overflow designed and provided for on grading plans and drainage calculations.

I have several remarks concerning the overflow swale design:

- For any swales it is standard to provide Stormwater calculations to analyze if it has capacity to convey the design flow volume. Also these calculations would analyze if there were erosion velocities in the swale. I do not see these calculations in the Stormwater Management report.
- The swale terminates at the edge of Infiltration basin A1-2. However, there is no level spreader device to control possible erosion velocities into A1-2. Secondly erosion of the A1-2 side wall is possible because there is no rip rap protection provided.
- I find it particular that A1-3 basin over flows to another basin A1-2 which is down gradient. If a major storm event is causing A1-3 to over flow I would think A1-2 is under the same stress. While the Stormwater calculations route a discharge pipe to the A1-2

basin from the A1-3 basin no routing of the over flow swale to it is provided. Therefore for a major storm event the full impact of it could be understated for Infiltration basin A1-2.

Normally, I wouldn't respond in such detail but the out right attack words in the Applicants 03/30/2021 Memorandum in Attachment C of the 04/07/2021 Planning board packet necessitates it. I will admit I was not completely right about the emergency overflow but I was not completely wrong in my concern for substantiated good design of one.

The Memorandum tries to downplay some of my other A1-3 Infiltration basin design concerns in my presentation. I have submitted a letter dated 03/30/2021 in anticipation of this with additional information in the public input section of the packet for the 04/07/2021 Planning Board meeting. It supports what I consider as design flaws in what is called by the Applicant as a state of the art Stormwater Management system.

However, I need to add more based on what was said in the Memorandum. I can't get past that the Applicants engineers want the Town and NHDES to ignore field required Infiltration tests for basins in Agawam soils.

- Env-Wq 1504.14 (b) says if a basin infiltrates into soil classified as Agawam use Env-Wq 1504.14 (d) field measurement method for determining the infiltration rate. That regulation refers you to Env-Wq 1504.14 (e) which determines who is qualified to perform the infiltration test and four different methods that can be used. Method Env-Wq 1504.14 (e) (4) is the protocol for Borehole Infiltration tests. The NHDES Env-Wq 1500 regulations then for Infiltration basins in an Agawam soil require that no matter the finished grade depth of a basin it requires a FIELD infiltration test method to determine a design rate. If the Applicant determines that an infiltration test obtained by a test pit method is not feasible then a Borehole Infiltration test(s) would have to be used. The regulations make no allowance for delaying verification of the design rate until after start of construction.
- If the actual rate exceeds the allowed regulatory rate then peer review of proposed amendments to the infiltrative surface of the basin should be provided... The amendment design should also include the basin side walls. Everyone currently is supposed to hope for the best and cope with the rest during construction. That is the wrong time when NHDES regulations require it prior to construction. Also, will the field inspector be trained to know what a proper infiltrative surface should be and plans available to the site contactor so it is properly installed. Again this is an unnecessary unknown when the design should be vetted by a full peer review. Other parts of the Memorandum refer to the mid forebay as acceptable design. I agree it is an allowable design but not a state of the art design. Additionally the Stormwater calculations have to be adjusted for the lack of infiltrate footprint area of the mid forebay. I do not see this adjustment in the calculations. Therefore the actual Infiltration rate for the basin would be less than the design rate.

Field testing required by soil boring method when infiltration testing is not feasibly due to necessary depth of a test pit.

- Most notable the Applicant is not in compliance with NHDES Alteration of Terrain regulation Env-Wq 1504.13 (c) concerning necessary required field information for designing Infiltration BMPs. The regulation requires a minimum number of test pits or BORINGS be dug or drilled in the LOCATION of the system, depending on the size of the proposed system.
 - The May, September, December 2020 and currently February 2021 Stormwater Management Report section on Infiltration Feasibility states “To be completed during construction”. The currently existing use of the parcel is a golf course operation. This operation is seasonal and has ceased to operate between mid-November and mid-March. The Applicant would have full unencumbered access to the A1-3 Basin area and could have used the Env-Wq 1504.14 (e) (4) Borehole method.
 - Since the Applicant procrastinated the Town of Hudson or NHDES is not obligated to issue approvals due to the Applicants lack of effort within a favorable time period to perform the required field testing in Agawam soils.

The Applicant argues against my concern that the Stormwater design has pipes with slopes and velocities not in compliance with town code. What they fail to mention is that these are time tested engineering standards that the Town Engineer is allowing to be circumvented because he considers it to be a private stormwater system. How can the Applicant say this is a state of the art system? The Applicant by proposing the 2.6 million square feet of building floor area has created his own stormwater design problems. Does it not make sense if you cannot meet normal stormwater design standards you change the amount of intensive design on the site?

The Applicant argues against my concern that the soil classification is different than what is cited in USDA NRCS. I have written several letters on this concerning the validity of the SSSM field work using the submitted Geotechnical information. Also a letter identifying the effect of altering HSG from an A to B designation has on stormwater post development required treatment design. They have me somewhat over the barrel because the Planning Board will not authorize an actual field verification peer review by another Certified Soil Scientist. So whatever the Applicants Certified Soil Scientist says the field results show it cannot be contested without further field investigations.

The Applicant argues against my northerly access drive. Accommodations can be made for the vernal pool which by the way the town regulations give no special status to other than it is in a wetland. The vernal pool has functioned adequately with the all the existing disturbance next to it by golf course operations. The Applicant still has not addressed that access roadway is required to MINIMIZE impact to wetlands. The proposed northerly alignment does just that.

The Applicant argues against my concern for side wall seepage in basin A1-3. His argument is geotechnical data indicates the proposed design will not encounter groundwater. This ignores the seepage question. Infiltration basin A1-3 is in a cut situation. The Applicant has already said he cannot do an infiltration test because of the depth of the cut. He does not mention it is in an Agawam soil which requires at a minimum a soil boring with infiltration test. The Applicant also does not address that the parking lot adjacent to and above the basin bottom elevation requires a sub-drainage system for groundwater. Is not seepage into a lower elevation side wall logical?

Sorry to get so long winded and putting this into a letter but I feel it has to be part of the public record for this project in the only way I know is left to me by the Planning Board termination of public input for these particular Site development issues..

Respectfully submitted
James Crowley
4 Fairway Drive

Dubowik, Brooke

From: JAMES CROWLEY <jkcrowleynh@comcast.net>
Sent: Wednesday, April 7, 2021 9:05 AM
To: Planning
Subject: RE: A1-3 supplementary information
Attachments: Email 04-07-2021 A1-3 Supplemental Information.pdf

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

Brian

I started writing an email but it turned into the attached letter. I could not let the 3/30/2021 Memorandum criticizing my 03/24/2021 presentation go uncontested by me.

No matter the Planning Board decision tonight I will have the satisfaction that this will be buried somewhere in the public record.

Thanks for all your help. It has been a pleasure working with you.

Jim Crowley

Dubowik, Brooke

From: Scott Wade <sjwade7422@gmail.com>
Sent: Wednesday, April 7, 2021 9:26 PM
To: Groth, Brian
Cc: Planning
Subject: Examples of Ulery posting to FB during PB meeting 4/7/21

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

Why is he posting during the meeting? He should be paying attention or has he already made up his mind?



the case in many other locations.

3d Like Reply



Ed Thompson

[Representative Jordan Ulery](#) I agree sir there remains many questions to be asked of our police and fire chiefs. We did not hear any directed towards them nor did the public have the opportunity to question them. Very unfortunate imo.

3h Like Reply



Ed Thompson

[Representative Jordan Ulery](#) these are good questions but I think my point was missed. Please see update above.

3h Like Reply



Representative Jordan Ulery

[Ed Thompson](#) The public never has an opportunity to question town officials in a public hearing. You can,



in Ulery



... verify your registration and
... est to see your admission ticket
... and a valid form of photo
... ntification, such as a driver's
... license or passport."

Dubowik, Brooke

From: Just Lights <justlights@msn.com>
Sent: Wednesday, April 7, 2021 7:39 AM
To: Planning
Subject: Logistics center concerns

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

Submitting concerns prior to meeting tonight in case public concerns are still be heard:

I'm sure it has been considered but I haven't been able to find info—Has the access to the proposed project been considered directly off the rte 3 ramp coming into Hudson? The land runs along it right at the river area and would alleviate the massive influx of traffic to the end of the ramp and Lowell rd itself. It is already loaded with traffic for those of us still commuting to work and trying to get home in Hudson. Would seem to make sense to funnel that particular traffic directly to that plot of land and not have to impact the whole area as much if the planning board is intent on pushing this project through.

Second concern is the apparent link of this project to the new Hudson Blvd, the old circumferential highway project, which was already closed. The scope of notice and abutters should have been expanded to now include all of us that will be impacted by this new project since the governor has gone public to link the two projects. Seems a bit under-handed to not have full disclosure to all who need to be notified directly

In the original circumferential plan, it was discussed in the past that the Bensons land (now the beautiful and much used park) was to be used and parts even flooded to help mitigate the loss of wetlands in building the highway project. Is that still the case today?

Thank you,

Tamara Johnson

Sent from my iPad

Dubowik, Brooke

From: Christopher Thatcher <clthatch@gmail.com>
Sent: Thursday, April 8, 2021 10:54 AM
To: ~BoS; Planning
Cc: Malizia, Steve; Groth, Brian
Subject: Ulery Behavior

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

Dear members of the Select Board and Planning Board,

I wish to point out the disrespectful and unprofessional behavior exhibited by Mr. Ulery last night. Once again he has shown utter disdain and unprofessionalism not only in his position on the planning board but to the public and to the applicant. During last night's planning board meeting, instead of paying attention and at least trying to perform his duties, he was instead trolling Facebook. I imagine he was not only on Facebook but on his email and performing other non related tasks. Subsequently, I've consulted with a legal friend who pointed out that Mr. Ulery's activities during a public meeting, sending or checking emails in particular, could be brought up in a Right to Know Request.

This blatant show of disrespectful and unprofessional behavior is unacceptable. Given these actions I question his ability to sit on this board as a voting member - it's clear he most likely hasn't been paying attention for the past year. I believe that the Select Board and the Planning Board should remove Mr. Ulery for his behavior.



👍👍 4

2 Comments 2 Shares

👍 Like

💬 Comment

➦ Share



Jordan Ulery shared a video from the playlist Clips.

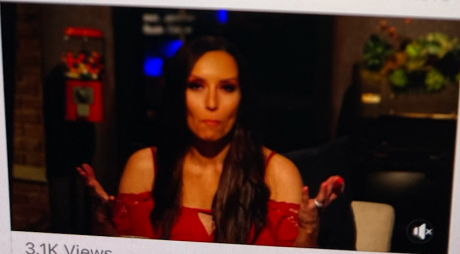
58m · 🌐



The News and Why It Matters posted a video to playlist Clips.

1d · 🌐

As the trial over the death of George Floyd continues, one social media influencer, who's a BLM activist, warned that "all he... See More



3.1K Views


👍 1

1 Share



9:12



<  Jordan Ulery
56m · 🌐



👍 Like 💬 Comment ➦ Share

👍 😂 4

2 Shares



Bill Mullinix
But don't need it to vote for
congressmen or President.

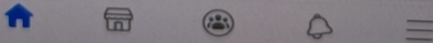
19m Like Reply



Don't you need to be paying
attention to the meeting you're at
right now, for the town that you
represent

3m Like Reply

📷 Write a comment... 🗣️ GIF 😊



Chris Thatcher

Dubowik, Brooke

From: Hudson New Hampshire <noreply@hudsonnh.gov>
Sent: Thursday, April 8, 2021 11:04 PM
To: Dubowik, Brooke
Subject: Form submission from: Contact a Board or Committee

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

Thank you. Your submission has been received. Submitted on Thursday, April 8, 2021 - 11:04pm Form: Contact a Board or Committee Form ID: 42624 Submission ID: 20071 Your Contact Information

First Name Irene

Last Name Fotino

Phone Number 402-9138

Email irene.fotino@comcast.net

Select the Board or Committee you would like to contact Planning Board

Question/Comments you'd like to share

I wish to register my dismay at the possibility of the Amazon logistic center being built in the southern area of Hudson. We have lived in Hudson for the past 7 years - we came here from Massachusetts for a life more quiet than where we were. But we have seen this town grow in ways that do not promote the more positive features of Hudson. We were dismayed to see the Hilldale - 90 unit apartment buildings built on Lowell Road. In many ways that development will have negative impact on Hudson and especially for that area which is already burdened with traffic many hours of the day.

Why on earth was that project approved? Adding more apartment dwellers and cars is not a plus for Hudson. We do not need more apartment complexes in our town. If we are not careful with planning, Hudson will become as congested as Nashua and Salem. And along with congestion, will come all of the problems that it brings, especially rising crime. Does not Hudson continue to suffer from a heroin / fentanyl problem? If we are not careful, Hudson will cease to be a town and will become a city.

And now, the Planning Board is considering the Amazon logistic complex.

Please do not approve the Amazon request. Please consider the impact to abutters, wetlands, wildlife habitat and above all the negative impact that hundreds of vehicles driven by people working at minimum wage will have on Hudson. Those workers will more than likely look at places to live in Hudson i.e., Hilldale. Again an increase in congestion and associated problems.

Please research other Amazon construction sites where Amazon has failed to deliver on their obligations leaving towns and cities to bear the burden of those ill-gotten agreements.

From supermarkets to taverns, I have heard no positive comments regarding the Amazon / Hilldale developments. The residents that I have spoken with are worried and anxious that Hudson will change from a safe, convivial community to a crime-ridden, Nashua cousin.

I question why Hudson is growing at such a rapid pace. How about a moratorium from all the building and some thoughtful discussion as to how we can make Hudson the kind of town the we want to live in rather than succumbing to pressure from corporate giants? And really, do you really believe that Amazon is concerned with the best interests of Hudson and our residents? Not likely.

Thank you for listening and please consider how the Amazon development and other future large developments are, and will certainly in the future, hurt the people who live here.

Dubowik, Brooke

From: Kathleen Crowley <crazykathy7@gmail.com>
Sent: Friday, April 9, 2021 7:32 PM
To: Planning
Subject: HLC

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

Thank you for your hard work over the past months. I'm sitting on my deck (4 Fairway Dr.) out back enjoying watching over our 6 bird houses Small fish pond we made over 20 years ago, & waiting to open our pool. I especially enjoy looking at our large arbor with seats on both sides that I designed & Jim built. It has very special memories since our son & DIL got married here under that arbor 20 yrs. ago. We have worked hard all our lives to build a beautiful home to retire in. I hope the HLC will NOT be approved. Some ow all of this will be ruined by noise, pollution, & lack of sleep due to 24/7 operation. I'm glad to see all most of the PB is realizing what is at jeopardy with the wild spin that Hillwood has put on the facts, hold their feet to the fire, this is about pure GREED. This way out of the realm of what Hudson needs. If it does happen the board will be regretting it as the folks on Milford MA. do for all the turmoil it has caused there & it is much smaller than what is proposed here. Please do not allow them to say we will deal with things as construction goes along, they have been unscrupulous all along & won't stop. Thank you again & please remember to do what is best for Hudson. thank you Kathleen Crowley 4 Fairway Dr.

Dubowik, Brooke

From: Michael Ruby <mrrubymichael@gmail.com>
Sent: Saturday, April 10, 2021 11:45 AM
To: Planning; ~BoS; Groth, Brian
Subject: Planning Board Mtg 4/7/21

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

Dear Board,

I was at the meeting on Wednesday and I just want to say thank you for the job that you are doing. I'm sure that being on this board is time consuming in the best of times and really crazy when there is a project the scale of the HLC on the agenda. I heard many quality questions from board members Wednesday night. Unfortunately, I did not hear as many quality answers in return.

Three comments I would like to make about the meeting:

- 1) I agree with Selectwoman McGrath that Hudson needs to have an expert to oversee the work around the wetlands areas. I'm not sure if a civil engineer would have the wetlands experience needed to protect the area sufficiently.
- 2) We've been told all along that this will not be a "last mile" facility, yet it came out on Wednesday that many of the items from building B (and possibly C) will go directly to homes because of their size. Many smaller items go directly from Non Sort Facilities to homes as well. Sounds somewhat last mile to me.
- 3) The Hillwood representative stated that they cannot be expected to take future developments in the town into respect when making their traffic study report. It seems pretty naive to assume that no more developments will go into the town after this project is complete.

Again, thank you for your service to Hudson and it's citizens. I'd like to close with this thought - Once this project (if approved) is finished, Hillwood will be gone. If any of their projections concerning traffic, environmental impact, property values and town character are wrong (which I think they are) Hudson, not Hillwood, will have to live with the consequences forever.

Thank you for reading this.

Mike Ruby
7 Eagle Dr. Hudson, NH

5/27/2020

10:27 PM - <https://www.facebook.com/jordan.ulery/posts/10215689079636772>

10:32 PM - <https://www.facebook.com/jordan.ulery/posts/10215689098957255>

11/18/2020

9:53 PM - <https://www.facebook.com/jordan.ulery/posts/10216783269910845>

1/27/2021

10:06 PM - <https://www.facebook.com/jordan.ulery/posts/10217177842614916>

10:32 PM - <https://www.facebook.com/jordan.ulery/posts/10217177943737444>

2/10/2021

9:30 PM - <https://www.facebook.com/jordan.ulery/posts/10217263715641688>

2/24/2021

9:18 PM - <https://www.facebook.com/jordan.ulery/posts/10217338517431686>

3/24/2021

9:39 PM - <https://www.facebook.com/jordan.ulery/posts/10217482427069337>

4/7/2021

8:11 PM - <https://www.facebook.com/jordan.ulery/posts/10217549987438304>

8:16 PM - <https://www.facebook.com/jordan.ulery/posts/10217550000478630>



Jordan Ulery
May 27, 2020 · 🌐

Wednesday, May 27, 2020 at 10:27 PM



NEWS.YAHOO.COM

Coronavirus Forces 100K NY Small Businesses To Close Permanently

Governor Andrew Cuomo said the crisis is completely changing New York's main streets.

👍❤️😬 6

1 Comment 2 Shares

👍 Like

💬 Comment

➦ Share



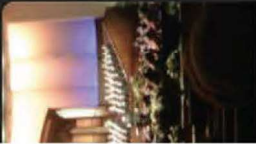
Peggy Dunn Huard
The audacity of this country!

Like · Reply · 45w 1



All Friends

See All



Meeting



Jordan Ulery

State representative at New Hampshire General Court

Owner at Ulrich Litigation Support

Worked at NH House of Representatives

Studied 1st Paramedic class at NHTI-Concord's Community College

Went to Arlington Memorial High School Alumni

Studied Philosophy at St. Anselm College, Goffstown, NH

Lives in Hudson, New Hampshire

Married

Photos

See All Photos



Add Friend Message

Jordan Ulery
May 27, 2020

Wednesday, May 27, 2020 at 10:32 PM



DAILYMAIL.CO.UK | BY DAILY MAIL

Man finds 83 ballots shipped to single address in his apt building

Jerry Mosna found 83 mail-in ballots shipped to his apartment complex in San Pedro, California...

3

1 Comment 9 Shares

Like

Comment

Share



Joe Simoneau

Same address as Hillary's email server?

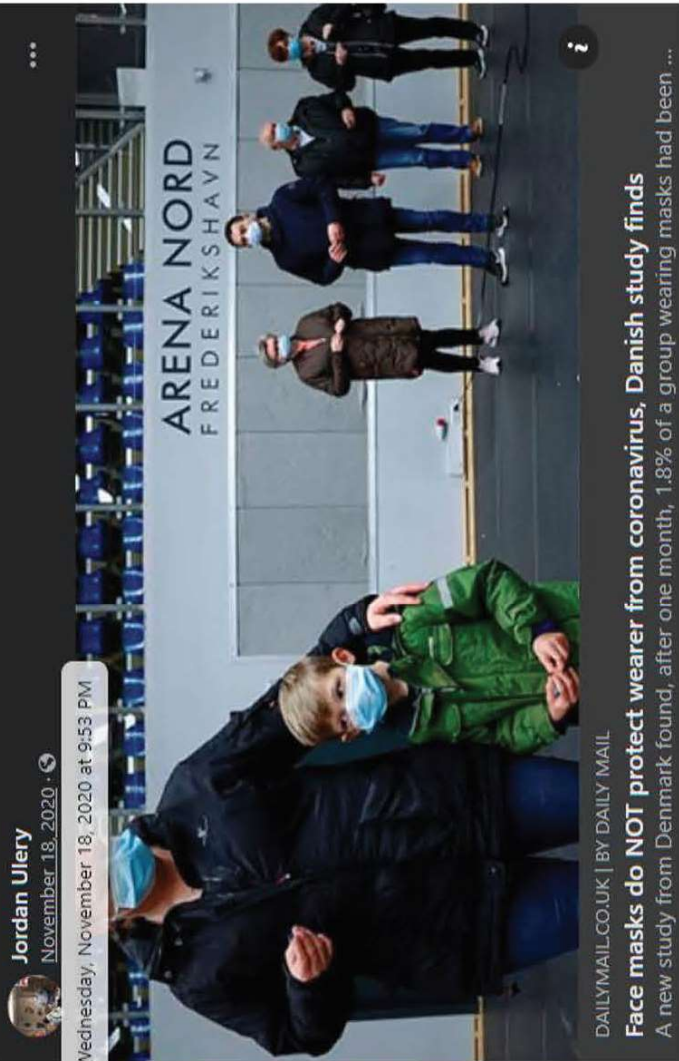
Jordan Ulery  To see what he shares with friends, send him a friend request.

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Jordan Ulery
November 18, 2020 · 🌐

Wednesday, November 18, 2020 at 9:53 PM



DAILYMAIL.CO.UK | BY DAILY MAIL
Face masks do NOT protect wearer from coronavirus, Danish study finds
A new study from Denmark found, after one month, 1.8% of a group wearing masks had been ...

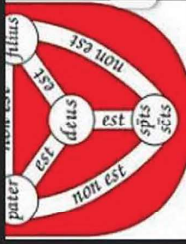
- Intro**
- State representative at New Hampshire General Court
 - Owner at **Ulrich Litigation Support**
 - Worked at **NH House of Representatives**
 - Studied 1st Paramedic class at **NHTI-Concord's Community College**
 - Went to **Arlington Memorial High School Alumni**
 - Studied Philosophy at **St. Anselm College, Goffstown, NH**
 - Lives in **Hudson, New Hampshire**
 - Married

Photos [See All Photos](#)





Jordan Ulery



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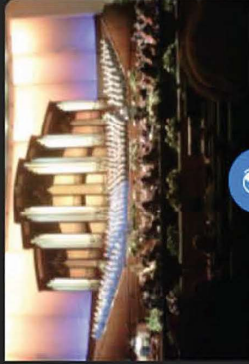
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Life Events

[See All](#)



Started New Job at Ulrich
Litigation Support
2004



2012 ALEC Annual Meeting
2012

[Add Friend](#)

[Message](#)



Jordan Ulery

January 27

Wednesday, January 27, 2021 at 10:06 PM



What is PragerU doing for K-12 Education?

CEO MARISSA STREIT TALKS ::PREP WITH JILL SIMONIAN



PragerU

January 27

Intro

- State representative at New Hampshire General Court
- Owner at Ulrich Litigation Support
- Worked at NH House of Representatives
- Studied 1st Paramedic class at NHTI-Concord's Community College
- Went to Arlington Memorial High School Alumni
- Studied Philosophy at St. Anselm College, Goffstown, NH
- Lives in Hudson, New Hampshire
- Married

Photos



See All Photos

Posts

Filters



Jordan Ulery

January 27, 2021

Wednesday, January 27, 2021 at 10:32 PM



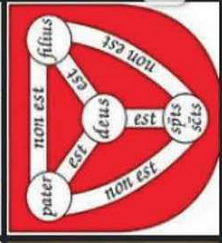
TOWNHALL.COM

Indian Tribe: Biden Just 'Attacked' Our Sovereignty Boom.





Jordan Ulery



Friends

See All Friends

Life Events

See All



... [Add Friend](#) [Message](#) ...

DAILYMAIL.CO.UK | BY DAILY MAIL
World's Covid would fit in a COKE CAN
 Dr Kit Yates crunched the numbers and came to the conclusion that if all the coronavirus partic...

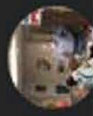
[Like](#) [Comment](#) [Share](#)

Write a comment...

[Jordan Ulery](#)
 February 10 · 🌐

Wednesday, February 10, 2021 at 9:30 PM

BREITBART.COM
Mothers Against Drunk Driving Outraged Bruce Springsteen DWI Arrest Wasn't Revealed Before He Drove a 'Jeep in a High Priced Super Bowl Commercial'



Jordan Ulery

February 24 · 🌐

Wednesday, February 24, 2021 at 9:18 PM



Representative Jordan Ulery

February 24 · 🌐

Because work got done early bills set for tomorrow were moved forward. Since we had already discussed abortion the other controversial Bill, so-called "born ali... [See More](#)



Like



Comment



Share



Worked at NH House of Representatives

Studied 1st Paramedic class at NHTI-Concord's Community College

Went to Arlington Memorial High School Alumni

Studied Philosophy at St. Anselm College, Goffstown, NH

Lives in Hudson, New Hampshire

Married

Photos



See All Photos

Jordan Ulery
March 24 at 9:39 PM · 🌐



ELECTRIVE.COM

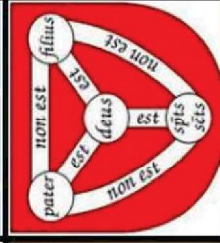
Huge order for Lion Electric trucks from Amazon - electrive.com

Amazon plans to procure up to 2,500 all-electric Lion 6 and Lion 8 trucks from Canadian manu...



1

Photos



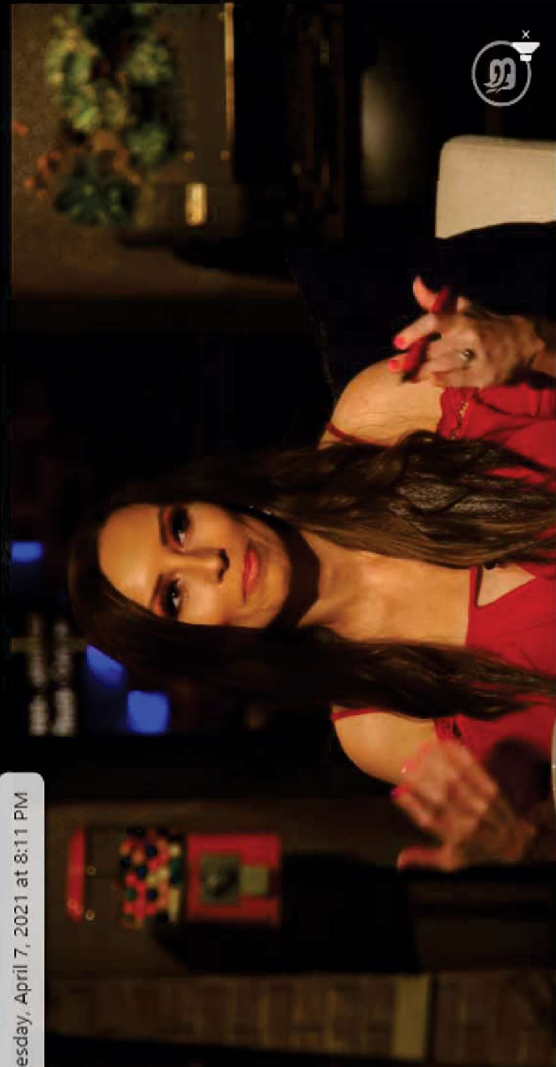
Write a comment...



Jordan Ulery shared a video from the playlist Clips.

20h

Wednesday, April 7, 2021 at 8:11 PM



The News and Why It Matters posted a video to playlist Clips.

April 6 at 7:00 PM

As the trial over the death of George Floyd continues, one social media influencer, who's a BLM activist, warned that "all hell will break loose" if Derek Chauv... See More

1

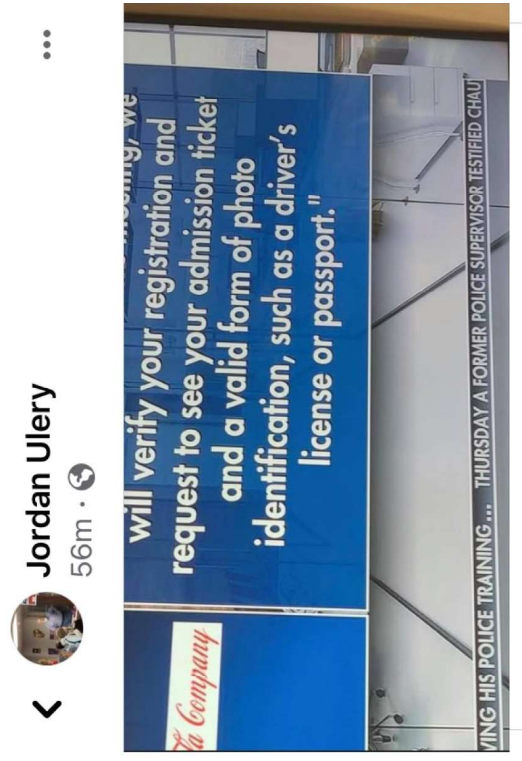
1 Share

Friends

Life Events

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Like Comment Share

4

2 Shares

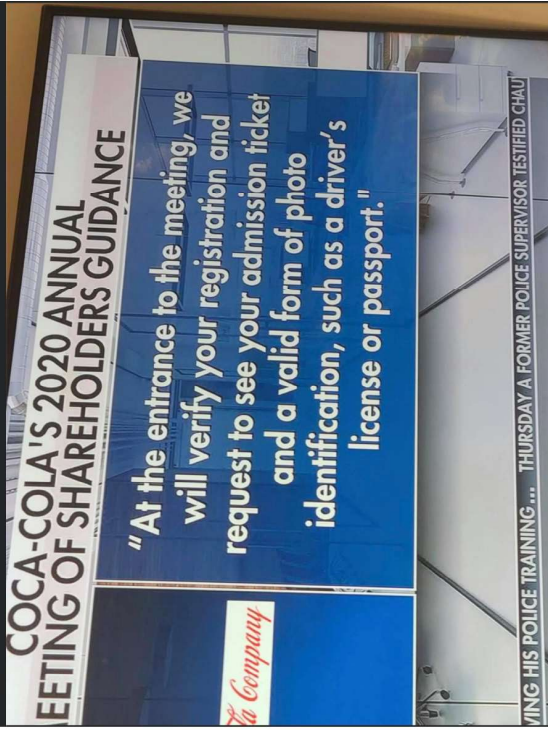


Bill Mullinix
But don't need it to vote for congressmen or President.

19m Like Reply



Colleen Vurgaropoulos
Don't you need to be paying attention to the meeting you're at right now, for the town that you represent



G L Miller April 5 at 12:49 PM · 🌐

11

4 Comments 5 Shares

Like Comment Share



Bill Mullinix
But don't need it to vote for congressmen or President.

Like · Reply · 1d



Joe Simoneau
Bill Mullinix 24th amendment doesn't apply to a corporate meeting 🙄

Like · Reply · 1d

Write a reply...



Chris Brown
Those racist!

Like · Reply · 1d



Ralph Caster
Coca Cola speaks with forked tongue and out of both sides of their mouth. At one time this company was truly American. Today they are a corporation with zero conscience. Don't let fuzzy white polar bears fool you, they eat people, same with Coca Cola.

Like · Reply · 22h

Dubowik, Brooke

From: Xenophon Vurgaropoulos <xen.vurgaropoulos@gmail.com>
Sent: Saturday, April 10, 2021 12:26 PM
To: ~BoS; Planning
Subject: Planning Board Member - Unprofessional Conduct
Attachments: Mr. Ulery - Planning Board.pdf

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

Good afternoon Mr. Coutu, Ms. McGrath, and Mr. Groth,

I am writing to you today to bring to your attention the behavior of one of the current Planning Boards members and their lack of respect for the Town and its Residents.

On the night of 4/7/2021, Mr. Ulery was seen using his cell phone multiple times and appeared to be less than interested in the significant project being proposed in front of him.

Later that evening, I spoke with my wife, who noted that she found Mr. Ulery posting on Facebook during the meeting.

My wife commented to him on one of the posts that he was active in and stated, "Don't you need to be paying attention to the meeting you're at right now, for the town that you represent."

Please see the screenshot below; shortly after, she saw him shaking his head as Mr. Coutu spoke and asked the applicant questions.

My wife was very frustrated with the complete disrespect of Mr. Coutu and the lack of attention he was giving to the matter and sent him a message which read as follows:

(9:03 PM) Colleen: Stop shaking your head at Mr. Coutu at least he's doing his due diligence. You and Mr. Colins with no freaking question for the applicants. Seriously?

(9:16 PM) Ulery: If you had any idea what was being said you would shake your head as well.

(9:18 PM) Colleen: I have been invested in the project for a year. I do know what is being said and I care as should you, however you are more interested in FB

(9:18 PM) Ulery: Not Really, I can crew gum and walk. I also have invested a huge amount of time into learning a lot about this project. Thank you for your input, I am Happy to Respond.

I was still thinking about this the next day, and I decided to do some research on Mr. Ulery's Facebook usage during past Planning Board Meetings. I mean I appreciate the fact that he can multitask, but I don't think this is what the Town or the residents had in mind. I was only able to see his Facebook activity, what other activities is he taking part in during Planning Board meetings, emails, Linked In, Twitter, etc?

What I found was, in my opinion, Mr. Ulery, in fact, doesn't care what is happening during the Hudson Meetings as I found that during 7 of the 18 meetings held thus far, he was making Facebook posts and, in my opinion, not directing his attention to the Planning Boards business as he should have been.

This, in my opinion, is not what he was appointed to do and shows great disrespect for the Town of Hudson, Citizens, and the Applicant of the project. I can only speculate on how he will vote, whether for or against, but how can the citizens of Hudson and the members of the Planning Board trust that he will be unbiased? He

appears to have already decided how he will vote and clearly, doesn't care to hear any more information or deliberate on any issues brought up and looks to be along for the ride.

Also, you can see in the image below that my wife's Facebook comment was deleted.

This is understandable as if I were a representative for the Town of Hudson, who was tasked with such a critical decision that could change Hudson forever, but instead chose to play on Facebook instead of participating and doing my due diligence to ensure this was the right thing for the town I too would be embarrassed and delete the comment.

Please review the attached PDF, which will show the timeline and the 7 meetings where Mr. Ulery felt he had better things to do other than the job the Town appointed him to do.

Thank you for your time, and I hope that all parties involved get the due diligence and respect they deserve during the project deliberation period.

Xenophon Vurgaropoulos

Dubowik, Brooke

From: G P <gcpalmer1@msn.com>
Sent: Friday, April 16, 2021 8:53 AM
To: Planning
Subject: Opposition to Hillwood construction

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

Good morning,

My name is Greg Palmer, I live at 26 Chalifoux Rd, two streets over from the proposed Hillwood site. I have been away from Hudson serving in the military and planned to retire back at my childhood home, but if Hillwood constructs this logistics center, I wouldn't retire in Hudson.

As a Naval Supply Corps Officer, I know firsthand the impact a large scale logistics hub can have on a community. I myself managed operations at the Defense Logistics Agency Distribution Depot in Pearl Harbor, which supplied 300 federal government entities. The size and scale of the proposed Hillwood center is untenable for a residential or even commercial area. This type of site is better suited in an industrial zone. The traffic congestion and noise would severely degrade surrounding roads and cause significant headaches for people living not only in south Hudson, but all of the Nashua area.

I am strongly opposed to the Hillwood development of Green Meadows and ask you to vote no. Thanks for your consideration.

Very respectfully,
LT Greg Palmer, USN