

# **151 ROBINSON ROAD**

## CONDITIONAL USE PERMIT – WETLAND DISTRICT

CUP# 04-21

### STAFF REPORT

May 26, 2021

**SITE:** 151 Robinson Road; Map 111 Lot 17

**ZONING:** General-One (G-1)

**PURPOSE OF PLANS:** To request approval for improvements within the 50-foot wetland buffer.

**PLANS UNDER REVIEW:** Variance & Conditional Use Plan; prepared for the Town of Hudson; prepared by Sandford Surveying and Engineering, 597 New Boston Rd., Bedford, NH 03110; dated April 28, 2021.

#### **ATTACHMENTS:**

- A. Conservation Commission decision to recommend CUP, dated May 17, 2021

#### **APPLICATION TRACKING:**

- April 15, 2021 – Conditional Use Permit Application received.
- May 10, 2021 – Conservation Commission issued recommendation.
- May 26, 2021 – Planning Board meeting scheduled.

#### **COMMENTS:**

The Town of Hudson currently owns this parcel, obtained via tax deed, but wishes to sell to be a tax-generating piece of land. In order to do so, the property requires relief from wetland buffers (Planning Board purview) and building setbacks (ZBA purview).

If relief is granted by this Board and the ZBA, the project will propose construction of a new single family home and driveway access to the existing upland of the parcel. The site plan if built will have a permanent wetland buffer impact of 1,775 square feet (0.04 acres) and a temporary wetland buffer impact of 2,895 square feet (0.07 acres). The plan illustrates the anticipated layout of the site and its impacts.

At its May 10, 2021 meeting, the Conservation Commission issued a favorable recommendation of the Conditional Use Permit with conditions. **See Attachment A.**

Last, the following is a brief history explaining how this parcel became a non-conforming:

- 1969: This lot was created and approved by Hudson Planning Board and received State Subdivision Approval. At this time, the front setback was 30 feet and no wetland buffer requirement existed.
- 1978: the front setback changed from 30 feet to 50 feet.
- 1990: the 50 foot wetland buffer was implemented.
- 2021: A variance is being sought , seeking 20' relief for front building setback , from 50 feet to 30 feet. A conditional use permit is being sought to allow for work within the wetland buffer.

**DRAFT MOTIONS**

**ACCEPT the conditional use permit application:**

I move to accept the site plan & conditional use permit application for 151 Robinson Road, Map 111 Lot 17.

Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Carried/Failed: \_\_\_\_\_

*DRAFT MOTION TO APPROVE ON THE FOLLOWING PAGE*

**APPROVE the conditional use permit application:**

I move to approve the Conditional Use Permit application for 151 Robinson Rd, to allow for work with the wetland buffers as depicted in the plan entitled: Variance & Conditional Use Plan; prepared for the Town of Hudson; prepared by Sandford Surveying and Engineering, 597 New Boston Rd., Bedford, NH 03110; dated April 28, 2021.; subject to, and revised per, the following stipulations:

1. A stipulation and or note shall be added to the final plan set that states “Construction and restoration shall comply with Best Management Practices set forth in New Hampshire Storm Water Manual Volume 3: Erosion and Sediment Control
2. During construction and restoration erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer and the Hudson Conservation Commission.
3. The Engineering Department 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.
4. Although difficult to achieve efforts should be made to keep earthen stockpiles and construction materials out of the wetland buffer to avoid further disturbances.
5. Any proposed landscaping within jurisdictional resource areas shall consist of species native to northeastern USA region. Prior to implementation, a final landscape plan with plant schedule, shall be submitted to the Town for review and approval.
6. A recommendation to future home owners by the applicant should be made asking that fertilizers utilized for landscaping and lawn care should be slow release, low-nitrogen types (<5%) to help minimize nutrient loading in wetlands adjacent to the site.
7. A note shall be added to the plan set that states no additional impervious surfaces can be added to the site.
8. Construction activities at the site shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.

Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Carried/Failed: \_\_\_\_\_



# TOWN OF HUDSON

## Conservation Commission

William Collins, Chairman

Dave Morin, Selectmen Liaison



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

### Conditional Use Permit Application

**Date:** May 10, 2021

**Case:** Single Family House Lot 151 Robinson Road  
Hudson, New Hampshire  
Map 111, Lots 17  
Zone: General (G1)

**Description of work to be performed:** The project proposes construction of a new single family home and driveway access to the existing upland feature of the parcel. The site plan if built will have a permanent wetland buffer impact of 1,775 square feet (0.04 acres) and a temporary wetland buffer impact of 2,895 square feet (0.07 acres).

**Note:** Prior to tonight's meeting the Town Engineer provided details of the site and its history and one site walk of the property has been completed by commission members.

Members Present: Randy Brownrigg, William Kallgren, Kenneth Dickinson and William Collins

Conservation Members Stepping Down: None

Alternates Seated: None

### Motion to "Recommend"

After final review Mr. Dickinson moved to recommend acceptance by the Planning Board and the Zoning Board of Adjustments for the Conditional Use Permit application filed for Tax Map 111, Lots 17 by representatives of the Town of Hudson and dated March, 2021. The Hudson Conservation Commission finds that the use presented by the applicant for this parcel will have no significant impact to wetlands abutting the property and meets the requirements set forth in § 334-37 (A) (2), (3) and (4). This favorable acceptance is contingent upon Planning Board and Zoning Board of Appeals approval of the proposed plan and with the Conservation Commission recommendations listed on page 2. Motion second Mr. Kallgren.

**Recommendations by the Hudson Conservation Commission to the Planning Board and Zoning Board of Appeals as part of a Condition of Approval.**

1. A stipulation and or note shall be added to the final plan set that states “Construction and restoration shall comply with Best Management Practices set forth in New Hampshire Storm Water Manual Volume 3: Erosion and Sediment Control
2. During construction and restoration erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer and the Hudson Conservation Commission.
3. Conservation Commission members shall be allowed to inspect the boundaries of the wetland and wetland buffer areas during construction and report any finding to the applicant and Town engineer for immediate remediation.
4. Although difficult to achieve efforts should be made to keep earthen stockpiles and construction materials out of the wetland buffer to avoid further disturbances.
5. Any proposed landscaping within jurisdictional resource areas shall consist of species native to northeastern USA region. Prior to implementation, a final landscape plan with plant schedule, shall be submitted to the Town for review and approval.
6. A recommendation to future home owners by the applicant should be made asking that fertilizers utilized for landscaping and lawn care should be slow release, low-nitrogen types (<5%) to help minimize nutrient loading in wetlands adjacent to the site.
7. A note shall be added to the plan set that states no additional impervious surfaces can be added to the site.

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

Vote: Mr. Brownrigg-No, Mr. Dickinson-Yes, Mr. Kallgren-Yes, Mr. Collins-Yes  
Mr. Brownrigg voted in opposition stating he was uncomfortable with the plan as submitted and did not think the applicant presented suitable evidence to warrant acceptance.

*William Collins*

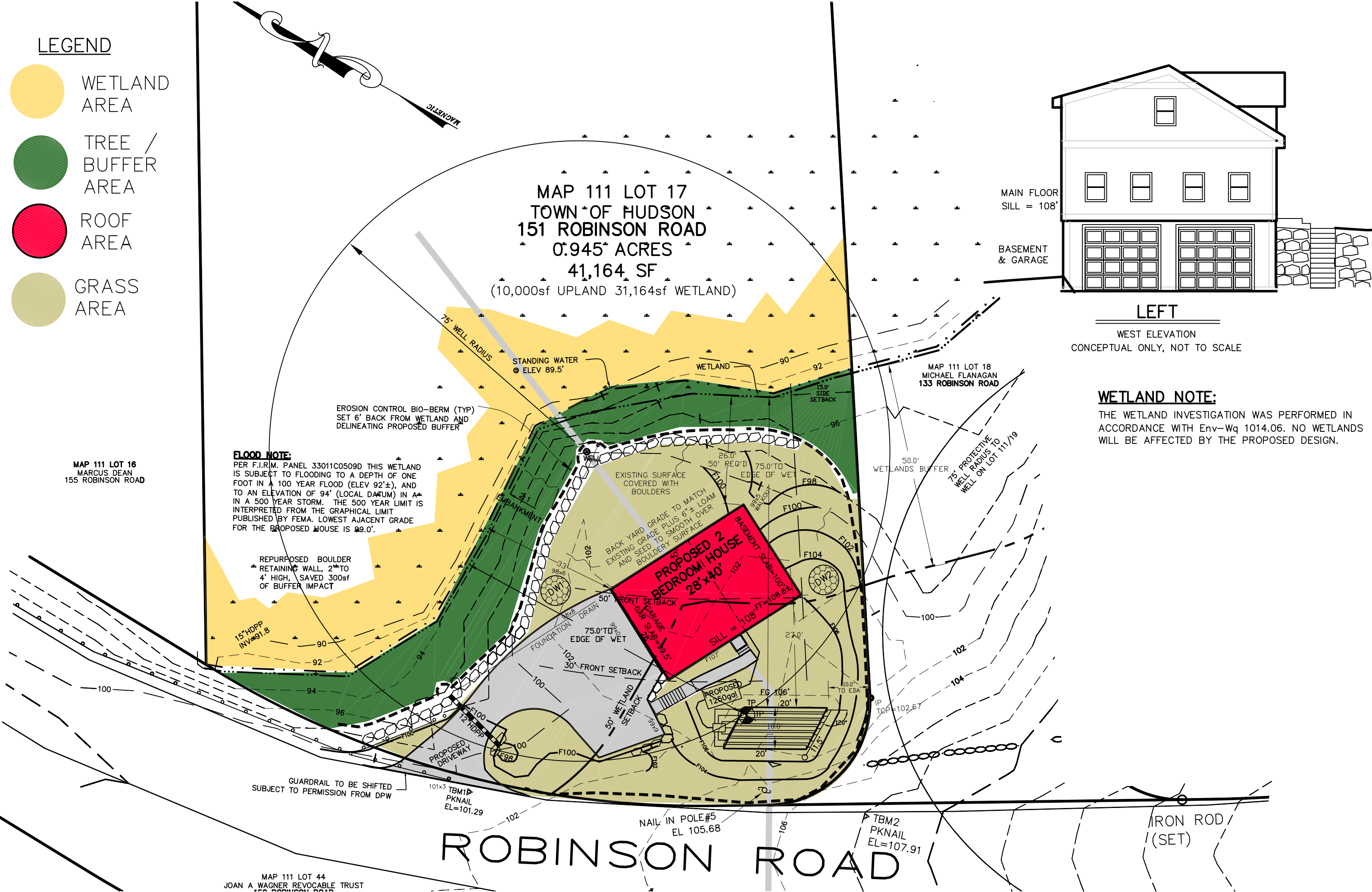
William Collins  
HCC Chairman

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

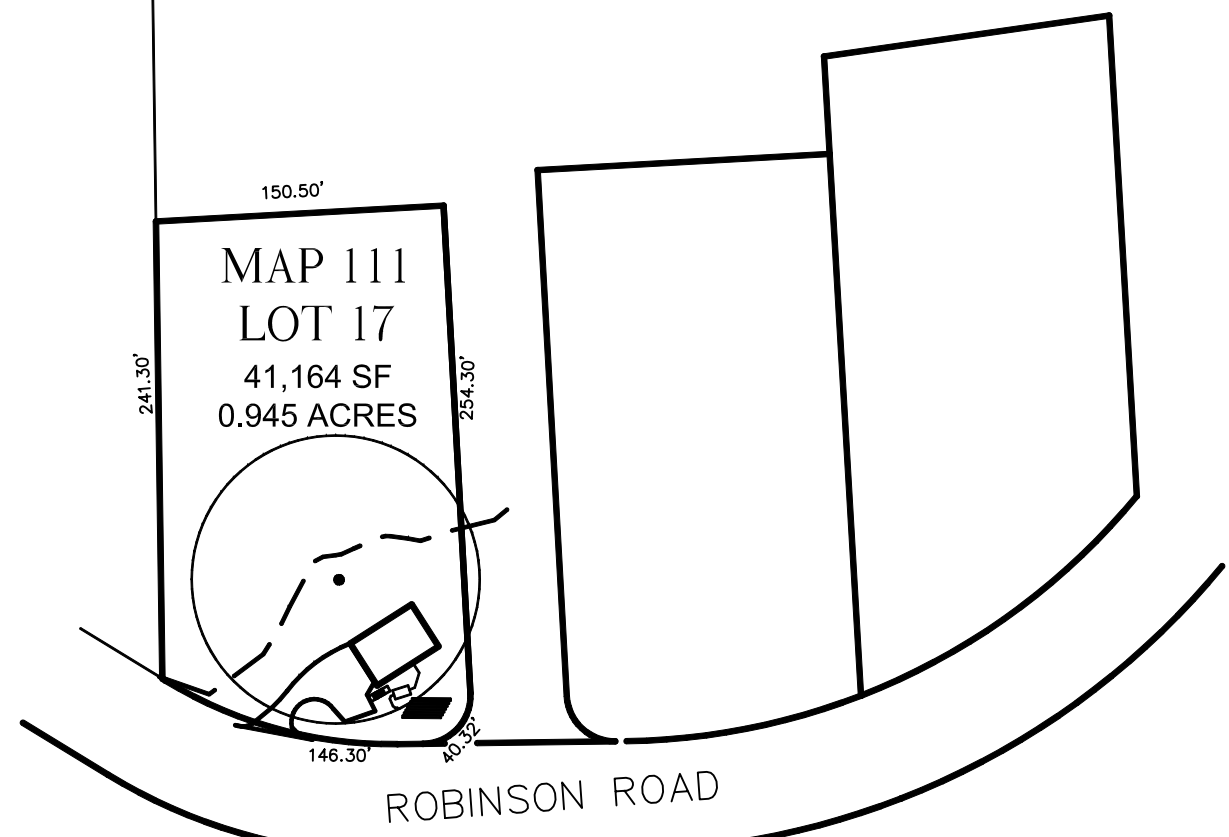
**LEGEND**

- WETLAND AREA
- TREE / BUFFER AREA
- ROOF AREA
- GRASS AREA

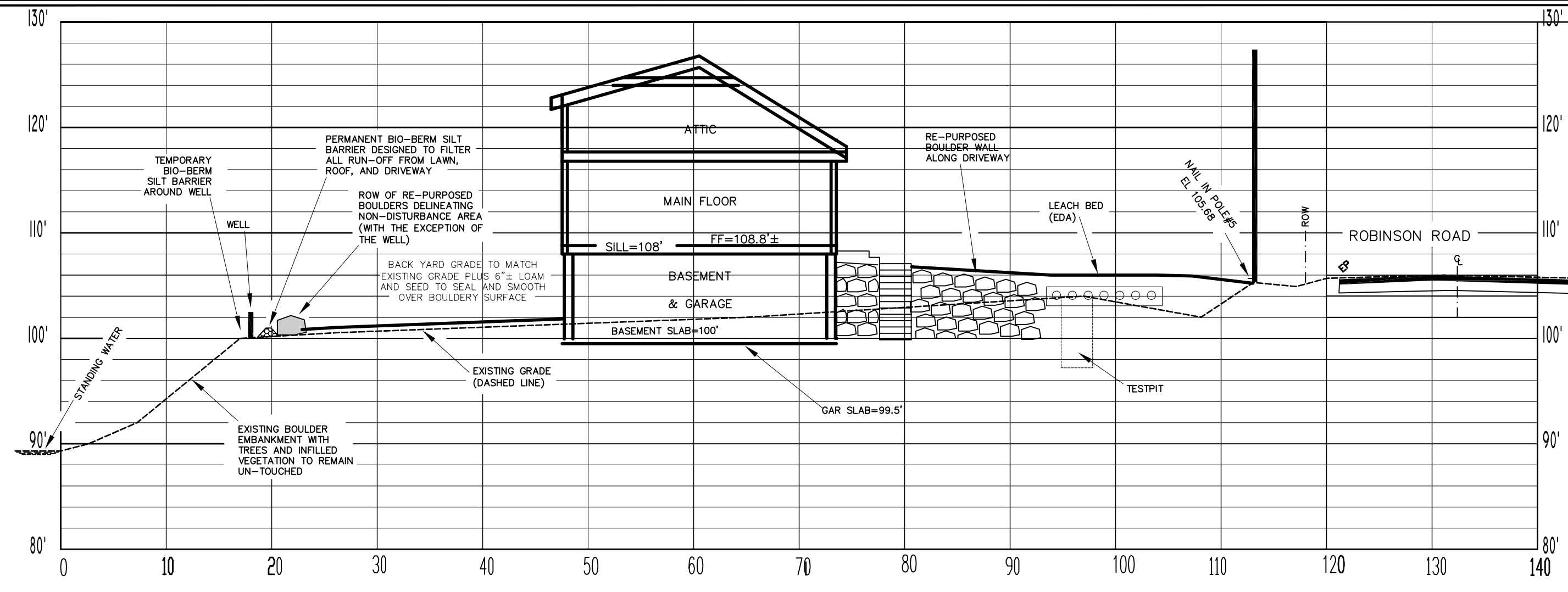


REFERENCE THE FOLLOWING SUBDIVISION PLAN:  
 HORD DOCUMENT NUMBER 4208  
 9/18/1969 PLAN

151 ROBINSON ROAD  
 PROPERTY ACCOUNT NUMBER 4912  
 PARCEL ID 111-017-000  
 OLD PARCEL ID 0038-0008-0000



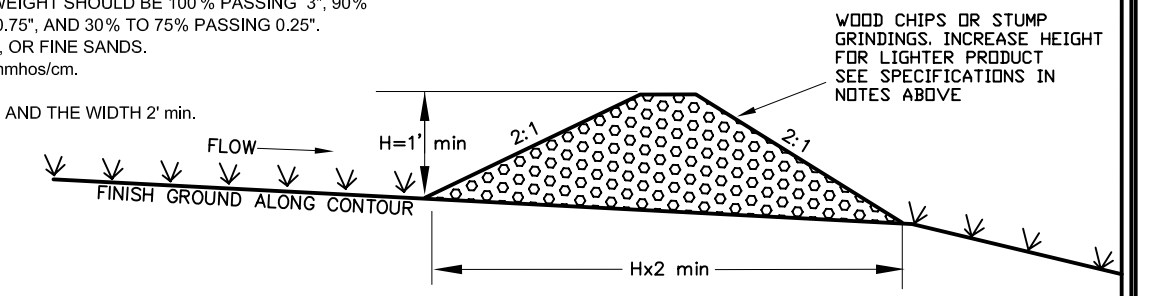
**PLOT PLAN**  
 1"=100'



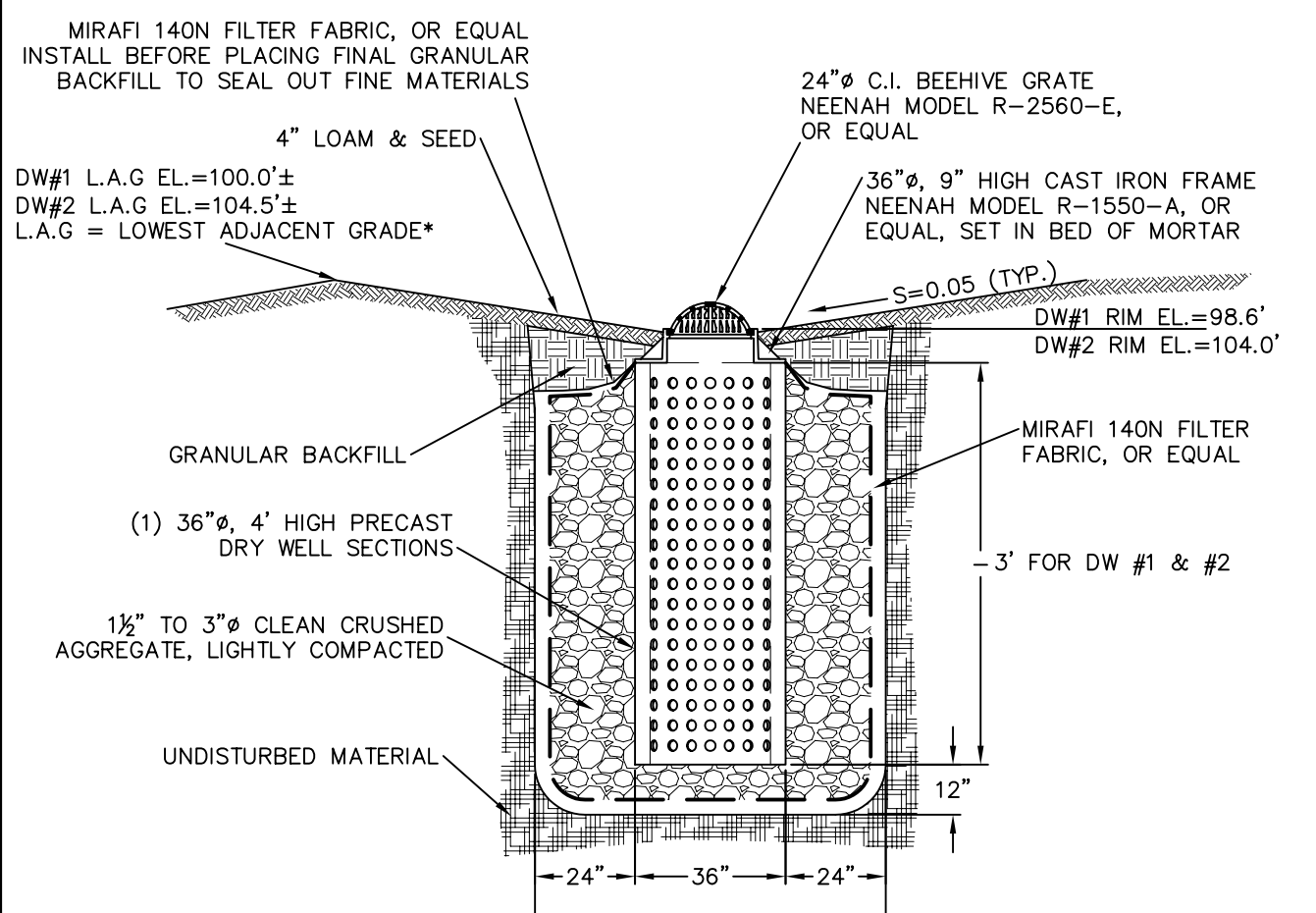
**PROFILE VIEW 1"=10'H 1"=10'V**  
 ADDED T THE REQUEST OF THE CONSERVATION COMMISSION  
 SEE GRAY BAR ON PLAN VIEW FOR ALIGNMENT OF PROFILE

**BIO-BERM SILT BARRIER NOTES:**

- DO NOT USE IN AREAS OF CONCENTRATED FLOWS.
- THE BERM MUST BE INSTALLED AND MAINTAINED PROPERLY TO BE EFFECTIVE.
- USE OTHER BMPs SUCH AS CHECK DAMS AND SILTATION BASINS AT THE LOW POINTS.
- CONSTRAINTS: CONTRIBUTING AREA SHOULD BE LESS THAN 1/4 ACRE PER 100 FEET OF BARRIER. LENGTH OF SLOPE SHOULD BE LESS THAN 100 FEET ABOVE BARRIER AND MAXIMUM GRADE SHOULD BE 5% BEHIND BARRIER.
- FILTER BERMS ARE TO BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING A PROLONGED RAINFALL. REPLACE IMMEDIATELY IF BREACHED.
- TRAPPED SEDIMENT SHOULD BE REMOVED AFTER EACH RAINFALL, AND IN NO CASE THE SEDIMENT BE ALLOWED TO BUILD TO A HEIGHT OF 10% THE HEIGHT OF THE BARRIER.
- MATERIAL SPECIFICATIONS: NO STONES OVER 4". NO GROUND CONSTRUCTION DEBRIS. ORGANIC MATTER IS TO BE FIBROUS AND ELONGATED AND COMPOSE BETWEEN 25% AND 65% DRY WEIGHT BASIS. PARTICLE SIZE BY WEIGHT SHOULD BE 100% PASSING # 20 TO 100% PASSING # 10. 70% TO 100% PASSING 0.75" AND 30% TO 75% PASSING 0.25". THE MIX SHOULD NOT CONTAIN SILTS, CLAYS, OR FINE SANDS. SOLUBLE SALTS CONTENT SHOULD BE < 4.0 millimoles/cm.
- pH SHOULD BE BETWEEN 5.0 AND 8.0.
- THE HEIGHT OF THE BARRIER IS TO BE 12" MIN AND THE WIDTH 2' MIN.



RE: NEW HAMPSHIRE STORMWATER MANUAL: VOLUME 3 SECT 4.2  
**BIO-BERM DETAIL**  
 NOT TO SCALE



**DRY WELL DETAIL (DW-1&2)**  
 NOT TO SCALE

\*LOWEST ADJACENT GRAD (L.A.G.) IS THE OVERFLOW FLOOD ELEVATION AROUND THE DRYWELL (ANYTHING BELOW THE L.A.G. WILL BE INFILTRATED INTO THE DRYWELL)

**DRY WELL (DW1 & DW2) DETAIL**

NO TEMPORARY OR PERMANENT WETLAND IMPACT IS EXPECTED AS A RESULT OF THIS PROJECT.

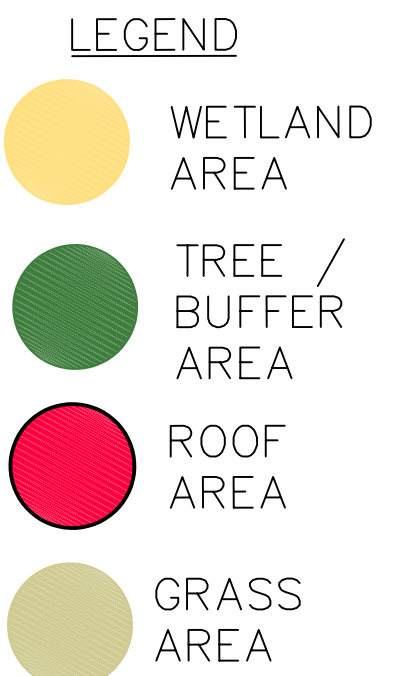
WETLAND BUFFER IMPACT:  
 1933sf BUILDING AND DRIVEWAY  
 2283sf GRADED AREAS TO BE RESTORED AS GREEN  
 4716sf TOTAL IMPACT

**LOT SUITABILITY FOR BUILDING NOTES:**

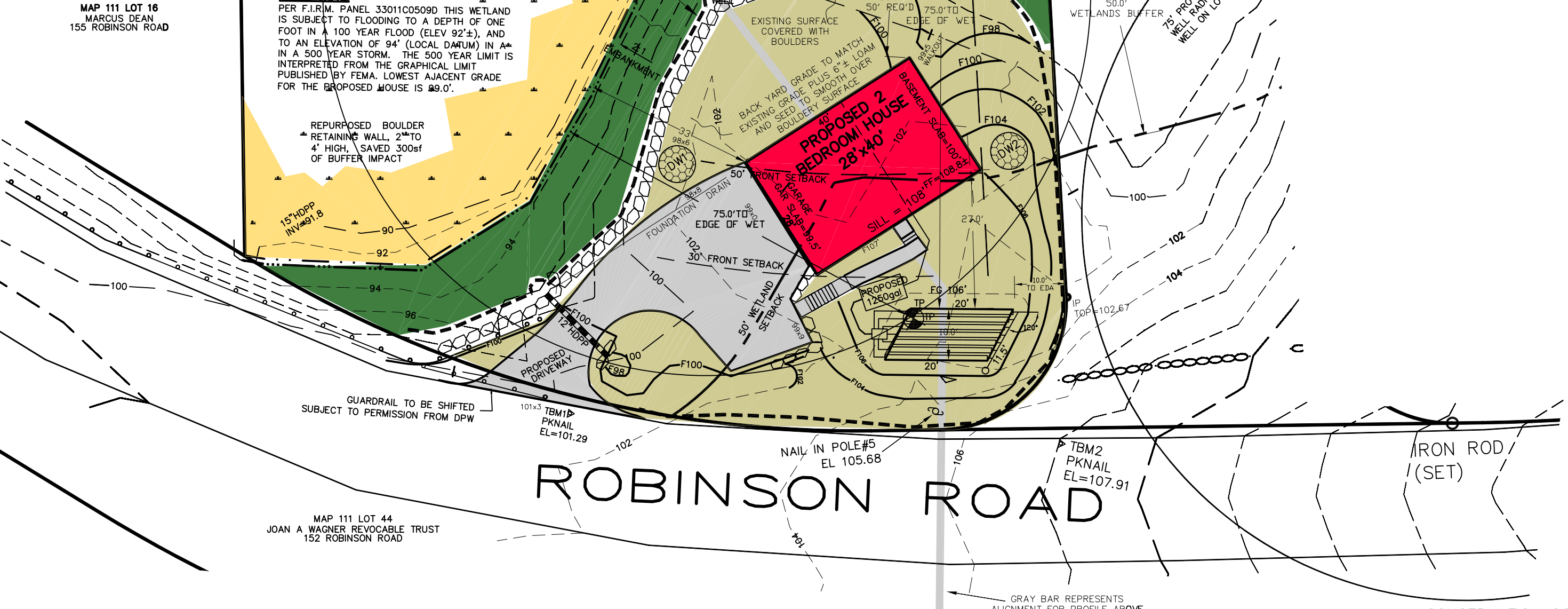
- THE DESIGN SHOWN HEREON CONFORMS WITH ALL REGULATION FOR BUFFERS AND SETBACKS THAT WERE IN PLACE AT THE TIME THIS LOT RECEIVED SUBDIVISION APPROVAL BY THE TOWN OF HUDSON PLANNING BOARD AND NHDES APPROVAL #801.
- TODAY THIS LOT IS SEVERELY CONSTRAINED BY THE ONSITE WETLAND BUFFER AND INCREASED FRONT SETBACK REGULATION. TO AVOID IMPACT TO THE CURRENT FRONT SETBACK, RELIEF FROM THE WETLAND BUFFER IS REQUIRED IN ORDER TO BUILD A REASONABLE HOUSE AND YARD AREA.
- NO WETLAND DISTURBANCE IS PROPOSED BY THIS DESIGN, BUT TO BE SUITABLE AS A BUILDING LOT, THE SITE REQUIRES RELIEF FROM THE 50' WETLAND BUFFER (THIS PLAN PROPOSES TO REDUCE IT FROM 50' TO 6' FOR LOT AND YARD DISTURBANCE. THAT REDUCTION ACCOMMODATES ALL STRUCTURES 14' TO THE DECK AND 17' TO THE HOUSE).
- THIS LOT WAS A TOWN APPROVED AS PART OF A SUBDIVISION THAT PREDATES BOTH THE CURRENT FRONTAGE SETBACK AND THE 50' BUFFER REQUIREMENT. WHEN THIS LOT WAS APPROVED THERE WAS NO BUFFER REQUIREMENT FROM WETLAND, SO PROVIDING A 6' BUFFER PROVIDES AT LEAST A SMALL IMPROVEMENT ON THE ZERO BUFFER IN PLACE WHEN THE LOT WAS CREATED.
- NOTE THAT AT LEAST A THIRD OF THE FRONT WILL REMAIN IN ITS NATURAL STATE, PROTECTED FROM ALTERATION DUE TO THE WETLAND AND THE COMMITMENT NOT TO FILL OR DISTURB ANY WETLAND AND NOT TO DISTURB ANY MORE AREA IN THE BUFFER THAN IS NEEDED FOR A REASONABLE HOME.
- THE DESIGN MEETS ALL REGULATION IN REGARD TO SEPTIC DESIGN AND DRIVEWAY ENTRANCE.
- NO FEASIBLE DEVELOPMENT OF THIS LOT IS POSSIBLE WITHOUT RELIEF TO CURRENT REGULATIONS THAT WERE IMPOSED AFTER THE LOT RECEIVED SUBDIVISION APPROVAL.

**REVISIONS**

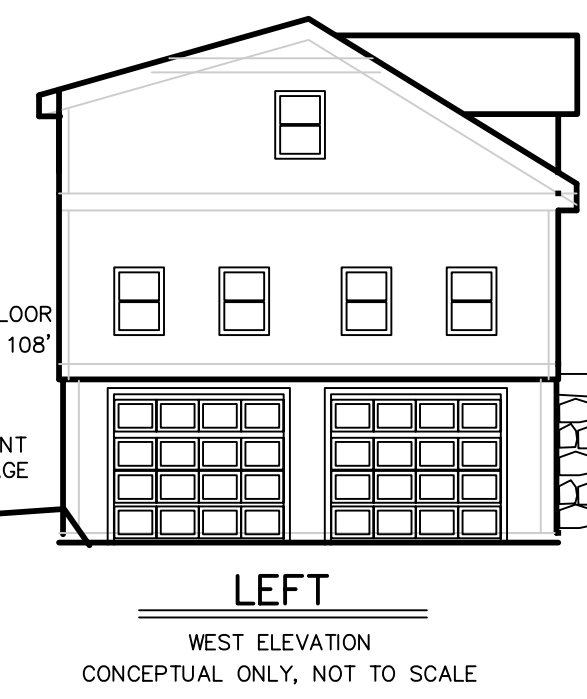
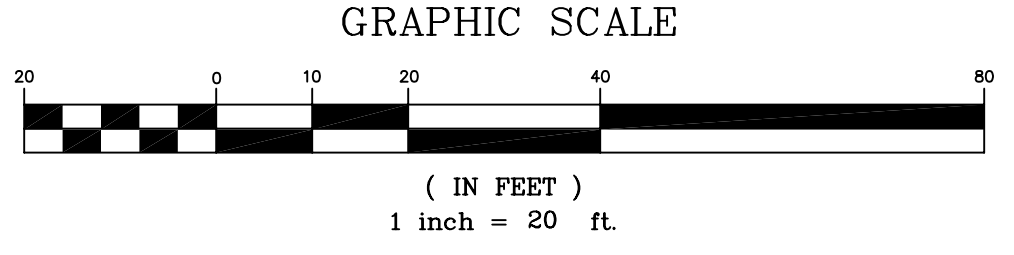
NO.	DATE	DESCRIPTION	BY
1	5-03-21	ADDED FLOOD NOTE, RE-ROUTED FND DRAIN	EJS



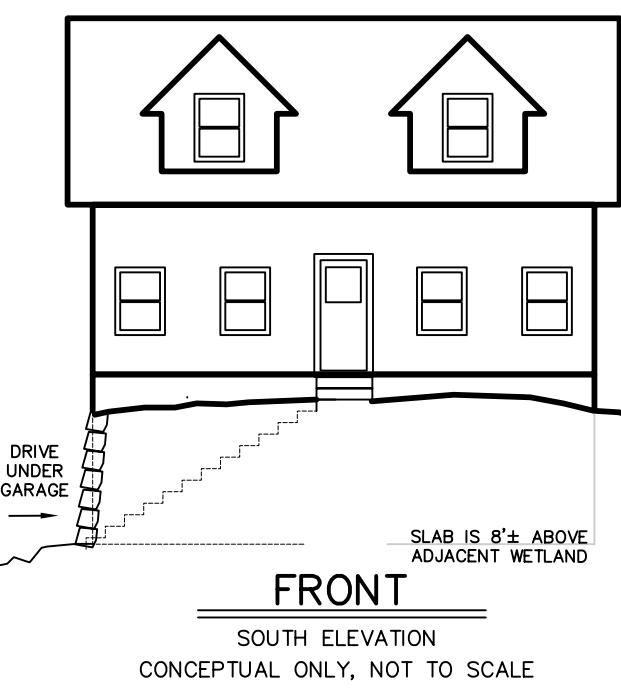
**FLOOD NOTE:**  
 PER F.I.R.M. PANEL 3301C0509D THIS WETLAND IS SUBJECT TO FLOODING TO A DEPTH OF ONE FOOT IN A 100 YEAR FLOOD (ELEV 92.1), AND TO AN ELEVATION OF 94' (LOCAL DARIUM) IN A 500 YEAR STORM. THE 500 YEAR LIMIT IS INTERPRETED FROM THE GRAPHICAL LIMIT PUBLISHED BY FEMA. LOWEST ADJACENT GRADE FOR THE PROPOSED HOUSE IS 99.0'.



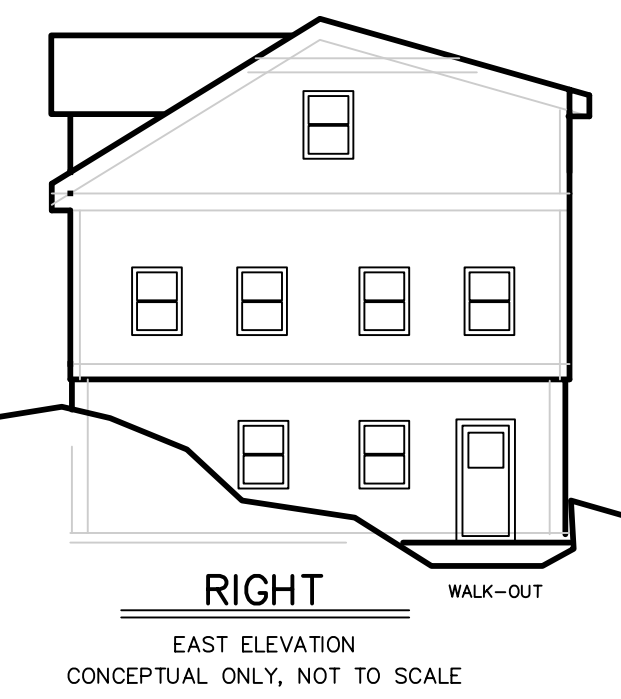
**PLAN VIEW 1"=20'**



**LEFT**  
 WEST ELEVATION  
 CONCEPTUAL ONLY, NOT TO SCALE



**FRONT**  
 SOUTH ELEVATION  
 CONCEPTUAL ONLY, NOT TO SCALE



**RIGHT**  
 EAST ELEVATION  
 CONCEPTUAL ONLY, NOT TO SCALE

**WETLAND NOTE:**

THE WETLAND INVESTIGATION WAS PERFORMED IN ACCORDANCE WITH Env-Wq 1014.06. NO WETLANDS WILL BE AFFECTED BY THE PROPOSED DESIGN.

**NOTES:**

- THE PURPOSE OF THIS PLAN IS TO DEPICT RELIEF NEEDED TO PLACE A REASONABLE HOME ON LOT 111/17.
- RELIEF NEEDED:
  - A VARIANCE FOR FRONT YARD SETBACK ALLOWING 30' WHERE 50' IS REQUIRED §334-27. (THE INCREASED FRONT SETBACK WAS INSTITUTED AFTER THIS LOT WAS APPROVED BY SUBDIVISION)
  - CONDITIONAL USE PERMIT TO ALLOW 26' FROM WETLAND TO THE HOUSE FOUNDATION WHERE 50' IS REQUIRED, AND TO ALLOW 18' TO A FUTURE RAISED DECK WHERE 50' IS REQUIRED §334-33A & §334-34.
- NOTE THAT THERE IS NO CONFORMING BUILDING ENVELOPE POSSIBLE ON THIS LOT WITHOUT RELIEF.
- NOTE THAT THE SEPTIC SYSTEM IS CONFORMING (ALTHOUGH TIGHT) AND NEEDS NO RELIEF.

**CONSERVATION COMMISSION RECOMMENDATIONS:**

THE CONSERVATION COMMISSION AT THEIR REVIEW OF THIS PLAN ON 4-26-2021 PROPOSED USING ON-SITE RE-PURPOSED BOULDERS TO HELP DEFINE AND STABILIZE THE SITE, THAT AND OTHER RECOMMENDATIONS REDUCED BUFFER IMPACT BY 1200sf FROM THE PREVIOUS DESIGN. ALSO AS REQUESTED IS DETAILED DIMENSIONS AND STORMWATER ENGINEERING DETAILS.

VARIANCE & CONDITIONAL USE PLAN  
**TOWN OF HUDSON**  
 MAP III LOT 17  
 151 ROBINSON ROAD  
 TOWN OF HUDSON  
 HILLSBOROUGH COUNTY, NEW HAMPSHIRE

**SANDFORD**  
 SURVEYING AND ENGINEERING

TEL (603) 472-2265 FAX (603) 472-6604  
 597 NEW BOSTON ROAD, BEDFORD, NH 03110  
 BOUNDARY SURVEYS ~ SUBDIVISIONS ~ SITE PLANS ~ STRUCTURAL ~ SEPTIC DESIGNS

PROJ. MAN.: EJS	CADD: EJS	PROJ: JB01d18076
CONTACT: MIKE GALLO	CHK BY: EJS	DWG#: MOR11D21021
SCALE: 1" = 10'	DATE: 4/28/2021	SHEET 1 OF 1