PLANTE DRIVEWAY APPLICATION

CONDITIONAL USE PERMIT APPLICATION #09-21 STAFF REPORT

August 25, 2021

SITE: Wason Road (no street number); Map 206 Lot 001-002

ZONING: General (G)

PURPOSE OF PLAN: To show a proposed driveway crossing in support of a state wetland permit where a conditional use permit is also required, from the town due to impacting the 50 foot wetlands buffer.

PLANS UNDER REVIEW:

- Tax Map 206 Lot 1-2 Wetland Permit Plan; prepared by S&H Land Services, LLC, 141 Londonderry Tpke, Hooksett, NH; prepared for Marco Plante, Wason Road, Hudson, New Hampshire; consisting of a single sheet with general notes 1-6.
- Sight Distance Plan and Profiles, Watson Road Tax Map 206 Lot 1-2 Hudson, NH; prepared by Rokeh Consulting, LLC, 89 King Road, Chichester, NH; prepared for Marco Plante; consisting of a single sheet with notes 1-3.

ATTACHMENTS:

- A. Conservation Commission Motion to Recommend Conditional Use Permit Application, dated August 9, 2021.
- B. Department Comments

APPLICATION TRACKING:

- July 14, 2021 Application received.
- August 2, 2021 Site walk completed by the Conservation Commission along with the Chairman of the Planning Board.
- August 9, 2021 Conservation Commission Meeting; Commission recommended the application for acceptance by the Planning Board.
- August 23, 2021 Site Walk scheduled.
- August 25, 2021 Planning Board Meeting scheduled.

COMMENTS & RECOMMENDATIONS:

BACKGROUND

The lot is vacant and is largely consisted of a wooded south-facing hillside with wetland at the bottom of the hill. The lot is bounded by low-lying wetland to the west and south while the hillside has some relatively steep terrain. There is also wetlands running north-south that bisects

the subject parcel, isolating the developable land from its frontage on Wason Road; this condition is the cause for this application.

The Applicant is proposing a house on the hillside in the interior part of the lot, with a driveway connecting the house to Wason Road. The proposed driveway will be on the hillside but has to cross a delineated wetland.

WETLAND CONSERVATION OVERLAY DISTRICT

- 1. Use within Wetland Conservation District (§ 334-36): Access required for productive use of land is a conditional use permitted under § 334-36:C(2). However, such conditional use shall be located and constructed in such a way as to minimize the potential for detrimental impact to the District and may be permitted only when no viable alternative is available.
 - Staff notes that an existing 50' right-of-way off Pasture Drive may be a potential alternative to access this lot (Map 206 Lot 001-002). This paper street was established by the subdivision that created Pasture Drive, contemplating future access to the subject parcel and reducing curb-cuts along Wason Road. Note, however, almost the entire road frontage for this lot is on Wason Road.
- 2. **Hudson Conservation Commission Comments:** The Conservation Commission heard the application and <u>recommended the Planning Board to accept the application</u> on August 9, 2021, with ten recommended stipulations as summarized below (see **Attachment A** for details):
 - a. Design requirements that the Planning Board should consider:
 - i. Further reductions in wetland buffer and wetland impacts by stipulating that only 12 feet of pavement with an allowance of 1 foot of roadway shoulder (on each side of the driveway) be constructed through the entire length of the proposed impacted areas.
 - ii. Either multiple culverts be installed or a larger diameter pipe be used to maintain wetland connectivity and aid in properly controlled water flows coming off the abutting properties.
 - b. Construction-related stipulations: Best practices, NHDES Dredge and Fill permit, erosion control barriers, construction inspection, signage and marking of wetland buffer boundary, no stockpiling of construction materials within wetland buffer.
 - c. Return to the Conservation Commission for further review if additional impacts are required.

DEPARTMENTAL COMMENTS (Attachment B)

- 1. Zoning Administrator: The Zoning Administrator recommends installing wetland buffer boundary markers, as did the Conservation Commission.
- 2. Fire Chief: The Conservation Commission recommends reducing the paved width across the wetland crossing. The Fire Chief is supportive of this recommendation contingent

upon the installation of a turn-around outside of the buffer area and near the proposed house.

DRAFT MOTIONS

ACCEPT the site plan application:

-	conditional use permit applications and the conditional use permit applications are sufficiently as a second conditional use permit applications are conditional use permit applications.	eation for the Plante Driveway Applement, Map 206 Lot 001-002.	ication,
Motion by:	Second:	Carried/Failed:	
CONTINUE the p	ublic hearing to a date cer	tain:	
	e public hearing for the cond n, CUP #09-21, to date certain	litional use permit application for thin,, 2021.	e Plante
Motion by:	Second:	Carried/Failed:	

APPROVE the conditional use application:

I move to approve the conditional use permit for the Plante Driveway Application on an unnumbered lot on Wason Street, Map 206 Lot 001-002 consisting of the plan entitled: Tax Map 206 Lot 1-2 Wetland Permit Plan; prepared by S&H Land Services, LLC, 141 Londonderry Tpke, Hooksett, NH; prepared for Marco Plante, Wason Road, Hudson, New Hampshire; consisting of a single sheet with general notes 1-6; 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. A cost allocation procedure (CAP) amount of \$5,880 per single-family residential unit, or \$5,133 per residential unit within a duplex (or two-family structure) shall be paid prior to the issuance of a Certificate of Occupancy for the new house lot.
- 3. Prior to the issuance of a final certificate of occupancy, an L.L.S. Certified "as-built" site plan shall be provided to the Town of Hudson Land Use Development, confirming that the driveway conforms to the Plan approved by the Planning Board.
- 4. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.
- 5. Construction activities involving the subject lot shall be limited to the hours between 7:00 A.M. and 7:00 P.M. No exterior construction activities shall be allowed on Sundays.

Stipulations proposed by Conservation Commission:

- 6. Construction and restoration shall comply with Best Management Practices set forth in New Hampshire Storm Water Manual Volume 3: Erosion and Sediment Control
- 7. During construction and restoration erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer.
- 8. The Town Engineer or his representative 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 remediation.
- 9. The applicant will file a Dredge and Fill permit application with the NHDES per Title L, Water Management and Protection Chapter 482-A.
- 10. The wetland buffer boundary shall be identified and marked prior to the start of construction per Hudson Zoning Ordinance, Article IX §334-35 (E.).
- 11. "No Cut/No Disturb" signage shall be installed along the wetland buffer boundary prior to issuing Certificates of Occupancy per Hudson Zoning Ordinance, Article IX §334-35 (E.).
- 12. Stockpiling of construction materials is not allowed in the wetland buffer areas during construction.

Motion by:	Second:	Carried/Failed:
wionon by	Sccond	Carred/raneu.



TOWN OF HUDSON

Conservation Commission

William Collins, Chairman

Dave Morin, Selectmen Liaison

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



Motion to Recommend Conditional Use Permit Application

Date: August 9, 2021

Case: Plante Driveway Application Conditional Use Permit

Hudson, New Hampshire

Map 206, Lot 1-2 Zone: General (G)

Description of work to be performed: The project proposes construction of a driveway with a wetland crossing located off Wason Road to access the upland portion of the property for the purpose of building a single family home. If built, the project will have a permanent wetland impact of 1,934 square feet (approx. 0.04 acres) a permanent wetland buffer impacts of 2,150 square feet (approx. 0.05 acres). Temporary wetland impact 208 square feet and Temporary wetland buffer impact 2,445 square feet are also listed on the application.

Note: On August 2, 2021 a site walk of the property was completed by commission members along with the chairman of the planning board. HCC Members present for the site walk: Randy Brownrigg, Ken Dickinson, Sandra Rumbaugh and Bill Collins PB Member/s present for site walk: Tim Malley

Motion to "Recommend"

Mr. Brownrigg moved to <u>recommend</u> acceptance by the Hudson Planning Board of the Conditional Use Permit application filed for the proposed "Plante Driveway Application" reference Tax Map 206, Lot 1-2, dated July 9, 2021. After application review, the Hudson Conservation Commission finds that the use presented by the applicant for access to the upland portion of the property comply Hudson Zoning Ordinance 334, Article IX- Wetland Conservation Overlay District, paragraphs 334-36(C) 2. This favorable acceptance is contingent upon Planning Board approval of the proposed plan and with the Conservation Commission recommendations listed below.

1. The commission recommends that a stipulation and or note 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.
- 3. The Town Engineer or his representative 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 remediation.
- 4. A note on the plan or stipulation should be required stating that the applicant will file a Dredge and Fill permit application with the NHDES per Title L, Water Management and Protection Chapter 482-A
- 5. The conservation commission highly recommends that the Planning Board require further reductions in wetland buffer and wetland impacts by stipulating that only 12 feet of pavement with an allowance of 1 foot of roadway shoulder (on each side of the driveway) be constructed through the entire length of the proposed impacted areas.
- 6. The applicant has indicated that a single 15" HDPE culvert pipe is to be used to convey water under the proposed driveway. During site review commission members observed flowing water and are concerned that a single small diameter piper may not be adequate to handle seasonal water flows. The commission recommends that either multiple culverts be installed or a larger diameter pipe be used to maintain wetland connectivity and aid in properly controlled water flows coming off the abutting properties.
- 7. The commission recommends that a stipulation and or note be added to the final plan set that states "The wetland buffer boundary shall be identified and marked prior to the start of construction per Hudson Zoning Ordinance, Article IX §334-35 (E.)
- 8. The commission recommends that a stipulation and or note be added to the final plan set that states "No Cut/No Disturb" signage shall be installed along the wetland buffer boundary prior to issuing Certificates of Occupancy per Hudson Zoning Ordinance, Article IX §334-35 (E.)
- 9. The commission recommends that a stipulation and or note be added to the final plan set that states "Stockpiling of construction materials is not allowed in the wetland buffer areas during construction.
- 10. This motion is based on the plan(s) submitted by the applicant. It is recommended that if additional impacts are required the plan be returned to the Conservation Commission for further review.

Motion second Mr. Kallgren Motion Carried 4/0/0

William Collins

William Collins HCC Chairman

Page 2 of 3

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

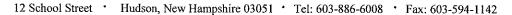
CONDITIONAL USE PERMIT APPLICATION

Date of Application: 7/9/2021	Tax Map #: 206	Lot #: 1-2
Site Address: Wason Road		
Name of Project: Plante driveway application		
Zoning District: G	_ General CUP#:	
Z.B.A. Action: n/a		(For Town Use Only)
PROPERTY OWNER:	DEVELOPER:	
Name: Marco & Cindy Plante	Same as owner	
Address: 124 Bush Hill Road		
Address: Hudson, NH 03051		
Telephone # 603-235-8066		
Email: marco@saveonwall.com		
PROJECT ENGINEER or SURVEYOR:	CERTIFIED WET	TLANDS SCIENTIST:
Name: Peter Stoddard - S&H Land Services	Tom Sokoloski - T	ES Environmental
Address: 141 Londonderry Tpke	1494 Route 3A Unit @1	
Address: Hooksett, NH 03106	Bow, NH 03304	
Telephone # 603-628-85800		
Email: petes@shlandservices.com		
PURPOSE OF PLAN: The intent of the plan is to show a proposed driveway where a conditional use permit is also required, from to buffer.	crossing in support of he town to due to imp	a state wetland permit acting the 50 foot wetlands
(For Town	Use Only)	
Routing Date: 7/14/21 Deadline Date: 7/	/28/21 Meeting	g Date: 8/25/21
I have no comments X I have	comments (attach to	form)
(Initials) Title: Free CHIEF Thereseres There Aram	Date	1500/55/17
Department: Our side of the Buffer	SHOOLS BY	1144461)
Zoning: Engineering: Assessor: Police:	Fire: \(\bullet \) DPW:	Consultant:



TOWN OF HUDSON







Conditional Use Permit #09-21 Zoning Review/Comments

July 14, 2021

Re:

Map 206 Lot 001 - 002

Address: Wason Road

Zoning district: General (G)

Proposal: To allow construction of driveway and associated construction within

50 ft buffer and wetlands.

Based on submitted plan: page 1 of 1 dated July 8, 2021.

My comment is more for a practical use of the property as a homeowner, and that would be to erect/install "wetland buffer boundary markers" as allowed in §334-35 E, at the wetland buffer within ?100? feet from the proposed house due to the proximity to the wetland buffer.

Bruce Buttrick Zoning Administrator/Code Enforcement Officer (603) 816-1275 bbuttrick@hudsonnh.gov

cc:

B. Groth - Town Planner

file

SITE DATA SHEET

PLAN NAME: Wetland Permit Plan &	Sight Distance Plan & Profiles	VII.
PLAN TYPE: (Site Plan, Subdivision.	or other) other	
LEGAL DESCRIPTION: MAP		
DATE:		
Location by Street:	Wason Road	
Zoning:	G	
Proposed Land Use:	Single Family Residential	
Existing Use:	Vacant	
Total Site Area:	S.F.: 1,073,427 sf Acres:	
Total Wetland Area (SF):		
Permanent Wetland Impact Area (SF):	1934 s.f.	
Permanent Wetland Buffer Impact Are		
Temporary Wetland Impact Area (SF)		
Temporary Wetland Buffer Impact Are		
Flood Zone Reference:	FEMA Map 33011C0657D	
Proposed Mitigation:		
n/a		
	(For Town Use Only)	
Data Sheets Checked By:		Date:

WETLAND CONDITIONAL USE PERMIT CHECKLIST

Yes	No	NA	QUESTIONS/INFORMATION NEEDED	HCC Comments	
NAF	NARRATIVE REPORT				
	Existing Conditions				
0	0	×	Has a DES Dredge and Fill Permit been issued for any part of this site? If yes, provide number, date, and description.	in process	
0	X	0	Is there evidence of altered wetlands or surface waters on site?		
O	×	0	All prime and other wetlands in the vicinity, plus any wetlands/watersheds past the immediate vicinity affected by this project		
C	0	XO	Description of each wetland and associated values	to be addressed	
×	0	0	Wetland mapping results – Including the flagging date and technique plus the name, company and qualifications of the wetland scientist		
X	0	0	Was property surveyed? If yes, the date of survey. (Please attach the survey plan)		
			National Wetland Inventory		
0	0	X	Vegetative cover types		
0	0	X	Existence of vernal pools and associated habitat		
0	C	V	Unique geological and cultural features		
0	С	X	NH Natural Heritage inventory – For list of rare and endangered species, contact the NH Division of Forests and Lands (603)271-3623	part of wetland permit	
0	C	¥	Wildlife and fauna species, including estimated number and locations (large projects)		
		-			
0	0	*	Public or private wells located within the vicinity		
O	×	0	Monitoring well(s) located on site		
X	С	0	Current land use and zoning district		
С	0	X	Photos of existing area (please use color photos)	site walk	
Proposed Project Description					
0	0	K	Entire project and associated activities		
0	0	¥	Time table of project and anticipated phasing		
0	0	9	Land use		
X	С	O	Grading plan		
Impact to Wetlands and/or Buffers					
0	0	×	Depending on size and proposed impacts, a report from a biologist may be appropriate		
X	0	0	Removing, filling, dredging, or altering (Area square ft. and locations)		
×	0	0	Intercepting or diverging of ground or surface water (Locations and size)		
0	0	X	Change in run-off characteristics		
0	0	X	Delineation of drainage area contributing to each discharge point		
		1			

Yes	No	NA	Questions/information Needed	HCC COMMENTS
٥	0	K	Estimated water quality characteristics of runoff at each point of discharge for both pre- and post-development	
8	0	0	Erosion control practices	
C	C,	P	If using rip-rap, attach documentation explaining why other erosion control methods are not feasible	
0	0	X	How storm water runoff will be handled	
0	0	90	If backyards or lots include a buffer area, buffer restriction wording shall be included in each deed (A physical marker may be requested to designate buffer boundaries at site)	
			Mitigation	
0	0	×	Square footage of mitigation – wetland and upland areas	
0	С	Z	Wetland or upland plants identified to replace any losses	
0	С	of.	Restoration plan for planting and vegetation	
0	0	Ø	Conservation easements, including location and aesthetic, wildlife and vegetative values	
0	0	9	If easement is on or added to the site(s), a copy of the legal document shall be given to the HCC (HCC conservation easement markers may also be required along the easement)	
			CONCEPTUAL SITE PLAN/DRAWING	
0	0	0	CONCEPTUAL SITE PLAN/DRAWING Locus map depicting project site and vicinity within approximately ½ mile and also on a	
0			CONCEPTUAL SITE PLAN/DRAWING Locus map depicting project site and vicinity within approximately ½ mile and also on a larger scale	
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NA

0

and other notable site features

0

Existing and proposed stone walls, tree lines, and unusually large, rare or beautiful trees,

CONDITIONAL USE PERMIT APPLICATION AUTHORIZATION

I hereby apply for Conditional Use Permit and acknowledge I will comply with all of the Ordinances of the Town of Hudson. New Hampshire State Laws, as well as any stipulations of the Planning Board, in development and construction of this project. I understand that if any of the items listed under the Conditional Use Permit specifications or application form are incomplete, the application will be considered rejected.

Pursuant to RSA 674:1-IV, the owner(s) by the filing of this application as indicated above, hereby given permission for any member of the Hudson Planning Board, the Hudson Conservation Commission, the Town Planner, the Town Engineer, and such agents or employees of the Town or other persons as the Planning Board may authorize, to enter upon the property which is the subject of this application at all reasonable times for the purpose of such examinations, surveys, tests and inspections as may be appropriate. The owner(s) release(s) any claim to or right he/she (they) may now or hereafter possess against any of the above individuals as a result of any examinations, surveys, tests and/or inspections conducted on his/her (their) property in connection with this applications.

	Signature of Owner:	Date: 7/12/21	
	Print Name of Owner: Marco PLante		
*	If other than an individual, indicate name of organization and its princi corporate officers.	ipal owner, partners, or	
	Signature of Developer:	Date: 7/12/21	
	Print Name of Developer: Marco Plante		

The developer/individual in charge must have control over all project work and be available to the Code Enforcement Officer/Building Inspector during the construction phase of the project. The individual in charge of the project must notify the Code Enforcement Officer/Building Inspector within two (2) working days of any change.



141 Londonderry Turnpike, Hooksett, NH 03106 Phone: (603)628-8500, Fax: (603)-546-7791

July 1, 2021

Re: Map 206 Lot 1-2 Wason Road Hudson, NH

Project Narrative

The owners are proposing to construct a single-family house on this vacant 24.6 acre lot. An 850°+/- driveway is proposed to access the buildable area. This will require a wetland permit from the state and a conditional use permit from the Town of Hudson to cross a portion of wetland and associated buffers.

There is an area prior to the wetland where a house could be located, however, due to the steepness of the grade and the proximity of the wetlands, construction in this area would certainly have a greater impact on the wetlands and associated buffers than the proposed building area as shown on the plan. The proposed wetland crossing area has been chosen as the best location to have the least impact on the wetlands and associated buffers.

Sincerely,

Peter Stoddard, owner S&H Land Services, LLC

