# 23 WOODCREST AVE GARAGE

# CU #06-22 STAFF REPORT

October 26, 2022

SITE: 23 Woodcrest Ave, Map 125 Lot 010

**ZONING:** Residential-1 (R-1)

**PURPOSE OF PLAN:** To construct a new garage 28ft x 30ft and encroach 14ft, total area 260SF, into wetland buffer.

#### PLANS UNDER REVIEW:

Proposed Plot Plan, Map 125 Lot 010, 23 Woodcrest Avenue, Hudson, NH 03051; prepared by: M. J. Grainger Engineering, Inc. 220 Derry Road, Hudson, NH 03051; prepared for: Gary Francoeur 23 Woodcrest Avenue, Hudson, NH 03051; consisting of a single sheet with general notes 1-10 on Sheet 1; dated May 2, 2022, last revised August 22, 2022.

#### **ATTACHMENTS:**

A. Conservation Commission Review and Comments

#### **APPLICATION TRACKING:**

- August 25, 2022 Application received.
- September 15, 2022 Conservation Commission site walk.
- October 17, 2022 Conservation Commission recommendation received.
- October 26, 2022 Public hearing scheduled.

#### **COMMENTS & RECOMMENDATIONS:**

#### BACKGROUND

The site is a 2.2 acre lot adjacent to Robinson Pond with an existing single family dwelling that is served by a private well and septic system. There is no public water or sewer access at the site. A stream runs from the southwest corner of the lot to the north and east, draining into Robinson Pond. Approximately 3,000SF of the lot is classified as wetland and portions of the wetland are in a Zone A flood zone.

The applicant proposes building a detached 28ft x 30ft garage directly across from the existing attached garage. The northwest corner of the proposed garage would encroach approximately 14ft into the 50ft wetland buffer, so 260SF of the garage would be within the wetland buffer. 800SF of the wetland buffer would be temporarily impacted during construction.

#### CONSERVATION COMMISSION COMMENTS

The Hudson Conservation Commission conducted a site walk and observed that the garage project would have minimal impact on the wetland buffer and no impact to the wetlands themselves; stormwater could be easily mitigated. However, it did appear that there is enough space to place the garage entirely outside of the buffer if the footprint is shifted to the east, towards Robinson Pond, or attached to the existing structure.

#### STAFF COMMENTS

Article IX 334-36 C (1) states that accessory structures associated with a legally existing primary structure, provided that no practicable alternative exists elsewhere on the lot and outside of the Wetland Conservation Overlay District, may be granted a conditional use permit.

#### **DRAFT MOTIONS**

#### **ACCEPT** the conditional use permit application:

I move to accept the Woodcrest Avenue,		cation CU# 06-22 for the Proposed Plot Plan, 23
Motion by:	Second:	Carried/Failed:
CONTINUE the	public hearing to a date cer	tain:
	1 11	elication CU# 06-22 for the Proposed Plot Plan, certain,, 2022.
Motion by:	Second:	Carried/Failed:
DEFER the public	c hearing to a date certain:	
	conditional use permit applica Map 125 Lot 010 to date cert	ation CU# 06-22 for the Proposed Plot Plan, 23 rain,, 2022.
Motion by:	Second:	Carried/Failed:
	Draft motions conti	nued on next page

#### **APPROVE** the conditional use permit application:

I move to approve the conditional use permit for the Proposed Plot Plan, Map 125 Lot 010, 23 Woodcrest Avenue, Hudson, NH 03051; prepared by: M. J. Grainger Engineering, Inc. 220 Derry Road, Hudson, NH 03051; prepared for: Gary Francoeur 23 Woodcrest Avenue, Hudson, NH 03051; consisting of a single sheet with general notes 1-10 on Sheet 1; dated May 2, 2022, last revised August 22, 2022; 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. During construction and restoration erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer.
- 3. The applicant shall incorporate a dripline infiltration strip or if gutters are used a drywell system to attenuate Stormwater runoff produced by the new structure to prevent erosion by Stormwater runoff into the wetland buffer area.
- 4. The applicant shall remove concrete blocks currently placed in the wetland buffer
- 5. 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 area during construction."
- 6. If additional impacts beyond those depicted in the plan dated May 2, 2022 are required, the plan shall be returned to the Conservation Commission for further review.
- 7. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.
- 8. 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.

Motion by:	Second:	Carried/Failed:	
-		-	

### Conservation Commission Review and Comments October 17, 2022 23 Woodcrest Drive Site Walk: New Automobile Garage CUP Site Walk Observations and Conclusions

On September 15, 2022 members of the Hudson Conservation Commission conducted a site walk of property owned by Gary Francoeur, 23 Woodcrest Drive (Ave.), Map 125, Lot 010. The applicant is proposing to build a 30' x 28' garage on his property and a portion of the new structure (approximately 260 square feet) will infringe upon the 50 foot Wetland Buffer. The purpose of the site walk was to determine whether or not the proposed garage, if built, would have any significant impact on Wetland Buffer or Wetlands themselves. While on site commission members observed the following. The wetland buffer in the area of the proposed garage is no longer naturalized and is being maintained by the homeowner as a continuation of their lawn. The wetlands were delineated and evaluated by Marc E. Jacobs CWS. His analysis and conclusions are provided in a memorandum dated October 4, 2022. To the front of the property and located at a significant distance from the house is the leach field and septic system. There is an existing two car garage located directly across from where the proposed garage would be built. After review of the site and discussions with the land owner and project engineer it is in the opinion of the Conservation Commission members that the garage project would have minimal impact on the wetland buffer and no impact to the wetland themselves. Any storm water runoff as a result of the project can be easily mitigated through proper retention or infiltration practices According to the land owner the garage will only be used for personal vehicle storage and he is not planning on storing any chemicals or other materials in the new building.

It did appear that there is enough space to place the new structure out of the wetland buffer by shifting the footprint of the building easterly towards the pond of by attaching the new structure to the existing garage which would result in no impact to the wetland buffer.

Reference Article IX 334-36 C (1) Accessory structures associated with a legally existing primary structure, provided the applicant demonstrates that no practicable alternative exists elsewhere on the lot and outside of the Wetland Conservation Overlay District

If the Planning Board finds the proposed location of the garage acceptable the commission members would like to recommend that the following conditions be imposed as condition of approval.

#### HCC Recommendations to the Planning board as part any condition of approval

Mr. Dickinson moved to forward recommendations 1 through 5 below to the Planning Board for their consideration as Conditions of Approval for the Conditional Use Permit application submitted by Gary Francoeur, 23 Woodcrest Drive (Ave.), Hudson.

Meeting Date: 10/26/22

- Meeting Date: 10/26/22
  - 1) During construction and restoration erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer.
  - 2) The applicant shall incorporate a dripline infiltration strip or if gutters are used a drywell system to attenuate Stormwater runoff produced by the new structure to prevent erosion by Stormwater runoff into the wetland buffer area.
  - 3) The applicant shall remove concrete blocks currently placed in the wetland buffer
  - 4) 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 area during construction.
  - 5) This motion is based on the plan(s) submitted by the applicant and dated May 2, 2022. It is recommended that if additional impacts are required the plan be returned to the Conservation Commission for further review.

Motion Second Mr. Pinsonneault

Motion Carried 4/0/0

William Collins

William Collins, HCC Chairman

# CONDITIONAL USE PERMIT APPLICATION

Date of Application: 8 19 2012 Tax Map #: 125 Lot #: 010
Site Address: 23 Wooderest AUE
Name of Project: 23 Wooderest AVE
Zoning District: RI-Residential General CUP#:
(For Town Use Only)
Z.B.A. Action:
PROPERTY OWNER: DEVELOPER:
Name: GARY FRANCOEUR
Address: 23 Wooderest Dr
Address: HUCSON NH 03051
Telephone # 603-396-0140
Email: GRERANCOEUR @ COMEAST. NET
PROJECT ENGINEER or SURVEYOR: CERTIFIED WETLANDS SCIENTIST:
Name: Michael T GRAINGER MARK JACOBS
Address: 220 Derry Rd 220 Whitrot Rd
Address: Hulson NH 03051 50 Berwick ME 03908
Telephone # 603 566 - 0422
Email: MJ GRA: NGERENGE GMA: 1. com
V
PURPOSE OF PLAN:
CONSTRUCT NEW GARAGE 28 X30 AND ENCROPICH 14 PT
Total AREA 260 ag ft into wetland hoffer
. 0
(For Town Use Only)
Routing Date: Deadline Date: Meeting Date:
I have no comments I have comments (attach to form)
Title:Date:
(Initials)
Department:
Zoning: Engineering: Assessor: Police: Fire: DPW: Consultant:

Conditional Use Permit Application: Wetlands Conservation Overlay District Page 3 of 8

Data Sheets Checked By: \_\_\_\_\_\_ Date: \_\_\_\_\_

# WETLAND CONDITIONAL USE PERMIT CHECKLIST

Yes	No	NA	QUESTIONS/INFORMATION NEEDED	HCC Comments
NAF	RRA	ΓIVE	REPORT	All Carlot
			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.	
0	0	×	Is there evidence of altered wetlands or surface waters on site?	
0	×	×	All prime and other wetlands in the vicinity, plus any wetlands/watersheds past the immediate vicinity affected by this project	
X	0	0	Description of each wetland and associated values	
×	0	0	Wetland mapping results – Including the flagging date and technique plus the name, company and qualifications of the wetland scientist	
×	0	0	Was property surveyed? If yes, the date of survey. (Please attach the survey plan)	
			National Wetland Inventory	
0	×	0	Vegetative cover types	
0	×	0	Existence of vernal pools and associated habitat	6
0	×	0	Unique geological and cultural features	
0	0	0	NH Natural Heritage inventory – For list of rare and endangered species, contact the NH Division of Forests and Lands (603)271-3623	
0	×	0	Wildlife and fauna species, including estimated number and locations (large projects)	
				4
×	0	0	Public or private wells located within the vicinity	
0	×	0	Monitoring well(s) located on site	and the second s
X	0	0	Current land use and zoning district	The state of the s
0	0	0	Photos of existing area (please use color photos)	
			Proposed Project Description	
×	0	0	Entire project and associated activities	
0	0	×	Time table of project and anticipated phasing	
×	0	0	Land use	
X	0	0	Grading plan	
			Impact to Wetlands and/or Buffers	
0	0	0	Depending on size and proposed impacts, a report from a biologist may be appropriate	· · · · · · · · · · · · · · · · · · ·
×	0	0	Removing, filling, dredging, or altering (Area square ft. and locations)	
0	0	X	Intercepting or diverging of ground or surface water (Locations and size)	
0	0	0	Change in run-off characteristics	
0	0	0	Delineation of drainage area contributing to each discharge point	

	No	NA	Questions/Information Needed	HCC COMMENTS
0	0	0	Estimated water quality characteristics of runoff at each point of discharge for both pre- and post-development	
4	0	0	Erosion control practices	
0	0	0	If using rip-rap, attach documentation explaining why other erosion control methods are not feasible	
0	0	0	How storm water runoff will be handled	
0	0	0	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	0	Square footage of mitigation – wetland and upland areas	
0	0	0	Wetland or upland plants identified to replace any losses	
0	0	0	Restoration plan for planting and vegetation	
0	0	×	Conservation easements, including location and aesthetic, wildlife and vegetative values	
0	0	×	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	
			Control of the Contro	
×	0	0	CONCEPTUAL SITE PLAN/DRAWING  Locus map depicting project site and vicinity within approximately ½ mile and also on a larger scale	
×	0	0	Locus map depicting project site and vicinity within approximately ½ mile and also on a	
			Locus map depicting project site and vicinity within approximately ½ mile and also on a larger scale	
×	0	0	Locus map depicting project site and vicinity within approximately ½ mile and also on a larger scale  All prime and other wetlands in the vicinity  Wetland(s) impacted (identified as prime or other) and the wetland boundaries with 50',	
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# QUESTIONS TO CONSIDER BEFORE SUBMITTING

- Will the increased discharge cause erosion and channelization?
- . Is there potential for off-site flooding?
- Does the decreased infiltration in the drainage area cause vegetation stress due to reduced or increased ground water or surface water discharge into wetland?
- Will the nutrients in the runoff increase eutrophication potential in downstream water bodies?
- Do you own any adjacent parcels or easements for roadways across adjacent parcels which could be used for access to avoid a
  wetland crossing
- Does a wetland crossing occur where it will result in the least amount of alteration to a wetland?
- Is preservation of upland areas adjacent to the impacted wetland a priority?
- Can using an alternative crossing design such as a bridge, retaining wall, etc. decrease the width or area of wetland alteration?
- Does a proposed road crossing of a wetland exceed the minimum width acceptable to the Planning Board and can this be negotiated downwards?
- Have you established that no reasonable alternative access from a public way to an upland is possible?
- Can the parking lot spaces be decreased?
- Is the roadway designed in such a way that does not restrict the flow of water?
- Is additional information needed to assess water quality impacts due to runoff?
- Is there an increase in other pollutants (e.g., heavy metals, turbidity, coli form) from streets and parking lots?
- Is there a need to restrict or prohibit the use of pesticides and fertilizers?
- Is there a need to restrict the use of roadway salting?

# 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.

(LIIV	Signature of Owner: Sary Franc	Date: 8 19 20	,2
	Print Name of Owlief. SPICE TATIONS	0001	
*	If other than an individual, indicate name of organization corporate officers.	n and its principal owner, partners, or	
	Signature of Developer:	Date:	
	Print Name of Developer:		

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.

SCHEDULE OF FEES
(Fee covers both Conservation Commission & Planning Board)

A.	REVIEW FEES:				
	<ol> <li>Conditional Use Permit \$100 Flat Fee</li> </ol>		\$_100.00		
	LEGAL FEE:				
	The applicant shall be charged attorney costs billed to review of any application plan set documents.	the Town for the	Town's attorney		
В.	POSTAGE:				
	Operation of Police Property of the Police of Police Police of Pol				
	Indirect Abutters (property owners within 200 fee @\$0.58 (or Current First Class Rate)	et)	s <u>2.32</u>		
		TOTAL	\$ 141.29		
	(For Town Use)				
AMC	OUNT RECEIVED: \$ DATE R	ECEIVED:			
RECEIPT NO.: RECEIVED BY:					

# Gary Francoeur 23 Woodcrest Ave Hudson NH 03051

August 19, 2022

23 Woodcrest Ave project narrative

**Town of Hudson Conservation Commission** 

I would like to align this proposed garage directly across from my existing garage. To do this I do not need to enter the wetlands, but will need to be approximately 14 ft into the 50 ft buffer in a triangle area 14x18 totaling 260 sq ft. This will keep the building further away from Robinson Pond and allow it to align with the current garage and not interfere with the well.

**Gary Francoeur** 

Virec | ABUTTERS

**RAYMOND & BRENDA HAMELIN** 

**59 HAZELWOOD RD** 

HUDSON, NH 03051

MICHAEL TRANFAGLIA

24 WOODCREST DR

HUDSON, NH 03051

**GARY FRANCOEUR** 

23 WOODCREST AVE

**HUDSON, NH 03051** 

**ANDREW & SELINA MAGA** 

**52 HAZELWOOD RD** 

**HUDSON, NH 03051** 

M.J. GRAINGER ENGINEERING

220 DERRY RD

HUDSON, NH 03051

**JAMES & LORNA WILSON** 

**26 WOODCREST AVE** 

HUDSON, NH 03051

WILLIAM BERZINS

25 WOODCREST DR

HUDSON, NH 03051

TOWN OF HUDSON

12 SCHOOL ST

HUDSON, NH 03051

STATE OF NEW HAMPSHIRE C/O NHDES-WATER DIVISION 29 HAZEN DR/PO BOX 95 CONCORD, NH 03302-009 ABUTTERS

L ....

**GLENN & JANE BOWLES** 

**57 HAZELWOOD RD** 

**HUDSON, NH 03051** 

**CHARLES & NICOLE PURWIN** 

**27 WOODCREST AVE** 

**HUDSON, NH 03051** 

**ANDREW ENOS** 

28 WOODCREST DR

HUDSON, NH 03051

ANDREW MAKAREVICH & BRIANNA

**TOURVILLE** 

22 WOODCREST AVE

HUDSON, NH 03051

#### **DIRECT ABUTTERS**

- RAYMOND & BRENDA HAMELIN

59 HAZELWOOD RD

HUDSON, NH 03051

- MICHAEL TRANFAGLIA

24 WOODCREST DR

HUDSON, NH 03051

- GARY FRANCOEUR

23 WOODCREST AVE

HUDSON, NH 03051

- ANDREW & SELINA MAGA

**52 HAZELWOOD RD** 

HUDSON, NH 03051

- M.J. GRAINGER ENGINEERING

220 DERRY RD

HUDSON, NH 03051

- JAMES & LORNA WILSON

**26 WOODCREST AVE** 

HUDSON, NH 03051

- WILLIAM BERZINS

25 WOODCREST DR

HUDSON, NH 03051

- TOWN OF HUDSON

12 SCHOOL ST

HUDSON, NH 03051

- STATE OF NEW HAMPSHIRE C/O NHDES-WATER DIVISION 29 HAZEN DR/PO BOX 95 CONCORD, NH 03302-0095

# **INDIRECT ABUTTERS**

- GLENN & JANE BOWLES

**57 HAZELWOOD RD** 

**HUDSON, NH 03051** 

- ANDREW MAKAREVICH & BRIANNA TOURVILLE 22 WOODCREST AVE HUDSON, NH 03051

- CHARLES & NICOLE PURWIN 27 WOODCREST AVE HUDSON, NH 03051

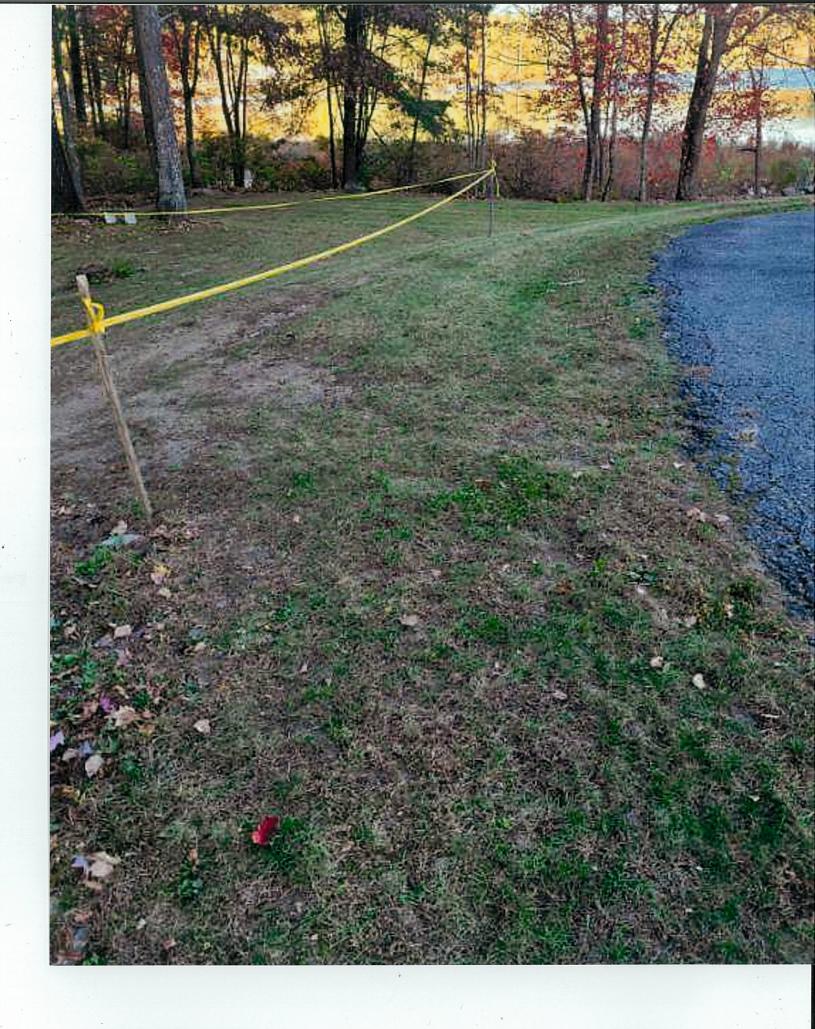
- ANDREW ENOS

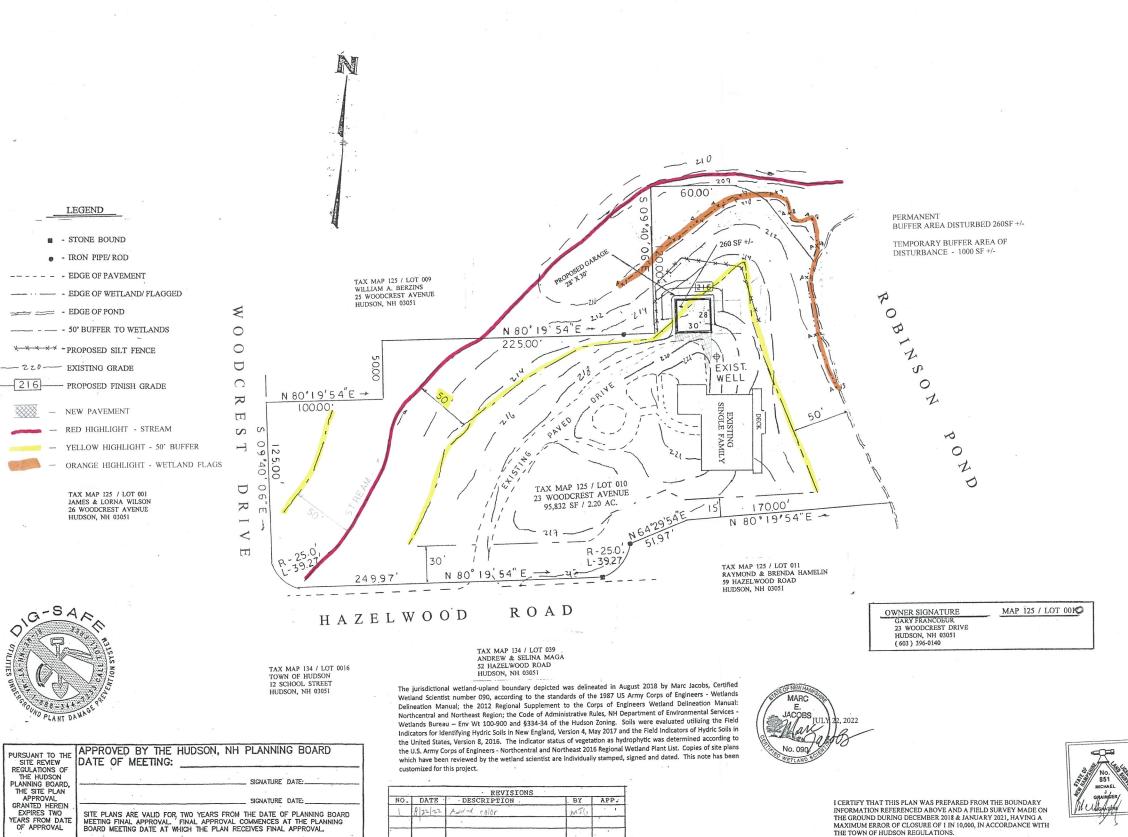
28 WOODCREST DR

HUDSON, NH 03051









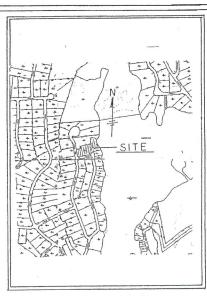
BY APP:

NO. DATE DESCRIPTION

SIGNATURE DATE:

SIGNATURE DATE:

SITE PLANS ARE VALID FOR TWO YEARS FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.



#### LOCATION PLAN

#### NOTES

- 1. OWNERS OF RECORD: GARY FRANCOEUR 23 WOODCREST AVENUE HUDSON, NH 03051
- 2. DEED REFERENCE: BOOK 7327 PAGE 1678
- 3. PLAN REFERENCE: HCRD #17378, #17557
- 4. PRESENT USE: SINGLE FAMILY RESIDENTIAL
- 5. PRESENT ZONING: R1 RESIDENTIAL
- 6. MINIMUM SETBACKS: FRONT 30 FEET SIDE 15 FEET REAR 15 FEET WETLANDS 50 FEET
- 7. EROSION CONTROL MEASURES TO BE IN PLACE PRIOR TO THE START OF CONSTRUCTION.
- 8. 2' STONE DRAINAGE STRIP AROUND SIDE OF GARAGE.
- 9. ALL DISTURBED AREAS TO BE LOAMED AND
- 10. THE PURPOSE OF THIS PLAN IS TO SHOW LOCATION OF A PROPOSED GARAGE.

PROPOSED PLOT PLAN TAX MAP 125 / LOT 01 23 WOODCREST AVENUE HUDSON, NH 03051

> PREPARED FOR: GARY FRANCOEUR 23 WOODCREST AVENUE HUDSON, NH 03051 (603) 396-0140

MAY 2, 2022

SCALE: 1" = 40'

M. J. GRAINGER ENGINEERING, INC. PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS 220 DERRY ROAD HUDSON, NH 03051 (603) 882-4359 SHEET 1 J. N. 21 - 106



I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY

INFORMATION REFERENCED ABOVE AND A FIELD SURVEY MADE ON THE GROUND DURING DECEMBER 2018 & JANUARY 2021, HAVING A

MAXIMUM ERROR OF CLOSURE OF 1 IN 10,000, IN ACCORDANCE WITH THE TOWN OF HUDSON REGULATIONS.