

69 BURNS HILL ROAD

CU #08-22

STAFF REPORT

January 25, 2023

SITE: 69 Burns Hill Road, Map 217 Lot 036

ZONING: Residential-2 (R-2)

PURPOSE OF PLAN: Plan to detail a safe and practicable location for a new storage shed and above-ground pool within the wetland buffer.

PLANS UNDER REVIEW:

Plan of Land, Map 217 Lot 36, 69 Burns Hill Road, Hudson, NH; prepared by: Jeffrey Land Survey, LLC, 1 Burgess Drive, Litchfield, NH 03052; prepared for: Tammy Eaton, 69 Burns Hill Road, Hudson, NH; consisting of a single sheet with one general note on Sheet 1; dated October 2022, last revised November 8, 2022.

ATTACHMENTS:

- A. Conservation Commission Review and Comments
- B. Department Comments

APPLICATION TRACKING:

- December 9, 2022 – Application received.
- December 17, 2022 – Conservation Commission site walk.
- January 10, 2023 – Conservation Commission recommendation received.
- January 25, 2023 – Public hearing scheduled.

COMMENTS & RECOMMENDATIONS:

BACKGROUND

The site is a 1.28 acre lot 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. There are wetlands on the southern portion of the site. The back of the house is located on the edge of the wetland buffer. Existing disturbances in the wetland buffer are a small brick patio, deck with stairs, and a small shed that is noted as to be removed.

The applicant proposes building a 15' diameter above ground pool and an 8' x 20' prefabricated shed within the wetland buffer, behind the house. The estimated disturbance of the wetland buffer is approximately 330 square feet.

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.

The application narrative specifies a 17' diameter pool but the Plan of Land specifies a 15' diameter pool. The area calculation noted in both documents, 170 square feet, is correct for a 15' diameter pool.

CONSERVATION COMMISSION COMMENTS

The Hudson Conservation Commission conducted a site walk and observed that the pool/shed project would have minimal additional impact to the already disturbed site; stormwater runoff could be easily mitigated through proper retention or infiltration practices. (**Attachment A**)

DEPARTMENT COMMENTS

The Assessor has noted that the 2022 Aerial shows a structure adjacent to the garage (**Attachment B**). These photos were taken in the Spring of 2022. The Applicant's certified plot plan does not show this structure, dated November 2022. The Applicant should clarify the status of any additional structures.

RECOMMENDATIONS

Staff recommends application acceptance and deliberation.

DRAFT MOTIONS

ACCEPT the conditional use permit application:

I move to accept the conditional use permit application CU# 08-22 for the Plan of Land, 69 Burns Hill Road, Map 217 Lot 036.

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

CONTINUE the public hearing to a date certain:

I move to continue the conditional use permit application CU# 08-22 for the Plan of Land, 69 Burns Hill Road, Map 217 Lot 036, to date certain, _____, 2023.

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

Draft motions continued on next page

APPROVE the conditional use permit application:

I move to approve the conditional use permit for the Plan of Land, Map 217 Lot 36, 69 Burns Hill Road, Hudson, NH; prepared by: Jeffrey Land Survey, LLC, 1 Burgess Drive, Litchfield, NH 03052; prepared for: Tammy Eaton, 69 Burns Hill Road, Hudson, NH; consisting of a single sheet with one general note on Sheet 1; dated October 2022, last revised November 8, 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. The applicant shall cease filling in the edge of the delineated wetland area and allow 2 feet of wetland buffer located along the delineated wetland area to re-naturalize.
3. Earthen materials excavated for the installation of the pool shall not be used as fill along the wetland boundary.
4. The Conservation Commission recommends that a shallow dry well or swale area be constructed near the pool so that the chemically treated pool water can be drained and allowed to percolate into the ground which will prevent direct runoff into the wetlands.
5. This motion is based on the plan submitted by the applicant. It is recommended that if additional impacts are required the plan be returned to the Conservation Commission for further review.
6. The new 8' x 20' shed shall be placed parallel to the delineated wetland at a distance of 12' from the same.
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: _____



LAND CONSULTANTS

December 5, 2022

RECEIVED

DEC 09 2022

Hudson Planning Board
School Street [Town Hall]
Hudson, NH 03051

TOWN OF HUDSON
PLANNING DEPARTMENT

RE: Tammy Eaton Property (Map 217; Lot 36)
69 Burns Hill Road, Hudson, NH

Dear P. Board Members:

SUBJECT: NARRATIVE for Conditional Use Permit (C.U.P.)

The above-referenced applicant would like to place an above-ground pool (17' diameter) and new storage shed (8' x 20') in the backyard of their single-family residential lot.

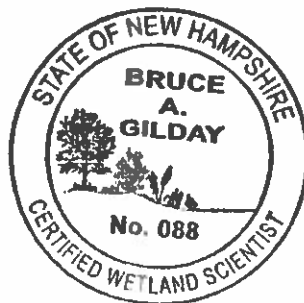
Our office recently visited the above-referenced project and identified, delineated, evaluated and classified the jurisdictional wetlands onsite. There are no vernal pool wetlands within 100 feet of the proposed new pool and storage shed areas.

The wetlands, we flagged, would be classified as a most common PFO1E [Palustrine, Forested, Broad-leaved deciduous, seasonal saturated to the soil surface for long duration during the growing season. Basically, a red maple swamp with poorly drained soils.

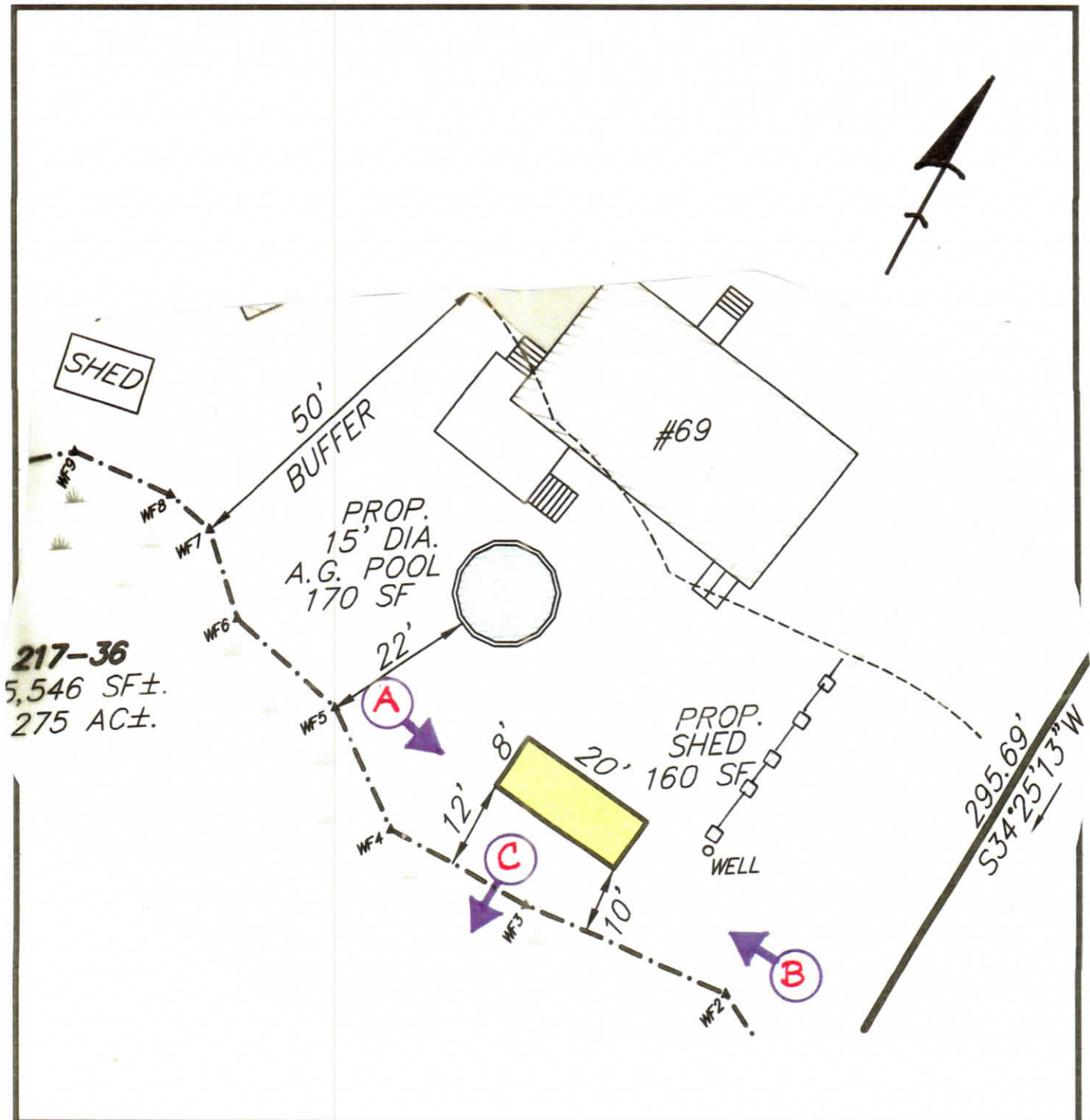
All wetland impacts can and will be avoided with this C.U.P. request. The wetland buffer impacts will be approximately 170 square feet for pool and 160 square feet for the shed. Total buffer impact is 330 s.f.

Sincerely,

Bruce A. Gilday
Bruce Gilday
Certified Wetland Scientist



BAG:33110
Attachments



CUP Application Photo Label & Direction

John & Tammy Eaton Project

69 Burns Hill Road, Hudson NH [Tax Map 217; Lot 36]

3-Nov-22

N.T.S.

Job #33110

Figure # 1




B | A | G

LAND CONSULTANTS

43 Rockingham St., Concord, NH 03301

603-228-4755

LEGEND

-  = Photo Label & Direction
-  = Wetland Limits
-  = Existing Fence

BAG LAND CONSULTANTS
Eaton CUP Application



Photo "A"
Nov. 3, 2022
View is looking East



Photo "B"
Nov. 3, 2022
View is looking West

BAG LAND CONSULTANTS
Eaton CUP Application



Photo "C"
Nov. 3, 2022
Red Maple Swamp (PF01E)
View is looking South

RECEIVED

DEC 09 2022

CONDITIONAL USE PERMIT APPLICATION

TOWN OF HUDSON
PLANNING DEPARTMENT

Date of Application: 11/30/2022 Tax Map #: 217 Lot #: 36

Site Address: 69 Burns Hill Road

Name of Project: Eaton Pool & Shed Project

Zoning District: R-2 General CU#: 08-22
(For Town Use Only)

Z.B.A. Action: _____

PROPERTY OWNER:

DEVELOPER:

Name: Tammy & John Eaton

Not applicable

Address: 69 Burns Hill Road

Address: Hudson, NH 03051

Telephone # 603-732-8035

Email: teaton3229@comcast.net

PROJECT ENGINEER:

SURVEYOR:

Name: Not applicable

Gregg Jeffrey, LLS

Address: _____

Jeffrey Land Survey, LLC

Address: _____

One Burgess Drive, Litchfield, NH 03052

Telephone # _____

603-424-4089

Email: _____

gjeffrey@jeffreylandsurvey.com

PURPOSE OF PLAN:

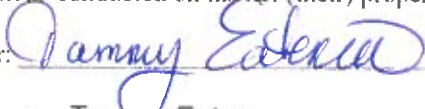
Plan to detail a safe and practicable location for a new storage shed and above-ground pool within the wetland buffer.

(For Town Use Only)		
Routing Date: <u>12/30/22</u>	Deadline Date: <u>1-6-23</u>	Meeting Date: <u>1/25/22</u>
<input type="checkbox"/> I have no comments <input type="checkbox"/> I have comments (attach to form)		
Title: _____		Date: _____
(Initials)		
Department: _____		
Zoning: ___ Engineering: ___ Assessor: ___ Police: ___ Fire: ___ DPW: ___ Consultant: ___		

CONDITIONAL USE PERMIT APPLICATION AUTHORIZATION

I hereby apply for *Conditional Use Permit* Review 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 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: 11/30/2022
Print Name of Owner: Tammy Eaton

- ❖ If other than an individual, indicate name of organization and its principal owner, partners, or corporate officers.

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

A. REVIEW FEES:

1. Conditional Use Permit
\$100 Flat Fee \$ 100.00

CONSULTANT REVIEW FEE: (If Applicable - Separate Check)

Total 1.275 acres (@ \$600.00 per acre, or \$1,250.00,
whichever is greater. ~~_____~~

This is an estimate for cost of consultant review. The fee is expected to cover the amount. A complex project may require additional funds. A simple project may result in a refund.

LEGAL FEE:

The applicant shall be charged attorney costs billed to the Town for the Town's attorney review of any application plan set documents.

B. POSTAGE:

3 Direct Abutters Applicant, Professionals, etc. as required \$ 13.80
by RSA 676:4.1.d @\$4.60 (or Current Certified Mail Rate)

3 Indirect Abutters (property owners within 200 feet) \$ 1.80
@\$0.60 (or Current First Class Rate)

TOTAL ~~_____~~ 115.60

SCHEDULE OF FEES

(Continued)

(For Town Use)

AMOUNT RECEIVED: \$	<u>115.00</u>	DATE RECEIVED:	<u>12-9-22</u>
RECEIPT NO.:	<u>709,293</u>	RECEIVED BY:	<u>Brooke</u>

NOTE: fees below apply only upon plan approval, not collected at time of application.

F. RECORDING:

*****The applicant shall be responsible for the recording of the approved plan, and all documents as required by an approval, at the Hillsborough County Registry of Deeds (HCRD), located at 19 Temple Street, Nashua, NH 03061. Additional fees associated with recording can be found at HCRD.*****

G. COST ALLOCATION PROCEDURE AMOUNT CONTRIBUTION AND OTHER IMPACT FEE PAYMENTS:

To be determined by the Planning Board at time of plan approval and shall be paid by the applicant at the time of submittal of the Certificate of Occupancy Permit requests.

*****The applicant shall be responsible for all fees incurred by the town for processing and review of the applicant's application, plan and related materials.*****

69 Burns Hill Road Site Walk: Above Ground Pool and Shed CUP
Site Walk Observations and Conclusions

On December 17, 2022 members of the Hudson Conservation Commission conducted a site walk of property owned by Tammy and John Eaton, 69 Burns Hill Road, Map 217, Lot 036. The applicant is proposing to install a 15' Diameter above Ground Pool and an 8' x 20' prefabricated shed in the wetland buffer on their property. Wetland delineation and evaluation was performed by Bruce Gilday CWS, whose analysis and conclusions are provided in a memorandum dated November 30, 2022. Approximate projected disturbance is 330 square feet. The purpose of the site walk was to determine whether or not the proposed pool and shed would have any significant impact on wetland buffer or wetlands themselves. Commission members noted that the wetland buffer area is no longer naturalized and is being maintained by the homeowner as a continuation of their lawn. The back of the house is located on the edge of the wetland buffer leaving no room for appurtenances such as a shed or pool to be placed outside the wetland buffer area. Existing disturbances in the wetland buffer are a small brick patio, deck with stairs, and an existing small shed (noted on the plan set as "to be removed").

After review of the site and discussions with the land owner and project CWS it is in the opinion of the Conservation Commission that the pool/shed project will have minimal additional impact to the already disturbed site. Any runoff as a result of the project can be easily mitigated through proper retention or infiltration practices.

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 pool and storage shed 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

Mrs. Rumbough move to forward recommendations I through 5 below to the Planning Board for their consideration as Conditions of Approval for the Conditional Use Permit application submitted by Tammy and John Eaton, 69 Burns Hill Road, Hudson.

- 1) The applicant shall cease filling in the edge of the delineated wetland area and allow 2 feet of wetland buffer located along the delineated wetland area to re-naturalize.

- 2) Earthen materials excavated for the installation of the pool shall not be used as fill along the wetland boundary.
- 3) The conservation commission recommends that a shallow dry well or swale area be constructed near the pool so that the chemically treated pool water can be drained and allowed to percolate into the ground which will prevent direct run off into the wetlands.
- 4) 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.
- 5) The new 8' x 20' shed shall be placed parallel to the delineated wetland at a distance of 12' from the same.

Motion Second Mr. Dickinson

Motion carried 5/0/0

William G. Collins

William Collins, HCC Chairman

RECEIVED

DEC 09 2022

CONDITIONAL USE PERMIT APPLICATION

TOWN OF HUDSON
PLANNING DEPARTMENT

Date of Application: 11/30/2022 Tax Map #: 217 Lot #: 36

Site Address: 69 Burns Hill Road

Name of Project: Eaton Pool & Shed Project

Zoning District: R-2 General CU#: 08-22

(For Town Use Only)

Z.B.A. Action: _____

PROPERTY OWNER:

DEVELOPER:

Name: Tammy & John Eaton

Not applicable

Address: 69 Burns Hill Road

Address: Hudson, NH 03051

Telephone # 603-732-8035

Email: teaton3229@comcast.net

PROJECT ENGINEER:

SURVEYOR:

Name: Not applicable

Gregg Jeffrey, LLS

Address: _____

Jeffrey Land Survey, LLC

Address: _____

One Burgess Drive, Litchfield, NH 03052

Telephone # _____

603-424-4089

Email: _____

gjeffrey@jeffreylandsurvey.com

PURPOSE OF PLAN:

Plan to detail a safe and practicable location for a new storage shed and above-ground pool within the wetland buffer.

(For Town Use Only)		
Routing Date: <u>12/30/22</u>	Deadline Date: <u>1-6-23</u>	Meeting Date: <u>1/25/22</u>
<input checked="" type="checkbox"/> I have no comments <input type="checkbox"/> I have comments (attach to form)		
(Initials) <u>SM</u>	Title: <u>Chief Assessor</u>	Date: <u>12-30-22</u>
Department: _____		
Zoning: _____ Engineering: _____ Assessor: _____ Police: _____ Fire: _____ DPW: _____ Consultant: _____		

2022 Aerial appears to show a "structure" other adjacent to the right of garage from the street.