

137 HIGHLAND STREET ROAD DRIVEWAY

WAIVER

WR# 02-23

STAFF REPORT

October 25, 2023

(See September 13, 2023)

SITE: 137 Highland Street; Map 167 Lot 051-000

ZONING: Residential 2 (R2)

PURPOSE OF PLAN: To allow for a driveway grade of greater than 10%.

PLANS UNDER REVIEW:

Driveway Plan, 137 A-B Highland Street, Town of Hudson, Hillsborough County, New Hampshire; originally prepared by: 118 Portsmouth Ave St A202, Stratham, NH 03885; originally prepared for: Ismael Valenzuela, 137 Highland Street, Hudson, NH 03051; consisting of two sheets with notes #1-11; originally dated June 29, 2023; last revised October 10, 2023.

ATTACHMENTS

- A. Department Comments

APPLICATION TRACKING:

- August 28, 2023 – Waiver request received (driveway permit had previously been applied for but could not be approved without a waiver).
- September 13, 2023 – Public hearing deferred to October 25, 2023.
- October 25, 2023 – Public hearing scheduled.

COMMENTS & RECOMMENDATIONS:

BACKGROUND

The lot currently has a duplex (units A & B), and attached patio on the lower level. A driveway provides access from Highland Street, and an unpermitted portion of the driveway extends to a gravel lot on the lower elevation. It is unknown when the secondary drive was done, but there is no recorded permit for it. Upon application for a driveway permit for this portion of the driveway, the Engineering Department notified the Applicant that it could not be approved without a waiver for the portion exceeding the maximum slope of 10%.

The application requests a waiver from Detail R-89, Driveway Cross Section, which is subordinate to Driveway Regulation §193-10.C (Establishment of Grades), to pave a driveway area with a slope of 27%, however field verification by the Engineering Department revealed that this has already been constructed and paved with a slope in excess of 28%.

Staff also notes that the “proposed” driveway encroaches on the side-yard setback by half a foot, which also requires a waiver from the Planning Board in order to be permitted. The Applicant’s representative has stated that this encroachment will be removed.

Waiver request such as these should be considered on a case-by-case scenario without setting precedent. The application provides narrative and reasoning for the waiver request.

DEPARTMENT COMMENTS

See **Attachment A**.

Engineering:

1. Based on our field verification, the existing driveway grade is as steep as 28%.
2. Portions of the existing paved driveway in question is within both the side and front building setbacks.
3. Engineering Department does not recommend a driveway with such a slope, which is close to three times steeper than our maximum standard.

Fire Department:

Hudson Fire does not recommend the proposed driveway. The driveway slope is extremely steep and is a potential hazard especially during wet or slippery conditions.

RECOMMENDATIONS

Staff recommends that the Planning Board consider the application and testimony of the Applicant and/or its representative. The proposal is 180% steeper than the permitted slope, providing a potentially dangerous condition for residents, visitors and first responders in both ingress and egress

Draft Motions on the following page

DRAFT MOTIONS

GRANT the driveway waiver:

I move to grant the driveway waiver from §193-10.C, Establishment of Grades, to allow for a driveway grade of greater than 10%, at 137 A-B Highland Street, as depicted on the plan titled: Plot Plan for Application for Access Path Ismael Valenzuela - 137 A&B Highland St., prepared by Emanuel Engineering, last revised October 3, 2023, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Driveway Waiver Request Form for said waiver.

Subject to, and revised per, the following stipulation:

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the Hillsborough County Registry of Deeds.
2. The Applicant agrees to record a notice of limits of municipal responsibility, to be favorably reviewed by Town Counsel, at the Hillsborough County Registry of Deeds.
3. The driveway shall be reconfigured to meet side setback requirements of 15 feet.
4. Notice of Limits of Municipal Responsibility and Liability: The Town of Hudson assumes no responsibility for liability for any claim, loss, or damages, including those arising for failure to provide municipal services, including police, fire, or ambulance services, resulting in any way from the use of the driveway that exceeds 10% grade.

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

DENY the driveway waiver:

I move to deny the driveway waiver request from §193-10.C, Establishment of Grades, to allow for a driveway grade of greater than 10%, at 137 A-B Highland Street, as depicted on the plan titled: Plot Plan for Application for Access Path Ismael Valenzuela - 137 A&B Highland St., prepared by Emanuel Engineering, last revised October 3, 2023, finding that:

1. Denial is not based on the fact that the driveway was previously installed, albeit illegally. However, the fact that the driveway has already been installed provides no additional ground in support of the waiver. The decision to deny would be the same if the driveway had not already been built.
2. Denial is based on the 28% grade, which is 180% steeper than permitted.
3. The proposal is dangerous for emergency services on ingress and egress
4. That granting this waiver would violate the purpose or general standard of the regulation.

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



TOWN OF HUDSON

FIRE DEPARTMENT

INSPECTIONAL SERVICES DIVISION



12 SCHOOL STREET, HUDSON, NEW HAMPSHIRE 03051

Emergency 911
Business 603-886-6005
Fax 603-594-1142

Scott Tice
Chief of Department

TO: Brian Groth
Town Planner

FR: David Hebert
Fire Marshal

DT: August 29, 2023

RE: 137 Highland Street

Hudson Fire does not recommend the proposed driveway. The driveway slope is extremely steep and is a potential hazard especially during wet or slippery conditions.

David Hebert
Fire Marshall

Groth, Brian

From: Dhima, Elvis
Sent: Tuesday, August 29, 2023 3:51 PM
To: Dubowik, Brooke
Cc: Hebert, David; Kirkland, Donald; Twardosky, Jason; Groth, Brian
Subject: RE: Dept Sign-off WR#02-23 137 A&B HIGHLAND ST DRIVEWAY
Attachments: IMG_2183.JPG

Brooke

Please see below

1. Based on our field verification, the existing driveway grade is as steep as 28%, see attachment. We are not sure where the 19.6% is coming from.
2. Portion of the existing paved driveway in question is within the building setback
3. Engineering Department does not recommend a driveway with such a slope, which is close to three times steeper than our maximum standard.

E

Elvis Dhima, P.E.
Town Engineer

12 School Street
Hudson, NH 03051
Phone: (603) 886-6008
Mobile: (603) 318-8286

From: Kirkland, Donald
Sent: Friday, October 13, 2023 4:14 PM
To: Gradert Benjamin; Dhima, Elvis
Cc: Groth, Brian
Subject: RE: 137 Highland Driveway Waiver

My only comment is on the driveway profile on page 2. The profile shows that the problematic portion of the driveway is 54-foot setback from the "travelled way." Measuring on GIS confirms that the new driveway is 53-54 feet from the edge of pavement. From the front property boundary it is closer to 41-feet (9-feet into the front setback).

Don Kirkland, P.E.
Civil Engineer

Town of Hudson, NH
12 School Street
Hudson, NH 03051
Phone: (603) 886-6008
Mobile: (603) 809-0229



Dubowik, Brooke

From: Twardosky, Jason
Sent: Tuesday, August 29, 2023 2:24 PM
To: Dubowik, Brooke
Subject: RE: Dept Sign-off WR#02-23 137 A&B HIGHLAND ST DRIVEWAY

DPW has no comments or concerns to this waiver request since it is for an existing condition that does not impact storm water drainage or traffic entering or leaving the property onto Highland St. itself.

Jason Twardosky



*Director of Public Works
Town of Hudson
Department of Public Works
Phone: 603-886-6018
Fax: 603-594-1143
E-mail: Jtwardosky@hudsonnh.gov*

Dubowik, Brooke

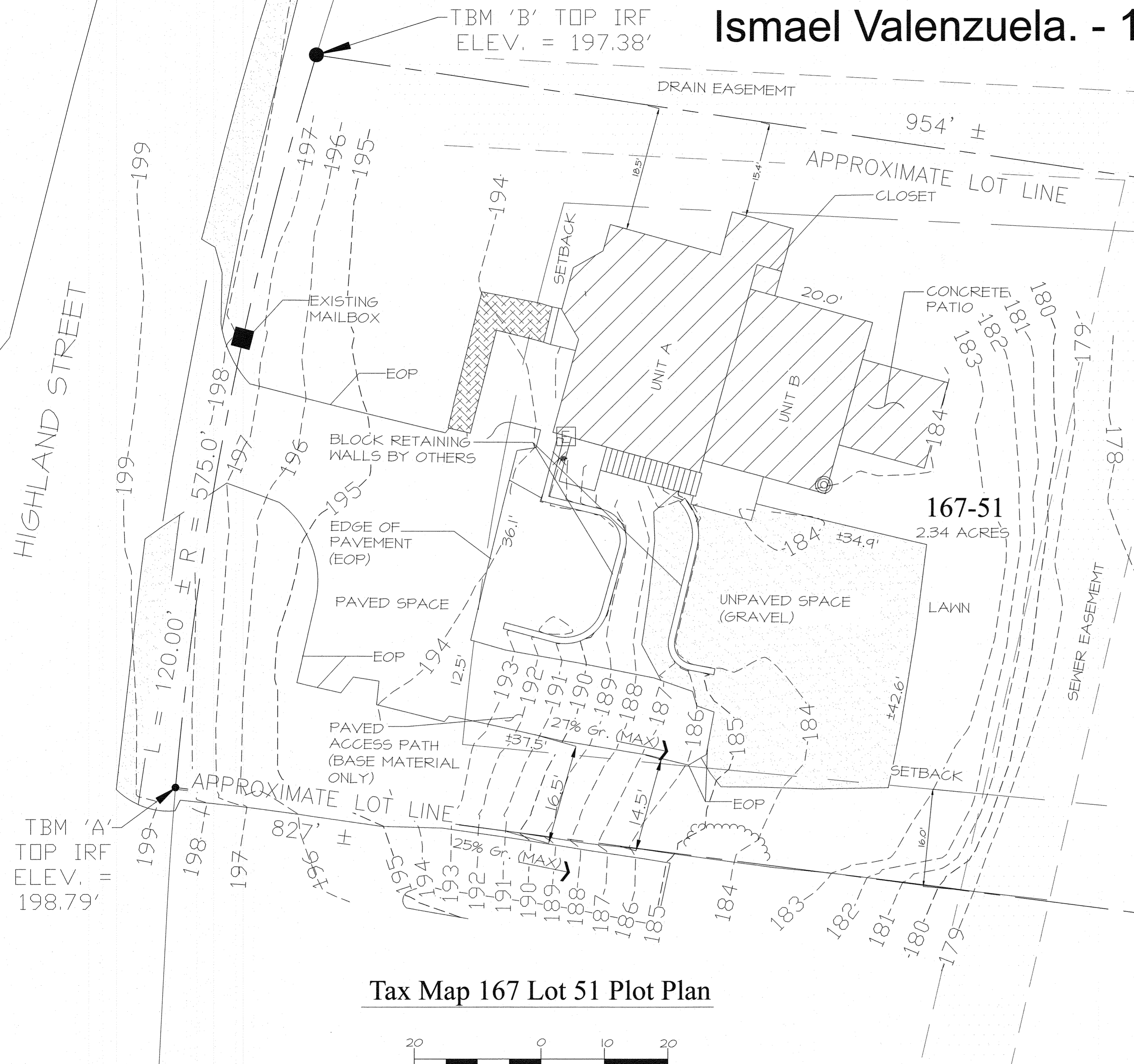
From: Michaud, Jim
Sent: Tuesday, August 29, 2023 1:51 PM
To: Dubowik, Brooke
Subject: RE: Dept Sign-off WR#02-23 137 A&B HIGHLAND ST DRIVEWAY

Good afternoon Brooke, Assessing has no comments to put forth on Driveway Waiver request for 137 A&B Highland Street.

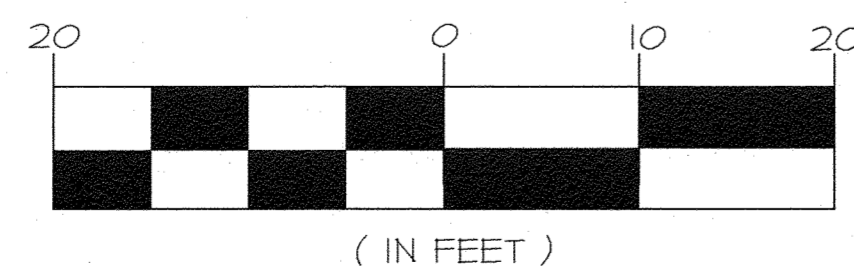
Thanks

jim

Plot Plan for Application for Access Path Ismael Valenzuela. - 137 A&B Highland St., Hudson, NH



Tax Map 167 Lot 51 Plot Plan



REFERENCE PLANS:

1. H.C.R.D. PLAN NO 24851
2. DELANEY GROUP PROJECT NO. 15236, DATED 09/19/16

NOTES:

1. OWNER OF RECORD:
TAX MAP 167, LOT 51
ISMAEL VALENZUELA
137 HIGHLAND ST
HUDSON, NH 03051
HCRD VOL 7047 PG 1896
3. THE INTENT OF THIS PLAN IS TO SHOW THE ACCESS PATH FROM FRONT TO BACK.
4. PARCEL IS ZONED R2:
MINIMUM BUILDING SETBACKS:
FRONT: 50'
SIDE: 15'
REAR: 15'
5. ALL CONSTRUCTION SHOULD COMPLY WITH FEDERAL, STATE, AND LOCAL STANDARDS AND REGULATIONS.
6. THIS PLAN DOES NOT REPRESENT A BOUNDARY SURVEY.
7. BLOCK RETAINING WALL BY OTHERS.
8. NO GUARD RAIL OR PERMANENT FALL PROTECTION PRESENT ON SITE.
9. THIS PLAN WAS PREPARED WITH ON-SITE FIELD SURVEY AND EXISTING PLANS. THE CONTRACTOR SHOULD NOTIFY EMANUEL ENGINEERING, INC. DURING CONSTRUCTION IF ANY DISCREPANCY TO THE PLAN IS FOUND ON SITE.
10. BEFORE ANY EXCAVATION, DIG SAFE AND ALL UTILITY COMPANIES SHOULD BE CONTACTED 72 HOURS BEFORE COMMENCING BY THE CONTRACTOR. CALL DIG SAFE @ 811 OR 1-888-DIG-SAFE.
11. ALL UTILITIES SHALL BE LOCATED UNDERGROUND EXCEPT AS NOTED ON PLAN APPROVED BY THE PLANNING BOARD.



VICINITY MAP

SCALE: 1in = 625ft

ISS.	DATE	DESCRIPTION OF ISSUE	CHK
1	06/29/23	APPROVAL SET	
2	07/07/23	APPROVAL SET	
3	07/10/23	APPROVAL SET	
4	10/03/23	APPROVAL SET	

EMANUEL ENGINEERING
Civil & Structural Consultants, Land Planners
118 Portsmouth Avenue, A202
Hudson, NH 03051
P: 603-772-4400 F: 603-772-4487
WWW.EMANUELENGINEERING.COM

THE STRUCTURAL PROFESSIONAL ENGINEER'S STAMP AFFIXED TO THIS DRAWING DOES NOT COVER CODE REQUIREMENTS RELATED TO OTHER DISCIPLINES SUCH AS ARCHITECTURAL, MECHANICAL, ELECTRICAL, PLUMBING, LIFE SAFETY, ETC.

Access Path to Rear
137 A&B Highland St.
Hudson
NH

PREPARED FOR:
ISMAEL VALENZUELA
137 HIGHLAND ST.
HUDSON, NH 03051

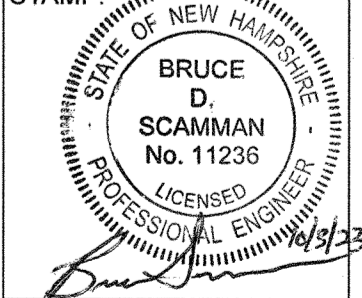
DESIGNED BY: MRB

CHECKED BY: FSE/NCB

DRAFTED BY: MRB/NCB

CHECKED BY: FSE/BDS

STAMP:



Plot Plan

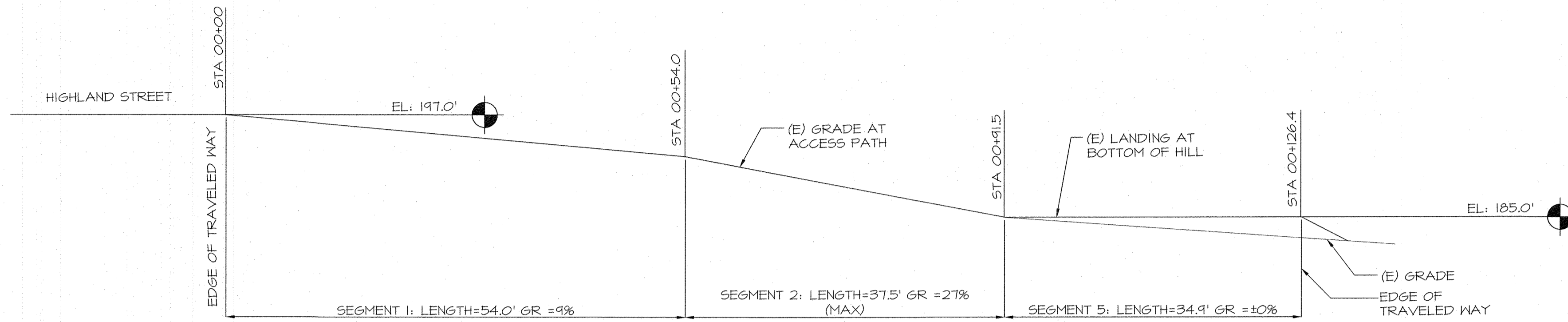
JOB #: 16-081

SCALE: AS NOTED

DWG: 1 OF 2

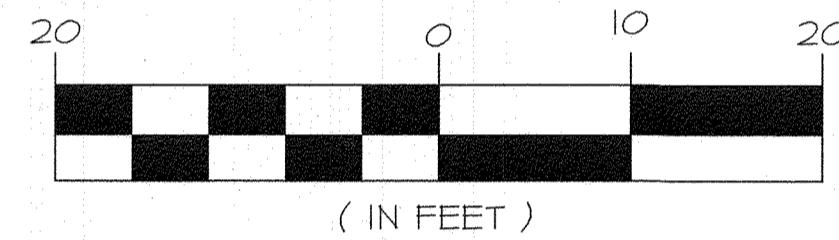
C1.1

Slope Profile for Application for Access Path Ismael Valenzuela. - 137 A&B Highland St., Hudson, NH



VICINITY MAP
SCALE: 1in = 625ft

Tax Map 167 Lot 51 Slope Profile



PROFILE NOTES:

- 1.) ELEVATIONS TAKEN FROM FIELD SURVEY COMPLETED IN SEPTEMBER 2023.

PLAN REFERENCES:

- 1.) H.C.R.D. PLAN NO. 24851
- 2.) DELANEY GROUP PROJECT NO. 15236, DATED 09/19/16

NOTES:

- 1.) SEE PLOT PLAN ON SHEET C1.1 FOR ADD'L INFO

ISS	DATE	DESCRIPTION OF ISSUE	CHK
1	08/01/23	APPROVAL SET	
2	10/03/23	APPROVAL SET	

EMANUEL ENGINEERING
civil & structural consultants, land planners
118 PORTSMOUTH AVENUE, A202
STRATHAM, NH 03885
P: 603-772-4400 F: 603-772-4487
WWW.EMANUELENGINEERING.COM

THE STRUCTURAL "PROFESSIONAL ENGINEER" STAMP AFFIXED TO THIS DRAWING DOES NOT COVER OTHER DISCIPLINES SUCH AS ARCHITECTURAL, MECHANICAL, ELECTRICAL, PLUMBING, LIFE SAFETY, ETC.

Access Path to Rear
137 A&B Highland St.
Hudson
NH

PREPARED FOR:
ISMAEL VALENZUELA
137 HIGHLAND ST.
HUDSON, NH 03051

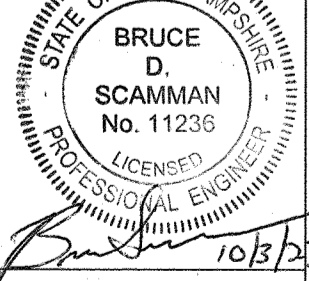
DESIGNED BY: MRB

CHECKED BY: FSE/BDS

DRAFTED BY: MRB/NCE

CHECKED BY: FSE/BDS

STAMP:



Slope Profile

JOB #: 16-081

SCALE: AS NOTED

DWG: 2 OF 2

C1.2