

FLOYD WETLAND RESTORATION PLAN

CUP# 02-23

STAFF REPORT

March 13, 2024

SITE: 78 Highland Street, Map 175 Lot 019

ZONING: Town Residential (TR)

PURPOSE OF PLAN: To remove 4,300 square feet of fill from the NHDES jurisdictional wetlands and restore 7,848 square feet of Town regulated wetland buffer at the back of the property to previous/historic conditions.

PLANS UNDER REVIEW:

Wetland Restoration Plan CUP# 02-23, Map 175 Lot 019, 78 Highland Street, Hudson, New Hampshire; prepared by: Ambit Engineering, Inc., 200 Griffin Road, Portsmouth, NH 03801; prepared for: Christine Floyd, 78 Highland Street, Hudson, NH 03051; consisting of C1-C3 sheets and general notes 1-8 on Sheet C1; dated August 6, 2021; last revised October 12, 2023.

ATTACHMENTS:

- 1) Site Plan Application with Waivers, date received October 16, 2023 – Attachment “**A**”.
- 2) Department Comments – Attachment “**B**”.
- 3) Notice of Decision, issued by Zoning Board of Adjustment, dated June 25, 2009 – Attachment “**C**”.
- 4) Administrative Order No. 18-011 WD, issued by NHDES, dated June 22, 2018 – Attachment “**D**”.
- 5) Final Order of Town of Hudson v. Joyal, Floyd, & Floyd Jr., issued by Southern Judicial District Superior Court, dated May 14, 2019 – Attachment “**E**”.
- 6) Cease and Desist Order, issued by Zoning Administrator, dated May 18, 2020 – Attachment “**F**”.
- 7) Notice of Decision, issued by Zoning Board of Adjustment, dated October 19, 2020 – Attachment “**G**”.
- 8) Restoration Plan Submittal, prepared by Ambit Engineering, Inc., dated August 17, 2021 – Attachment “**H**”.
- 9) Restoration Plan Approval, issued by NHDES, dated September 3, 2021 – Attachment “**I**”.
- 10) Final Decree of Town of Hudson v. Joyal, Floyd, & Floyd Jr., issued by Southern Judicial District Superior Court, dated August 9, 2022 – Attachment “**J**”.
- 11) Contempt Order of Town of Hudson v. Joyal, Floyd, & Floyd Jr., issued by Southern Judicial District Superior Court, dated May 18, 2023 – Attachment “**K**”.
- 12) Recommendation to approve CUP 02-23, issued by Conservation Commission, dated December 11, 2023 – Attachment “**L**”.
- 13) Wetland Restoration Plan, dated August 2021, last revised November 29, 2023.

APPLICATION TRACKING:

- June 12, 2023 – Original Application received.
- October 16, 2023 – Revised/Updated application received.
- December 11, 2023 – Conservation Commission Motion to Recommend CUP Approval.
- March 13, 2024 – Public hearing scheduled.

COMMENTS & RECOMMENDATIONS:

BACKGROUND

The site is a 1.95-acre lot in the Town Residential district with one single family home, two garages, and a shop. Access to the site is provided via a paved driveway on Highland Street, with 156 linear feet of frontage. The residence is currently serviced by Town water and sewer. The site is bisected by a 500-year floodplain, and contains wetlands or water across the rear three-fifths of the property.

This lot was originally found to be in violation of zoning ordinance in 2009, subsequently receiving a variance on June 25, 2009. (**Attachment C**) This variance was granted to permit a landscaping business on the property, with the following conditions:

1. Parking of four business vehicles and one trailer only is allowed; any expansion of that use would have to come back before the Zoning Board of Adjustment.
2. No landscape material is to be dumped on this property.
3. No outside storage of landscaping materials.

On April 26, 2017, the property was served a notice of violation related to the filling of the wetland buffer and wetland. The property was given an extension to July 26, 2017 to submit an application to the Conservation Commission to address the issue. On June 22, 2018 NHDES issued an Administrative Order, requiring that a remediation plan be filed with NHDES within 30 days (**Attachment D**). No response was recorded, and the matter was turned over to the Superior Court. On May 14, 2019 a Final Order was handed down by the Superior Court in regards to the violation, mandating the property be brought back into compliance (**Attachment E**).

The Town issued a cease and desist order on May 18, 2020 due to continued non-compliance with the Final Order issued by the Superior Court (**Attachment F**). The cease and desist was appealed to the ZBA, however the cease and desist order was upheld (**Attachment G**). As part of the decision however, matters related to wetland violations were deferred to the ongoing NHDES case. On August 18, 2021 a Wetland Restoration Plan was submitted to NHDES for approval (**Attachment H**), with the plan receiving said approval on September 3, 2021 alongside the following stipulations (**Attachment I**):

1. By October 22, 2021, approximately 4,300 square feet of wetlands shall be restored and/or created, constructed, monitored, and managed in accordance with the Restoration Plan and all project descriptive details submitted to NHDES on August 19, 2021 by Ambit Engineering, Inc.

2. The restoration shall be conducted according to the Restoration Plan and as conditioned by this Restoration Plan Approval. Any changes or alterations to the Restoration Plan must be requested in writing and approved by NHDES in writing prior to implementing any such changes or alterations.
3. All persons involved in restoration activities on the Property shall have read and become familiar with the provisions of the Restoration Plan and this Restoration Plan Approval prior to beginning restoration work on the Property. A copy of the Restoration Plan and this Restoration Plan Approval shall be kept posted at the Property during the time restoration work continues on the Property.
4. A qualified environmental consultant shall supervise the restoration activities on the Property to ensure that the restoration is accomplished pursuant to this Restoration Plan Approval.
5. Siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. All steps shall be taken during the restoration necessary to ensure that no water quality violations occur on the Property.
7. Within three days following the last activity in the restoration area or where restoration activities are suspended for more than three days, all soils exposed by restoration activities shall be stabilized by seeding and mulching.
8. No machinery shall be used within undisturbed NHDES jurisdictional areas on the Property during the restoration.
9. All materials removed during restoration activities shall be placed out of NHDES's jurisdiction.
10. All material removed during restoration activities shall be removed down to the level of the original hydric soils.
11. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) or other invasive species shall not be used in the wetland restoration site.
12. Invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and Common Reed (*Phragmites* spp.) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
13. All wetlands restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or the areas shall be replanted until a functional wetland is established to the satisfaction of NHDES.

14. There shall be no substitutions made for the plant species specified on the approved plan for replanting purposes without prior written approval from NHDES.
15. The qualified environmental consultant shall inspect the restoration areas, and submit an initial monitoring report with photographs to NHDES by November 19, 2021. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.
16. Subsequent monitoring reports shall be submitted to NHDES by September 15, 2022 and September 15, 2023 to document the success of the restoration and outline a schedule for remedial actions if necessary. Such reports shall be submitted to NHDES with photographs demonstrating the conditions on the restoration site, include and necessary remedial actions, and contain a schedule for completing the remedial actions and conducting follow up inspections.
17. Remedial actions may include, but are not limited to replanting, relocation of plantings, removal of invasive species, altering the soil composition or depths, deconsolidation of soils due to compaction, altering the elevation of the wetland surface, or changing the hydraulic regime.
18. This Restoration Plan Approval does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
19. This Restoration Plan Approval does not relieve the owner from the obligation to obtain other local, state, or federal permits that may be required.
20. Transfer of ownership of the property shall require notification to NHDES and an agreement on transfer of the rights and obligations of this Restoration Plan Approval, if required, prior to such transfer of ownership.

On August 9, 2022 the Superior Court issued a Final Decree for the ongoing case, mandating application to the planning board with a remediation plan within 90 days (**Attachment J**). The defendants were then found in contempt on May 18, 2023 for continued non-compliance (**Attachment K**). The applicant brought the Conditional Use Permit Application before the Conservation Commission on December 11, 2023, and received a Motion to Recommend Conditional Use Permit Application Approval (Vote: 4/0/0) to the Planning Board with the following stipulations (**Attachment L**):

1. The applicant shall abide by and follow the scope of work approved by the NHDES Restoration Plan, including all stipulation imposed by said plan dated September 3, 2021. Reference NHDES Land Resource Management File #2017-01662, 78 Highland Street, Hudson, Tax Map 175/Lot#19.
2. During construction and restoration erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer.

3. Furthermore, due to the limited onsite storage potential the Conservation Commission recommends that the dredge materials removed from the wetlands be moved offsite to an appropriate disposal site.
4. Install approved “Do not cut/Do not disturb” town conservation markers along the conservation districts boundaries.
5. Follow restoration efforts and planting schedule shown on revised Wetland Restoration Plan C3, revision date 11/29/23.

STAFF COMMENTS

As previously noted, this conditional use permit application has been submitted under Superior Court order, has received the required approvals of the restoration plan from NHDES and is recommended by the Conservation Commission. The project is ready for consideration by the Planning Board. Approval by the Board is required for the applicant to move forward with work to become compliant with NHDES Administrative Order No. 18-011 WD.

DEPARTMENT COMMENTS

Zoning provided the following comments:

- 1. The Town of Hudson’s Zoning Administrator/Code Enforcement Officer, shall be provided with monthly progress reports/inspections as well as same final notification given to DES upon completion.”*

Engineering provided the following comments:

- 1. Applicant shall post conservation wetland buffer tags along the 50 foot buffer, once the work has been completed.*

DPW provided the following comments:

- 1. When removing fill from the property, the owner shall make every effort to not track dirt, mud, or debris into the roadway. Any such material that inadvertently ends up in the roadway shall be cleaned up at the end of each day.*

Full comments are provided in **Attachment B**.

RECOMMENDATIONS

Staff recommends accepting the conditional use permit application and holding a public hearing, followed by deliberation and consideration of approval. The Applicant has addressed all comments issued by Town Staff, and NHDES staff. **Staff notes that the applicant is due before the Hillsborough County Southern Judicial District Superior Court on March 28, 2024.**

DRAFT MOTIONS:

ACCEPT the Conditional Use Permit Application:

I move to accept the conditional use permit application, Floyd Wetland Restoration Plan CUP# 02-23, 78 Highland Street, Hudson, NH, Map 175 / Lot 019.

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

DEFER the Conditional Use Permit Application:

I move to defer the further consider this Conditional Use Permit Application, Floyd Wetland Restoration Plan CUP# 02-23, 78 Highland Street, Hudson, NH, Map 175 / Lot 019, to date specific _____, 2024 Planning Board meeting.

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

APPROVE the Conditional Use Permit Application:

I move to approve the Conditional Use Permit Application for the Floyd Wetland Restoration Plan CUP# 02-23, 78 Highland Street, Hudson, NH, Map 175 / Lot 019; prepared by: Ambit Engineering, Inc., 200 Griffin Road, Portsmouth, NH 03801; prepared for: Christine Floyd, 78 Highland Street, Hudson, NH 03051; consisting of sheets C1-C3, together with notes 1-9 on Sheet C3; dated August 6, 2021; last revised October 12, 2023; 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. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by the Interim Town Planner and Town Engineer, as well as Town Council.
3. Construction activities involving the subject lot shall be limited to the hours between 7:00 A.M. and 7:00 P.M. No construction activities shall be allowed on Sundays.
4. The applicant shall abide by and follow the scope of work approved by the NHDES Restoration Plan, including all stipulation imposed by said plan dated September 3, 2021. Reference NHDES Land Resource Management File #2017-01662, 78 Highland Street, Hudson, tax Map 175/Lot#19.
5. During construction and restoration, erosion barriers shall be installed and maintained to the satisfaction of the Town Engineer.
6. Due to the limited onsite storage potential, all dredge materials that are to be removed from the wetlands shall be moved offsite to an appropriate disposal site.
7. The applicant shall follow restoration efforts and planting schedule shown on revised Wetland Restoration Plan C#, revision date 11/29/23.

8. During removal of fill from the property, the owner shall make every effort not to track dirt, mud, or debris, into the roadway. Any such material that inadvertently ends up in the roadway shall be cleaned up at the end of each day.
9. The applicant shall provide monthly progress reports/inspections to the Town of Hudson Zoning Administrator/Code Enforcement Officer, and shall notify NHDES upon restoration completion.

Conditions Recommended by the Conservation Commission:

10. The applicant shall abide by and follow the scope of work approved by the NHDES Restoration Plan, including all stipulation imposed by said plan dated September 3, 2021. Reference NHDES Land Resource Management File #2017-01662, 78 Highland Street, Hudson, Tax Map 175/Lot#19.
11. During construction and restoration erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer.
12. Furthermore, due to the limited onsite storage potential the Conservation Commission recommends that the dredge materials removed from the wetlands be moved offsite to an appropriate disposal site.
13. Install approved “Do not cut/Do not disturb” town conservation markers along the conservation districts boundaries.
14. Follow restoration efforts and planting schedule shown on revised Wetland Restoration Plan C3, revision date 11/29/23.

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



16 October 2023

Timothy Malley, Chair
Town of Hudson Planning Board
12 School Street
Hudson, NH 03051

**Re: Town of Hudson Wetland Conditional Use Permit Request
Tax Map 175, Lot 19
78 Highland Street
Hudson, New Hampshire**

Dear Mr. Malley:

This letter transmits a Town of Hudson Wetland Conditional Use Permit Amendment request to remove 4,300 square feet of fill located within jurisdictional wetlands and to restore 7,848 sq. ft. within the 50' Town of Hudson Wetland Buffer (See attached Plan Set).

The property currently contains a single-family residential structure, a paved driveway, a gravel driveway, a detached garage, a pool and associated landscaping (see attached Existing Conditions Plan-Sheet C1 and Existing Conditions Aerial Plan-Sheet C2).

Ambit Engineering, Inc.-Haley Ward performed on site survey in February 2021 to collect existing conditions and wetland delineation data relative to developing the attached plans for wetland restoration.

The proposed Wetland Restoration Plan was approved by NH DES on September 3, 2021 of which a copy of that approval is attached to this application of your use. Also attached to this application package is a Survey Plan prepared by Jeffrey Land Survey, LLC dated July 27, 2020, a wetland delineation report, an application photopage, two sets of abutter mailing labels and an abutters list.

Per the Town of Hudson Zoning Ordinance, *Article IX Wetland Conservation District*, the Planning Board shall consider the following criterion prior to making a decision on any Conditional Use Permit in regards to land situated within the Wetland Conservation District:

- (1) The proposed activity minimizes degradation of land situated within the District and offsets potential adverse impacts to functions and values of wetlands, surface waters, and vernal pools including but not limited to their capacity to:
 - (a) Support fish and wildlife;
 - (b) Attenuate flooding;



- (c) Supply and protect surface and groundwater resources;
- (d) Remove sediments;
- (e) Remove pollutants;
- (f) Support wetland vegetation;
- (g) Promote public health and safety; and
- (h) Moderate fluctuations in surface water levels.

The proposed activity provides for a method of wetland restoration including the removal of fill from a jurisdictional wetland area and re-grading within the 50' Town of Hudson Wetland Buffer. This activity will also restore the current functions & values of the subject wetland which include floodwater alteration, wildlife habitat, sediment/toxicant retention, nutrient removal and production export (In accordance with U.S. Army Corps of Engineers. 1999. *The Highway Methodology Workbook Supplement, Wetland Functions and Values: A Descriptive Approach*. U.S. Army Corps of Engineers. New England Division. 32pp. NAEPP-360-1-30a.).

The restoration plan also includes a method for re-vegetation/re-planting of the wetland and associated buffer which would improve stormwater quality leaving the subject parcel before it enters the wetland resource. We believe that the restoration plan will promote the public health and safety, will improve water quality and is consistent with the purpose of Article IX of the Town of Hudson Zoning Ordinance.

- (2) The proposed activity will have no significant negative environmental impact to abutting or downstream properties and/or hydrologically connected water and/or wetland resources, including:
 - (a) Increased potential for erosion, siltation, and turbidity of surface waters;
 - (b) Loss of fish and wildlife habitat;
 - (c) Loss of unique habitat having demonstrable natural, scientific, or educational value;
 - (d) Loss or decrease of beneficial aquatic organisms and wetland plants and their habitat;
 - (e) Increased danger of flooding and/or transport of pollutants; and
 - (f) Destruction of the economic, aesthetic, recreational, and other public and private uses and values of the wetland to the community.

The proposed activity will correct any negative environmental impact as a result of the historic filling of the wetland and disturbance to the 50' Town of Hampton Wetland Buffer. The restoration plan provides a method for replacing any lost functions & values as described above including wildlife habitat and floodflow alteration. The completed restoration will improve water quality leaving the subject parcel before it enters the wetland resource.

- (3) The proposed activity or use cannot practicably be located otherwise on the site to eliminate or reduce impact to the Wetland Conservation Overlay District.

The proposed activity restores impact already located within the Wetland Conservation District therefore it cannot be located elsewhere and achieve the same purpose.

- (4) The proposed activity incorporates the use of those Best Management Practices recommended by the New Hampshire Department of Environmental Services and/or other state agencies having jurisdiction.

The proposed activity incorporates BMP's recommended by NH DES (see attached NH DES Restoration Approval).

- (5) All applicable federal and/or state permit(s) have been received for the proposed activity in accordance with New Hampshire Code of Administrative Rules, Part Env-Wt 100-800 and Section 404 of the Federal Clean Water Act, as amended.

The proposed activity has received NH DES Restoration Approval (attached).

- (6) Where applicable, proof of application to all required state and/or federal permits.

The proposed activity has received NH DES Restoration Approval (attached).

- (7) Prior to making a decision on any Conditional Use Permit pursuant to the Wetland Conservation Overlay District, the Planning Board shall receive a written comment from the Conservation Commission. The Conservation Commission may recommend the Planning Board impose conditions of approval is deemed necessary to mitigate the potential for adverse effects of the proposed activity or use.

It is my intention to present the project and application to the Hudson Conservation Commission to obtain comment before proceeding to the Hudson Planning Board.

Please contact me if you have any questions or concerns regarding this application.

Respectfully submitted,

Sincerely,



Steve Riker, CWS
Project Scientist/Project Manager
sriker@haleyward.com

Cc: Christine Floyd-Owner/Applicant
Robert M. Shepard-Smith-Weiss, Shepard, Kanakis & Spony, P.C.



*Town of Hudson
12 School Street
Hudson, NH 03501*

CONDITIONAL USE PERMIT APPLICATION:
WETLAND CONSERVATION OVERLAY DISTRICT

Revised July 24, 2023

Applications must be received at least 21 days prior to the Planning Board and Conservation Commission meetings at which the application will be heard. *The following information must be filed to each board.*

CONSERVATION COMMISSION:

1. Ten (10) copies of the completed application, including the project narrative that demonstrates that the proposal meets the conditions of Article IX of the Zoning Ordinance.
2. Ten (10) reduced size plan sets (sheet size: 11" X 17"). Plans require the stamp of a licensed land surveyor and a certified wetlands scientist. At a minimum, plans must show topography and any wetland within fifty (50) feet of the proposed project.

***Complete Applications should be delivered to the Engineering Department (603)886-6008.**

PLANNING BOARD:

1. Fifteen (15) copies of the completed application, including the project narrative that demonstrates that the proposal meets the conditions of Article IX of the Zoning Ordinance.
2. Three (3) full size folded plan sets (sheet size: 22" x 34") and fifteen (15) reduced size plan sets (sheet size: 11" X 17"). Plans require the stamp of a licensed land surveyor and a certified wetlands scientist. At a minimum, plans must show topography and any wetland within fifty (50) feet of the proposed project.
3. A list of direct abutters and indirect abutters, and two (2) sets of mailing labels for abutter notifications.
4. All of the above application materials, including plans, shall also be submitted in electronic form as a PDF.
5. Check should be made payable to the Town of Hudson, and submitted to the Planning Department.

***Complete Application & check should be delivered to the Planning Department (603)886-6008.**

Revised plans and other application materials must be filed with the Planning Department *no later than 10:00A.M., Tuesday ONE WEEK prior to the scheduled meeting, as applicable. The purpose of these materials is hardcopy distribution to Planning Board members, not review. Any plan revisions that require staff review must be submitted no later than 10:00A.M., Tuesday TWO WEEKS prior to the scheduled Planning meeting. Depending on the complexity of changes, more time may be required for review. Please contact the Town Planner if you have any questions on this matter.*

PLEASE NOTE:

1. To prevent submission of redundant information, submission of a complete Subdivision or Site Plan Application may be used to satisfy some of the requirements for the Conditional Use Permit Application, where applicable.
2. No postage fees or mailing labels are required when submitting with a subdivision or site plan application.
3. Prior to filing an application, it is recommended to schedule an appointment with the Town Planner and Town Engineer.

CONDITIONAL USE PERMIT APPLICATION

Date of Application: October 16, 2023 Tax Map #: 175 Lot #: 19

Site Address: 78 Highland Street. Husdon, NH 03051

Name of Project: Floyd Wetland Restoration

Zoning District: Town Residential (TR) General CUP#: _____
(For Town Use Only)

Z.B.A. Action: _____

PROPERTY OWNER:

DEVELOPER:

Name: Rene P. Joyal & Christopher W. Floyd, Jr.

Address: 78 Highland Street

Address: Hudson, NH 03051

Telephone # 603-365-6211

Email: lexilou060408@gmail.com

PROJECT ENGINEER or SURVEYOR:

CERTIFIED WETLANDS SCIENTIST:

Name: John R. Chagnon, PE, LLS Ambit Engineering, Inc.

Steven D. Riker, CWS, Ambit Engineering, Inc.

Address: 200 Griffin Road, Unit 3

200 Griffin Road, Unit 3

Address: Portsmouth, NH 03801

Portsmouth, NH 03801

Telephone # 603-430-9282

602-430-9282

Email: jchagnon@haleyward.com

sriker@haleyward.com

PURPOSE OF PLAN:

The plan proposes to remove fill from a wetland area and provide a restoration plan returning wetland functions & values to previous/historic conditions.

(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: ___

SITE DATA SHEET

PLAN NAME: Floyd Restoration Plan

PLAN TYPE: (Site Plan, Subdivision, or other) Restoration (Wetland CUP)

LEGAL DESCRIPTION: MAP 175 LOT 19

DATE: October 13, 2023



Location by Street: 78 Highland Street

Zoning: Town Residential (TR)

Proposed Land Use: Residential

Existing Use: Residential

Total Site Area: S.F.: _____ Acres: 1.94 AC

Total Wetland Area (SF): Unknown

Permanent Wetland Impact Area (SF): 4,300 sq. ft. (to be restored)

Permanent Wetland Buffer Impact Area (SF): 7,848 sq. ft. (to be restored)

Temporary Wetland Impact Area (SF): 4,300 sq. ft. (to be restored)

Temporary Wetland Buffer Impact Area (SF): 7,848 sq. ft. (to be restored)

Flood Zone Reference: N/A

Proposed Mitigation:

(For Town Use Only)

Data Sheets Checked By: _____ Date: _____

WETLAND CONDITIONAL USE PERMIT CHECKLIST

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

Attachment "A"

Yes	No	NA	<i>Questions/Information Needed</i>	<u>HCC COMMENTS</u>
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Estimated water quality characteristics of runoff at each point of discharge for both pre- and post-development	
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Erosion control practices	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<ul style="list-style-type: none"> If using rip-rap, attach documentation explaining why other erosion control methods are not feasible 	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<ul style="list-style-type: none"> How storm water runoff will be handled 	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	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				
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Square footage of mitigation – wetland and upland areas	
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Wetland or upland plants identified to replace any losses	
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<ul style="list-style-type: none"> Restoration plan for planting and vegetation 	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Conservation easements, including location and aesthetic, wildlife and vegetative values	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<ul style="list-style-type: none"> 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				
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Locus map depicting project site and vicinity within approximately ½ mile and also on a larger scale	
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	All prime and other wetlands in the vicinity	
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Wetland(s) impacted (identified as prime or other) and the wetland boundaries with 50', buffer areas highlighted in color	
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Assessor's sheet(s), lot(s), and property account number(s)	
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Existing and proposed structures	
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Square footage listed for temporary and permanent impact	
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Erosion control plan (Suggested: Biodegradable silt fences so area won't be disturbed again and no hay to avoid invasive species)	
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Topographical map with contours	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Storm water treatment swales and basins highlighted in color if in buffer area	
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Conservation and utility easements	
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Grading plan	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Culvert, arch, bridge - sizes, material, etc.	
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Vegetative cover types	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Vernal pools	
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Existing and proposed stone walls, tree lines, and unusually large, rare or beautiful trees, and other notable site features	

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.

Signature of Owner:  Date: 6/9/23
Print Name of Owner: Christine Floyd

- ❖ 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: Chris Floyd

- ❖ 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:

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

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:

14 5 Direct Abutters Applicant, Professionals, etc. as required \$ 23.90 \$66.92
by RSA 676:4.1.d @\$4.78 (or Current Certified Mail Rate)

5 Indirect Abutters (property owners within 200 feet) \$ 3.15
@\$0.63 (or Current First Class Rate)

TOTAL \$ 127.05 \$166.92

(For Town Use)	
AMOUNT RECEIVED: \$ <u>127.50</u>	DATE RECEIVED: <u>6/12/23</u>
RECEIPT NO.: <u>733,370</u> 733,505	RECEIVED BY: <u>Brooke</u>

Attachment "A"

Printed
6/12/2023
2:38PM
Created
6/12/2023
2:37 PM

Transaction Receipt
Town of Hudson, NH
12 School Street
Hudson, NH 03051-4249

Receipt# 733,370
bdubowik

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Conditional Use Permit Application CUP# 02-23 78 Highland Street Map 175/Lot 019-000 Application Fees	0.00	127.0500	0.00
			Total:	127.05

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
First Choice Landscaping, LLC	CHECK	2729	127.05	0.00	127.05
			Total Due:		127.05
			Total Tendered:		127.05
			Total Change:		0.00
			Net Paid:		127.05

Site Photograph #1

February 2021



Site Photograph #2

February 2021



Site Photograph #3

February 2021



Site Photograph #4

February 2021



Attachment "A"

Site Photograph #5

February 2021



Site Photograph #6

February 2021



Site Photograph #7

February 2021



Site Photograph #8

February 2013



Site Photograph #9

February 2021



Site Photograph #10

February 2021





AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

TECHNICAL REPORT OF WETLAND DELINEATION, CLASSIFICATION & IDENTIFICATION

Ambit Engineering Project No.:3282 **Date(s) of Delineation:** 2/24/21 **Date of Report:** 2/25/21

Field Delineator: Steven D. Riker

Compiled by: Steven D. Riker

Project Location/Tax Map & Lot: 78 Highland Street, Hudson, NH. Tax Map 175, Lot 19.

Prepared for: Christopher W. Floyd, 78 Highland Street, Hudson NH 03051.

Site Area Observed: Entire lot to establish wetland boundary and potential fill in wetland areas.

Site Conditions: Lot with uplands adjacent to freshwater wetlands.

Weather/Seasonal Conditions: 45 sunny, late-winter conditions, 4-6 inches of snow cover.

Site Disturbance: Filling activity directly adjacent to wetlands.

Wetlands Present: Yes. Property contains freshwater wetlands.

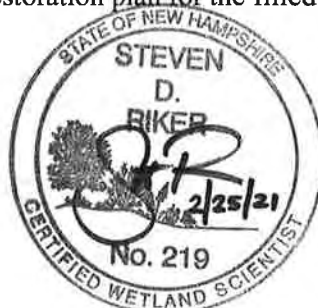
Wetland conditions/atypical situation/problem area: Wetlands are not considered atypical or a problem area.

Hydric Soil Criterion: A4. Field Indicators of Hydric Soils in the United States, Version 8.2, USDA-NRCS, 2018.

Delineation Standards Utilized:

1. *US Army Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1 (Jan 1987). **AND** Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0, January 2012.
2. Field Indicators of Hydric Soils in the United States, Version 8.2, USDA-NRCS, 2018 **AND (for disturbed sites)** *Field Indicators for Identifying Hydric Soils in New England*, Version 4. NEIWPCC Wetlands Work Group (April 2019).
3. *National List of Plant Species That Occur in Wetlands: Northeast (Region 1)*. USFWS (May 1988).

Notes: The wetland delineated by flagged line A1-A16 would be classified as a palustrine forested broad leaved deciduous wetland system that is seasonally flooded and or saturated associated (PFO1E). The wetland flags were immediately survey located by Ambit Engineering, Inc. It is my opinion that filling of wetlands have historically occurred on the property. The purpose of the delineation was to collect necessary information to develop a wetland restoration plan for the filled wetland area.



Attachment "A"

Land Resources Management File #2017-01662

Restoration Plan Approval

September 3, 2021

Page 3 of 3

17. Remedial actions may include, but are not limited to replanting, relocation of plantings, removal of invasive species, altering the soil composition or depths, deconsolidation of soils due to compaction, altering the elevation of the wetland surface, or changing the hydraulic regime.

18. This Restoration Plan Approval does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.

19. This Restoration Plan Approval does not relieve the owner from the obligation to obtain other local, state or federal permits that may be required.

20. Transfer of ownership of the Property shall require notification to NHDES and an agreement on transfer of the rights and obligations of this Restoration Plan Approval, if required, prior to such transfer of ownership.

NHDES personnel may conduct another inspection at a later date to determine compliance with the provisions of the approved restoration plan and all other applicable NHDES statutes and rules.

Following completion of the restoration work, monitoring reports should reference NHDES File Number 2017-01662, and should be addressed as follows:

Jeffrey Blecharczyk, Compliance Supervisor, Wetlands Bureau
Department of Environmental Services
Land Resource Management Program
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

If you have any questions concerning the contents of this Restoration Plan Approval letter, please contact me at Jeffrey.Blecharczyk@des.nh.gov or (603) 271-4061

Sincerely,



Jeffrey Blecharczyk
Compliance Supervisor, Wetlands Bureau
Land Resource Management Program

cc: Hudson Conservation Commission
Hudson Board of Selectmen
Ambit Engineering Inc.

ec: Heather Neville, NHDOJ

Attachment "B"
RECEIVED

JUN 12 2023

CONDITIONAL USE PERMIT APPLICATION

TOWN OF HUDSON
PLANNING DEPARTMENT

Date of Application: 6/9/23 Tax Map #: 175 Lot #: 019-000
Site Address: 78 Highland St
Name of Project: Wet land removal
Zoning District: Hudson General CUP#: 02-215
(For Town Use Only)

Z.B.A. Action: _____

PROPERTY OWNER:

Name: Christ Christine Floyd
Address: 78 Highland St
Address: Hudson NH 03057
Telephone # 603-305-6211
Email: lex1104@comcast.net

DEVELOPER:

Steven Rinker from
Ambit Engineering
Chris Floyd

PROJECT ENGINEER or SURVEYOR:

Name: Ambit Engineering Inc
Address: 200 Griffin Rd Unit 3
Address: Portsmouth NH 03801
Telephone # 603-430-9282
Email: _____

CERTIFIED WETLANDS SCIENTIST:

Steven Rinker from
Ambit Engineering

PURPOSE OF PLAN:

To remove fill from wetlands.

(For Town Use Only)

Routing Date: _____ Deadline Date: _____ Meeting Date: _____

I have no comments Yes I have comments (attach to form)

BR Title: Zoning Administrator Date: 6-16-23
(Initials)

Department: _____

Zoning: Engineering: _____ Assessor: _____ Police: _____ Fire: _____ DPW: _____ Consultant: _____



TOWN OF HUDSON
Land Use Division



12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-594-1142

Conditional Use Permit Review #02-23

June 16, 2023

Re: **Map 175 Lot 019-000**
Address: 78 Highland St
Zoning district: (TR) Town Residence
Proposal: After the fact application to remediate prior infill/disturbance of Wetland and Wetland Buffer.

Submitted plans reviewed: C1 Existing Conditions Plan March 2021, rev 0: "issued for comment" 3/4/21 and C2 Wetland Restoration Plan August 2021, rev 0: "issued for comment" 8/6/21.

Comment:

I would request to add either as a note and/or as a stipulation of approval: *"The Town of Hudson's Zoning Administrator/Code Enforcement Officer, shall be provided with monthly progress reports/inspections as well as same final notification given to DES upon completion."*

This CUP is a requirement of a Court Order and the ZA/CEO will need to report such progress back to the Court.

Sincerely,

Bruce Buttrick,
Zoning Administrator/Code Enforcement Officer

encl: Superior Court Orders (Final Decree Aug 9, 2022 and Contempt Order May 18, 2023)
cc: B. Groth - Town Planner
D. LeFevre – Town Counsel
file

Dubowik, Brooke

From: Dhima, Elvis
Sent: Thursday, February 29, 2024 3:30 PM
To: Dubowik, Brooke
Subject: RE: 78 Highland Street CUP

Brooke

I just have one comment

Applicant shall post conservation wetland buffer tags along the 50 foot buffer, once the work has been completed

E

Elvis Dhima, P.E.
Town Engineer

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



RECEIVED

JUN 12 2023

CONDITIONAL USE PERMIT APPLICATION

TOWN OF HUDSON
PLANNING DEPARTMENT

Date of Application: 6/9/23 Tax Map #: 175 Lot #: 619-000

Site Address: 78 Highland St

Name of Project: Wetland removal

Zoning District: Hudson General CUP#: 02-23
(For Town Use Only)

Z.B.A. Action: _____

PROPERTY OWNER:

Name: Christ Christine Floyd

Address: 78 Highland St

Address: Hudson NH 03057

Telephone # 603-365-6211

Email: Lex11ou@1204108@gmail.com

DEVELOPER:

Steven Rinker from

Ambit Engineering

Chris Floyd

PROJECT ENGINEER or SURVEYOR:

Name: Ambit Engineering Inc

Address: 200 Guffin Rd Unit 3

Address: Portsmouth NH 03801

Telephone # 603-430-9282

Email: _____

CERTIFIED WETLANDS SCIENTIST:

Steven Rinker from

Ambit Engineering

PURPOSE OF PLAN: To remove fill from wetlands.

(For Town Use Only)

Routing Date: _____ Deadline Date: _____ Meeting Date: _____

_____ I have no comments I have comments (attach to form)

[Signature] Title: Public Works Director Date: 6/13/23
(Initials)

Department: _____

Zoning: ___ Engineering: ___ Assessor: ___ Police: ___ Fire: ___ DPW: Consultant: ___

Attachment "B"

When removing fill from the property, the owner shall make every effort to not track dirt, mud, or debris into the roadway. Any such material that inadvertently ends up in the roadway shall be cleaned up at the end of each day.

JUN 12 2023

CONDITIONAL USE PERMIT APPLICATION

TOWN OF HUDSON
PLANNING DEPARTMENT

Date of Application: 6/9/23 Tax Map #: 175 Lot #: 019-000
Site Address: 78 Highland St
Name of Project: Wet land removal
Zoning District: Hudson General CUP#: 02-215
(For Town Use Only)

Z.B.A. Action: _____

PROPERTY OWNER:

Name: Christ Christine Floyd
Address: 78 Highland St
Address: Hudson NH 03051
Telephone # 603-305-6211
Email: Lex1101@104128@gmail.com

DEVELOPER:

Steven Rinker from
Ambit Engineering
Chris Floyd

PROJECT ENGINEER or SURVEYOR:

Name: Ambit Engineering Inc
Address: 200 Griffin Rd Unit 3
Address: Portsmouth NH 03801
Telephone # 603-430-9282
Email: _____

CERTIFIED WETLANDS SCIENTIST:

Steven Rinker from
Ambit Engineering

PURPOSE OF PLAN:

To remove fill from wetlands.

(For Town Use Only)

Routing Date: _____ Deadline Date: _____ Meeting Date: _____



I have no comments _____ I have comments (attach to form)

Title: Chief Assessor Date: 6-14-23

(Initials)

Department: _____

Zoning: _____ Engineering: _____ Assessor: _____ Police: _____ Fire: _____ DPW: _____ Consultant: _____

RECEIVED

JUN 12 2023

CONDITIONAL USE PERMIT APPLICATION

TOWN OF HUDSON
PLANNING DEPARTMENT

Date of Application: 6/9/23 Tax Map #: 175 Lot #: 019-000
Site Address: 78 Highland St
Name of Project: Wet land removal
Zoning District: Hudson General CUP#: 02-213
(For Town Use Only)

Z.B.A. Action: _____

PROPERTY OWNER:

Name: Christ Christine Floyd
Address: 78 Highland St
Address: Hudson NH 03051
Telephone # 603-305-6211
Email: Lexilou.floyd408@gmail.com

DEVELOPER:

Steven Rinker from
Ambit Engineering
Chris Floyd

PROJECT ENGINEER or SURVEYOR:

Name: Ambit Engineering Inc
Address: 200 Guffin Rd Unit 3
Address: Portsmouth NH 03801
Telephone # 603-430-9282
Email: _____

CERTIFIED WETLANDS SCIENTIST:

Steven Rinker from
Ambit Engineering

PURPOSE OF PLAN:

To remove fill from wetlands.

(For Town Use Only)

Routing Date: _____ Deadline Date: _____ Meeting Date: _____

I have no comments I have comments (attach to form)

DRH Title: Fire Marshal Date: 6/13/23
(Initials)

Department: _____

Zoning: _____ Engineering: _____ Assessor: _____ Police: _____ Fire: DPW: _____ Consultant: _____

Camela O'Caughlin
Attachment "C"

Hudson Town Hall
Hudson Zoning Board
12 School Street
Hudson, NH 03051

A 43

FEES:	14-44
SURCHARGE:	2-
CASH:	Ø

Town of Hudson

Zoning Board of Adjustment

Decision to Grant a Use Variance

On **6/25/09**, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard **Case 175-019**, concerning a request by **Chris Floyd, 78 Highland Street, Hudson**, for a Use Variance to allow a mixed use on the property. [Map 175, Lot 019, Zoned TR; HZO Article V, Section 334-20, Permitted Uses and Section 334-10, Mixed or dual use on a lot.]

Following review of the testimony and deliberation, a majority of the members of this Zoning Board voted that the variance should be granted with the following stipulations:

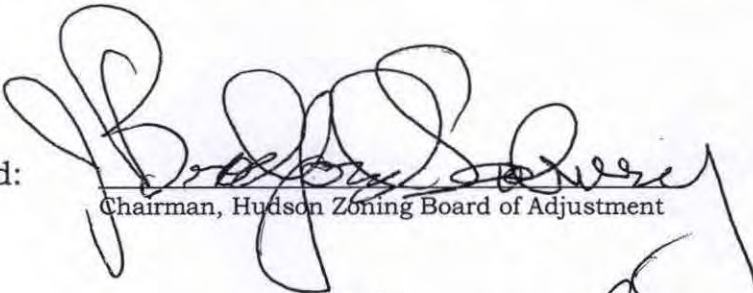
1. Parking of four business vehicles and one trailer only is allowed; any expansion of that use would have to come back before the Zoning Board of Adjustment.
2. No landscape material is to be dumped on this property.
3. No outside storage of landscaping materials.

For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

All representations of fact or intention made by the applicant or any applicant's representative(s) during testimony before the Zoning Board of Adjustment relative to the obtaining of this Variance permit shall be considered conditions of the Variance, regardless of the fact that such

facts or intentions may not have been specifically stated **Attachment "C"**
of the motion to grant.

In the event that the requested use subsequently is found by the Hudson Zoning Administrator to demonstrate deliberate or preventable lack of compliance with any applicable stipulation or restriction, including the verbally specified restrictions described in the preceding paragraph, such use shall be held to be in violation of the covenant made with the Board, and corrective action(s) will be enforced under N.H. R.S.A. 676:17, Fines and Penalties, which allows a civil penalty of \$275 for the first offense and \$550 for subsequent offenses for each day that such violation is found to continue, as well as recovery of costs and reasonable attorney's fees.

Signed: 
Chairman, Hudson Zoning Board of Adjustment

Date: 7-24-09

Signed: William A. Clark
Zoning Administrator

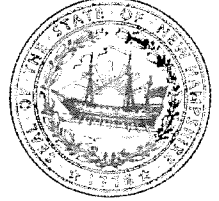
Date: 7-24-09



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

Attachment "D"



First Choice Landscaping, LLC
78 Highland Street
Hudson, NH 03051

Rene P. Joyal
78 Highland Street
Hudson, NH 03051

Christopher W. Floyd, Jr.
78 Highland Street
Hudson, NH 03051

Re: Wetlands Bureau File No. 2017-01662

**ADMINISTRATIVE ORDER
No. 18-011 WD**

June 22, 2018

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division, to First Choice Landscaping, LLC, Rene Joyal, and Christopher Floyd, Jr. under the authority of RSA 482-A:6. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division, is a duly-constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive in Concord, New Hampshire.
2. First Choice Landscaping, LLC ("First Choice Landscaping") is a New Hampshire limited liability company having a mailing address of 78 Highland Street, Hudson, NH 03051. First Choice Landscaping is listed as "Not in Good Standing" in records maintained by the New Hampshire Secretary of State. Christopher West Floyd is a member and manager of First Choice Landscaping.
3. Rene P. Joyal is an individual having a mailing address of 78 Highland Street, Hudson, NH 03051.
4. Christopher W. Floyd, Jr. is an individual having a mailing address of 78 Highland Street, Hudson, NH 03051.
5. First Choice Landscaping, Rene Joyal, and Christopher Floyd may be collectively referred to, at times, hereinafter as "the Responsible Parties."

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • TDD Access: Relay NH 1-800-735-2964

C. STATEMENTS OF FACTS AND LAW

1. RSA 482-A authorizes the Department of Environmental Services ("DES") to regulate dredging, filling, and construction in or on any bank, flat, marsh, wetland, or swamp in and adjacent to any waters of the state. The Commissioner of DES has adopted NH CODE ADMIN. RULES Env-Wt 100 *et seq.* (the "Wetland Rules") to implement this program, in accordance with RSA 482-A:11, I.
2. Rene Joyal and Christopher Floyd, Jr. are the owners of real property located at 78 Highland Street in Hudson, New Hampshire; more particularly described on Town of Hudson Tax Map 175, as Block/Lot 19 (the "Property").
3. Mr. Joyal and Mr. Floyd are apparently operating a landscaping business out of the home on the Property.
4. On April 20, 2017, the Town of Hudson Code Enforcement Officer inspected the Property and observed and documented the disturbance of a wetland and wetland buffer on, or near, the Property described as filling and regrading.
5. RSA 482-A:3, I, states that "[no] person shall excavate, remove, fill, dredge, or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from [DES]."
6. On April 26, 2017, the Town of Hudson issued a Notice of Violation to Messrs. Joyal and Floyd, citing local zoning ordinances and ordering the individuals to cease the illegal activity, stabilize the slopes and institute erosion control methods.
7. On May 22, 2017, DES staff inspected the Property, and observed and documented that approximately 2,000 square feet of wetlands on, or near, the Property were impacted by the deposit of fill within the wetlands, apparently for the purpose of increasing the useable storage area for the landscaping business.
8. On June 12, 2017, DES sent a Notice of Findings ("NOF") to Rene Joyal. In the NOF, DES noted the violation observed on the Property, and requested that Mr. Joyal retain a New Hampshire Certified Wetlands Scientist ("CWS") to submit to DES a restoration plan for the wetlands on the Property by July 15, 2017.
9. On September 18, 2017, DES issued Letter of Deficiency ("LOD") No. LRM 17-46 to Christopher Floyd. In LOD #LRM 17-46, DES noted the violation observed on the Property, and requested that Mr. Floyd retain a CWS by September 25, 2017; and submit to DES a restoration plan for the wetlands on the Property, prepared by the CWS, by October 25, 2017.
10. According to the United States Postal Service return receipt, Chris Floyd signed for the LOD on September 30, 2017.
11. On December 5, 2017, DES sent a letter to Messrs. Joyal and Floyd. In the letter, DES noted the violations observed on the Property, that the requested deadlines in the LOD had passed, and that compliance had not been achieved. DES requested that Mr. Joyal, or Mr. Floyd contact DES staff to discuss the actions requested in LOD #LRM 17-46 before the next step in the department's enforcement process was considered. DES has no record of a response to the letter from the Responsible Parties.

12. On February 5, 2018, DES staff telephoned Christopher Floyd to discuss the violation observed on the Property, and the actions requested by DES. DES staff left a voicemail message for Mr. Floyd, requesting a return phone call. DES has no record of a return call from the Responsible Parties.

13. On March 15, 2018, DES staff inspected the Property, and observed and documented that the previously observed fill remained in wetlands jurisdiction on, or near, the Property.

14. RSA 482-A:14, III, provides that “[f]ailure, neglect or refusal to comply with [RSA 482-A] or rules adopted under [that] chapter, or an order or condition of a permit issued under [RSA 482-A], and the misrepresentation by any person of a material fact made in connection with any activities regulated or prohibited by [RSA 482-A] shall be deemed violations of RSA 482-A.”

D. DETERMINATION OF VIOLATIONS

The Responsible Parties have violated RSA 482-A:3, I, by filling wetlands on, or near, the Property without a permit from DES.

E. ORDER

Based on the above findings and determinations, DES hereby orders the Responsible Parties as follows:

1. The Responsible Parties shall **immediately cease and desist** all unpermitted work in wetlands and surface waters on the Property.
2. **Within 30 days of the date of this Order**, the Responsible Parties shall submit a restoration plan to DES for review. The restoration plan shall be prepared and stamped by a CWS and include provisions for removal of fill and restoration of the wetlands on the Property to its original condition. The following, at a minimum, shall be submitted with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 - i. existing conditions on the site, with wetland boundaries delineated in accordance with Section F of the U.S. Army Corps of Engineers Wetlands Delineation Manual (1987) and the 2009 Regional Supplement: Northcentral and Northeast Region, Chapter 5, where necessary; and
 - ii. Proposed conditions after reestablishing jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, *etc.*) and stabilization of the restoration areas;
 - c. A detailed description of the proposed planting plan for the stabilization and re-vegetation of the restoration areas and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance dates; and
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons after the completion of the restoration project. A monitoring report shall be submitted to DES at the completion of the restoration, but no later than **August 30, 2018**. Subsequent monitoring reports for two successive

growing seasons shall be submitted to DES on **September 30, 2019**, and **September 30, 2020**.

3. The Responsible Parties shall **implement** the restoration plan only after receiving written approval from, and as conditioned by, DES according to the approved schedule.
4. The Responsible Parties shall send **all** correspondence, data, reports, and other submissions made in connection with this Administrative Order, *other than appeals*, to DES as follows:

Jay Aube, Wetlands Compliance Specialist, Wetlands Bureau
Land Resources Management program
DES Water Division
P.O. Box 95, Concord, NH 03302-0095
Fax: (603) 271-4056
E-mail: Jason.aube@des.nh.gov

F. APPEAL

Any person aggrieved by this Order may appeal the Order to the N.H. Wetlands Council ("Council") by filing an appeal that meets the requirements specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Council, Env-WtC 100-200. The appeal must be filed **directly with the Council within 30 days** of the date of this decision and must set forth fully **every ground** upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the Council.

Information about the Council, including a link to the Council's rules, is available at <http://nhec.nh.gov/> (or more directly at <http://nhec.nh.gov/wetlands/index.htm>). Copies of the Council's rules also are available from the DES Public Information Center at (603) 271-2975.

G. OTHER PROVISIONS

Please note that RSA 482-A:13, and RSA 482-A:14, provide for administrative fines, civil penalties, and/or criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. The Responsible Parties remain obligated to comply with all applicable requirements, in particular RSA 482-A and the Wetland Rules. DES will continue to monitor compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Hillsborough County Registry of Deeds so as to run with the land.



Robert R. Scott, Commissioner
Department of Environmental Services

cc: DES Legal Unit

ec: Public Information Officer, DES PIP Office
K. Allen Brooks, Chief, AGO-Environmental Protection Bureau
Hudson Select Board, Code Enforcement Officer, and Conservation Commission
Jay Aube, Wetlands Compliance Specialist, LRM/DES
Jeff Blecharczyk, Enforcement Supervisor, LRM/DES

Return to:
Tarbell & Brodich, P.A.
45 Centre Street
Hudson, NH 03301

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH
Southern Judicial District

SUPERIOR COURT

Town of Hudson

v.

Rene P. Joyal, Christopher W. Floyd, Jr., and Christine R. Floyd

Docket No. 226-2019-CV-00260

Final Order

The matter before the Court involves a Petition for Preliminary and Permanent Injunction to Enjoin Zoning Ordinance Violations brought by the Petitioner, Town of Hudson ("Hudson"), against the Respondents, Rene P. Joyal, Christopher W. Floyd, Jr., and Christine R. Floyd, owners of the property located at 78 Highland Street, Hudson, NH, which is further identified in reference to the Hudson Tax Maps as Map 175, Lot 019 ("Property"). The case was scheduled for a temporary hearing on May 14, 2019. By agreement of the parties, the Court hereby enters the following Final Order, and finds and rules as follows:

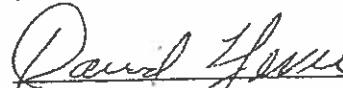
1. The Property is located in the Town Residence ("TR") Zoning District according to the Hudson Zoning Ordinance ("HZO").
2. The zoning violations complained of involve the parking of motor vehicles and trailers utilized in a business, First Choice Landscaping, LLC, as well as, storage of materials utilized in that business, contrary to HZO § 334-20, HZO § 334-21, HZO § 334-15, and the terms and conditions of a variance approved by the Hudson Zoning Board of Adjustment ("ZBA"), which was approved by the ZBA on June 25, 2009, and is recorded at the Hillsborough County Registry of Deeds at Book 8135, Page 1393.

Attachment "E"

3. Specifically, the commercial use of the Property in the TR Zone is expressly prohibited, except as provided by the variance granted by the ZBA. The variance only permits parking of four (4) business vehicles and one (1) business trailer, in the locations permitted by the variance. No storage of materials is permitted by the variance. The variance prohibits any expansion of the business or commercial use of the Property without further ZBA approval.
4. The Court hereby finds and rules that the Respondents have utilized the Property in violation of the HZO and the variance granted by the ZBA by allowing the parking and storage of seven (7) business vehicles, two (2) pieces of heavy equipment (backhoes), four (4) business trailers, and two (2) piles of materials utilized in the business.
5. The Respondents are hereby permanently enjoined from any future utilization of the Property in violation of the HZO and the June 25, 2009 variance granted by the ZBA. Any expansion of the commercial or business use of the Property is prohibited without the approval from the ZBA.
6. As of the date of this Final Order, the Respondents have complied with the foregoing permanent injunction.
7. Pursuant to RSA 676:17, I (b), the Respondents are subject to civil fines and penalties of \$275.00 per day for first offenses and \$550.00 per day for second offenses, for each day the zoning violations continued, commencing February 1, 2019, which is the date the Respondents first received notice of the potential civil fines and penalties. By agreement of the parties, the imposition of civil fines and penalties against the Respondents is to be withheld, provided that, the Respondents comply with this Final Order. In the event that the Respondents fail to comply with this Final Order, the Town of Hudson may bring the matter forward for a further hearing for purposes of assessment of civil fines and penalties.
8. Pursuant to RSA § 676:17, II, the Respondent is ordered to reimburse the Town's costs and legal fees incurred in this legal action in the amount of \$1,845.00. Respondent shall tender payment directly to the Town of Hudson..
9. This Final Order may be recorded at the Hillsborough County Registry of Deeds and shall constitute a lien against the Property until the judgment is paid in full.

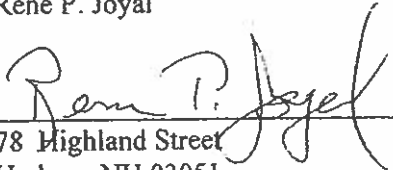
Dated: 5/14/19

Town of Hudson,
By and through its attorneys,
TARBELL & BRODICH, P.A.

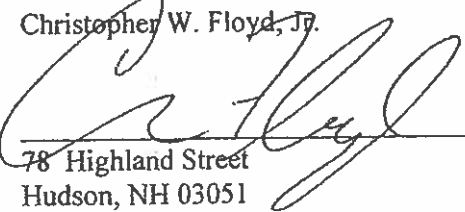


By: David E. LeFevre, Esq. BNH #13811
45 Centre Street
Concord, New Hampshire 03301
(603) 226-3900

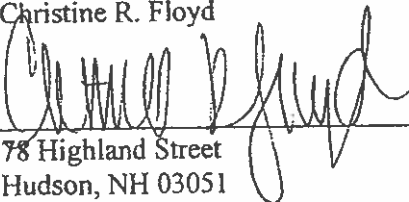
Dated: 5/13/19

Rene P. Joyal

78 Highland Street
Hudson, NH 03051

Dated: 5/13/19

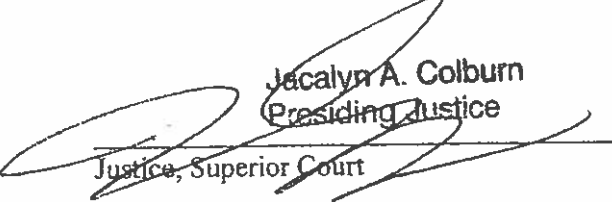
Christopher W. Floyd, Jr.

78 Highland Street
Hudson, NH 03051

Dated: 5/13/19

Christine R. Floyd

78 Highland Street
Hudson, NH 03051

So ordered.

Dated: 5/14/19


Jacalyn A. Colburn
Presiding Justice
Justice, Superior Court

Clerk's Notice of Decision
Document Sent to Parties
on 05/14/2019



TOWN OF HUDSON

Land Use Division



12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6008

**Notice of Violation of ZBA Approval for Use Variance
Cease and Desist**

May 18, 2020

Certified 7018 2290 0001 3001 3188
and USPS 1st class

Rene P. Joyal & Christopher W. Floyd
78 Highland Street
Hudson, NH 03051

c/o Christine Floyd

Re: **78 Highland Street** **Map 175 Lot 019-000**
District: Town Residence (TR)

Your property located at 78 Highland Street ("Property") is being used in violation of the Hudson Zoning Ordinance ("Zoning Ordinance") and the terms and conditions of a variance granted by the Hudson Zoning Board of Adjustment ("ZBA") on June 6, 2009, Case 175-019. Specifically, there is "expanded" use of the Property not allowed under the Zoning Ordinance, as the ZBA granted a limited use variance to permit the parking of four (4) business vehicles and the parking of one (1) business trailer, per the plans submitted and the representations made to the ZBA. The variance approved, requires that there be no expansion of that use without approval of the ZBA, that there be no landscaping material dumped on the property, and there be no outside storage of materials.

I find you in violation of the 2009 variance granted by the ZBA:

We have received numerous complaints that this property use has expanded to include snow removal operations as well as ongoing landscaping business. Snow removal is a type of "expansion" from the original approval that needs new and additional ZBA approval as required in the 2009 ZBA conditions of approval.

The original use variance was for the parking/storage of 4 (landscaping) vehicles and (1) 20'x 8-1/2' enclosed trailer w/equipment.

From the minutes "...requesting permission to park vehicles on the back portion of the property", There is no mention as to winter snow removal operations. The current use has expanded into a year round operation with snow removal operations occurring: meaning that trucks are leaving the property and coming back not on usual landscaper hours but any hours of the day/night. Furthermore the applicant testified in the minutes as to the equip being typical lawn care

Within thirty (30) days of receipt of this Order you may appeal this decision to the ZBA pursuant to Zoning Ordinance § 334-81.

equip/tools. Based on the facts above, the owner has expanded the use variance previously granted by the ZBA, and is now in violation of the stipulation granted requiring future and/or further ZBA approval for any expansion.

In addition to the expansion of use noted above, this property is also in violation(s) of the Town of Hudson Zoning Ordinance, specifically:

334-10 mixed or dual use on lot.

There is a residential use and a commercial use beyond what was permitted by variance, (was for parking, not operation of business).

334-21 Table of permitted uses.

A contractor's yard or landscaping business (E-10) is not a permitted use in the TR zone in which this lot is located.

334-13 junkyards prohibited; outdoor storage.

Outdoor storage of landscaping refuse has occurred on this lot (B-2).

334-15 Parking

There is parking in the front yard setback on this lot (A-3). In the rear of the lot, commercial vehicles are parked within the side yard setback (A-3). These parking areas are not paved (A-1).

334-16.1 Site plan approval

A new use has commenced on this lot without site plan approval from the Planning Board.

Article IX Wetland Conservation District:

334-34 Definitions

There is encroachment within the 50 foot wetland buffer on this lot.

334-35 Uses within Wetland Conservation District

Operation of a landscaping & snow removal business not a permitted use within the district.

334-35 Uses within Wetland Conservation District

The uses within the wetland buffer have not received Conditional Use Permit by the Planning Board.

334-35 Uses within Wetland Conservation District

Construction activity is expressly prohibited in wetlands and the district unless a Conditional Use permit has been issued by the Planning Board, construction activity has occurred in the wetland and wetland buffer.

334-38 Special Provisions.

The aggregate disturbance of wetland areas may be in excess of 1,000 sq ft, requiring compensatory wetland mitigation.

ORDER:

You are hereby ordered to cease and desist any and all illegal and unpermitted uses of the Property immediately.

You are required to show compliance with the 2009 ZBA use variance, and apply to the ZBA for change of use variances for the expanded use and to correct violations currently occurring on this property by **June 25, 2020**.

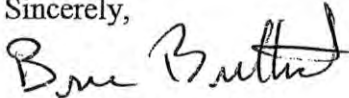
Within thirty (30) days of receipt of this Order you may appeal this decision to the ZBA pursuant to Zoning Ordinance § 334-81.

Attachment "F"

Please be aware that should you fail to comply with this Order, the Town could seek a Contempt of Court Order against you for violation of the Superior Court Final Order # 226-2019-CV-00260 issued May 14, 2019.

Furthermore, pursuant to RSA § 676:17, you shall be subject to civil fines and penalties of \$275.00 for the first offense, and \$550.00 for subsequent offenses, for each day that the violations continue, and reimbursement of the Town's costs and reasonable attorney's fees actually expended in pursuing legal action.

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encl: 6/25/09 ZBA Notice of Decision

cc: Public Folder

B. Groth – Town Planner

File

Within thirty (30) days of receipt of this Order you may appeal this decision to the ZBA pursuant to Zoning Ordinance § 334-81.

IS

For Registry of Deed use only:

Attachment "G"



Send recorded copy to:

TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT
12 School Street, Hudson, New Hampshire 03051

NOTICE OF DECISION

Map 175, Lot 019-000, Zone TR (Town Residence), Case # 175-019

ZBA Decision 9/24/2020

Appeal from 5/18/2020 Administrative Decision - DENIED

Property Owners Name & Address: Rene P. Joyal and Christopher W. Floyd, Jr.
78 Highland Street, Hudson, NH 03051

Legal Representative: Joshua P. Lanzetta, Esq., Bruton & Berube, PLLC,
601 Central Avenue, Dover NH 03820

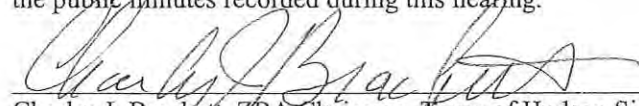
Property Location: **78 Highland Street, Hudson, NH 03051**

Relief sought: Appeal from An Administrative Decision of a Notice of Violation and Cease & Desist Order dated May 18, 2020 citing violation of the 2009 variance granted by the ZBA and 10 specific violations of the Hudson Zoning Ordinance.

Zoning Ordinance Article: XV, Enforcement and Miscellaneous Provisions, §334-81, Appeals

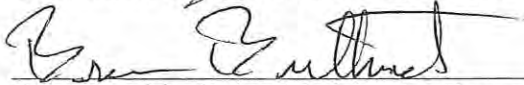
Relief denied: After considering the applicant's testimony, review of aerial views of the site and the facts presented, site walk observations and public testimony, motion made, seconded and unanimously voted 5:0 to: (1) uphold the Zoning Administrator's Decision of 5/18/2020 because at the time violations existed; (2) to defer review of the wetlands violations until the issues have been resolved with NH DES (Department of Environmental Services); and (3) in consideration of the efforts made to return to compliance, will not fine for past notices of violations.

NOTE: All representations of fact or intention made during testimony and deliberation shall be considered factors of this denial. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.



Charles J. Brackett, ZBA Chairman, Town of Hudson Signature

10-19-20
Date



Bruce Buttrick, Zoning Administrator, Town of Hudson Signature

10-19-20
Date



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

17 August 2021

New Hampshire Department of Environmental Services
Jeffrey Blecharzyk, Compliance Supervisor, Wetlands Bureau
Land Resource Management Program
PO Box 95
Concord, NH 03302-0095

Re: Wetland Restoration Plan Report
NH DES Wetlands Bureau File # 2017-01662
NH DES Administrative Order # 18-011
Tax Map 175, Lot 19
78 Highland Street
Hudson, NH 03051

Dear Jeffrey,

This letter transmits a Restoration Plan for restoration activities on the above referenced property. A wetland delineation was completed on February 24, 2021 by Steven D. Riker, CWS and a copy of the Wetland Delineation report is also attached to this letter for your use. The attached Restoration Plan was prepared in response to a NH DES Administrative Order dated June 22, 2018.

The violation area is located near the base of a steep slope located northerly of the existing structures on the property. The dominant wetland system in the violation area is a palustrine forested broad leaved deciduous wetland that is seasonally flooded and or saturated (PFO1E). In my opinion, the wetland area that has been filled likely contained poorly drained soils. The subject area was filled/graded to create a usable area located "up gradient" to make the property more useful to the owner.

Ambit Engineering, Inc. survey located key features on the property which are depicted on the attached Existing Conditions Plan. The Existing Conditions Plan was also utilized to generate the attached Restoration Plan.

The enclosed restoration plan details the specific restoration activities for the property. The plan includes a restoration sequence to remove the fill and specification for a seed mix that is suitable for the site.

Ambit Engineering, Inc. proposes the following restoration activities as detailed on the attached plan:

- Install silt soxx as depicted on the Restoration Plan prior to any work in the restoration area. Silt soxx will remain in place until the restoration is complete, all exposed soils are stabilized, and permission is granted by NH DES to remove them.
- Remove all fill/spoils within the wetland restoration area to the limit of original hydric soils and return natural soil to pre-existing grade.

Attachment "H"

- Spread a suitable loam a minimum depth of 3 inches over the entire restoration area. Scarify loam to promote germination of seed mix and to promote vegetative growth.
- Spread seed mix over entire restoration area as noted on the Restoration Plan.
- Spread a weed free straw/hay mulch over seeded area to prevent erosion.

The site will be monitored by Ambit Engineering, Inc. during the restoration work and during the required monitoring period. An initial monitoring report will be submitted to NH DES upon completion of the restoration which will include a photo log documenting the restoration activities. In addition, monitoring reports will be submitted at the end of successive growing seasons to document the success of the restoration, address any invasive species and to address any changes or alterations to be made to the restoration plan.

Please feel free to contact me if you have any questions.

Respectfully submitted,



Steven D. Riker, CWS
NH Certified Wetland Scientist/Permitting Specialist
Ambit Engineering, Inc.

Cc: Christopher & Christine Floyd-Property Owners
Joshua Lanzetta, Esq.-Bruton & Berube, PLLC.
William Collins, Chair-Hudson Conservation Commission



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

Attachment "I"



RESTORATION PLAN APPROVAL

September 03, 2021

First Choice Landscaping LLC
78 Highland St
Hudson NH 03051

Rene P Joyal
78 Highland St
Hudson NH 03051

Christopher W Floyd
78 Highland St
Hudson NH 03051

RE: Land Resources Management File #2017-01662, 78 Highland Street, Hudson, Tax Map 175/Lot # 19

Dear Gentlemen:

On August 19, 2021, the New Hampshire Department of Environmental Services (NHDES) Land Resources Management Program received a proposed site restoration plan (Restoration Plan) for the above-referenced property (Property). The Restoration Plan was in response to enforcement actions taken by NHDES. NHDES hereby approves the Restoration Plan as submitted, subject to the following specific conditions. If there is a conflict between the Restoration Plan and this Restoration Plan Approval, this Restoration Plan Approval will control.

1. **By October 22, 2021**, approximately 4,300 square feet of wetlands shall be restored and/or created, constructed, monitored and managed in accordance with the Restoration Plan and all project descriptive details submitted to NHDES on August 19, 2021 by Ambit Engineering, Inc.
2. The restoration shall be conducted according to the Restoration Plan and as conditioned by this Restoration Plan Approval. Any changes or alterations to the Restoration Plan must be requested in writing and approved by NHDES in writing prior to implementing any such changes or alterations.
3. All persons involved in restoration activities on the Property shall have read and become familiar with the provisions of the Restoration Plan and this Restoration Plan Approval prior to beginning restoration work on the Property. A copy of the Restoration Plan and this Restoration Plan Approval shall be kept posted at the Property during the time restoration work continues on the Property.
4. A qualified environmental consultant shall supervise the restoration activities on the Property to ensure that

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588
TDD Access: Relay NH 1 (800) 735-2964

Attachment "I"

Land Resources Management File #2017-01662

Restoration Plan Approval

September 3, 2021

Page 2 of 3

the restoration is accomplished pursuant to this Restoration Plan Approval.

5. Siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. All steps shall be taken during the restoration necessary to ensure that no water quality violations occur on the Property.
7. Within three days following the last activity in the restoration area or where restoration activities are suspended for more than three days, all soils exposed by restoration activities shall be stabilized by seeding and mulching.
8. No machinery shall be used within undisturbed NHDES jurisdictional areas on the Property during the restoration
9. All material removed during restoration activities shall be placed out of NHDES's jurisdiction.
10. All material removed during restoration activities shall be removed down to the level of the original hydric soils.
11. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) or other invasive species shall not be used in the wetland restoration site.
12. Invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and Common Reed (*Phragmites spp.*) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
13. All wetlands restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or the areas shall be replanted until a functional wetland is established to the satisfaction of NHDES
14. There shall be no substitutions made for the plant species specified on the approved plan for replanting purposes without prior written approval from NHDES.
15. The qualified environmental consultant shall inspect the restoration areas, and submit an initial monitoring report with photographs to NHDES by November 19, 2021. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.
16. Subsequent monitoring reports shall be submitted to NHDES by **September 15, 2022** and **September 15, 2023** to document the success of the restoration and outline a schedule for remedial actions if necessary. Such reports shall be submitted to NHDES with photographs demonstrating the conditions on the restoration site, include any necessary remedial actions, and contain a schedule for completing the remedial actions and conducting follow up inspections.

Attachment "I"

Land Resources Management File #2017-01662
Restoration Plan Approval
September 3, 2021
Page 3 of 3

17. Remedial actions may include, but are not limited to replanting, relocation of plantings, removal of invasive species, altering the soil composition or depths, deconsolidation of soils due to compaction, altering the elevation of the wetland surface, or changing the hydraulic regime.

18. This Restoration Plan Approval does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.

19. This Restoration Plan Approval does not relieve the owner from the obligation to obtain other local, state or federal permits that may be required.

20. Transfer of ownership of the Property shall require notification to NHDES and an agreement on transfer of the rights and obligations of this Restoration Plan Approval, if required, prior to such transfer of ownership.

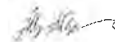
NHDES personnel may conduct another inspection at a later date to determine compliance with the provisions of the approved restoration plan and all other applicable NHDES statutes and rules.

Following completion of the restoration work, monitoring reports should reference NHDES File Number 2017-01662, and should be addressed as follows:

Jeffrey Blecharczyk, Compliance Supervisor, Wetlands Bureau
Department of Environmental Services
Land Resource Management Program
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

If you have any questions concerning the contents of this Restoration Plan Approval letter, please contact me at Jeffrey.Blecharczyk@des.nh.gov or (603) 271-4061

Sincerely,



Jeffrey Blecharczyk
Compliance Supervisor, Wetlands Bureau
Land Resource Management Program

cc: Hudson Conservation Commission
Hudson Board of Selectmen
Ambit Engineering Inc.

cc: Heather Neville, NHDOJ

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH
Southern Judicial District

SUPERIOR COURT

Town of Hudson

v.

Rene P. Joyal,
Christopher W. Floyd, Jr. and
Christine R. Floyd

Docket No. 226-2022-CV-00201

Final Decree

The matter before the Court involves a Petition for Permanent Injunction to Enjoin Zoning Ordinance Violations brought by the Petitioner, Town of Hudson ("Hudson"), against the Respondents, Rene P. Joyal, Christopher W. Floyd, Jr., and Christine R. Floyd ("Respondents"), owners of the property located at 78 Highland Street, Hudson, NH, and further described in reference to the Hudson Tax Maps as Map 175, Lot 019 ("Property"). The Court issued a Notice of Default on July 11, 2022, due to the Respondents failure to file an appearance and answer. Pursuant to Sup. Ct. R. 42, the Court hereby enters the following Final Decree:

The property in question is identified as 78 Highland Street, Hudson, New Hampshire 03051, which is also described as Hudson Tax Map 175, Lot 019 ("Property"). The Property is owned by the Respondents. The Property is located within the Town Residence ("TR") and Wetland Conservation Overlay ("WC") Zoning Districts according to the Hudson Zoning Ordinance ("HZO"). The principal use of the Property is a single-family residence.

HZO § 334-20 provides that "[a]ny uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited." According to HZO § 334-21 and

the Table of Permitted Principal Uses, with limited exception, commercial and industrial land uses are not permitted in the TR Zoning District in which the Property is located. Among the land uses not permitted in the TR Zoning District are landscaping businesses. Per HZO § 334-16, building permits are required for the erection, alteration or movement of any building or structure. According to the Town's Driveway Regulations, the construction and alteration of a driveway requires a Driveway Permit. HTC § 193-4.

The WC Zoning District includes the areas of delineated wetlands, as well as, a 50-foot buffer around the wetlands. *See* HZO § 334-35, A. With limited exception, most land uses within the WC District are prohibited without a conditional use permit granted by the Planning Board. *See generally* HZO § 334-35. Uses which alter the natural surface configuration by re-contouring or grading of the land are not permitted in the WC District without a conditional use permit granted by the Planning Board. *Id.*

On June 25, 2009, the ZBA approved a variance for the Property to permit a mixed residential use with the parking of park four (4) business vehicles and one (1) business trailer, as related to the Respondents' business, First Choice Landscaping, LLC *See* Decision to Grant a Use Variance recorded at the Hillsborough County Registry of Deeds on September 18, 2019, at Book 8135, Page 1393. The mixed use permitted by the variance consisted of the existing residential use and the "parking of four business vehicles and one trailer only." *Id.* According to the ZBA's variance approval, "any expansion of that use would have to come back before the Zoning Board of Adjustment," "[n]o landscape material is to be dumped on this property," and there was to be "[n]o outdoor storage of landscaping materials." *Id.*

The Petitioner previously obtained a judgment in this Court against the Respondents for violations of the HZO at the same Property. *See Town of Hudson v. Rene Joyal et al.*, Docket No. 226-2019-CV-00260. The Court has granted partial summary judgment against the Respondents for violating RSA § 482-A:3 at the same Property. *See State of New Hampshire DES v. First Choice Landscaping, LLC et al.*, Docket No. 226-2020-CV-00156.

The Respondents have regraded and filled the area of the wetland buffer on the Property without a conditional use permit. The Respondents have modified and expanded the driveway without a driveway permit. The Respondents have constructed/relocated an approximate 530 square-foot structure on the Property without a building permit. The Respondents activities, above, are in furtherance of the expansion of the commercial use of the Property, contrary to the HZO, the variance granted by the ZBA, without additional approval from the ZBA, and in violation of this Court's Order in *Town of Hudson v. Rene Joyal et al.*, Docket No. 226-2019-CV-00260.

By letter dated November 1, 2021, Bruce Buttrick, Hudson's Zoning Administrator and Code Enforcement Officer, notified the Respondents of the foregoing, and ordered the Respondents to cease and desist the illegal use of the Property and bring the Property into compliance with the HZO and the terms and conditions of the variance approved by the ZBA. The Respondents were notified that the failure to bring the Property into compliance with the HZO would result in the imposition of civil fines and penalties in the amount of up to \$275.00 per day for first offenses, and \$550.00 per day for subsequent offenses, for each day the violation

continued, plus attorney fees and costs incurred in enforcing the HZO. The Respondents were further notified that they could appeal the cease-and-desist order to the Hudson Zoning Board of Adjustment. The Respondents never appealed the cease-and-desist order to the ZBA.

The Court hereby finds that the Respondents have violated the HZO, Hudson's Driveway Regulations, the terms and conditions of the variance granted by the ZBA, and this Court's Order in *Town of Hudson v. Rene Joyal et al.* for the reasons set forth above.

The Respondents are ordered to remediate and restore the areas of disturbed wetlands and the associated buffer pursuant to and in accordance with a plan approved by the Hudson Planning Board, said plan to be reviewed and processed by the Planning Board utilizing the conditional use permit process. The Respondents shall file a complete application with the Planning Board within 90 days of this Order.

The Respondents are further ordered to remove the additional driveway and the 530 square foot structure, or in the alternative, obtain from the Town the necessary permits and approvals to retain the driveway and structure. The additional driveway and 530 square foot structure shall be removed from the property within 180 days of this Order unless the Respondents have obtained the necessary permits and approvals, including, without limitation, driveway permits, building permits, variances, and waivers.

Pursuant to RSA 676:17, I (b), the Respondents are subject to civil fines and penalties of \$275.00 per day for first offenses and \$550.00 per day for second offenses, for each day the zoning violations continued, commencing November 1, 2021, which is the date the Respondents first received notice of the potential civil fines and penalties. Based on all of the facts and circumstances, the Court finds that an award of civil fines and penalties is appropriate, and assesses civil fines and penalties in the amount of \$5,000.00. Pursuant to RSA § 676:17, II, the Respondent is ordered to reimburse the Town's costs and legal fees incurred in this legal action in the amount of \$1,642.50. Respondent shall tender payment directly to the Town of Hudson.

This Final Decree may be recorded at the Hillsborough County Registry of Deeds and shall constitute a lien against the Property until the judgment is paid in full.

So Ordered.

Dated: August 9, 2022



Honorable Charles S. Temple

August 9, 2022

Justice, Superior Court

**Clerk's Notice of Decision
Document Sent to Parties
on 08/09/2022**

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH
Southern Judicial District

SUPERIOR COURT

Town of Hudson

v.

Rene P. Joyal,
Christopher W. Floyd, Jr. and
Christine R. Floyd

Docket No. 226-2022-CV-00201

Contempt Order

The Court entered a Final Decree on August 9, 2022 (Clerk's Notice of Decision dated August 9, 2022). As set forth in the Final Decree, the Defendants have utilized their property located at 78 Highland Street, Hudson, New Hampshire ("Property"), in violation of the Hudson Zoning Ordinance, Hudson Driveway Regulations, the terms and conditions of a past variance granted by the Hudson ZBA, and a prior order of this Court in the matter of *Town of Hudson v. Rene Joyal et al.*, docket no. 226-2019-CV-00260.

The Defendants were ordered to remediate and restore certain areas of disturbed wetlands and the associated wetland buffer pursuant to and in accordance with a plan approved by the Hudson Planning Board, said plan to be reviewed and processed by the Planning Board utilizing the conditional use permit process. The Defendants were ordered to file a complete application with the Planning Board within 90 days of the Final Decree, which deadline was November 7, 2022.

The Defendants were further ordered to remove an additional driveway and a 530 square foot structure, or in the alternative, obtain from the Town the necessary permits and approvals to retain the driveway and structure. The additional driveway and structure were either to be removed from the property, or properly permitted, within 180 days of the Final Decree, which deadline was February 5, 2023.

The Defendants were further ordered to pay \$5,000.00 in civil fines and penalties and ordered to reimburse the Town's costs and legal fees in the amount of \$1,642.50.

The Town filed a Motion for Contempt, alleging that the Defendants had failed to comply with any part of the Final Decree.

A hearing was held on April 6, 2023. The Town appeared with legal counsel and the Town's Code Enforcement Officer, Bruce Buttrick. The Defendants Christine R. Floyd and Rene R. Floyd appeared with counsel. The Defendant Christopher W. Floyd, Jr. appeared *pro se*. The Court reserved ruling on the Motion for Contempt and scheduled a further hearing for May 11, 2023.

Attachment: "K"

On May 11, 2023, the parties appeared, as above. Based on the representation of counsel for the Town, subsequent to the hearing on April 6, 2023, the Defendants were advised as to the necessary permits that were required and were provided with links to the Town's website where the applications forms could be found. Bruce Buttrick further made himself available as needed to help with the application process. However, as of May 11, 2023, no applications have been filed relative to the wetlands, adjacent buffer, second driveway, or 530 square foot structure. Nor has payment to the Town been tendered.

Based on the foregoing, the Court hereby finds that the Defendants are in contempt of the Court's Final Decree of August 9, 2022.

The Defendants are hereby Ordered to submit all of the necessary applications to the Town by June 11, 2023. In lieu of submitting the applications for the second driveway and the 530 square foot structure, the Defendants may remove the driveway and structure by June 11, 2023.

The Court hereby prospectively imposes daily monetary contempt sanctions in the amount of \$275.00 per day for each day after June 11, 2023, that the Defendants fail to submit the necessary applications.¹ In the event that the Defendants decide to remove the driveway and 530 square foot structure in lieu of submitting the necessary applications, the contempt sanctions will be imposed for each day the driveway and structure remain on the Property after June 11, 2023.

The Clerk shall schedule this matter for a Review Hearing as soon as practicable as the Court's calendar permits after June 11, 2023. In the event that the Defendants are not in compliance with the Final Decree and this Contempt Order by the time of the Review Hearing, the Court may impose additional contempt sanctions as the Court may deem appropriate to compel compliance, including incarceration.

So Ordered.

Dated: May 18, 2023



Honorable Charles S. Temple

May 18, 2023

Justice, Superior Court

The processing of these applications is subject to the procedures and hearing schedule of the planning board. Any necessary extensions for compliance with the Final Decree and this Contempt Order based on the Planning Board's application/ hearings process will be granted by the Court.

Clerk's Notice of Decision
Document Sent to Parties
on 05/18/2023

¹ In accordance with RSA § 676:17, I (b), the Defendants are subject to civil fines and penalties up to \$275.00 per day for first offenses and \$550.00 per day for second offenses, for each day the violations continue. The Court concludes that a contempt sanction in the statutory amount is reasonable.



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 Application Approval

Date: December 11, 2023

Application: Floyd Wetland Restoration
78 Highland Street
Map 175, Lot 019

Description of work to be performed: The proposed project entails removing 4,300 square feet of fill from the NHDES jurisdictional wetlands and restoring 7,848 square feet of town regulated wetland buffer at the back of the property.

Members Present: Carl Murphy, Ken Dickinson, William Collins, Sandra Rumbaugh

Conservation Members Stepping Down: None

Alternates Seated: None

Commission member Ken Dickinson moved to Recommend approval of the Conditional Use Application filed on behalf of Rene P. Joyal and Christopher W. Floyd by representatives of Ambit Engineering Inc. for the purpose of restoring 4,300 square feet of wetlands and 7,848 square feet of wetland buffer along the back of the property located at 78 Highland Street map 175, Lot 019 with the following stipulations as noted below.

1. The applicant shall abide by and follow the scope of work approved by the NHDES Restoration Plan, including all stipulation imposed by said plan dated September 03, 2021. Reference NHDES Land Resource Management File #2017-01662, 78 Highland Street, Hudson, Tax Map 175/Lot#19
2. During Construction and restoration erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer.
3. Furthermore, due to the limited onsite storage potential the Conservation Commission recommends that the dredge materials removed from the wetlands be moved offsite to an appropriate disposal site.
4. Install approved "Do not cut/Do not disturb town conservation markers along the conservation districts boundaries.

5. Follow restoration efforts and planting schedule shown on revised Wetland Restoration Plan C3, revision date 11/29/23

Second By: Carl Murphy

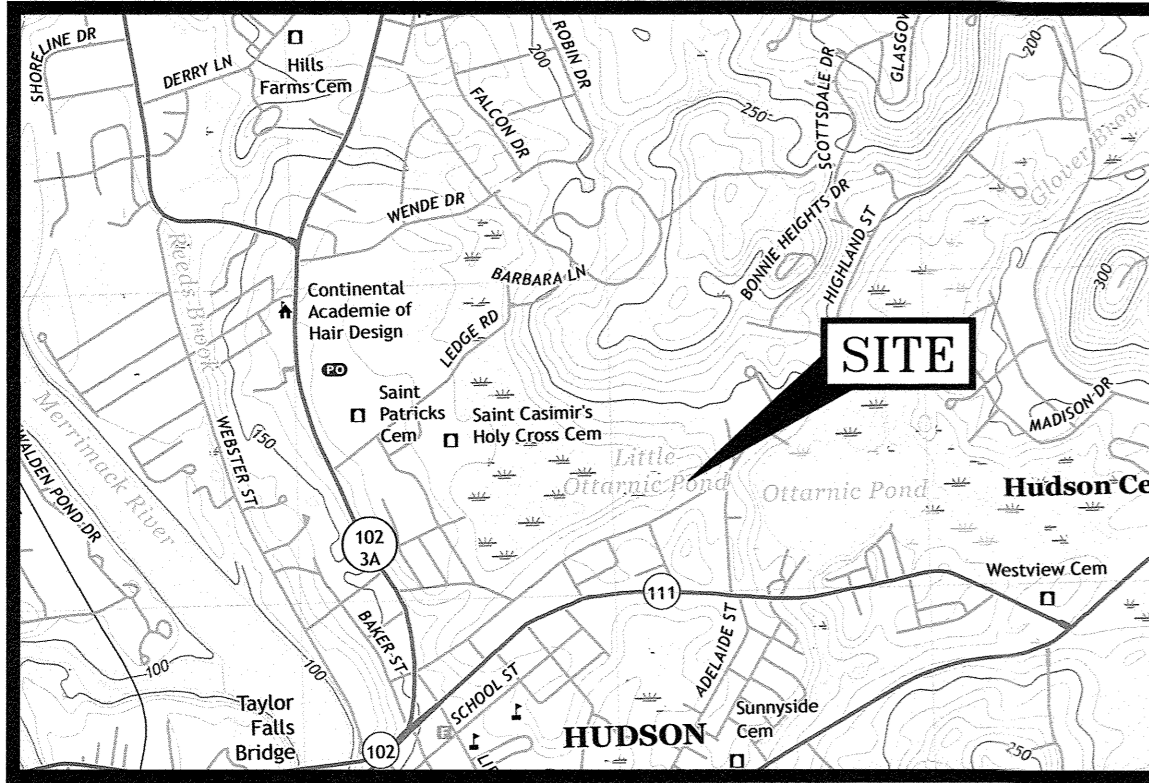
Vote: Favorable: 4 Unfavorable: 0 Abstaining: 0

Dissent Reason(s): (see below) **n/a**

William G Collins

William Collins, Chairman

Reason for an unfavorable decision:



LOCATION MAP SCALE: 1" = 2000'

LEGEND

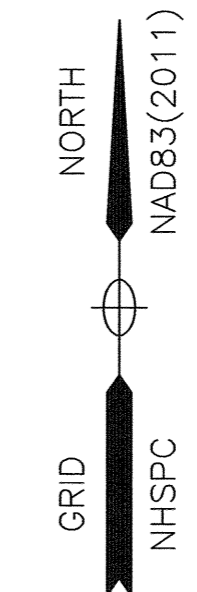
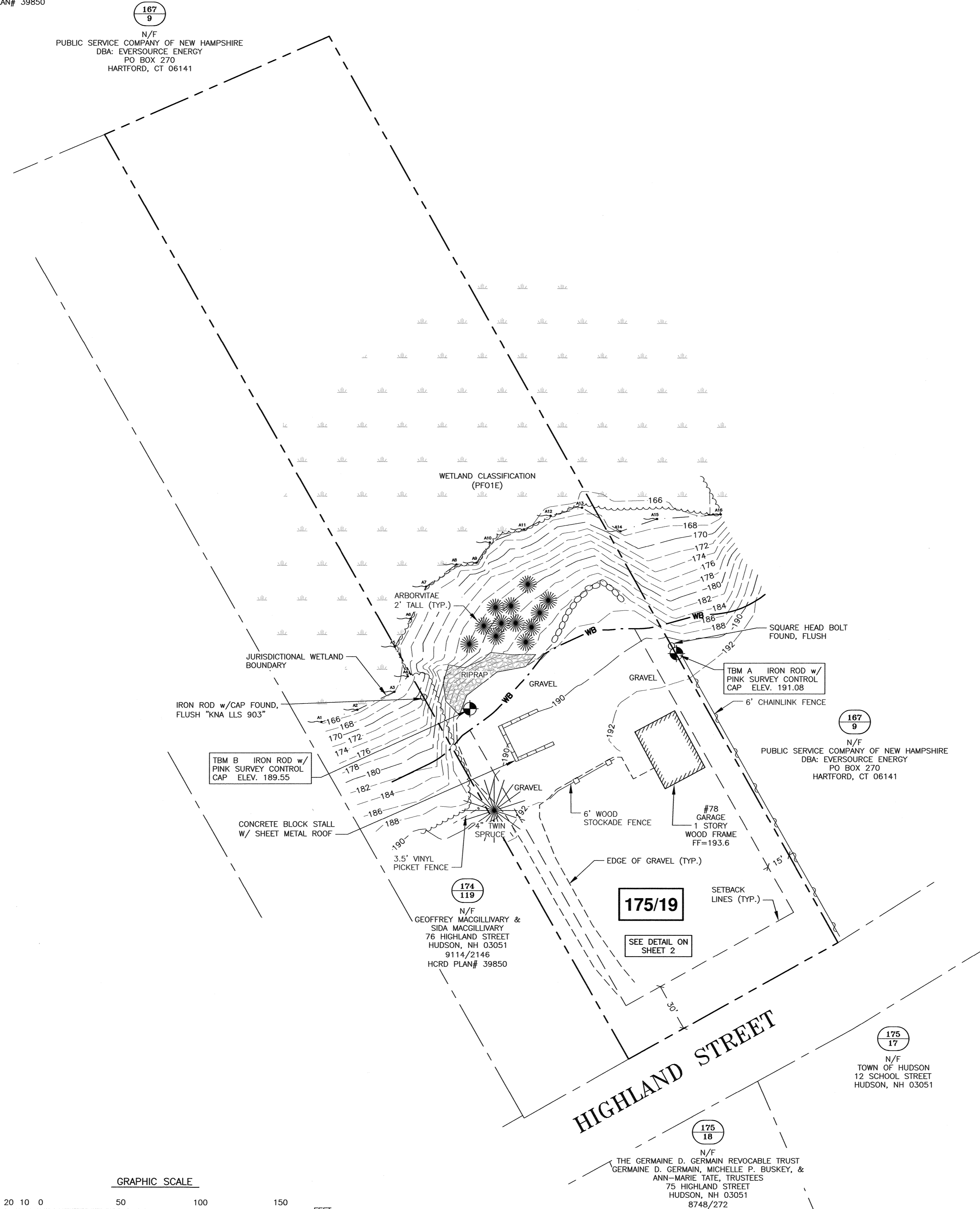
EXISTING	DESCRIPTION
(124/21)	MAP 124 / LOT 21
N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
HCRD	HILLSBOROUGH COUNTY REGISTRY OF DEEDS
---	BOUNDARY LINE
- - - -	SETBACK LINE
○ IR FND	IRON ROD FOUND / SET
○ IP FND	IRON PIPE FOUND / SET
⊙ DH FND	DRILL HOLE FOUND / SET
□ BND w/ DH	BOUND w/ DRILL HOLE
---100---	CONTOUR LINE
97x3	SPOT ELEVATION
---	EDGE OF PAVEMENT
---	WOODS / TREE LINE
○-○-○	UTILITY POLE (w/ GUY) (w/ LIGHT)
○	LIGHT POLE
A-B	EDGE OF WETLAND FLAGGING
	SWAMP / MARSH
TBM	TEMPORARY BENCHMARK
TYP.	TYPICAL

WETLAND NOTES:

- WETLAND LINE DELINEATED BY STEVEN D. RIKER, CWS ON 02/24/21 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL. TECHNICAL REPORT Y-87-1 (JAN. 1987). AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
 - FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.2, USDA-NRCS, 2018 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEWPCC WETLANDS WORK GROUP (2019).
 - NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1). USFWS (MAY 1988).
 - CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFW MANUAL FWS/OBS-79/31 (1997).
 - "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.

PLAN REFERENCES:

1) RESIDENTIAL SUBDIVISION PLAN, HIGHLAND STREET SUBDIVISION, MAP 174 LOT 119, 76 HIGHLAND STREET, HUDSON, NEW HAMPSHIRE, HILLSBOROUGH COUNTY, PREPARED BY KEACH-NORDSTROM ASSOCIATES, INC. DATED MAY 25, 2018, HCRD PLAN# 39850



WWW.HALEYWARD.COM

200 Griffin Road, Unit 3
Portsmouth, NH 03801
603.430.9282

NOTES:

- PARCEL IS SHOWN ON THE TOWN OF HUDSON ASSESSOR'S MAP 175 AS LOT 19.
- OWNERS OF RECORD:
CHRISTINE FLOYD
78 HIGHLAND STREET
HUDSON, NH 03051
7758/2612
- PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33011C0518D. EFFECTIVE 9/25/2009.
- EXISTING LOT AREA:
1.948 ACRES (PER TOWN ASSESSING RECORDS)
- PARCEL IS LOCATED IN TOWN RESIDENTIAL (TR) DISTRICT AND WETLANDS CONSERVATION DISTRICT.
- DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 10,000 S.F.
FRONTAGE: 90 FEET
SETBACKS: FRONT 30 FEET
SIDE 15 FEET
REAR 15 FEET

MAXIMUM STRUCTURE HEIGHT: 38 FEET
- THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITION ON A PORTION OF ASSESSOR'S MAP 175 LOT 19 IN THE TOWN OF HUDSON.
- VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.

FLOYD RESIDENCE
78 HIGHLAND STREET
HUDSON, N.H.

NO.	DESCRIPTION	DATE
1	ADD PROPOSED SETBACKS, SCALE	10/12/23
0	ISSUED FOR COMMENT	3/4/21

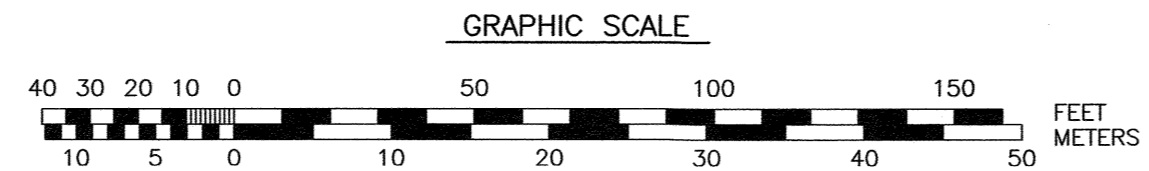
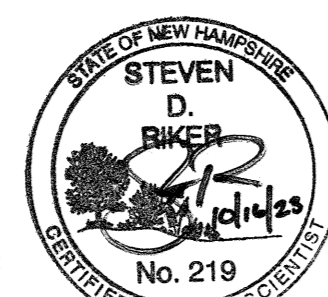
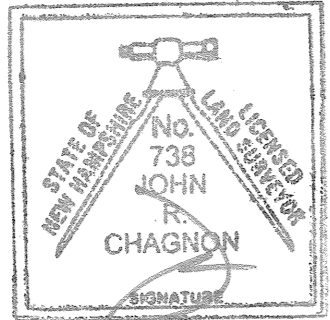
REVISIONS		

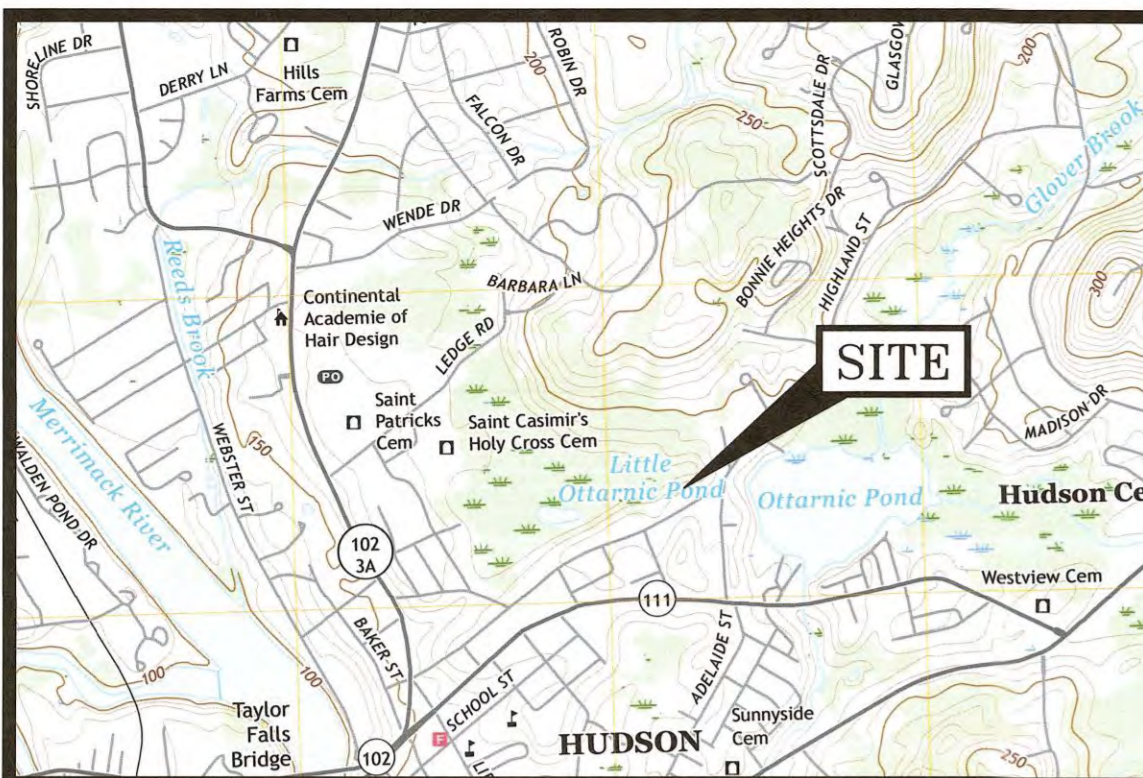
SCALE: 1" = 40' MARCH 2021

EXISTING CONDITIONS PLAN **C1**

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

[Signature] 10.12.23
JOHN R. CHAGNON, LLS #738 DATE





LOCATION MAP SCALE: 1" = 2000'

LEGEND

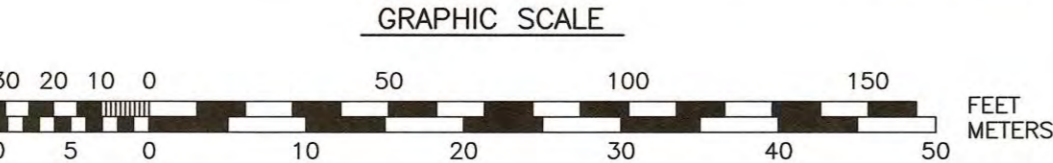
EXISTING	DESCRIPTION
	MAP 124 / LOT 21
N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
HCRD	HILLSBOROUGH COUNTY REGISTRY OF DEEDS
---	BOUNDARY LINE
- - - -	SETBACK LINE
○ IR FND	IRON ROD FOUND / SET
○ IP FND	IRON PIPE FOUND / SET
○ DH FND	DRILL HOLE FOUND / SET
□ BND w/ DH	BOUND w/ DRILL HOLE
100	CONTOUR LINE
97x3	SPOT ELEVATION
---	EDGE OF PAVEMENT
---	WOODS / TREE LINE
○-○-○	UTILITY POLE (w/ GUY) (w/ LIGHT)
○	LIGHT POLE
A-B	EDGE OF WETLAND FLAGGING
---	SWAMP / MARSH
TBM	TEMPORARY BENCHMARK
TYP.	TYPICAL

WETLAND NOTES:

- WETLAND LINE DELINEATED BY STEVEN D. RIKER, CWS ON 02/24/21 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN. 1987), AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
 - FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.2, USDA-NRCS, 2018 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEWPCC WETLANDS WORK GROUP (2019).
 - NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1). USFWS (MAY 1988).
 - CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFWS MANUAL FWS/OBS-79/31 (1997).
 - "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

John R. Chagnon
 JOHN R. CHAGNON, LLS #738 DATE 10.12.23



AMBIT ENGINEERING, INC.
 A DIVISION OF HALEY WARD, INC.

200 Griffin Road, Unit 3
 Portsmouth, NH 03801
 603.430.9282

WWW.HALEYWARD.COM

- NOTES:**
- PARCEL IS SHOWN ON THE TOWN OF HUDSON ASSESSOR'S MAP 175 AS LOT 19.
 - OWNERS OF RECORD:
 CHRISTINE FLOYD
 78 HIGHLAND STREET
 HUDSON, NH 03051
 7758/2612
 - PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33011C0518D, EFFECTIVE 9/25/2009.
 - EXISTING LOT AREA:
 1.948 ACRES (PER TOWN ASSESSING RECORDS)
 - PARCEL IS LOCATED IN TOWN RESIDENTIAL (TR) DISTRICT AND WETLANDS CONSERVATION DISTRICT.
 - DIMENSIONAL REQUIREMENTS:
 MIN. LOT AREA: 10,000 S.F.
 FRONTAGE: 90 FEET
 SETBACKS: FRONT 30 FEET
 SIDE 15 FEET
 REAR 15 FEET
 MAXIMUM STRUCTURE HEIGHT: 38 FEET
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITION ON A PORTION OF ASSESSOR'S MAP 175 LOT 19 IN THE TOWN OF HUDSON.
 - VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.

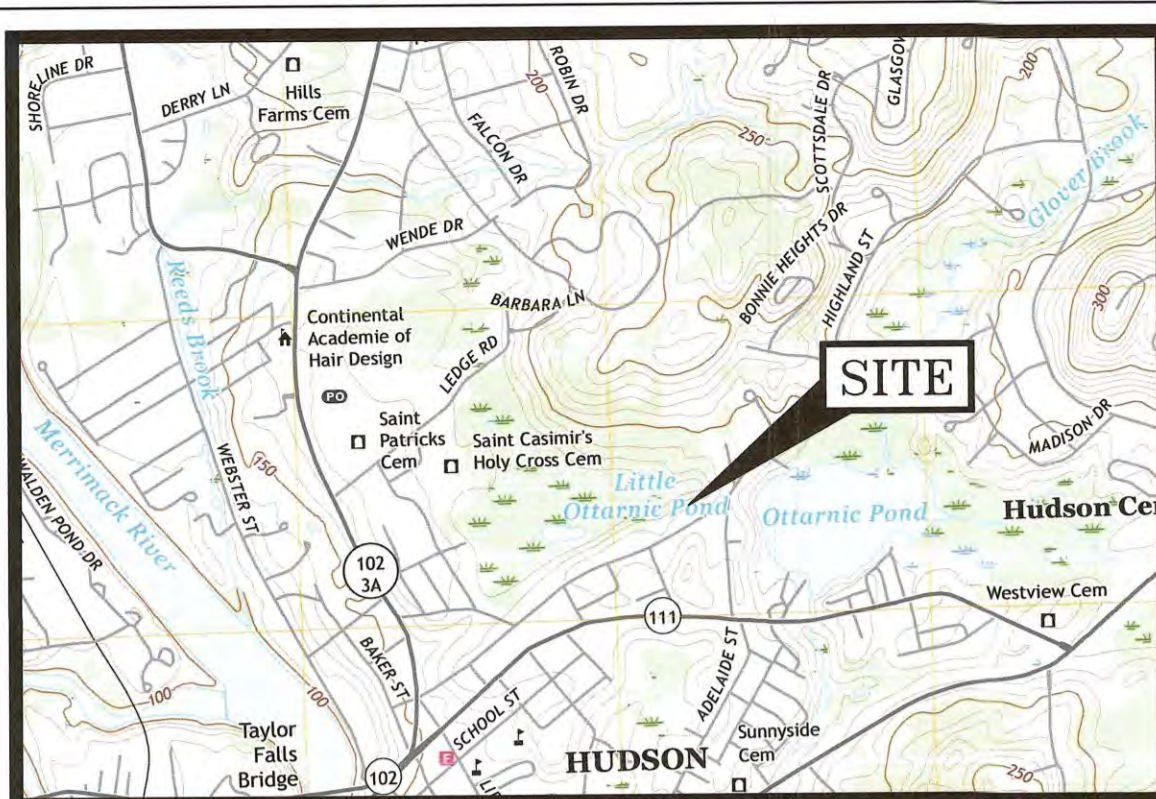
FLOYD RESIDENCE
78 HIGHLAND STREET
HUDSON, N.H.

NO.	DESCRIPTION	DATE
1	ADD PROPOSED SETBACKS, AERIAL PHOTO	10/12/23
0	ISSUED FOR COMMENT	3/4/21

REVISIONS

SCALE: 1" = 40' MARCH 2021

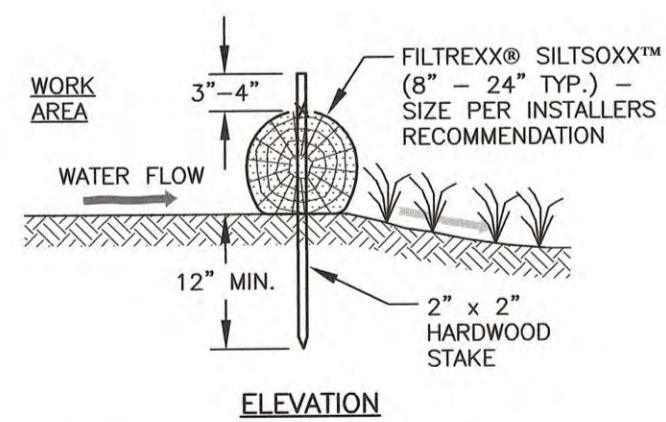
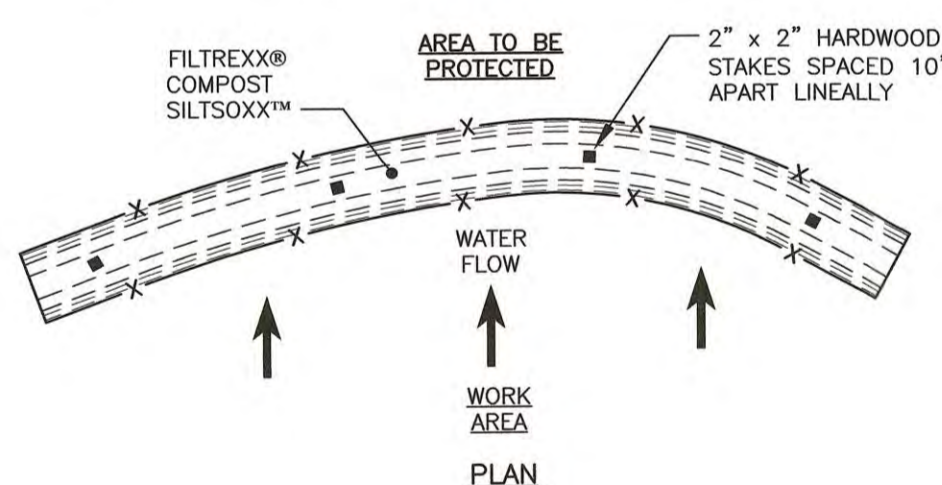
EXISTING CONDITIONS AERIAL PLAN **C2**



LOCATION MAP SCALE: 1" = 2000'

LEGEND

EXISTING	DESCRIPTION
124/21	MAP 124 / LOT 21
N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
HCRD	HILLSBOROUGH COUNTY REGISTRY OF DEEDS
---	BOUNDARY LINE
---	SETBACK LINE
○ IR FND	IRON ROD FOUND / SET
○ IP FND	IRON PIPE FOUND / SET
○ DH FND	DRILL HOLE FOUND / SET
□ BND w/ DH	BOUND w/ DRILL HOLE
100	CONTOUR LINE
97x3	SPOT ELEVATION
---	EDGE OF PAVEMENT
---	WOODS / TREE LINE
○ ○ ○	UTILITY POLE (w/ GUY) (w/ LIGHT)
○	LIGHT POLE
A-B	EDGE OF WETLAND FLAGGING
sw	SWAMP / MARSH
TBM	TEMPORARY BENCHMARK
TYP.	TYPICAL



- NOTES:**
- ALL MATERIAL TO MEET FILTREXX SPECIFICATIONS.
 - FILTREXX SYSTEM SHALL BE INSTALLED BY A CERTIFIED FILTREXX INSTALLER.
 - THE CONTRACTOR SHALL MAINTAIN THE COMPOST FILTRATION SYSTEM IN A FUNCTIONAL CONDITION AT ALL TIMES. IT WILL BE ROUTINELY INSPECTED AND REPAIRED WHEN REQUIRED.
 - SILTSOXX DEPICTED IS FOR MINIMUM SLOPES, GREATER SLOPES MAY REQUIRE ADDITIONAL PLACEMENTS.
 - THE COMPOST FILTER MATERIAL WILL BE DISPERSED ON SITE WHEN NO LONGER REQUIRED, AS DETERMINED BY THE ENGINEER.

A C3 FILTREXX® SILTSOXX™ FILTRATION SYSTEM

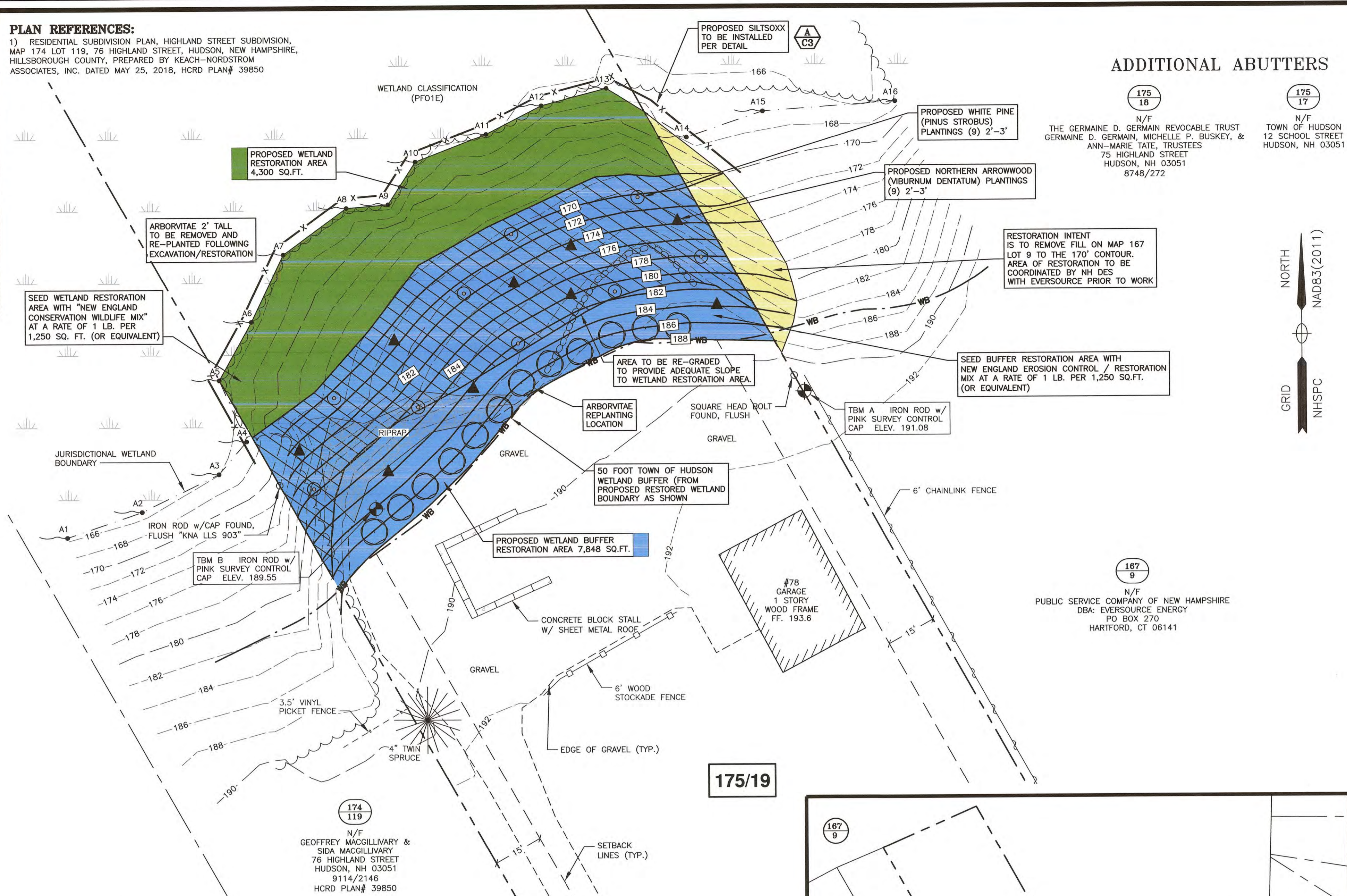
"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

JOHN R. CHAGNON, LLS #738 DATE 11-29-23



PLAN REFERENCES:

1) RESIDENTIAL SUBDIVISION PLAN, HIGHLAND STREET SUBDIVISION, MAP 174 LOT 119, 76 HIGHLAND STREET, HUDSON, NEW HAMPSHIRE, HILLSBOROUGH COUNTY, PREPARED BY KEACH-NORDSTROM ASSOCIATES, INC. DATED MAY 25, 2018, HCRD PLAN# 39850



RESTORATION NOTES:

- INSTALL SILT SOXX PRIOR TO ANY WORK IN THE RESTORATION AREA. SILT SOXX WILL REMAIN IN PLACE UNTIL THE RESTORATION IS COMPLETE, ALL EXPOSED AREAS ARE STABILIZED, AND PERMISSION IS GRANTED BY NH DES TO REMOVE THEM.
- REMOVE ALL FILL/SPOILS WITHIN THE WETLAND RESTORATION AREA TO THE LIMIT OF ORIGINAL HYDRIC SOILS AND RETURN NATURAL SOIL TO PRE-EXISTING GRADE.
- SPREAD A SUITABLE LOAM A MINIMUM DEPTH OF 3 INCHES OVER THE ENTIRE RESTORATION AREA. SCARIFY LOAM TO PROMOTE GERMINATION OF SEED MIX AND TO PROMOTE VEGETATIVE GROWTH.
- SPREAD SEED MIX OVER ENTIRE RESTORATION AREA.
- SPREAD A WEED FREE STRAW/HAY MULCH OVER SEEDED AREA TO PREVENT EROSION.
- SEED MIX & PLANTINGS CAN BE OBTAINED FROM NEW ENGLAND WETLAND PLANTS, INC., 14 PEARL LANE, SOUTH HADLEY, MA 01075 (413) 548-8000. WWW.NEWP.COM.

OWNER:

SIGNATURE _____ DATE _____

SIGNATURE _____ DATE _____

APPROVED BY THE TOWN OF HUDSON PLANNING BOARD

CHAIRMAN _____ DATE _____

ADDITIONAL ABUTTERS

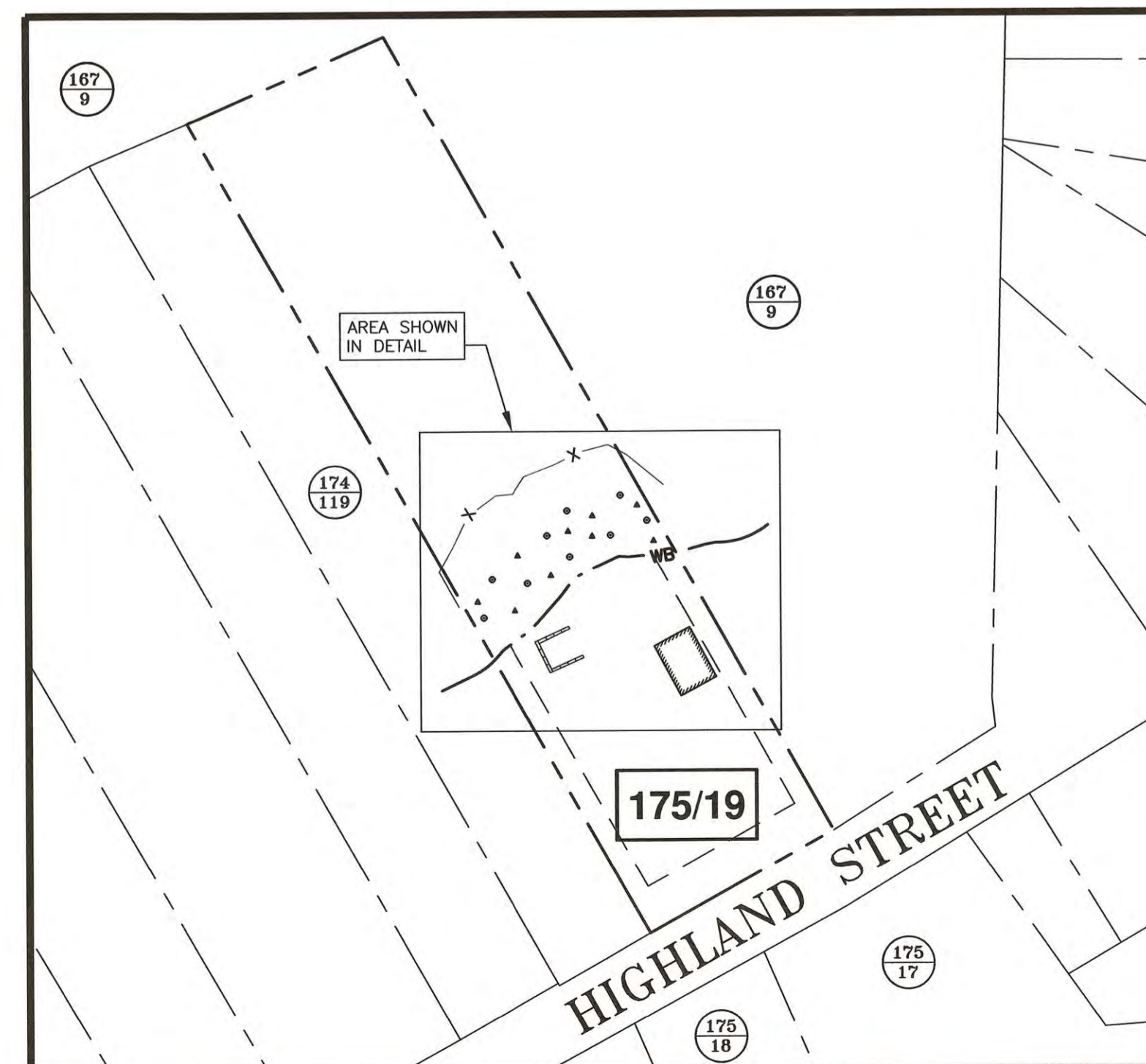
175/18 N/F THE GERMAINE D. GERMAIN REVOCABLE TRUST GERMAINE D. GERMAIN, MICHELLE F. BUSKEY, & ANN-MARIE TATE, TRUSTEES 75 HIGHLAND STREET HUDSON, NH 03051 8748/272

175/17 N/F TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051

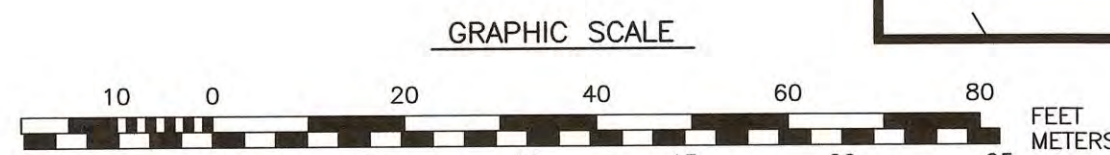
RESTORATION INTENT IS TO REMOVE FILL ON MAP 167 LOT 9 TO THE 170' CONTOUR. AREA OF RESTORATION TO BE COORDINATED BY NH DES WITH EVERSOURCE PRIOR TO WORK

SEED BUFFER RESTORATION AREA WITH NEW ENGLAND EROSION CONTROL / RESTORATION MIX AT A RATE OF 1 LB. PER 1,250 SQ.FT. (OR EQUIVALENT)

175/19



OVERALL PROPERTY VIEW SCALE: 1" = 100'



AMBIT ENGINEERING, INC.
A DIVISION OF HALEY WARD, INC.

200 Griffin Road, Unit 3
Portsmouth, NH 03801
603.430.9282

WWW.HALEYWARD.COM

NOTES:

- PROJECT LOCATION: 78 HIGHLAND STREET HUDSON, N.H.
PARCEL I.D.: TAX MAP 175 / LOT 19
OWNERS: CHRISTINE FLOYD 78 HIGHLAND STREET HUDSON, NH 03051 7758/2612
ZONING DISTRICTS: TOWN RESIDENTIAL (TR) DISTRICT AND WETLANDS CONSERVATION DISTRICT.
- SEE WETLAND RESTORATION PLAN REPORT PREPARED BY STEVEN D. RIKER, CWS, AMBIT ENGINEERING, INC.
- BOUNDARY FROM PLAN REFERENCE #1.
- LOT AREA: 1.948 ACRES (PER TOWN ASSESSORS RECORDS)
- THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).
- JURISDICTIONAL WETLANDS DELINEATED BY STEVEN D. RIKER, CWS #219 ON FEBRUARY 24, 2021 IN ACCORDANCE WITH THE 1987 US ARMY CORP OF ENGINEERS WETLAND DELINEATION MANUAL TECHNICAL REPORT Y-87-1 AND THE NORTHEAST REGIONAL SUPPLEMENT VERSION 2.0 AS REQUIRED BY THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES.
- HUDSON CONSERVATION COMMISSION AND NHDES WETLANDS BUREAU SHALL BE NOTIFIED UPON COMPLETION OF RESTORATION ACTIVITIES.
- PLANTS AND SEED MIXES CAN BE OBTAINED FROM NEW ENGLAND WETLAND PLANTS, 14 PEARL LANE, SOUTH HADLEY, MA 01075. (413) 548-8000, INFO@NEWP.COM

**FLOYD RESIDENCE
78 HIGHLAND STREET
HUDSON, N.H.**

NO.	DESCRIPTION	DATE
2	ADD BUFFER PLANTING SCHEDULE	11/29/23
1	ADD WETLAND BUFFER, SETBACKS, PROPOSED GRADING	10/12/23
0	ISSUED FOR COMMENT	8/6/21

REVISIONS



SCALE: 1" = 20' AUGUST 2021

WETLAND RESTORATION PLAN

C3