

78 HIGHLAND STREET DRIVEWAY WAIVER

WR# 01-23

STAFF REPORT

March 13, 2024

SITE: 78 Highland Street; Map 175 / Lot 019

ZONING: Town Residential (TR)

PURPOSE OF PLAN: To seek relief from side setbacks to gain access to a pre-existing garage.

APPLICATION UNDER REVIEW:

Driveway Waiver Request related to Driveway Permit Application, Map 175/Lot 019-000, 78 Highland Street, Town of Hudson, New Hampshire; prepared for: Christopher Floyd, 78 Highland Street, Hudson, NH 03051; originally dated June 12, 2023.

ATTACHMENTS

- A. Memo from Town Engineer, dated June 13, 2023 – Attachment “A”
- B. Driveway Waiver Request Form, dated June 12, 2023 – Attachment “B”

APPLICATION TRACKING:

- June 12, 2023 – Application received.
- March 13, 2023 – Public hearing scheduled

COMMENTS & RECOMMENDATIONS:

BACKGROUND

The lot currently has a horseshoe shaped paved driveway with two curb-cuts onto Highland Street. The homeowner seeks to gain access to the pre-existing garage located on the rear side of the shop on site, requiring a waiver from §193-10(H) – Driveways in side and rear setbacks. The driveway addition under consideration is made of gravel, and connects the paved driveway to the garage and gravel parking area as seen on the site plan. This driveway was created within the last couple years after Eversource was notified that the applicant had created a driveway within their easement, and installed a gate eliminating access to the rear of the property. The driveway is marked as being 14’ wide, and located 9’ from the property line. The application provides narrative and reasoning for the waiver request.

DEPARTMENT COMMENTS

See Attachment “A”.

Engineering stated that they have no objection, but required a site plan showing the location of the drive and the building setbacks.

RECOMMENDATIONS

There are no staff objections to this waiver. Staff recommends that the Planning Board consider the application and testimony of the Applicant and/or its representative.

DRAFT MOTIONS

GRANT the driveway waiver:

I move to grant the driveway waiver from §193-10.(H), Side and Rear driveway setbacks, to allow an extension of the existing driveway to occupy the side setback, as depicted in the Driveway Waiver Request Form related to the Driveway Permit Application for 78 Highland Street, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Driveway Waiver Request Form for said waiver.

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



TOWN OF HUDSON
Engineering Department



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

INTEROFFICE MEMORANDUM

RECEIVED

JUN 12 2023

**TOWN OF HUDSON
PLANNING DEPARTMENT**

TO: Brian Groth, Town Planner
Planning Department

FROM: Elvis Dhima P.E., Town Engineer

DATE: June 13, 2023

RE: 78 Highland Street – Driveway Request

The applicant has requested a driveway extension from an existing curb cut, which will provide access to the back of his property on regular basis.

The Engineering Department has no objection to this request but will require that the applicant submit a site plan clearly showing the proposed driveway and the building setback.

DRIVEWAY WAIVER REQUEST FORM
Town of Hudson, New Hampshire

Town of Hudson
Engineering Department

Street Address: 78 Highland St

I Christina + Chris Froye hereby request that the Planning Board waive the requirements of item
193-10-H of Chapter 193 Driveways in reference to a plan presented by
(name of surveyor/engineer) dated 6/9/23 for
property tax map(s) 175 and lot(s) 019-000 in the Town of Hudson, NH.

As the aforementioned applicant, I, herein, acknowledge that this waiver is requested in accordance with the provisions set forth in RSA 674:36, II (n), i.e. (For Subdivisions) and RSA 674:44, III (e) (For Site-Plans). Without the Planning Board granting said waiver, it would pose an unnecessary hardship upon me (the applicant), and the granting of this waiver would not be contrary to the spirit and intent of the Driveway regulations.

Hardship reason(s) for granting this waiver (if additional space is needed please attach the appropriate documentation hereto):
We are seeking relief from the 15ft set-back requirement to gain access to existing garage

Reason(s) for granting this waiver, relative to not being contrary to the Spirit and Intent of the Subdivision/Site Plan regulations: (if additional space is needed please attach the appropriate documentation hereto):

Signed: Christina Froye
Applicant or Authorized Agent

Planning Board Action:
Waiver Granted _____
Waiver Not Granted _____

RECEIVED

JUN 12 2023



Town of Hudson Engineering Department Driveway Permit Application

Attachment "B"

OFFICE USE CK #2730 Application Fee \$50.00 Receipt # Date: Permit #

Date 6/9/23 Map 175 Lot 019-060

Driveway Address 78 Highland St

Applicant Name Christ Christine Floyd Telephone # 603-305-6211

Applicant Address 78 Highland St

Email Address lexlou@603408@gmail.com Cell Phone # 603-305-0211

Driveway grade percent (%) (10% maximum grade).

Driveway surface (check one): Paved Gravel Stone

Length of driveway from street to end ft. not at entrance Width of driveway at street entrance ft. not at entrance

At the point of intersection with the street, the driveway, at a 3.5 ft. elevation above the driveway grade, shall provide in both directions of the street an AASHTO Safe Sight Distance, as shown in Table 2.2: Recommended Decision Sight Distance Values.

Sight distance: Left Right Speed Limit: X

Distance to nearest intersection: Left Right

Proposed roadway drainage improvements:

Swale Curb & Catch Basins Other (describe) X

Special conditions requested (e.g., construct a turnaround at end of driveway): This is just added on to the existing driveway that already has street access.

Is this application for a second driveway on the parcel? Yes No

* Second driveways are not permitted for single family homes or ALU's (per Zoning Ordinance). * No Water Shut-offs and/or Sewer Clean-outs will be allowed on new residential driveways.

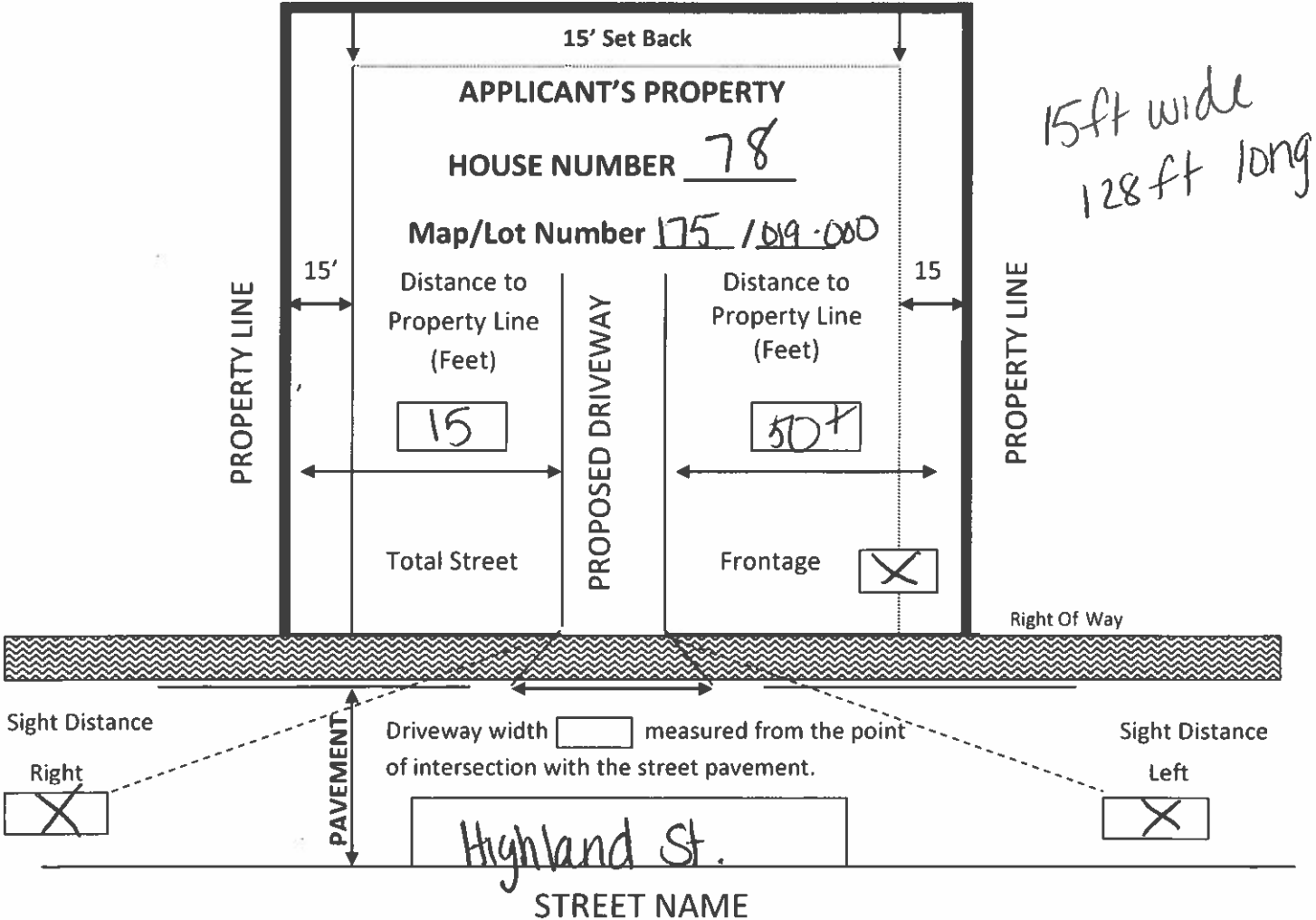


Town of Hudson
Driveway Permit Application

Driveway Layout Plan

In the below Driveway Layout Plan, please fill-in all blank boxes with their respective actual measurements in feet. In accordance with the Planning Board's Driveway Regulations, Chapter 193, the minimum setback for driveways is 15 feet from side and rear lot lines. Also, driveways shall intersect with the adjoining street at 90° (degrees), and the dimensions indicated below must include the street frontage of the parcel.

* A Plan and Profile will be required for any driveway accessing public roads.





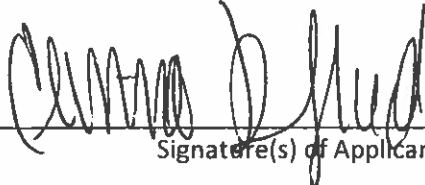
TOWN OF HUDSON
DRIVEWAY PERMIT APPLICATION
AND NH RSA 36-A: 4 (III) DISCLOSURES

Page 3

By filing this application, the owner(s) hereby grants permission to the members of the Hudson Planning Board and Conservation Commission, as well as their assigned agents, to enter upon the associated property at all reasonable times and for the express purpose of conducting examinations, surveys, tests and inspections as may be appropriate to enable the office of the Town Engineer to process this application. I/we also hereby waive and release any claim or right I/we may have now or hereafter against any of the aforementioned parties resulting from said examinations, surveys, tests and inspections conducted on my/our property in connection with this application.

I/we hereby attest to the accuracy of the information submitted herein, including any attachments, and acknowledge that any inaccuracies or omissions can result in revocation of this permit and loss of any rights, vested or otherwise to this permit.

The undersigned hereby acknowledges that before signing this application s/he/they read this application form that contains the follow disclosure as required by NH RSA 36-A:4 (III). The inspection to be conducted by the Hudson Conservation Commission is undertaken to evaluate the impact of the proposed permit on protected wetlands and wetland buffers as defined in Article IX – Wetland Conservation District – Town of Hudson Zoning Ordinance, §§334-33 through 334-39. The specific features to be studied by the Hudson Conservation Commission would be the area of land that is subject to the activity described in the permit application, and associated landforms, wetlands, and water bodies. The data to be collected by the Conservation Commission will be collected through personal observation by the Conservation Commission members and those observations may be recorded through hand written notes and through digital and cell phone photography. In addition to members of the Hudson Conservation Commission, inspection and data collection may also be carried out by the Public Works Director, the Hudson Fire Department and the Hudson Town Engineer or his designee. The Information collected by the Conservation Commission, or other representatives of the Town of Hudson, would then be further distributed through public discussion at Conservation Commission and Planning Board meetings and that information may also be committed to written documents that may be distributed by the Community Development Department to other interested parties, including but not limited to, the New Hampshire Department of Environmental Services, the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the United States Environmental Protection Agency and members of the public. The possible known consequences of this inspection and data collection include, and are not limited to, denial of a special exception to construct the proposed driveway, the requirement to redefine and readjust a wetland boundary and designation and the associated costs to the applicant for the hiring of a wetlands scientist for this purpose, possible code enforcement actions by the Town of Hudson to abate observed violations of the Hudson Zoning Ordinance and Land Use Regulations and possible enforcement actions against the applicant for violations of State or Federal Law.



Signature(s) of Applicant

6/9/23

date

Town of Hudson
Driveway Permit Application

Page 4
Routing Sheet

[FOR OFFICE USE ONLY]

**Reviewed by Road Agent if connecting to existing Town accepted road

Approved _____
Town Engineer Date

Comments/stipulations

Approved _____
Public Works Director Date

Comments/stipulations

Approved _____
Fire Dept. Date

Comments/stipulations

Driveway satisfactorily completed _____
Town Engineer Date

Comments/Final Inspection

78 Highland

Attachment "B"



June 9, 2023

Parcels - Aerials

Parcels

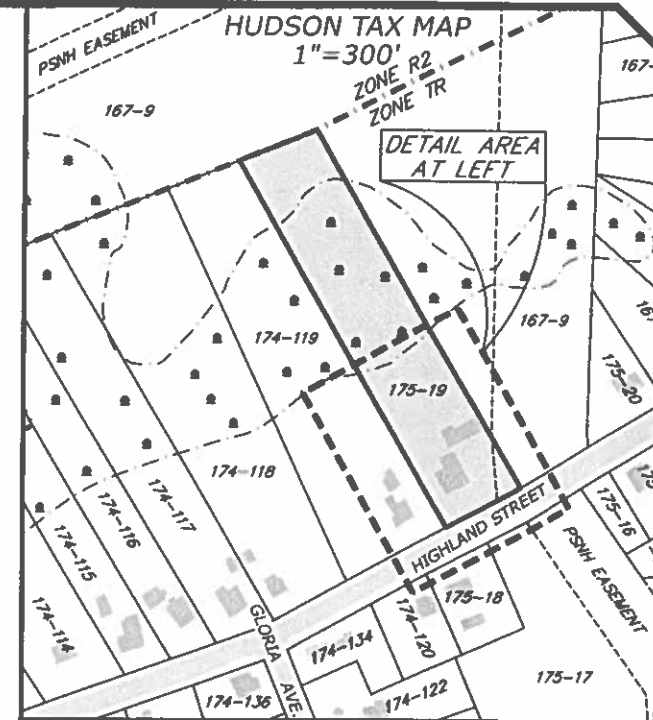
1 inch = 82 feet



MAP 175 LOT 19
2.3 Ac.± TOTAL

PLAN OF LAND
78 HIGHLAND STREET, HUDSON, NH
MAP 175 LOT 19
AS PREPARED FOR
CHRISTOPHER W. FLOYD, OWNER

RECEIVED
JUN 29 2023
TOWN OF HUDSON
PLANNING DEPARTMENT



REV. 2	GRAVEL DRIVEWAY PARKING, ABUTT. TEXT	6/27/23	BY: GRJ
REV. 1	PARKING, TEXT, ABUTT.	7/27/20	BY: GRJ

ZONING DISTRICT: TR
REQUIRED SETBACKS:

FRONT - 30 FEET
SIDE - 15 FEET
REAR - 15 FEET

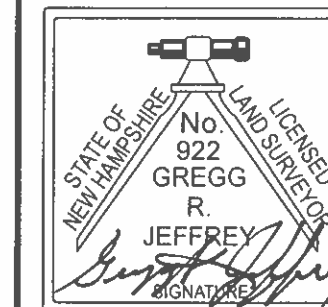
DEED REF: BK. 7758 PG. 2612

PLAN SCALE: 1"=40'
DATE: MAY. 2009

JOB REF.: 009-015-FIRS

I HEREBY CERTIFY:

THAT THIS PLAN IS THE RESULT
OF AN INSTRUMENT SURVEY
AND THAT ALL MEASUREMENTS
HEREON ARE TO BE CONSIDERED
TRUE AND ACCURATE.



JEFFREY LAND SURVEY LLC

1 BURGESS DRIVE, LITCHFIELD, NH 03052
(603) 424-4089

MAP 167 LOT 9
PUBLIC SERVICE CO.
OF NH
DBA EVERSOURCE ENGY.
P.O. BOX 270
HARTFORD, CT 06141

PLAN NOTES:

- 1.) THE PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE EXISTING CONDITIONS OF LOT 175/19 AS OF 6/27/23.
- 2.) BOUNDARY INFORMATION COMPILED FROM RECORDED DEEDS AND PLANS FROM THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS.
- 3.) OWNERS OF RECORD:

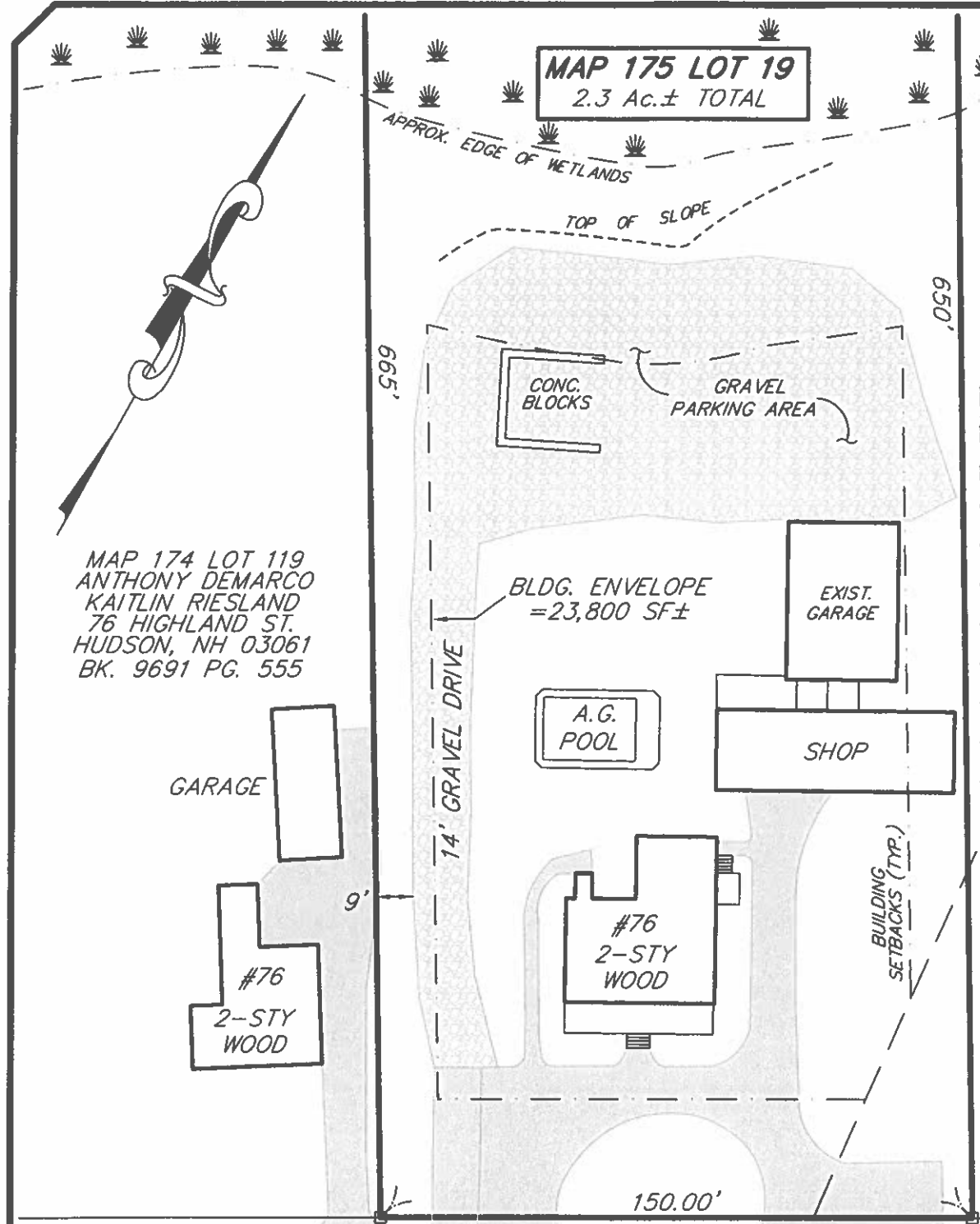
RENE P. JOYAL
CHRISTOPHER W. FLOYD JR.
CHRISTINE R. FLOYD
78 HIGHLAND ST.
HUDSON, NH 03051
HCRD 7758/2612

MAP 175 LOT 16
DAVID D. TRAN
81 HIGHLAND ST.
HUDSON, NH 03061
BK. 7368 PG. 892

MAP 174 LOT 120
JAMES REVOIR
73 HIGHLAND ST.
HUDSON, NH 03061
BK. 8687 PG. 1209

MAP 175 LOT 18
RICHARD GERMAIN
75 HIGHLAND ST.
HUDSON, NH 03061

MAP 175 LOT 17
TOWN OF HUDSON
12 SCHOOL ST.
HUDSON, NH 03061



HIGHLAND STREET