# 5 CIN-FRE DRIVE DRIVEWAY WAIVER

# WR# 01-24 STAFF REPORT

April 10, 2024

**SITE:** 5 Cin-Fre Drive; Map 217 Lot 011-000

**ZONING:** Residential-Two (R-2)

**PURPOSE OF PLAN:** To pave an extension to an existing driveway, cutting through the side setback of the property.

### **APPLICATION UNDER REVIEW:**

Driveway Waiver Request related to Driveway Permit Application, Map 217/Lot 011-000, 5 Cin-Fre Drive, Town of Hudson, New Hampshire; prepared for: Gary Thomas, 5 Cin-Fre Drive, Hudson, NH 03051; originally dated March 19, 2024.

#### ATTACHMENTS

- A. Waiver Application Attachment "A"
- B. Driveway Permit Application Attachment "B"
- C. Department Comments Attachment "C"

### **APPLICATION TRACKING:**

• April 10, 2024 – Public hearing scheduled.

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

### BACKGROUND

The lot currently has a two stage driveway of first pavement, followed by a gravel drive between the existing barn and stone wall to create a pathway to the back of the site. The Applicant proposes to add an additional pathway around the outside of the barn, as to provide better access to a proposed garage to be built on the rear of the property. The Applicant states that this would provide easier access for him to circle through trailers or other hauled equipment, as well as provide a better pathway for emergency services to access the rear of the site. The proposed drive would overlap the side setback by a distance of approximately 7' 8".

## **DEPARTMENT COMMENTS**

## See Attachment A.

Engineering, Fire, Police, Public Works & Zoning all responded with no objection or no comment.

## **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, Design Criteria, to allow an extension of the current driveway to cut through the side set back, as depicted in the Driveway Waiver Request Form related to the Driveway Permit Application for WR# 01-24, 5 Cin-Fre Drive, Hudson, NH, Gary Thomas, 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.

for said waiver.		, ,	
Motion by:	Second:	Carried/Failed:	
<u>DENY</u> the driveway	waiver:		
current driveway to	cut through the side set bac Driveway Permit Application	0.H, Design Criteria, to allow an extension of the k, as depicted in the Driveway Waiver Request for WR# 01-24, 5 Cin-Fre Drive, Hudson, NF	
1.			
Motion by:	Second:	Carried/Failed:	
CONTINUE the pu	blic hearing for the drivew	ay waiver:	
to allow an extensior Driveway Waiver Re	n of the current driveway to equest Form related to the I	veway waiver from §193-10.H, Design Criteria cut through the side set back, as depicted in the Driveway Permit Application for WR# 01-24, te certain,	
Motion by:	Second:	Carried/Failed:	

Attachment: "A"

# DRIVEWAY WAIVER REQUEST FORM

# Town of Hudson, NH

Street Address: 5 Cin-Fre Drive Hudson NH 03051
I, Gary Thomas (applicant) hereby request that the Planning Board waive the requirements of item H (signify A-H) of Chapter 193-10, Driveways, in reference to a plan presented by NORTHPOINT CONSTRUCTION MANAGEMENT (name of surveyor/ engineer), dated 3/19/2024 , for property TAX MAP(s) 217 and LOT(s) 011 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): Frenquently, I bring home a boat, jetskis, a snowmobile, or other trailers. Without the
access around the existing barn, bringing these home would be extremely difficult or
impossible, depending on the trailer, to fit between the existing stone walls.
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):  This gravel driveway has existed on the property for approximately 18 years, when the original barn was built and has allowed to use my property safely and effectively.
Allowing this access around the existing barn would also provide emergency vehicles,
should they need to come, the easiest route to the rear of the property.
Signed:  Applicant or Authorized Agent
* A Driveway Permit and Plan must accompany this application.
Planning Board Action:
Waiver Granted
Waiver Not Granted

# Town of Hudson, NH - Zoning Ordinance Chapter 193 – Driveways

## § 193-10 Design criteria.

The Town Engineer may promulgate engineering criteria to be incorporated in all applications, provided that the following minimum design criteria are incorporated:

- A. Location description of the DRIVEWAY so selected to most adequately protect the safety of the traveling public.
- **B.** Description of any drainage structures, traffic control devices and channelization islands to be installed by the owner.
- **C.** Establishment of grades, i.e., profiles and/or cross sections, that adequately protect and promote HIGHWAY drainage and PERMIT a safe and controlled approach to the HIGHWAY in all seasons of the year.
- D. Other terms and specifications necessary for the safety of the traveling public.
- **E.** Provision of a Safe Stopping Distance equal to or greater than that recommended in the current AASHTO specifications published by AASHTO at the time of the PERMIT application.
- **F.** Maximum DRIVEWAY width of 50 feet, except that a DRIVEWAY may be flared beyond a width of 50 feet, at and near its junction with the HIGHWAY, to accommodate the turning radius of vehicles expected to use the particular DRIVEWAY.
- **G.** Only one DRIVEWAY per parcel having adequate frontage, as required by Chapter <u>334</u>, Zoning, is allowed, except in the case of two-unit residential buildings (duplexes), one DRIVEWAY per unit shall be allowed.
- H. Side and rear setback areas for accessory buildings shall apply to DRIVEWAYS, unless a shared ACCESS is required by the PLANNING BOARD.
  [Amended 5-18-2022]
- I. With the exception of Subsection **G**, above, shared DRIVEWAYS are not allowed unless approved by the PLANNING BOARD.
- J. All driveway surface material within the RIGHT-OF-WAY shall be BITUMINOUS CONCRETE or other surface material approved by the PUBLIC WORKS DIRECTOR and specified on the DRIVEWAY PERMIT. [Amended 10-9-2018]



# Town of Hudson

# **Driveway Permit Application**

Attachment: " <b>B</b> "		
OFFICE USE		
Application Fee	\$50.00	
Receipt #	·······	
Date:		
Permit #		

Date <u>3/19/2024</u>	Map <u>217</u>	_ Lot <u>0</u>	11	<u> </u>	
Driveway Address	5 Cin-Fre Drive Hudson N	H 03051			
Applicant Name <u>G</u>	ary Thomas		<del>.</del>	Telephone # _6	603-234-9695
Applicant Address	5 Cin-Fre Drive Hudson NH	03051			
Email Address <u>gary</u>	@northpointcm.com		<del></del>	Cell Phone # _6	603-234-9695
Driveway grade pe	rcent (%) <u><sup>existing</sup></u> (10% m	aximur	n gra	ade). (portion with	nin setback is nearly flat)
Driveway surface (	check one):	ed [		Gravel Stor	ne
Length of driveway Width of driveway	from street to end at street entrance	100'	_	(length of portion (width of narrow	n within setback) est portion within setback)
driveway grade, sh	rsection with the street, all provide in both direct : Recommended Decision	ions of	the s	street an AASHT	
Sight distance:	N/A Left N/A Right			Speed Limit:	N/A
Distance to neares	t intersection: N/A	_ Left	N/A	Right	
Proposed roadway	drainage improvements	:			
Swale	Curb & Catch Basins	E)	-	her (describe) NG PERMEABLE	E GRAVEL SURFACES
,	requested (e.g., construc uirement H of Chapter 193-10,			ınd at end of dri	veway):
	or a second driveway on	•	cel?	Yes	■ No

- \* Second driveways are not permitted for single family homes or ADU's (per Zoning Ordinance).
- \* No Water Shut-offs and/or Sewer Clean-outs will be allowed on new residential driveways.
- \* Single and two-family dwellings must have a minimum driveway width of 12 feet for driveways that are longer than 150 feet in length.



## Town of Hudson

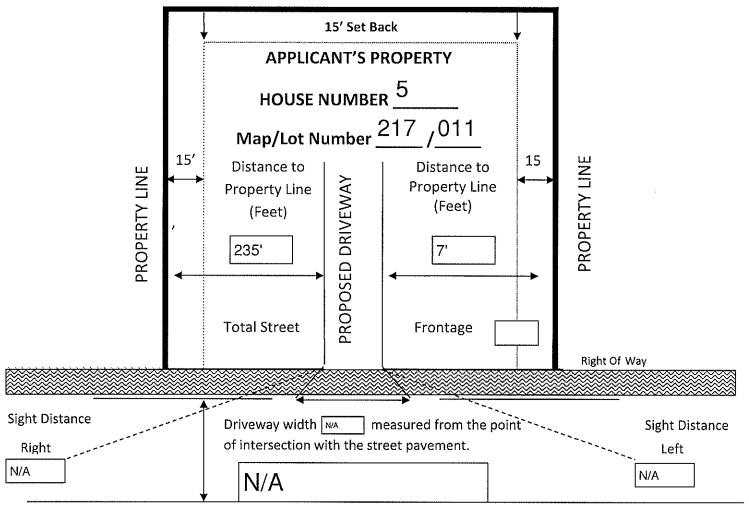
# **Driveway Permit Application**

Page 2

## **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.



STREET NAME



# 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

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				
Comments/sti		Town Engineer		Date	
□ Comments/stip		Public Works Dire		Date	
Comments/stip		Fire Dept.		 Date	
Comments/stip		Planning Dept.		Date	
Comments/Fin	Driveway satisf	actorily completed	d Civil Engineer / Town E		Date

217-008-000 MAROTTA, JASON INDIRECT 4 CIN-FRE DRIVE ABUTTER HUDSON, NH 03051 217-009-000 INDIRECT RANDALL, JUSTIN ABUTTER 6 CIN-FRE DRIVE HUDSON, NH 03051 217-010-000 MARR, JENNIFER R. DIRECT 7 CIN-FRE DRIVE ABUTTER HUDSON, NH 03051 217-011-000 THOMAS, GARY **AFFECTING** 5 CIN-FRE DR. **PROPERTY** HUDSON, NH 03051 217-012-000 MACSWEENEY, BRYON P. 3 CIN-FRE DRIVE DIRECT HUDSON, NH 03051 ABUTTER (54 A-B WASON RD) 217-013-000 WASON WOODS, LLC DIRECT PO BOX 7115 ABUTTER MILFORD, NH 03055-7115 (56 A-B WASON RD) 217-013-001 WASON WOODS, LLC DIRECT **ABUTTER** PO BOX 7115 MILFORD, NH 03055-7115 217-014-000

SMERIGAN, JOHN

58 WASON ROAD HUDSON, NH 03051

ST. PETER, MICHAEL B.

217-015-000

60 WASON RD

217-016-000 KELLY, CARRIE A.

HUDSON, NH 03051

62 WASON ROAD

HUDSON, NH 03051

DIRECT ABUTTER

INDIRECT

**ABUTTER** 

**INDIRECT** 

**ABUTTER** 

217-030-000 WEBB, JEFFREY DIRECT 8 MARK ST. ABUTTER HUDSON, NH 03051 217-031-000 MONAGHAN, LYNN DIRECT 16 MARK ST ABUTTER HUDSON, NH 03051 223-025-000 CLARK, CRAIG W., TR. INDIRECT 1 CIN-FRE DRIVE ABUTTER HUDSON, NH 03051

From: Michaud, Jim

**Sent:** Monday, March 25, 2024 1:59 PM

**To:** Dubowik, Brooke

Subject: RE: Dept. Sign-off 5 Cin-Fre Drive - Driveway Waiver Request WR# 01-24

No Assessing issues on this one.

Jim

From: Dubowik, Brooke <bdubowik@hudsonnh.gov>

Sent: Monday, March 25, 2024 12:28 PM

To: Dhima, Elvis <edhima@hudsonnh.gov>; Gradert Benjamin <bgradert@hudsonnh.gov>; Hebert, David <dhebert@hudsonnh.gov>; Kirkland, Donald <dkirkland@hudsonnh.gov>; McElhinney, Steven <smcelhinney@hudsonnh.gov>; Michaud, Jim <jmichaud@hudsonnh.gov>; Sullivan, Christopher <csullivan@hudsonnh.gov>; Malley, Tim <tmalley@hudsonnh.gov>; Twardosky, Jason <jtwardosky@hudsonnh.gov> Subject: Dept. Sign-off 5 Cin-Fre Drive - Driveway Waiver Request WR# 01-24

Good afternoon,

Attached is a sign off for a driveway request @ 5 Cin-Fre Drive. Please return no later than March 29, 2024. Thank you,

# Brooke Dubowik

Planning Administrative Aide II

From: Twardosky, Jason

**Sent:** Monday, March 25, 2024 1:16 PM

To: Dubowik, Brooke; Dhima, Elvis; Gradert Benjamin; Hebert, David; Kirkland, Donald;

McElhinney, Steven; Michaud, Jim; Sullivan, Christopher; Malley, Tim

Subject: RE: Dept. Sign-off 5 Cin-Fre Drive - Driveway Waiver Request WR# 01-24

No comment

Jason Twardosky Director of Public Works Town of Hudson New Hampshire

----- Original message -----

From: "Dubowik, Brooke" <bdubowik@hudsonnh.gov>

Date: 3/25/24 12:28 PM (GMT-05:00)

To: "Dhima, Elvis" <edhima@hudsonnh.gov>, Gradert Benjamin <bgradert@hudsonnh.gov>, "Hebert, David"

<dhebert@hudsonnh.gov>, "Kirkland, Donald" <dkirkland@hudsonnh.gov>, "McElhinney, Steven"

<smcelhinney@hudsonnh.gov>, "Michaud, Jim" <jmichaud@hudsonnh.gov>, "Sullivan, Christopher"

<csullivan@hudsonnh.gov>, "Malley, Tim" <tmalley@hudsonnh.gov>, "Twardosky, Jason"

<itwardosky@hudsonnh.gov>

Subject: Dept. Sign-off 5 Cin-Fre Drive - Driveway Waiver Request WR# 01-24

#### Good afternoon,

Attached is a sign off for a driveway request @ 5 Cin-Fre Drive. Please return no later than March 29, 2024. Thank you,

# Brooke Dubowik

Planning Administrative Aide II

From: Dhima, Elvis

**Sent:** Monday, March 25, 2024 12:47 PM

**To:** Dubowik, Brooke; Gradert Benjamin; Hebert, David; Kirkland, Donald; McElhinney,

Steven; Michaud, Jim; Sullivan, Christopher; Malley, Tim; Twardosky, Jason

Subject: RE: Dept. Sign-off 5 Cin-Fre Drive - Driveway Waiver Request WR# 01-24

I have no comment

E

Elvis Dhima, P.E. Town Engineer

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



From: Dubowik, Brooke <bdubowik@hudsonnh.gov>

Sent: Monday, March 25, 2024 12:28 PM

To: Dhima, Elvis <edhima@hudsonnh.gov>; Gradert Benjamin <bgradert@hudsonnh.gov>; Hebert, David <dhebert@hudsonnh.gov>; Kirkland, Donald <dkirkland@hudsonnh.gov>; McElhinney, Steven <smcelhinney@hudsonnh.gov>; Michaud, Jim <jmichaud@hudsonnh.gov>; Sullivan, Christopher <csullivan@hudsonnh.gov>; Malley, Tim <tmalley@hudsonnh.gov>; Twardosky, Jason <jtwardosky@hudsonnh.gov> Subject: Dept. Sign-off 5 Cin-Fre Drive - Driveway Waiver Request WR# 01-24

#### Good afternoon,

Attached is a sign off for a driveway request @ 5 Cin-Fre Drive. Please return no later than March 29, 2024. Thank you,

# Brooke Dubowik

Planning Administrative Aide II

From: Hebert, David

**Sent:** Monday, March 25, 2024 1:19 PM

To: Dubowik, Brooke; Dhima, Elvis; Gradert Benjamin; Kirkland, Donald; McElhinney, Steven;

Michaud, Jim; Sullivan, Christopher; Malley, Tim; Twardosky, Jason

Subject: RE: Dept. Sign-off 5 Cin-Fre Drive - Driveway Waiver Request WR# 01-24

#### No comments



Town of Hudson | 12 School Street | Hudson, NH 03051 603-886-6005 (Main) | 603-816-1271 (Direct)

From: Dubowik, Brooke <bdubowik@hudsonnh.gov>

Sent: Monday, March 25, 2024 12:28 PM

To: Dhima, Elvis <edhima@hudsonnh.gov>; Gradert Benjamin <bgradert@hudsonnh.gov>; Hebert, David <dhebert@hudsonnh.gov>; Kirkland, Donald <dkirkland@hudsonnh.gov>; McElhinney, Steven <smcelhinney@hudsonnh.gov>; Michaud, Jim <jmichaud@hudsonnh.gov>; Sullivan, Christopher <csullivan@hudsonnh.gov>; Malley, Tim <tmalley@hudsonnh.gov>; Twardosky, Jason <jtwardosky@hudsonnh.gov>

Subject: Dept. Sign-off 5 Cin-Fre Drive - Driveway Waiver Request WR# 01-24

#### Good afternoon,

Attached is a sign off for a driveway request @ 5 Cin-Fre Drive. Please return no later than March 29, 2024. Thank you,

# Brooke Dubowik

Planning Administrative Aide II

From: McElhinney, Steven

**Sent:** Monday, March 25, 2024 12:57 PM

**To:** Dubowik, Brooke

Subject: RE: Dept. Sign-off 5 Cin-Fre Drive - Driveway Waiver Request WR# 01-24

#### Hello!

I did not see a spot for me to sign, but I also have no issue with it!

#### Steve

From: Dubowik, Brooke <bdubowik@hudsonnh.gov>

Sent: Monday, March 25, 2024 12:28 PM

To: Dhima, Elvis <edhima@hudsonnh.gov>; Gradert Benjamin <bgradert@hudsonnh.gov>; Hebert, David

<dhebert@hudsonnh.gov>; Kirkland, Donald <dkirkland@hudsonnh.gov>; McElhinney, Steven

<smcelhinney@hudsonnh.gov>; Michaud, Jim <jmichaud@hudsonnh.gov>; Sullivan, Christopher

<csullivan@hudsonnh.gov>; Malley, Tim <tmalley@hudsonnh.gov>; Twardosky, Jason <jtwardosky@hudsonnh.gov>

Subject: Dept. Sign-off 5 Cin-Fre Drive - Driveway Waiver Request WR# 01-24

#### Good afternoon,

Attached is a sign off for a driveway request @ 5 Cin-Fre Drive.

Please return no later than March 29, 2024.

Thank you,

# Brooke Dubowik

Planning Administrative Aide II

# **SITE PLAN APPLICATION**

Date of Application:	Tax Map #: 165 Lot #: 155				
Site Address: Hudson Mall, 77 Derry Street					
Name of Project: Proposed Drive-Thru Restaurant					
Zoning District: B - Business	General SP#:				
Z.B.A. Action: N/A	(For Town Use Only)				
PROPERTY OWNER:	DEVELOPER:				
Name: Hudson-Vickerry, LLC	(same as owner)				
Address: c/o The MEG Companies					
Address: 25 Orchard View Dr., Londonderry, NH 03	3053				
Telephone # (603) 434-6700					
•					
Email:PROJECT ENGINEER:	SURVEYOR:				
Name: Hayner/Swanson, Inc.	Hayner/Swanson, Inc.				
Address: 3 Congress Street	3 Congress Street				
Address: Nashua, NH 03062	Nashua, NH 03062				
Telephone # (603) 883-2057	(603) 883-2057				
Email: eblatchford@hayner-swanson.com	dpollock@hayner-swanson.com				
CHIAII: Colatemora(agnayiici-swanson.com aponookagnayiici swansomoon					
PURPOSE OF PLAN:  To show proposed 2,472 sf drive-thru restaurant along with apprurtenant parking and site improvements.					
(For Town U	Jse Only)				
Routing Date: Deadline Date:	Meeting Date:				
I have no comments I have comments (attach to form)  CJS Title: Title: The comments (attach to form)  (Initials)					
Department:					
Zoning: Assessor: Police:	Fire: DPW: Consultant:				

