

# **TOWN OF HUDSON, NH LAND USE REGULATIONS**



## **2015**

**Chapter 193 – Driveways**

**Chapter 200 – Excavation of Soil**

**Chapter 275 – Site Plan Review**

**Chapter 276 – Administrative Requirements And Definitions**

**Chapter 289 – Subdivision of Land**

**Chapter 290 – Stormwater Management**

As Amended thru 10-14-15

## Chapter 193

### DRIVEWAYS

**[HISTORY: Adopted by the Planning Board of the Town of Hudson as amended through 10-14-2015. Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Excavation of soil — See Ch. 200.  
Site plan review — See Ch. 275.  
Administrative requirements and definitions — See Ch. 276.  
Subdivision of land — See Ch. 289.  
Zoning — See Ch. 334.

#### **§ 193-1. Title; definitions.**

The official title of this chapter is the "TOWN OF HUDSON DRIVEWAY and Other ACCESS Regulation," hereinafter referenced as "this chapter."

Words in all capital letters are those with special definitions as noted in § 276-2 of the LAND USE REGULATIONS.

#### **§ 193-2. Authority.**

This chapter is adopted pursuant to RSA 236:13.

#### **§ 193-3. Purposes.**

The purposes of this chapter are to:

- A. Ensure the public safety through the orderly control of traffic movement onto and from HIGHWAYS, exits, streets and roadways.
- B. Provide a uniform practice and procedure relative to the design and construction of DRIVEWAY entrances.
- C. Ensure the existence of necessary drainage facilities required to provide a safe and controlled approach to a HIGHWAY in all seasons of the year.
- D. Prevent the existence of unsafe conditions resulting from improper placements of any DRIVEWAY, wall, barrier, structure or any other object or combination thereof within or adjacent to any RIGHT-OF-WAY accepted by or dedicated to the Town.

#### **§ 193-4. Permit required.**

It shall be unlawful to construct or alter a DRIVEWAY in any way that substantially affects the size or grade of any entrance, exit or approach within or adjacent to the limits of the RIGHT-OF-WAY of any HIGHWAY that does not conform to the terms and specifications of a written PERMIT issued in accordance with this chapter. It shall also be unlawful to excavate or

disturb the shoulders, ditches, embankments or the surface improved for travel of HIGHWAY for any purpose whatsoever, including the placement of any wall, barrier, structure or any other object without a written PERMIT issued in accordance with this chapter.

**§ 193-5. When effective.**

This chapter (and amendments thereto) becomes effective immediately upon adoption by the PLANNING BOARD.

**§ 193-6. Exemptions.**

Only the following categories are exempt from the provisions of this chapter:

- A. (Reserved)
- B. Minor structures constructed for primary use as a mailbox, provided that the road agent has no objection to any aspect of such placement either before, during or after placement of the structure.
- C. Any work associated with the construction or reconstruction of any HIGHWAY that is lawfully performed in accordance with the provisions of RSA 233 or RSA 234.
- D. Construction that is proposed and lawfully approved by the PLANNING BOARD as part of Chapter 200, EXCAVATION of Soil.

**§ 193-7. Definitions.**

See § 276-2.

**§ 193-8. Designation of administrator.**

The PLANNING BOARD shall designate the person to administer the provisions of this chapter.

**§ 193-9. (Reserved)**

**§ 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 334, Zoning, is allowed, except in the case of two-unit residential buildings (duplexes), one DRIVEWAY per unit shall be allowed.
- H. DRIVEWAYS are not permitted in side or rear setback areas, unless a shared ACCESS is required by the PLANNING BOARD.
- 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 ROAD AGENT and specified on the DRIVEWAY PERMIT.

**§ 193-11. Application fee.**

A fee as specified in § 276-6 shall be required at the time of application for each PERMIT requested.

**§ 193-12. Responsibility to enforce.**

The PLANNING BOARD shall be responsible for the enforcement of the provisions of this chapter.

**§ 193-13. Cease-and-desist action against violations.**

The CIVIL ENGINEER shall order the OWNER of any property to cease and desist any action which, in the opinion of the CIVIL ENGINEER, is a violation of this chapter. Any order to cease and desist shall be in writing, sent by certified mail, return receipt requested. Said order shall contain a description of the violation and a deadline by which the OWNER is expected to take corrective or remedial action. A copy of this chapter shall be attached to said order. Following the expiration of the deadline, without correction of the violation, the CIVIL ENGINEER shall report to the PLANNING BOARD (copy to the violator). The PLANNING BOARD may refer such violation to counsel for purposes of enforcement through the appropriate court.

**§ 193-14. Violations and penalties.**

Any person who violates any provision of this chapter shall be guilty of a violation, if a natural person, and a misdemeanor, if any other person, and, in addition, shall be liable for the costs of restoration of the HIGHWAY to a condition satisfactory to the Hudson PLANNING BOARD.

**§ 193-15. Waivers; appeals process.**

Any provision of this chapter or any decision of the CIVIL ENGINEER may be appealed only in writing to the PLANNING BOARD, which shall act within 30 days. Prior to making a decision on the appeal, the PLANNING BOARD shall afford the CIVIL ENGINEER, the Town Engineer and the road agent a reasonable opportunity to comment on the matter or to advise the PLANNING BOARD.

## Chapter 200

### EXCAVATION OF SOIL

**[HISTORY: Adopted by the Planning Board of the Town of Hudson as amended through 10-14-2015. Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Driveways — See Ch. 193.  
Site plan review — See Ch. 275.  
Administrative requirements and definitions — See Ch. 276.  
Subdivision of land — See Ch. 289.  
Stormwater management — See Ch. 290.  
Zoning — See Ch. 334.

#### § 200-1. Authority.

Pursuant to the authority vested in the Hudson PLANNING BOARD under RSA 155-E, the following regulations concerning the disturbance of soils are hereby adopted.

#### § 200-2. Definitions.

Words in all capital letters are those with special definitions as noted in § 276-2 of the LAND USE REGULATIONS.

#### § 200-3. Permit required; exemptions.

- A. No OWNER shall excavate or allow any EXCAVATION of EARTH on his/her/its premises without first obtaining an EXCAVATION permit.
- B. Exemptions to this PERMIT requirement are:
  - (1) EXCAVATION for eventual residential occupancy or use that is incidental to the lawful construction or alteration of a building or structure or the lawful construction or alteration of a parking LOT or way, including a DRIVEWAY, on a portion of the premises where removal occurs.
  - (2) EXCAVATION of eventual nonresidential occupancy or use that is in conformance with SITE PLANS approved and signed pursuant to Section XVI of the Hudson SUBDIVISION Regulations.<sup>1</sup>
  - (3) EXCAVATION for SUBDIVISION roadway construction that is in accordance with an approved SUBDIVISION PLAN on record in the Hillsborough County Registry of Deeds.
  - (4) EXCAVATION that is incidental to agricultural or silvicultural activities, normal

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1. Editor's Note: For current site plan review regulations, see Ch. 275.

landscaping or minor topographical adjustment.

- (5) EXCAVATION from an area contiguous to or from contiguous land in common ownership with stationary manufacturing and processing plants which were operating on January 1, 1979, provided that such EXCAVATION was then permitted, or exempted from permit, by the Board of Selectmen pursuant to the Hudson Zoning Ordinance, Article I, Section 6.0(c).<sup>2</sup>
- (6) EXCAVATION performed exclusively for the lawful construction, reconstruction or maintenance of a Class I, II, III, IV or V HIGHWAY, as defined in RSA 230, by the TOWN OF HUDSON or the State of New Hampshire, or a contracted agent of either government unit, which has jurisdiction for said HIGHWAY, provided that any PIT AGREEMENT entered in conjunction with said EXCAVATION shall be filed with and accepted by the PLANNING BOARD prior to the start of EXCAVATION; such EXCAVATION, however, shall not be exempt from the provisions of § 200-5 and § 200-13.
- (7) EXCAVATION of less than 500 cubic yards of EARTH, provided that:
  - (a) Following EXCAVATION, restoration of the area shall be in accordance with § 200-7A(4).
  - (b) All excavating, handling, processing and storage facilities are removed from the site.
  - (c) The site is cleared of all stumps, and logs and boulders not specifically left in place or added as landscaping features.
  - (d) The site is regraded to the approximate level of the adjoining land.
  - (e) The site is seeded in accordance with § 200-7A(6).
  - (f) The duration of the EXCAVATION process, including land restoration, is less than 90 days.
- (8) EXCAVATION that is incidental to work performed by a public utility or its subcontractor under its authority granted by the State of New Hampshire to install, remove, maintain, repair or modify residential or commercial service.

#### **§ 200-4. Application for permit.**

Any OWNER shall apply to the PLANNING BOARD prior to EXCAVATION of his/her/its land and send a copy of the application to the Conservation Commission. The application form shall be supplied by the PLANNING BOARD at the Community Development Department offices at Town Hall. Said application form can also be obtained/downloaded online, via the Town's Community Development Department website: [www.hudsonnh.gov/](http://www.hudsonnh.gov/). In addition to submitting a written EXCAVATION of Soil application form to the PLANNING BOARD, electronic filing, in pdf format, is required.

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2. Editor's Note: For current zoning provisions, see Ch. 334.

**§ 200-5. Excavations for which permits shall not be granted.**

The PLANNING BOARD shall not grant a permit:

- A. Where an EXCAVATION is proposed below road level within 50 feet of any HIGHWAY right-of-way, unless such EXCAVATION is for purpose of said HIGHWAY.
- B. (Reserved)
- C. (Reserved)
- D. When the issuance of the PERMIT would be unduly hazardous or injurious to the public welfare.
- E. Where existing visual barriers in the areas specified in RSA 155-E:3(III) would be removed, except to provide ACCESS to the EXCAVATION.
- F. Where the EXCAVATION would substantially damage a known aquifer, so designated by the United States Geological Survey.
- G. Where EXCAVATION is planned beneath or adjacent to inland surface waters in such manner that a PERMIT is required from the New Hampshire Water Supply and Pollution Control Commission, the New Hampshire Water Resources Board, the New Hampshire Wetlands Board or other state, county or federal agencies with jurisdiction over the premises, except that the PLANNING BOARD may approve the application only after all such other necessary permits have been obtained.
- H. Where the project cannot comply with the restoration provisions of § 200-7.

**§ 200-6. Conditions with which work must comply.**

Following are the general conditions with which all EXCAVATION work must comply, following issuance of a permit:

- A. All original topsoil shall be stockpiled on the site and spread on the final slopes. No original topsoil, including LOAM, may be removed from the site, unless written permission therefor is given by the PLANNING BOARD.
- B. Interim, i.e., daily, slopes shall not be left steeper than 3:1, unless written permission is obtained from the Town Engineer, who may require specific soils data to be obtained at the expense of the owner.
- C. Hours of excavating or removal shall be limited, such that no work shall take place prior to 7:00 a.m., after 7:00 p.m. or on Sundays or holidays.

**§ 200-7. Restoration.**

Within 12 months after the expiration date in the PERMIT as defined in § 276-9C or the completion of the EXCAVATION, whichever occurs first, the OWNER of the excavated land shall restore the area affected by the EXCAVATION to meet each of the following minimum conditions:

- A. Except for exposed rock ledge, said area shall be covered with vegetation suitable to

prevent erosion and with soils suitable to sustain such vegetation, thus:

- (1) No area shall be left in such a condition that erosion of the area after completion of the work may result in water pollution by silt or other deleterious substances.
  - (2) The area shall be left in such shape and condition that material shall not wash to block or obstruct drainageways.
  - (3) Unless the area is intended to serve as an approved pond, the area shall be left as free draining as practicable.
  - (4) Unless otherwise allowed in writing by the PLANNING BOARD, all disturbed areas shall be spread with the original topsoil or strippings, if any, to a minimum four-inch depth.
  - (5) Unless waived in writing or otherwise stipulated by the PLANNING BOARD, areas from which trees have been removed shall be planted with two-year-old plants or plants furnished under a standard nursery order. Type of plants selected shall be included in the "large tree" category as listed in Trees and Shrubs in New Hampshire — A Guidebook for Natural Beauty Projects. (Extension Bulletin No. 163, revised, published May 1980 by the Cooperative Extension Service of the University of New Hampshire, Durham, New Hampshire, a copy of which is on file in the office of the Town Engineer.) Seedlings without center buds and seedlings with pruned roots shall not be accepted. Seedlings shall be set out under review of the Town Engineer in accordance with accepted horticultural practice at eight-foot spacing in both directions, all as approved by the Town Engineer.
  - (6) Areas from which low brush or grass has been removed shall be (at the option of the owner) planted with red pine seedlings or covered with material capable of supporting vegetation and seeded as described and specified in Parts 1, 2 and 3 of Section 644 (Grass Seed) of the Standard Specifications for Road and Bridge Construction by the New Hampshire Department of Public Works and HIGHWAYS, 1974, et seq.
  - (7) Unless written permission is obtained from the PLANNING BOARD to preserve fire or other access roads (paved or unpaved) to excavated areas, such roads shall be obliterated.
- B. Debris resulting from the EXCAVATION shall be buried or removed.
- C. All slopes shall be graded to natural repose for the type of soil of which they are composed. Further, the area shall be restored in such shape that it shall be blended to be in keeping with the surrounding terrain.
- D. The elimination of any standing bodies of water created in the EXCAVATION project as may constitute a hazard to health and safety, unless the PLANNING BOARD specifies different restoration.
- E. Exemptions. EXCAVATION for the purpose of installing or creating pools, patios, and landscaping features or recreational areas shall be finished to the conditions specified on the permit.

**§ 200-8. Amendment of permit.**

When the scope of a project for which an EXCAVATION PERMIT has been issued is proposed to be altered so as to affect either the size or location of the EXCAVATION, the rate of removal or the PLAN for restoration, the OWNER shall submit an application for amendment of his/her/its EXCAVATION permit, which application shall be subject to approval in the same manner as provided for an original EXCAVATION permit.

**§ 200-9. Hearings on applications.**

Hearings on applications are as noted in § 276-5 of the LAND USE REGULATIONS.

**§ 200-10. Issuance of permit; prerequisites.**

If the PLANNING BOARD determines the application is not prohibited by § 200-5 above and approves it after the public hearing, the Board shall grant an EXCAVATION PERMIT to the APPLICANT only after:

- A. Town receipt of an EXCAVATION PERMIT fee as shown in § 276-6.
- B. Unless waived by the PLANNING BOARD, receipt by the office of the Town Engineer of a bond or other Surety as specified in § 276-4 in an amount computed by the Town Engineer and approved by the PLANNING BOARD as being reasonably sufficient to guarantee PERMIT compliance.
- C. Unless waived by the PLANNING BOARD, receipt by the PLANNING BOARD of a letter from Town Counsel certifying all documents as to form. Town Counsel fees shall be paid by the Owner.

**§ 200-11. Posting, transferability, expiration dating and conditions on permits.**

- A. A copy of the PERMIT shall be prominently posted at the EXCAVATION site or the principal ACCESS thereto.
- B. A PERMIT shall not be assignable or transferable without the prior written consent of the PLANNING BOARD.
- C. A PERMIT shall specify the date upon which it expires.
- D. The PLANNING BOARD may include in a PERMIT such reasonable conditions as are consistent with the purpose of RSA 155-E, including the provision of visual barriers to the EXCAVATION.

**§ 200-12. Rehearings.**

- A. If the PLANNING BOARD disapproves or approves an application for an EXCAVATION PERMIT or an application for an amended permit, any interested person affected by such decision may appeal to the PLANNING BOARD for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable, and said appeal shall be filed within 10 days of the date of the decision appealed from. The

PLANNING BOARD shall either grant or deny the request for rehearing within 10 days, and if the request is granted, a rehearing shall be scheduled within 30 days.

- B. Any person affected by the PLANNING BOARD's decision on a motion for rehearing to the PLANNING BOARD may appeal in conformity with the procedures specified in RSA 677:4 through 677:14.

**§ 200-13. Violations and penalties; enforcement.**

- A. The PLANNING BOARD or the Town Engineer may suspend or revoke the PERMIT of any person who has violated any provision of his/her/its PERMIT or this chapter or made a material misstatement or deliberate falsehood in the application upon which his/her/its PERMIT was granted. Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with § 200-12.
- B. The PLANNING BOARD or a person affected thereby may seek an order from the Superior Court that the violator cease and desist from violation of any provision of his/her/its PERMIT or this chapter and take such action as may be necessary to be in compliance with his/her/its PERMIT and this chapter. If the Superior Court issues such an order, the PLANNING BOARD or the person affected, as the case may be, shall have judgment for all costs and attorney fees in seeking such an order.
- C. To ascertain if there is compliance with this chapter, a PERMIT issued hereunder or an order issued hereunder, the PLANNING BOARD or its duly authorized agent may enter upon any land on which there is reason to believe an EXCAVATION is being conducted or has been conducted since January 1, 1979.
- D. Whoever violates any provision of this chapter, a PERMIT issued hereunder or a valid order issued hereunder shall be guilty of a misdemeanor, if a natural person, or guilty of a felony, if any other person.

**§ 200-14. Fees.**

Fees associated with EXCAVATION PERMIT Applications are specified in § 276-6D.

## Chapter 275

### SITE PLAN REVIEW

**[HISTORY: Adopted by the Planning Board of the Town of Hudson as amended through 10-14-2015. Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Driveways — See Ch. 193.  
Excavation of soil — See Ch. 200.  
Administrative requirements and definitions — See Ch. 276.  
Subdivision of land — See Ch. 289.  
Stormwater management — See Ch. 290.  
Zoning — See Ch. 334.

#### ARTICLE I General Provisions

##### **§ 275-1. Title; definitions.**

The official title of this chapter is the "TOWN OF HUDSON PLANNING BOARD SITE PLAN Review Regulation," hereinafter referenced as "this chapter."

Words in all capital letters are those with special definitions as noted in § 276-2 of the LAND USE REGULATIONS.

##### **§ 275-2. Authority.**

This chapter is authorized and adopted pursuant but not limited to RSA 674:43 and 674:44.

##### **§ 275-3. Purpose.**

The purpose of this chapter is to provide for PLANNING BOARD review and approval or disapproval of all SITE PLANS (and subsequent revisions thereto) for all uses (or change of use) other than one- and two-family residential, prior to the commencement of the use, the change of use or the issuance of a building permit. This chapter is to assure that minimum standards shall be attained, so as to provide for and protect the public health, safety and general wellbeing.

##### **§ 275-4. Approval required; jurisdiction.**

No person, persons, partnership, proprietorship, company, trust or corporation shall commence a new use, change a use or commence any site DEVELOPMENT activity (other than one- or two-family residential activity) without first securing SITE PLAN approval from the Hudson PLANNING BOARD pursuant to this chapter. These regulations shall apply to the DEVELOPMENT or change or expansion of use of tracts for nonresidential uses or for multifamily dwelling units which are defined as any structures containing more than two dwelling units, whether or not such DEVELOPMENT includes a SUBDIVISION or RESUBDIVISION of the site. For the purpose of these regulations, change of use occurs when

the use of any land or building is changed from one land use classification to another or from one category to another category within a land use classification as specified in the TOWN OF HUDSON Zoning Ordinance, Chapter 334 of the Code of the Town of Hudson. (See § 334-6, the definition of "use, change of.") No building permits shall be issued until SITE PLAN approval has been obtained from the TOWN OF HUDSON PLANNING BOARD. No building permits shall be issued until the approved SITE PLAN is recorded at the Hillsborough County Registry of Deeds.

**§ 275-5. Effective date.**

This chapter, and amendments thereto, shall become effective upon passage (majority vote) by the PLANNING BOARD and upon filing in accordance with RSA 675:6.

**§ 275-6. General requirements.**

In the review of any nonresidential SITE PLAN conducted under this regulation, the PLANNING BOARD shall require that adequate provisions be made by the OWNER or his/her/its authorized agent for the following:

- A. The safe and attractive DEVELOPMENT of the site and to guard against such conditions as would involve danger or injury to health or safety, and no significant diminution in value of surrounding properties would be suffered.
- B. Traffic circulation and access, including adequacy of entrances and exits, traffic flow, sight distances, curb cuts, turning lanes and traffic signalization.
- C. Pedestrian and bicycle safety and access.
- D. Off-street parking and loading.
- E. Emergency vehicle access, including fire lanes.
- F. Stormwater drainage and groundwater recharge.
- G. Water supply, wastewater disposal and solid waste disposal.
- H. Elimination of undesirable and preventable elements of pollution, such as noise, smoke, soot, particulates or any other discharge, into the environment which might prove harmful to persons, structures or adjacent properties.
- I. Adequate provision for fire safety, prevention and control.
- J. Harmonious and aesthetically pleasing DEVELOPMENT of the municipality and its environs.
- K. Suitably located travelways of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air and ACCESS for fire-fighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system.
- L. Landscaping in keeping with the general character of the surrounding area, showing trees, shrubbery and grass areas and other reasonable landscape details.
- M. Signage and exterior lighting.

- N. Conformance with all existing codes.
- O. (Reserved)
- P. Compliance with the provisions of the Zoning Ordinance.<sup>1</sup>
- Q. The minimization of encroachment on neighboring land uses.
- R. Green areas, open space, conservation easements, pedestrian easements, slope easements and such other easements as may be applicable.
- S. The use of a shared DRIVEWAY for ACCESS to two or more proposed SITE PLANS shall be allowed.
- T. Installation of improvements.
  - (1) The PLANNING BOARD shall weigh the burden that proposed DEVELOPMENT places on public facilities, infrastructure, sewers and amenities and shall require the installation of public improvements, both on-site and off-site, to compensate for this burden. Improvements may include, but are not limited to:
    - (a) Granite curbing.
    - (b) Sidewalk and STREET trees.
    - (c) Improvements to existing roadways and drainage.
    - (d) Traffic control devices.
    - (e) Open space.
    - (f) Recreational space.
    - (g) Moneys granted in lieu of land for recreational space, which shall be held by the Town in a nonlapsing fund for the future purchase and DEVELOPMENT of recreational space/facilities to serve this particular neighborhood/DEVELOPMENT.
    - (h) Improvements to nearby traffic corridors as warranted by the Town's cost allocation procedure traffic study.
  - (2) All requested improvements, whether on-site or off, shall be consistent with the standards enunciated by the New Hampshire Supreme Court and this legislature.
- U. The PLANNING BOARD shall require the APPLICANT to execute a DEVELOPMENT agreement. This agreement shall detail the terms, conditions and responsibilities of the APPLICANT and the Town in conjunction with an approved plan.
- V. Installation or placement of outside appurtenances: e.g., utility boxes, storage containers trash receptacles and/or air-conditioning equipment.
- W. Exterior storage or display areas.

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1. Editor's Note: See Ch. 334, Zoning.

X. (Reserved)

ARTICLE II  
**Application Procedures**

**§ 275-7. Forms and procedure required.**

Form and procedure requirements shall be in accordance with § 276-3.

**§ 275-8. Application submission.**

All applications for SITE PLAN PERMITS shall comply with the provisions of §§ 276-3 and 276-11 of the LAND USE REGULATIONS.

A. (Reserved)

B. (Reserved)

C. In addition to the general regulations, notations of, or showing compliance with, the following shall be required of all SITE PLAN APPLICATIONS:

(1) Parking Calculations and Requirements.

(2) Parking Calculations. The calculations for required off-street spaces shall be computed in accord with the specifications listed below. Any use not listed shall provide parking as required by the PLANNING BOARD. The PLANNING BOARD may vary these requirements if the APPLICANT can demonstrate that fewer spaces than required below are consistent with the proposed use:

(a) Automotive fuel stations: one space for each fuel dispenser, plus two spaces for each working bay, plus one space per employee on the largest shift. Automotive fuel stations with general retail shall provide, in addition to the foregoing parking requirements, one parking space per 200 square feet of gross leasable area established for the general retail use. Automotive fuel stations with fast-food establishments shall provide, in addition to the foregoing parking requirements, one parking space per 100 square feet of gross leasable area established for the fast-food use.

(b) Beauty parlors and barber shops: three spaces per operator.

(c) Eating and drinking establishments:

[1] Eating and drinking establishments (without a bar): one space per 100 square feet of gross leasable area.

[2] Eating and drinking establishments (with a bar): one space per 75 square feet of gross leasable area.

[3] Fast-food eating and drinking establishments (with and without drive-through window service): one space per 100 square feet of gross leasable area.

[4] All other eating and drinking establishments not indicated above shall

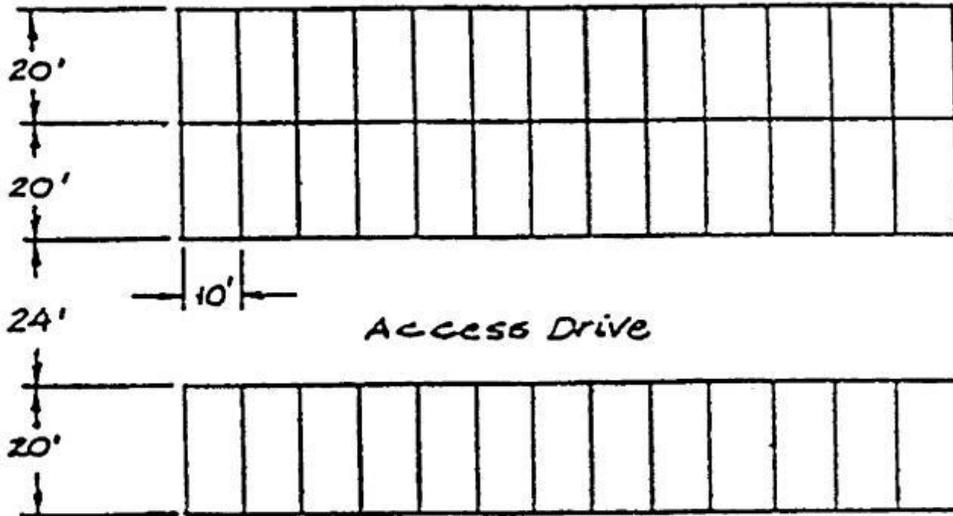
provide a minimum of one space per 100 square feet of gross leasable area.

- [5] Eating and drinking establishments having drive-through window service shall provide a minimum of 12 vehicle stacking spaces or a number of stacking spaces determined appropriate by the PLANNING BOARD for the use served.
- (d) Funeral homes: one for each 75 square feet of floor space in slumber rooms, parlors and individual service rooms.
  - (e) Hospitals and nursing homes: one per five patients.
  - (f) Furniture sales showrooms: one per 100 square feet of showroom area.
  - (g) Industrial: one for each 600 square feet of gross floor space or 0.75 space per employee of the combined employment of the two largest successive shifts, whichever is larger.
  - (h) Laundromats: one space for each two washing machines.
  - (i) Medical office and/or clinics: one parking space per each 300 square feet of gross floor area in the building.
  - (j) Motel or hotel: one per guest sleeping room plus one per employee of the largest shift.
  - (k) (Reserved)
  - (l) Private club or lodge: one per four members.
  - (m) Professional offices and business services: one for every 300 square feet of gross leasable area.
  - (n) Recreational areas: 3.5 parking spaces per tennis court and 20 spaces per ball field; other requirements as stipulated by the PLANNING BOARD.
  - (o) Residential units: two per unit.
  - (p) Retail business and personal service establishments: one space per 200 square feet of gross leasable areas.
  - (q) Stadium, theater or other place of public assembly: one space per four seats.
  - (r) Wholesale establishments: one per employee plus one per company (ungaraged) vehicle operating from the premises.
  - (s) Banks: one space per 250 square feet of gross leasable area plus one space per employee plus a minimum of five stacking spaces per drive-up window.
- (3) Statement of Parking Space Calculation: A note stating the number of parking spaces provided is to be included on the plan.
- (4) Parking space dimensions shall be 10 feet by 20 feet, except that the PLANNING

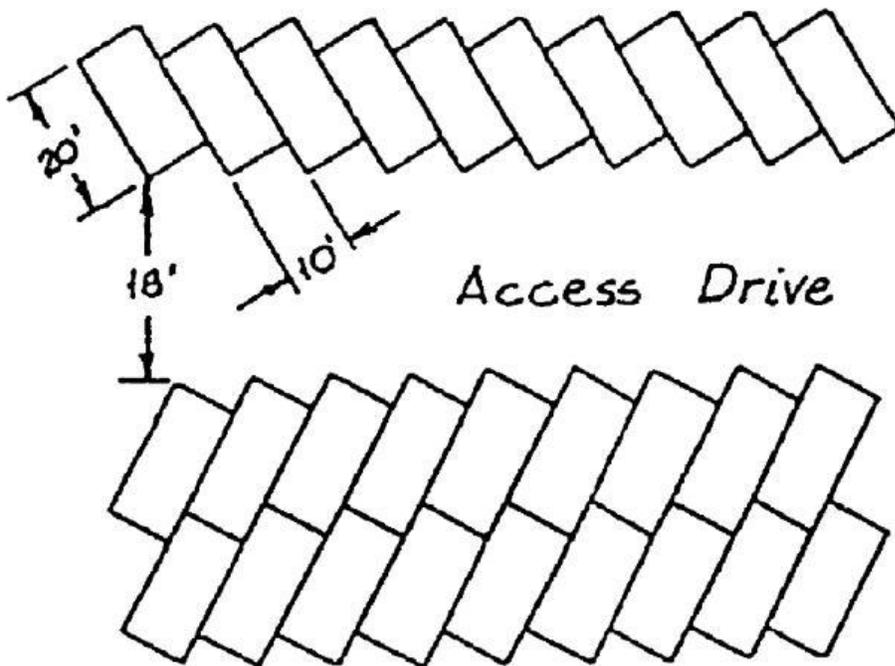
BOARD may vote to allow dimensions of nine feet by 18 feet.

(5) Minimum aisle widths for various parking PLANS are as listed and shown below. When any combination of PLANS is used facing the same drive aisle, the greatest width requirements shall prevail:

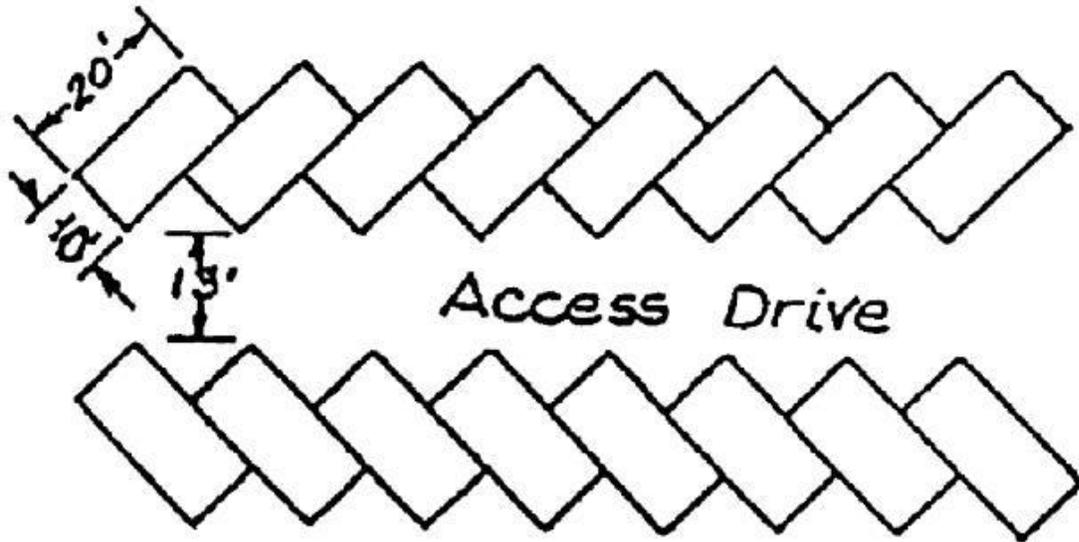
(a) Ninety-degree (perpendicular) parking: 24 feet (either one-way or two-way circulation).



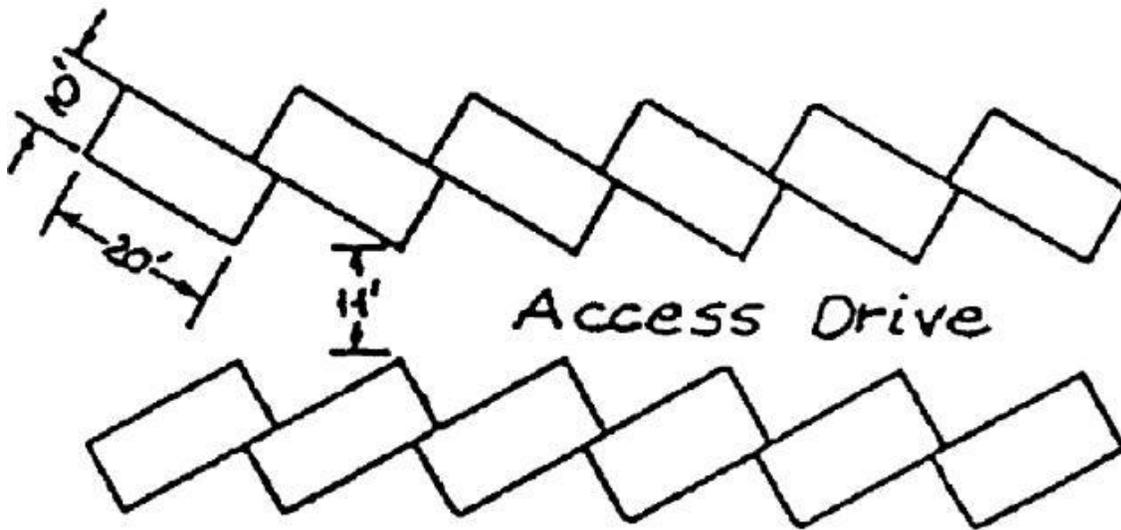
(b) Sixty-degree (angle) parking: 18 feet (one-way circulation only).



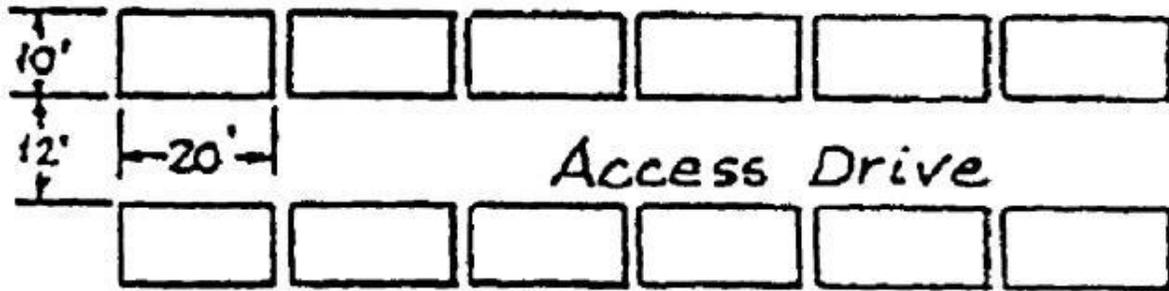
(c) Forty-five-degree (angle) parking: 13 feet (one-way circulation only).



(d) Thirty-degree (angle) parking: 11 feet (one-way circulation only).



- (e) Zero-degree (parallel) parking: 12 feet (one-way circulation only).



- (6) Off-street loading spaces required for the acceptance or distribution of materials or merchandise by vehicles shall be provided as follows:
- (a) Spaces required. Every nonresidential building or structure having 5,000 square feet or less of gross floor area shall provide at least one loading and/or unloading space. One additional space shall be provided for every additional 10,000 feet of gross floor area.
  - (b) Dimensions. Each off-street loading space shall be at least 12 feet in width and at least 60 feet in length, exclusive of aisle and maneuvering spaces, and shall have vertical clearance of at least 14 feet. However, when it is demonstrated that a particular loading space will be used by shorter trucks, the minimum length may be reduced to 35 feet.
  - (c) Location. All required loading and/or unloading spaces shall be located on the same LOT as the use served. No loading space for vehicles over 13,000 pounds (empty) shall be closer than 100 feet to any property in a residential zone, unless completely enclosed by a fence, wall or screen.
  - (d) Required maneuvering area. Off-street loading space shall be designed and constructed so that all maneuvering for loading and/or unloading can take place entirely within the property lines of the use. Off-street loading spaces shall not hinder the free movement of pedestrians and vehicles over a sidewalk, street, road, HIGHWAY or deeded rights-of-way.
- (7) Landscaping requirements.
- (a) A minimum of 10% of the interior of a parking LOT shall be set aside for landscaping areas exclusive of paved pedestrian surfaces.
  - (b) The landscaped area shall be calculated as 10% of the total area and drive aisles.
  - (c) A minimum of one shade tree shall be planted per 1,600 square feet of paved area, or one shade tree per every five parking spaces, whichever is greater.
  - (d) One shrub per 200 square feet of paved area shall be planted or 1.6 shrubs per every parking space.

- (e) This section shall not apply to parking areas consisting of a single access lane.
- (8) Screening shall be provided for visual separation of incompatible uses. Screening shall be required between parking or loading areas and, if present, an abutting residential zone. Screening may also be required between abutting nonresidential sites. Where screening is required, it shall provide a reasonable effective visual buffer by:
  - (a) Use of existing vegetation and terrain where possible; or
  - (b) New plantings (type, size and spacing to be approved by the PLANNING BOARD), grade separations, fences or similar features.
- (9) All parking spaces provided pursuant to this section shall be on the same LOT as the use.
- (10) Entrance design and construction shall conform with the requirements of Chapter 193, DRIVEWAYS, except that SITE PLAN approval shall constitute the issuance of a DRIVEWAY Permit.
- (11) Handicap accessibility shall be provided in accordance with the latest ADA Regulations. Appropriate handicap parking spaces and other details associated with parking and pedestrian ACCESS must be shown and detailed. The PLAN shall provide a note indicating that it complies to the best of the designer's knowledge with the latest ADA requirements and shall include the latest revision date for the ADA Regulations used.

**§ 275-9. Final application acceptance.**

Within 90 days of preliminary application acceptance (or any other date mutually agreed upon by the PLANNING BOARD and APPLICANT), the PLANNING BOARD shall grant final application acceptance, provided that the following exhibits and information have been approved (or deemed unnecessary) by the PLANNING BOARD:

- A. A STORMWATER MANAGEMENT PLAN\* including and using the following guidelines. NOTE: In preparing the STORMWATER MANAGEMENT PLAN, please refer to and comply with the requirements provided in Chapter 290, Stormwater Management and Erosion Control, of these LAND USE REGULATIONS.
  - (1) No STORMWATER RUNOFF in excess of rates existing prior to new construction shall be allowed to be discharged onto a public way or into a drainage system unless there is sufficient capacity to handle the additional runoff. All drainage shall be designed to achieve a zero increase in runoff for both peak and volume where practicable, except where the off-site drainage system has been designed to accommodate the site drainage.
  - (2) The direction of runoff flow through the use of arrows.
  - (3) The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers. If infiltration systems are proposed as part of a stormwater management plan, test pit and percolation test data in the vicinity of

the proposed infiltration system(s) must be provided.

- (4) Engineering calculations used to determine drainage requirements shall be based upon minimum storm frequency design events as follows:
  - (a) Ten-year storm event for closed drainage systems and local roadside ditches.
  - (b) Twenty-five-year storm event for culverts, major ditches and swales and detention ponds.
  - (c) Fifty-year storm event for bridges.
- (5) Certification by a licensed professional engineer (see RSA 310-A).
- (6) Any other specific study, calculation or investigation as requested by the Town Engineer.

[\*NOTE: Generally speaking, the STORMWATER MANAGEMENT PLAN is probably the single most important element of the entire SITE PLAN. Yet, traditionally, it has been one of the most neglected elements. The Hudson PLANNING BOARD recognizes that only a professional engineer, licensed in accordance with RSA 310-A, can certify the adequacy of proposed drainage plans. APPLICANTs are expected to make the same recognition or to discuss this matter with the PLANNING BOARD. The PLANNING BOARD emphasizes that the criteria listed in § 275-9A(1) through (6) are minimum requirements stated for these general regulations. It is expected that the Town Engineer shall have the latitude to more precisely define the criteria once a specific proposal is before the PLANNING BOARD.]

- B. If required by STAFF at the time of APPLICATION or at any time by the BOARD, a traffic study.
- C. If required by STAFF at the time of APPLICATION or at any time by the BOARD, a noise study.
- D. If required by STAFF at the time of APPLICATION or at any time by the BOARD, a fiscal impact study accepted by the PLANNING BOARD.
- E. A utility PLAN showing provisions for all existing and planned utilities, on- or off-site, necessary for the DEVELOPMENT.
- F. Copies of any proposed or existing easements, covenants, deed restrictions or any other similar document pertinent to the SITE PLAN.
- G. A copy of all applicable Town, state, county or federal approvals or permits, such as but not limited to (as applicable):
  - (1) Chapter 270, Sewers.
  - (2) Floodplain permit.
  - (3) Special exception to the Wetlands Ordinance.<sup>2</sup>

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2. Editor's Note: For provisions relating to the Wetlands Conservation Districts, see Ch. 334, Zoning, Art. III.

- (4) Septic system construction approval from the New Hampshire Water Supply and Pollution Control Commission.
- (5) Approval of the New Hampshire Wetland Bureau for the relocation, filling, dredging or rechanneling of any natural or man-made drainage area.
- (6) Approval of the New Hampshire Department of Public Works and Highways for any required DRIVEWAY PERMITS or curb cuts.
- (7) New Hampshire Revised Statutes Annotated 149:8-a PERMIT relative to the prevention of pollution from dredging, filling, mining, transporting forest products or other constructions.<sup>3</sup>

H. (Reserved)

I. If required by the PLANNING BOARD, an environmental impact study accepted by the BOARD.

**§ 275-10. Escrow deposit.**

An escrow deposit in accordance with § 276-12 may be required.

**§ 275-11. Failure to submit final application; reapplication.**

Unless otherwise acted upon, failure of the APPLICANT to submit the final application (within the time frame identified in § 275-9) shall result in an automatic vote to not accept the application for PLAN approval. The PLANNING BOARD shall hereafter advise the APPLICANT of such action in writing stating reason therefor. Any resubmitted application for PLAN approval shall be subject to all SITE PLAN review regulations in force at the time of the second or subsequent submission. Such resubmissions must first receive preliminary application acceptance in accordance with § 275-8.

ARTICLE III  
**Review and Approval**

**§ 275-12. Procedure; certification may be required.**

The PLANNING BOARD shall begin formal consideration of the accepted application (proposal), provided that:

- A. No proposal may be denied or approved without a public hearing on the application.
- B. Formal consideration shall begin within 30 days after granting final application acceptance.
- C. The PLANNING BOARD shall vote to approve or deny the application within 90 days of final application acceptance, except that:
  - (1) The PLANNING BOARD may apply to the Board of Selectmen for an extension, not to exceed an additional 90 days, before acting to approve or deny an application pursuant to RSA 676:4, I(e)(2).

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3. Editor's Note: RSA 149, Water Pollution and Disposal of Wastes, was repealed in 1989. See now RSA 485-A:17.

- (2) The PLANNING BOARD and the APPLICANT may mutually agree to an extension to any specific date, thereby establishing a deadline date other than that established by statute.
- D. Any PLANNING BOARD vote to deny any application shall be in writing, stating the reason(s) for the denial.
- E. As part of the approval of any application, the PLANNING BOARD may vote to require the posting of a bond or escrow agreement in such amount and in such form as may be determined and approved by the PLANNING BOARD as being reasonably necessary to ensure adherence to and completion of all improvements required as conditions of approval of such plan. Costs associated with the legal review of such bond or escrow agreement shall be borne by the APPLICANT. The PLANNING BOARD may stipulate, as a condition precedent to the approval of the plat, the extent to which and the manner in which streets shall be graded and improved and to which water, sewer and other utility mains, piping, connections or other facilities shall be installed. These regulations provide:
- (1) For the conditional approval of the PLAT before such improvements and installations have been constructed, but any approval shall not be entered upon that plat; and
  - (2) That, in lieu of the completion of STREET work and utility installations prior to the final approval of a plat, the PLANNING BOARD may accept a bond or other security in an amount and with surety and conditions satisfactory to it providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the PLANNING BOARD and expressed in the bond or other security; and, further, that the TOWN OF HUDSON is granted the power to enforce such bonds or other securities by all appropriate legal and equitable remedies.
- F. Application requirements.
- (1) Prior to recording a SITE PLAN at the Hillsborough County Registry of Deeds, a copy of the PLAN shall be provided in electronic form acceptable to the Town.
    - (a) The electronic drawing shall incorporate the following information and layer configuration shall meet the requirements of § 276-11.

**§ 275-13. Effective and expiration dates of PLAN approval.**

- A. A SITE PLAN is approved and becomes effective upon the final PLANNING BOARD vote of approval. The approved SITE PLAN is valid for one year from the date of PLANNING BOARD meeting final approval, provided that:
- (1) Active and substantial DEVELOPMENT or construction shall have commenced on the site by the owner, in accordance with the approved plan, within said one-year period.
  - (2) If no active and substantial DEVELOPMENT or construction occurs as specified in Hudson Town Code § 275-13A(1) above, the SITE PLAN approval becomes null and void and expires at the end of one year from the date of PLANNING BOARD meeting final approval.

- B. A SITE PLAN submitted for approval or reapproval after having expired as specified in Hudson Town Code § 275-13A(2) above shall be subject to SITE PLAN regulations and zoning ordinances in effect at the time of any subsequent submission.

ARTICLE IV  
**Fees and Waivers**

**§ 275-14. Fees.**

Fees associated with review of a SITE PLAN application or SITE PLAN, not mentioned in foregoing sections of this chapter, are identified in § 276-6.

**§ 275-15. Waivers.**

Waivers may be granted as specified in § 276-7.

ARTICLE V  
**Incomplete and Inactive SUBDIVISION or SITE PLAN Application PLAN Sets**

**§ 275-16. Return of plan sets; refund.**

All refunds and returns of PLANS shall be specified in § 276-8.

ARTICLE VI  
**(Reserved)**

**§ 275-17. (Reserved)**

ARTICLE VII  
**Performance Sureties**

**§ 275-18. Requirements.**

The requirements for sureties shall be in accordance with § 276-4.

ARTICLE VIII  
**Period of Validity of Approved PLANS**

**§ 275-19. PLANS approved by PLANNING BOARD but not signed and recorded at Hillsborough County Registry of Deeds.**

PLANS approved by the PLANNING BOARD but not signed and recorded at the Hillsborough County Registry of Deeds are valid as specified in § 276-9.

ARTICLE IX  
**Utilities**

**§ 275-20. Installation requirements.**

Installation of all utilities shall comply with § 276-13.

ARTICLE X  
**Application Completeness**

**§ 275-21. Determination of application completion.**

All applications shall be reviewed for completion pursuant to § 276-14.

ARTICLE XI  
**Special Site Review Committee**

**§ 275-22. Establishment of committee.**

In accordance with RSA 674:43, III, and a vote by means of Article 43 at the 1999 TOWN OF HUDSON Annual Town Meeting, a Special Site Review Committee is hereby established to review and act upon minor SITE PLANS as defined in § 275-27.

**§ 275-23. Membership.**

The Special Site Review Committee shall consist of the TOWN PLANNER or his or her authorized representative (authorized representatives to include and to be limited to the Community Development Director and/or the Building Inspector), one member of the PLANNING BOARD (appointed by the Chairman of the PLANNING BOARD), and one member from the Board of Selectmen (appointed by the Chairman of the Board of Selectmen). The TOWN PLANNER shall serve as the Chairman of the Committee.

**§ 275-24. Committee actions.**

Submission of minor SITE PLAN applications shall comply with the requirements listed in the SITE PLAN regulations and shall be in accordance with the provisions set forth in RSA 674:43, III. Upon receipt of a minor SITE PLAN application, the Committee shall notify the APPLICANT and ABUTTERS (at the APPLICANT's expense) at least 10 days prior to the date on which the Committee shall review the application. Notification shall indicate that the PLAN shall be available for inspection in the Community Development Department prior to the date on which the Committee shall review the plan. No formal public hearing shall be held; however, any ABUTTER may be heard on an application upon request. All provisions of RSA 676:4 shall apply to actions by the Special SITE PLAN Review Committee; provided that PLAN acceptance and public hearing shall occur at the same meeting. Where necessary for proper evaluation of a minor SITE PLAN, the Committee may require, at the APPLICANT's expense, that the PLAN be reviewed for technical input by Town STAFF or consultants.

- A. The Committee shall act to approve or disapprove within 45 days after submission of a completed application unless the time for action shall be extended, or waived by the APPLICANT, in accordance with RSA 676:4, I(f). On an as-needed basis, the Committee shall conduct one meeting every month to review minor SITE PLAN applications, and this meeting shall be scheduled on the Monday preceding the monthly PLANNING BOARD workshop.
- B. A decision of the Committee may be appealed to the full PLANNING BOARD, so long as a notice of appeal is filed within 20 days of the Committee's decision. Any one member of

the Committee can require that the application be sent to the PLANNING BOARD for SITE PLAN or conceptual SITE PLAN review. Whereupon, after STAFF determines the SITE PLAN application is complete, a public hearing shall be scheduled on the earliest available regular PLANNING BOARD meeting.

- C. The PLANNING BOARD shall be notified of the Committee's decision at the next scheduled PLANNING BOARD meeting after the decision is rendered. A copy of the minor SITE PLAN shall be included as part of the notification.

**§ 275-25. Minimum requirements.**

In order to meet the minimum requirements for a minor SITE PLAN review, the APPLICANT must have a valid, signed SITE PLAN. In addition, the site must not have any code violation(s) within the previous 24 months. The exception is if the minor SITE PLAN application seeks to correct any outstanding violation(s) or any outstanding SITE PLAN compliance/requirement issues.

**§ 275-26. Certification.**

Upon approval of a SITE PLAN by the Special Site Review Committee, certification shall be executed when the application is filed in the Community Development Department:

- A. Five copies (24 inches by 36 inches), black- or blue-line, of the final SITE PLAN for signing by the Chairman of the Special Site Review Committee or his/her designee.
- B. Where required, a performance bond, irrevocable letter of credit, or escrow account in a form satisfactory to the Town Attorney and in an amount established by the Committee.
- C. All formal legal instruments where required in these regulations, such as deeds, easements and irrevocable offers of dedication to the public of all streets, utilities and parks, in a form approved by the Town Attorney.

**§ 275-27. Minor SITE PLANS.**

Minor SITE PLANS shall include the following types of DEVELOPMENT:

- A. Parking area additions of six spaces or less and which comply with all zoning requirements and SITE PLAN regulations.
- B. Building additions of no greater than 20% of the existing structure or 1,000 square feet, whichever is less, and which comply with all zoning requirements and SITE PLAN regulations.
- C. Outdoor seasonal sales at site-plan-approved business locations shall be allowed twice annually for not more than three days each.
- D. Outdoor display of merchandise shall be allowed as long as designated parking spaces are not used for merchandise and vehicular/pedestrian traffic is not impeded.
- E. Any other proposed building or site change which the Special Site Review Committee reasonably determines is consistent with the intent of this section.

Note: All stipulations/conditions included on the original approved SITE PLAN shall remain in full force and effect.

**§ 275-28. Nonqualified minor SITE PLANS.**

Unless a SITE PLAN is specifically provided for in § 275-27, it shall not be considered a minor SITE PLAN.

**§ 275-29. Review of minor SITE PLANS by BOARD.**

At the request of the APPLICANT, minor SITE PLAN applications may be reviewed by the full BOARD, using the criteria specified in §§ 275-24 through 275-28.

## Chapter 276

### ADMINISTRATIVE REQUIREMENTS AND DEFINITIONS

**[HISTORY: Adopted by the Planning Board of the Town of Hudson as amended through 10-14-2015. Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Driveways — See Ch. 193.  
Excavation of soil — See Ch. 200.  
Site plan review — See Ch. 275.  
Subdivision of land — See Ch. 289.  
Stormwater management — See Ch. 290.  
Zoning — See Ch. 334.

#### § 276-1. Title.

The official title of this chapter is the "Town of Hudson, NH, Land Use General and Administrative Requirements and Definitions," hereinafter references as "this chapter."

Words in all capital letters are those with special definitions as noted in § 276-2 of the LAND USE REGULATIONS.

#### § 276-2. Definitions.

As used in Chapters 193 (DRIVEWAYS), 200 (EXCAVATION of Soil), 275 (SITE PLAN Review), 276 (Administrative Requirements and Definitions), 289 (SUBDIVISION of Land) and 290 (Stormwater Management) of the Hudson, NH, Town Code, generally referenced as the "Town of Hudson, NH, Land Use Regulations," the following words or phrases are selected to clarify their common usage in the interpretation in those chapters.

Capitalized words in the LAND USE REGULATIONS indicate words defined in this section.

The following definitions of words or phrases shall take precedence over common dictionary definitions:

AASHTO — The American Association of State Highway and Transportation Officials.

ABUTTER — The OWNER of record of a parcel of land which is contiguous, at any point, to the parcel being subdivided and/or which has frontage on a common road at any point within that portion defined by the perpendicular extensions across the road, from the points of intersection between the edge of the road RIGHT-OF-WAY and the property lines of the parcel being subdivided, or any person or persons holding legal title of land within 120 feet of the exterior boundaries of a given LOT, except that for EXCAVATION permits the distance is 200 feet of the exterior boundaries of a given LOT.

ACCESS — Permission or the right to enter, get near, or make use of a parcel of land, or the physical land over which that permission or right exists.

**ALL-SEASON SAFE SIGHT DISTANCE** — A line which encounters no visual obstruction between two points, measured from the driver's eye height at 3.5 feet to the top of an approaching vehicle at 4.35 feet above the pavement or travelway and so located as to represent the critical line of sight between the operator of a vehicle using the **ACCESS** and the operator of a vehicle approaching from either direction.

**APPLICANT** — The person, persons, corporation or other legal entity, or their assigns, applying for a **SITE PLAN, SUBDIVISION, EXCAVATION, DRIVEWAY** and/or **STORMWATER MANAGEMENT PERMIT**

**BEST MANAGEMENT PRACTICE** — A proven or accepted structural, nonstructural, or vegetative measure, the application of which reduces erosion, sediment, or peak storm discharge, or improves the quality of stormwater runoff.

**BITUMINOUS CONCRETE** — The surface material commonly known as blacktop, asphalt, macadam or tarmac, composed of evenly sized gravel in a bituminous binder.

**BMP** — Best management practice.

**BOARD** or **PLANNING BOARD** — Unless otherwise specified, **BOARD** or **PLANNING BOARD** means the Town of Hudson, NH, **PLANNING BOARD** as appointed by the Town Selectmen.

**CIVIL ENGINEER** — The person presently serving in capacity of **CIVIL ENGINEER** for the Town of Hudson, either in a permanent or temporary capacity, acting under the guidance of the Town Engineer.

**CERTIFIED SOIL SCIENTIST** — A person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

**CRITICAL AREAS** — Disturbed areas of any size within 50 feet of a stream, bog, water body, or poorly or very poorly drained soils; disturbed areas exceeding 2,000 square feet in **HIGHLY ERODIBLE SOILS**; or disturbed areas containing slope lengths exceeding 25 feet on slopes greater than 10%.

**DEVELOPMENT** — Any construction or land disturbance or grading activities other than for agricultural and silvicultural practices.

**DIG SAFE®** — A not-for-profit clearinghouse that notifies participating utility companies of your plans to dig. In turn, these utilities (or their contract locating companies) respond to mark out the location of their underground facilities. Dig Safe is a free service, funded entirely by its member utility companies.

**DISTURBED AREA** — An area where the natural vegetation has been removed exposing the underlying soil, or vegetation has been covered.

**DRIVEWAY** — Any improved or unimproved area serving as an area of access, entrance, exit or approach from any **HIGHWAY** to any parcel of land, regardless of public or private ownership.

**EARTH** — "Soil" (Note: See below.) and bedrock.

**ENGINEER or SURVEYOR** — The designated, licensed and legally recognized engineer or surveyor of the **SUBDIVIDER** as may be pertinent to the actual services to be performed in accordance with the provisions of RSA 310-A:1 through 310-A:27, as amended.

**ENVIRONMENTAL PROTECTION AGENCY or EPA** — The federal agency responsible for implementing the Clean Water Act, including the National Pollutant Discharge Elimination System (NPDES) program.

**EROSION** — The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

**ENGINEERING REVIEW** — Review, comments, recommendations and other work performed by an outside licensed engineering firm engaged by the Town to perform such work.

**EXCAVATION** — The disturbance of **SOIL** or bedrock.

**HIGHWAY** — Any travelway, dedicated to or accepted by the Town, whether improved or unimproved, within the **TOWN OF HUDSON** that is available as public use for travel, regardless of whether or not its popular or legal name contains the term "street," "highway," "road," "roadway," "route," "avenue," "boulevard" or other such nomenclature, which shall include any Class VI roads within Hudson.

**HIGHLY ERODIBLE SOILS** — Any soil with an erodibility class (K factor) greater than or equal to 0.43 in any layer as found in Table 3-1 of the Stormwater Management and Erosion and **SEDIMENT** Control Handbook for Urban and Developing Areas in New Hampshire.

**LAND USE REGULATIONS** — The Town of Hudson, NH, Land Use Regulations, consisting of Chapters 193, 200, 275, 276 and 290 of the Hudson Town Code.

**LOAM** — Defined in Paragraph 2.1 of Section 641 of the Standard Specifications for Road and Bridge Construction of the State of New Hampshire, Department of Public Works and Highways, 1974, et seq.

**LOT** — A single contiguous parcel of land.

- A. **CONFORMING** — A parcel of land capable of being occupied by one principal structure or use and its accessory structures or uses and as shown and identified as such on a plat as defined in the Town Code.
- B. **NONCONFORMING** — A parcel of land not capable of being occupied by one principal structure or use and its accessory structures or uses and as shown and identified as such on a plat as defined in the Town Code.

**MONUMENTATION** — The installation of permanent markers that define corners, boundaries, and rights-of-way when surveying land.

**NHDOT** — The New Hampshire Department of Transportation.

**NHDES** — The New Hampshire Department of Environmental Services.

**NOI** — A notice of intent to apply for coverage under the EPA's General **PERMIT** for Stormwater Discharges from Construction Activities.

NOT — A notice of termination to end such coverage. (See § 290-6H.)

NPDES — The National Pollutant Discharge Elimination System, an EPA Clean Water Act PERMIT program.

OWNER — The person, persons, partnership, proprietorship, company, trust, corporation or other legal entity who or which owns the rights to sell, develop, subdivide, excavate or perform any other action subordinate to the provisions of the Town of Hudson, NH, Land Use Regulations.

PIT AGREEMENT — The document identified in Section 106 of the Standard Specifications for Road and Bridge Construction of the State of New Hampshire, Department of Public Works and Highways, 1974, et seq.

PERMIT — A written permission given for a particular activity, such as DRIVEWAY installation or modification, EXCAVATION or stormwater management.

PERMIT/PLAN PROCESS — The PERMIT Process for SUBDIVISION and SITE PLANS and Permits is generally composed of the following steps:

- A. Permit application:
  - (1) Payment of fees.
  - (2) Requests for waivers.
  - (3) Submission of PLAN sets or drawings, as required.
  - (4) Submission of other documentation, as required.
- B. STAFF and legal review.
- C. Public notice and notification of ABUTTERS, if required.
- D. Scheduling of BOARD public hearing date.
- E. Public hearing:
  - (1) Application acceptance or rejection.\*
  - (2) APPLICANT presentation.
  - (3) Public input.
  - (4) PLANNING BOARD discussion and action:
    - (a) Vote to approve or disapprove waivers, if required.
    - (b) Vote to approve or disapprove PLAN or PERMIT.
    - (c) Continuation date set if the matter is deemed not ready for a vote.
- F. Posting of sureties, if required.
- G. Appeals of rejected PLANS or permits may be made as allowed for in applicable RSAs, which differ for the various types of PLANS and permits.

- \* The BOARD shall provide information regarding reasons the application was rejected, if that is the case.

PLAN — A document, drawing or set of documents and/or drawings required for a SITE PLAN, SUBDIVISION PLAN or other PERMIT approval required by the LAND USE REGULATIONS.

- A. SITE PLAN — The DEVELOPMENT or change or expansion of use of tracts for nonresidential uses or for multifamily dwelling units which are defined as any structures containing more than two dwelling units, whether or not such DEVELOPMENT includes a SUBDIVISION or RESUBDIVISION of the site.
- B. SUBDIVISION PLAN — The division of an existing lot into two or more new lots, or the combination of two or more lots and subsequent redivision of those lots into new lots.

PLAT — The map, drawing or chart on which the final PLAN of SUBDIVISION is presented to the PLANNING BOARD, and which, if approved, shall be filed or recorded with the Hillsborough County Register of Deeds.

PRELIMINARY PLAN — The preliminary drawings indicating the proposed layout of the SUBDIVISION to be submitted to the BOARD for its consideration.

PROJECT AREA — The area within the SUBDIVISION or SITE PLAN boundaries plus any areas with associated off-site improvements.

RESERVE STRIP — Includes areas for which future public use is intended for STREET connections and for STREET or pedestrianways giving ACCESS to land dedicated for public use.

RIGHT-OF-WAY — The area of land owned, used by or available to the Town for HIGHWAY purposes, including any ancillary purposes thereto.

ROAD AGENT — The person presently serving in the capacity of Road Agent for the Town of Hudson, either in a permanent or temporary capacity.

RSA — The NH Revised Statutes, Annotated.

SAFE STOPPING DISTANCE — The recommended distance for safe stopping for the grade, average speed and other conditions as published by AASHTO. The distance shall be measured on the surface of the roadway as opposed to a visual line-of-sight distance.

SEDIMENT — Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

SOIL — "Overburden," as described in Basic Soils Engineering, by B.K. Hough, Second Edition, 1969, a copy of which is on file in the office of the Town Engineer.

STABILIZED — When the soil erosion rate approaches that of undisturbed soils. Soils which are disturbed shall be considered protected when covered with a healthy, mature growth of grass, or a good covering of straw mulch or other equivalent (seedless) mulch (two tons/acre). Mulch is only a temporary measure; ultimately, the site needs vegetation.

**STAFF** — The person holding the title of TOWN PLANNER for the Town of Hudson, NH, and, under his or her supervision, any Town administrative, clerical and legal personnel who are engaged by or are employees of the Town.

**STORMWATER MANAGEMENT AND EROSION CONTROL PLAN (SWMP)** — A plan which outlines project features, proposed temporary and permanent erosion control features, maintenance schedules and practices, and the design basis used to establish temporary and permanent stormwater design features.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP)** — A plan required by the EPA that clearly describes appropriate pollution control measures that include a description of all pollution control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in stormwater discharges and describes the interim and permanent stabilization practices for the site.

**STORMWATER RUNOFF** — The water from precipitation that is not absorbed, evaporated, or otherwise stored within the contributing drainage area.

**STREAM** — Areas of flowing water occurring for sufficient time to develop and maintain defined channels but which may not flow during dry portions of the year; includes but is not limited to all perennial and intermittent streams located on U.S. Geological Survey Maps.

**STREET** — Includes streets, avenues, drives, boulevards, roads, lanes, alleys, HIGHWAYS, land viaducts and any other public way, exclusive of DRIVEWAYS, serving not more than two contiguous LOTS. These streets have been divided into two categories, as defined below:

- A. **MAJOR STREETS** — Streets designed, or required, to carry large volumes of traffic to, from, or through the Town. Arterial and collector streets as listed in the Zoning Ordinance<sup>1</sup> are considered to be major streets.
  - (1) **COLLECTOR STREETS** — Streets designed, or required, to collect traffic from minor streets and distributing traffic to major streets.
  - (2) **COMMERCIAL STREETS** — Streets designed, or required, to serve industrial or mercantile concentrations and carry traffic to major streets.
- B. **RESIDENTIAL STREETS** — Streets designed, or required, to provide vehicular ACCESS to abutting residential properties.
  - (1) **SERVICE STREETS** — Streets designed, or required, to provide vehicular ACCESS to abutting commercial or industrial properties.
  - (2) **ACCESS STREETS** — Streets or minor ways designed, or required, to provide vehicular ACCESS to off-street loading or off-street parking facilities.

**SUBDIVIDER** — The registered OWNER or authorized agent of the registered OWNER of a SUBDIVISION.

**SUBDIVISION** — The division of a tract or parcel of land into two or more LOTS for the purpose, whether immediate or future, of sale, rent, lease or building development, or requiring

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1. Editor's Note: See Ch. 334, Zoning.

the extension of municipal utilities, or the creation of one or more new streets, or the extension of existing streets; provided, however, that DEVELOPMENT for agricultural purposes is expressly excluded. When appropriate to the context of this chapter, the term "SUBDIVISION" shall relate either to the process of subdividing or to the land or area subdivided.

SWPPP — Stormwater pollution prevention plan (see § 290-5).

TOWN ENGINEER — The professional engineer who holds the position of Town Engineer for the Town of Hudson, or his or her designated representative, either in a permanent or temporary capacity.

TOWN OF HUDSON, HUDSON or TOWN — The Town of Hudson, NH.

TOWN PLANNER — The person occupying the position of the Town of Hudson, NH, Town Planner.

URBANIZED AREA (UA) — An area as defined by the EPA serving a population of 10,000 or greater and a population density of 1,000 people per square mile.

WAIVER — A permission granted by the BOARD to exempt an APPLICANT from a specific requirement of the LAND USE REGULATIONS per § 276-7 of the REGULATIONS. WAIVERS must be requested and approved. (WAIVERS are different from variances. Variances apply to the Zoning Regulations,<sup>2</sup> not the LAND USE REGULATIONS.)

YEAR or CALENDAR YEAR — Unless otherwise specified in these REGULATIONS, each subsequent three-hundred-sixty-five-day period following the approval of a PLAN or granting of a PERMIT.

### **§ 276-3. Application for Permit.**

At least 21 calendar days prior to the date of the PLANNING BOARD meeting at which the APPLICANT desires review of his/her/its application, the APPLICANT shall file a properly completed application for SITE PLAN approval (see Appendix No. 1<sup>3</sup>) at the office of the TOWN PLANNER during normal working hours. Upon planning STAFF determination that the application is complete, the PLAN can be accepted for review by STAFF and the PLANNING BOARD. The application PLAN set shall include the items in § 276-11 and the following items:

- A. Application for all PLANS and Permits shall be made on forms provided by the PLANNING BOARD at the Community Development Department offices at Town Hall. Said form can also be obtained/downloaded online, via the Town's Community Development Department website: [www.hudsonnh.gov/](http://www.hudsonnh.gov/). In addition to submitting a written DRIVEWAY application form to the PLANNING BOARD, electronic filing, in pdf format, is required.
- B. Any OWNER shall apply to the PLANNING BOARD prior to EXCAVATION of his/her/its land and send a copy of the application to the Conservation Commission. Said form can also be obtained/downloaded online, via the Town's Community Development

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2. Editor's Note: See Ch. 334, Zoning.

3. Editor's Note: Appendix No. 1 is available and on file in the office of the Town Clerk.

Department website: [www.hudsonnh.gov/](http://www.hudsonnh.gov/). In addition to submitting a written DRIVEWAY application form to the PLANNING BOARD, electronic filing, in pdf format, is required.

- C. In addition thereto, estimated fees as specified in § 276-6 of this chapter are to be deposited with the Town prior to initiation of any administration or review of the project by the PLANNING BOARD or any of its representatives.
- D. The PLANNING BOARD shall determine if any additional studies are necessary (i.e., roadway, drainage, traffic or sanitary sewer).

**§ 276-4. Performance Sureties.**

- A. Need statement. Certain SITE PLAN, SUBDIVISION, EXCAVATION, DRIVEWAY and stormwater management projects, because of size, scope, site and seasonal weather conditions, shall need to post a performance surety. The APPLICANT shall file a performance surety to guarantee completion of the project.
- B. Surety types. The performance surety shall be either:
  - (1) In the form of the "Hampton Method Letter of Credit" (copy on file in the Town Planner's office); or
  - (2) A cash bond on deposit with the Town in an interest-bearing account.
- C. Such performance surety shall guarantee all improvements as proposed by the APPLICANT and approved by the PLANNING BOARD.
- D. SUBDIVISION performance sureties shall guarantee completion of streets, curbing, sidewalks, utilities and other site-specific items as determined by the PLANNING BOARD.
- E. SITE PLAN performance sureties shall guarantee plan implementation for any PLAN elements not completed at time of certificate of occupancy application.
- F. EXCAVATION, DRIVEWAY and stormwater management performance sureties shall guarantee the completion of any PLAN elements not completed by the date specified by the PLANNING BOARD in the plan. The performance surety shall have a time period as specified by the PLANNING BOARD.
- G. Surety reductions or terminations. The subdivider/site developer shall not be released from the terms of the performance surety until all terms/conditions are met. Reductions based on partial completion or other consideration may be considered by the PLANNING BOARD. Surety reductions or terminations must be approved by the PLANNING BOARD.
- H. Maintenance level sureties for SUBDIVISIONs. Maintenance level sureties shall be required for all SUBDIVISIONs where roadways are constructed. The maintenance level surety shall have a time frame of not less than two years following the final asphalt coat.
- I. Before the final PLAT shall have been approved or disapproved, the PLANNING BOARD may hold a public hearing on the PLAN where no specific buildings are to be erected; otherwise, the PLANNING BOARD shall hold a public hearing on the plan. Notice thereof

shall be sent to the subdivider, by registered mail, with return receipt requested, stating the time and place of such hearing, but not less than five days before the date fixed therefor.

**§ 276-5. Hearings on Applications.**

Prior to the PLANNING BOARD's approval of an application for a PERMIT or an application for an amended permit, a public hearing shall be held within 30 days on such application. A certified notice of said hearing shall be sent to all ABUTTERS within 150 feet (200 feet for EXCAVATION permits) of the parcel on which the activity for which the PERMIT requested is proposed to occur; said notice shall specify the grounds for the hearing as well as the date, time and place, and at least 14 days' notice of the time and place of such hearing shall be published in a paper of general circulation. A legal notice of the hearing shall also be posted in at least three public places within the Town (Note: The 14 days shall not include the day of publication nor the day of the hearing, but shall include any Saturdays, Sundays or legal holidays within said period.) Within 20 days of said hearing or any continuation thereof, the PLANNING BOARD shall render a decision approving or disapproving the application, giving reasons for disapproval.

**§ 276-6. Fees.**

The following application and other fees are required for activities subject to the Town of Hudson, NH, LAND USE REGULATIONS:

- A. Table 1, Table 2 and Table 3 of this section shall list the required categories of fees and their applicable payment due periods. The current schedule of fees shall be maintained by the Hudson Town Clerk and shall be posted by the Hudson Town Clerk (increased, decreased, or eliminated) to reflect future changes to those schedules as directed by the TOWN OF HUDSON Board of Selectmen without further action required by the PLANNING BOARD, and a copy of that posting shall be provided to APPLICANTS with their APPLICATION forms.
- B. All fees are the responsibility of the APPLICANT.
- C. SITE PLAN Application Fees and Due Dates are specified in Table 1 of this chapter (insert the schedule from the Town Clerk's Office in Table 1).
- D. EXCAVATION PERMIT Fees and Due Dates are specified in Table 2 of this chapter.
- E. The DRIVEWAY PERMIT Application Fee is specified in Table 3.
- F. The fees for SUBDIVISIONS are contained in the SUBDIVISION PERMIT APPLICATION.

**Table 1  
SITE PLAN and SUBDIVISION Application Fees**

| <b>Payment Description</b>      | <b>Amount</b>        | <b>Payment Due</b>     |
|---------------------------------|----------------------|------------------------|
| Postage cost for notification   | Posted by Town Clerk | Upon application       |
| 2-column by 4-inch newspaper ad | Posted by Town Clerk | Upon application       |
| APPLICATION Fee(s)              | Posted by Town Clerk | Upon application       |
| Legal review                    | \$75*                | Upon award of approval |

\* **NOTES:** Estimated fee subject to change depending on complexity of legal review required; payable directly to counsel.

**Table 2  
EXCAVATION PERMIT Fees and Due Dates**

| <b>Payment Description</b>      | <b>Amount</b>        | <b>Payment Due</b>                         |
|---------------------------------|----------------------|--|
| Postage cost for notification   | Posted by Town Clerk | Upon application                           |
| 2-column by 4-inch newspaper ad | Posted by Town Clerk | Upon application                           |
| EXCAVATION PERMIT fee           | Posted by Town Clerk | Upon award of application approval         |
| EXCAVATION PERMIT fee           | Posted by Town Clerk | Upon award of amended application approval |
| Legal review                    | \$75*                | Upon award of approval                     |

\* **NOTES:** Estimated fee subject to change depending on complexity of legal review required; payable directly to counsel.

**Table 3  
DRIVEWAY PERMIT Fee**

The DRIVEWAY PERMIT APPLICATION fee is as posted by the Town Clerk, and is payable at the time of the application.

**ADD EFFECTIVE DATE**

There shall be a separate fee listed for DRIVEWAY PERMITS issued where permanent DRIVEWAY construction has begun prior to issuance of a permit. This shall not apply to temporary driveways established for lot grading, roadway construction, wetland mitigation and other activities related to pre-construction subdivision and lot preparation.

**§ 276-7. Waivers.**

A. Any or all requirements of this the Town of Hudson, NH, LAND USE REGULATIONS

may be waived at the sole discretion of the PLANNING BOARD when it determines that:

- (1) Said requirements are unnecessary for an application;
  - (2) Granting of the waiver shall not violate the purposes or general standards of those regulations; and
  - (3) Granting of the waiver shall result in a general benefit to the Town or surrounding properties, such as protection of natural features, increased separation of incompatible uses or the accommodation of future HIGHWAY projects.
- B. Waiver requests shall be submitted on a form available from the PLANNING BOARD. Waivers may be granted only by majority vote of the PLANNING BOARD.
- C. All waivers granted must be documented as a note on the SITE PLAN or applicable permit.
- D. Any waiver granted is for the specific SITE PLAN proposal or PERMIT itself, based on the merits of the circumstances stated in support of the waiver request. The PLANNING BOARD may consider any waiver granted as being expired upon submission of a revised SITE PLAN or revised PERMIT application.

**§ 276-8. Refunds and Plan/Application Return.**

- A. SUBDIVISION or SITE PLAN application PLAN sets and PERMIT applications submitted to the PLANNING BOARD but not acted on in any fashion for a period of one year from submittal shall be returned to the APPLICANT, provided that:
- (1) The PLAN submittal or PERMIT application is incomplete and not ready for application acceptance; and
  - (2) The developer/APPLICANT has not made progress at completing application PLAN set or PERMIT application elements toward PLANNING BOARD application acceptance readiness.
- B. Any unused fees are to be returned to the APPLICANT.
- C. Resubmittals must be complete and ready for application acceptance.

**§ 276-9. Plan and Permit Validity.**

- A. SUBDIVISION and SITE PLANS shall expire one year from the date of PLANNING BOARD meeting final approval or as specified on the permit if substantial development has not occurred unless the permit is extended by majority vote of the BOARD. For an APPLICANT to gain an exemption from all subsequent changes in the SUBDIVISION regulations, SITE PLAN regulations and changes to the Zoning Ordinance,<sup>4</sup> see NH RSA 674:39.
- (1) The subsection above should be placed as a note on the PLAN within the PLANNING BOARD approval block. See Hudson Town Code § 276-11.1B(4), as amended, and § 289-27A, as amended.

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4. Editor's Note: See Ch. 334, Zoning.

- (2) The subsection above should be placed as a note on the PLAN within the PLANNING BOARD approval block. See Hudson Town Code § 276-11.1B(4), as amended, and § 289-27A, as amended.
- B. (Reserved)
- C. An EXCAVATION PERMIT shall specify the date upon which it shall expire. (Ref. § 200-10B.)
- D. All permits without a BOARD-approved specific expiration date shall expire after two years from approval if no active or substantial DEVELOPMENT or construction has occurred.
- (1) For subdivision plans that do not include improvements such as roads, utilities or topographical modifications, substantial development is achieved when:
- (a) The plan is recorded and MONUMENTATION is bonded or set; or
- (b) The threshold levels of work specified by the BOARD at the time the permit is granted are met.

**§ 276-10. Effective Date.**

This chapter, and amendments thereto, shall become effective upon passage (majority vote) by the PLANNING BOARD and upon filing in accordance with RSA 675:6.

**§ 276-11. Plan Requirements.**

All engineered plans, PLANS prepared by Licensed land Surveyors, SUBDIVISION PLANS and any other PLANS requested by the BOARD to conform to this section shall meet the following requirements:

**§ 276-11.1. General Plan Requirements.**

- A. A list of the names and addresses of the OWNER(s) of the property, the APPLICANT(s), and all ABUTTERS as defined in RSA 672:3 and as indicated in the office of the Town Assessor records not more than five days prior to the day of filing. (NOTE: The ABUTTERS list must be prepared within the five days prior to filing the application. The APPLICANT must also certify the ABUTTERS list by his or her signature as indicated on the SITE PLAN application.)
- B. Eight copies of a PLAN drawn to scale containing the following information or meeting the following criteria (or otherwise identifying in written form any waivers requested):
- (1) The sheet size shall be 22 inches by 34 inches. [NOTE: Larger sizes may be utilized during the review process at the option of the APPLICANT, provided that the final PLAN submitted to the PLANNING BOARD shall be 22 inches by 34 inches.]
- (2) The scale shall be no smaller than 50 feet to the inch for the portion of the tract being proposed for development.
- (3) A title block in the lower right-hand corner of the PLAN shall contain at least the

following information: title, including the term "site plan," the name for whom the PLAN was prepared, preparer of the plan, the scale(s) of the plan, the date of the PLAN and appropriate revision block.

- (4) Approval block.
  - (a) A minimum two-inch-by-six-inch approval block containing the statement "Approved by the Hudson, NH PLANNING BOARD," one line with the words "Date of Meeting: \_\_\_\_\_," and two lines for the signatures of the PLANNING BOARD Chairman and Secretary. The signature line shall provide space for the signature, follow with the words, "Signature Date: \_\_\_\_\_." The following sentences shall be included within the approval block: "Site PLANS are valid for one year from the date of PLANNING BOARD meeting final approval. Final approval commences at the PLANNING BOARD meeting date at which the PLAN receives final approval."
  - (b) The PLANNING BOARD approval block shall be located on the lower left corner of each sheet in the PLAN set.
- (5) A Two-inch-by-one-and-one-half-inch approximate space adjacent to the approval block containing the following statement: "Pursuant to the site review regulations of the Hudson PLANNING BOARD, the SITE PLAN approval granted herein expires one year from date of approval."
- (6) OWNER's printed name and address and signature.
- (7) Name and address of all abutting property OWNERS as shown on the list of ABUTTERS filed with the application.
- (8) A locus PLAN (at one inch equals 1,000 feet) showing the general location of the total tract within the Town.
- (9) Boundary of the entire parcel held in single ownership, regardless of whether all or part of the tract is being developed at the time of the proposal. (NOTE: All boundary dimensions shall be shown to the nearest hundredth of a foot and bearings to the nearest 30 seconds.) The error of closure shall be stated on the PLAN and certified by a land surveyor licensed under RSA 310-A. A North point arrow is required.
- (10) A zoning classification note of the tract and location of the zoning district boundaries if the property is located in two or more zoning districts.
- (11) (Reserved)
- (12) The location of all building setback lines as required by Chapter 334, Zoning, or as listed below, whichever is more stringent. No buildings, parking or display areas may be located in this setback. (NOTE: For this section, "residential use" shall mean any LOT which either contains a residential dwelling and/or has received SUBDIVISION or SITE PLAN approval for the purpose of constructing residential dwellings.)
  - (a) In the General (G) and the General-One (G-1) Zoning Districts, where a proposed industrial use abuts or is across a HIGHWAY from a residential use, there shall be a two-hundred-foot distance from the residential property line to

any improved part of the industrial development.

- (b) In the General (G) and the General-One (G-1) Zoning Districts, where a proposed commercial use abuts or is across a HIGHWAY from a residential use, there shall be a one-hundred-foot distance from the residential property line to any improved part of the commercial development.
  - (c) In all zoning districts other than the General (G) and the General-One Zoning Districts, where a commercial or industrial use or zoning district abuts a residential use or zoning district, there shall be a one-hundred-foot distance between the residential use or zoning district and any improved part of the nonresidential development.
- (13) The location, size and character of all signs or a note stating: "All signs are subject to approval by the Hudson PLANNING BOARD prior to installation thereof."
  - (14) The location, details and character of all exterior lighting or a note stating: "There will be no exterior lighting."
  - (15) The location of all buildings within 50 feet of the tract.
  - (16) The location of roadways, DRIVEWAYS, travel areas or parking areas within 200 feet of the tract. If any of the aforesaid features cannot be so indicated on the primary drawing, an additional sheet drawn to a scale of 100 feet to the inch or 200 feet to the inch shall be submitted to satisfy the requirements of this section and/or Subsection B(15). Aerial photography or Town topographic mapping at a scale of not less than one inch equals 100 feet, which suitably depicts the aforementioned features and properly identifies the tract may be used for this purpose.
  - (17) Existing topography at two-foot contour intervals of that portion of the tract being proposed for development. Said topography shall be the result of a topographic survey. Contours on the remainder of the tract, if applicable, may be a representation of contours determined from other reliable PLAN sources, e.g., aerial photogrammetry or maps of the United States Geological Survey. Location and description of each permanent monument and benchmark, including primary control points and reference to a USGS benchmark, shall be provided.
  - (18) Proposed topography at two-foot contour intervals.
  - (19) A note identifying the Tax Map and LOT number of the tract.
  - (20) The location of all existing buildings (including size and height), DRIVEWAYS, sidewalks, parking spaces, loading area, open spaces, large trees, open drainage courses, signs, exterior lighting, service areas, easements, landscaping and other pertinent items.
  - (21) The location of all proposed construction, buildings, structures, pavement, etc.
    - (a) For additions to existing buildings, structures, pavement areas or man-made items, precise lines and areas are to be shown.
    - (b) For new buildings or structures, pavement areas and man-made items, at least

three alternate proposals shall be submitted in sketch form for consideration by the PLANNING BOARD after acceptance of the preliminary application. (NOTE: Hand-drawn sketches on onionskin paper to be overlaid on base blueprints of the SITE PLAN are acceptable.)

- (22) A green (i.e., grass or landscaping) area shall be shown between the RIGHT-OF-WAY line and any pavement, gravel or structure (excepting approved DRIVEWAYS). The minimum width shall be 20 feet where there is a thirty-foot building setback line or 35 feet where there is a fifty-foot building setback line.
- (23) HIGHWAY projects listed on the transportation improvement program adopted by the Nashua Regional Planning Commission or shown in the Hudson Master Plan or listed in the Corridor Study adopted by the Hudson PLANNING BOARD. If a RIGHT-OF-WAY taking is determined necessary in accord with RSA 230 or RSA 231 (or is anticipated to be necessary as determined by the Town Engineer), then the proposed RIGHT-OF-WAY line shall be used as the property line on SITE PLANS that have frontage along said HIGHWAY projects.
- (24) Open space equal to not less than the following percentages of the LOT (as defined in the Zoning Ordinance<sup>5</sup>) being developed shall be required, thus:
  - (a) Thirty-five percent, if the area of the LOT is located within the area bounded by the corridor or RIGHT-OF-WAY of the Nashua-Hudson Circumferential HIGHWAY and the Merrimack River; or
  - (b) Forty percent, if the area of the LOT is located outside of the area bounded by the corridor or RIGHT-OF-WAY of the Nashua-Hudson Circumferential HIGHWAY and the Merrimack River.

(NOTE: "Open space," in this regulation only, is defined as grassed, treed, landscaped or natural growth areas designated for no activity associated with the nonresidential use proposed; there must be reasonable open space near or adjacent to each building or structure, including pavement, as determined by the PLANNING BOARD.)
- (25) No parking area or travelway shall be proposed within the area between the side LOT lines or rear LOT lines and the corresponding setback lines. The PLANNING BOARD may allow use of such areas for parking or travelways, provided that an equal amount of frontage green area is added to the minimum green area required or where shared ACCESS is required.
- (26) Prior to applying for a building PERMIT for the site, the APPLICANT shall provide a written request for Town approval of the APPLICANT's professional engineer who shall be hired to certify construction of the site in accordance with PLAN approvals.
- (27) Prior to applying for a certificate of occupancy for a site constructed in full

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5. Editor's Note: See Ch. 334, Zoning.

accordance with the original approved plan, the following items shall be accomplished:

- (a) The APPLICANT's professional engineer shall submit a written certification that all aspects of the site have been constructed in full accordance with the originally approved plan.
  - (b) The APPLICANT shall make a written request to the Planning Department for a site inspection to verify that as-built conditions are in full accordance with the originally approved plan.
- (28) Prior to applying for a certificate of occupancy for a site constructed with deviations from the originally approved plan, the following items shall be accomplished:
- (a) The APPLICANT's professional engineer shall submit a written certification that all aspects of the site have been constructed in full accordance with the originally approved plan, except for all specifically noted deviations.
  - (b) The APPLICANT shall make a written request to the Planning Department for a site inspection to verify that as-built conditions are in full accordance with the originally approved plan, except for all specifically noted deviations.
  - (c) An as-built PLAN of the site (three-mil, single-matte twenty-four-inch-by-thirty-six-inch Mylar) with two prints shall be provided for PLANNING BOARD approval, signature, recording and Town files. The prints shall highlight all specifically noted deviations from the originally approved SITE PLAN.
  - (d) The as-built PLAN shall be placed on the agenda of a PLANNING BOARD meeting for consideration and approval.
  - (e) Prior to recording an approved as-built SITE PLAN at the Hillsborough County Registry of Deeds, a copy of the PLAN shall be provided in electronic form acceptable to the Town. The electronic drawing shall incorporate the same information and layer configuration as specified in Hudson Town Code § 276-11.2.

**§ 276-11.2. Electronic Plan Submittal.**

The electronic drawing submitted to the Town, with the exception noted in § 289-44 for streets in SUBDIVISIONS, shall incorporate the following information and layer configuration shall meet the following requirements:

- A. Layers.

**Layer Color Linetype Information**

|     |             |          |   |
|-----|-------------|----------|---|
|     | by<br>layer | by layer | Blank   |
| _01 | by<br>layer | by layer | Property lines for the entire site shall be shown. All corners shall be connected. Do not use "special lines" such as stone walls or fences. Lines shall be contiguous. |
| _02 | by<br>layer | by layer | Bearing and distances (in italics text, *see below).  |
| _03 | by<br>layer | by layer | Polylines shall be provided for wetland delineation, buffers and streams easements  |
| _04 | by<br>layer | by layer | Associated wetland  |
| _05 | by<br>layer | by layer | Associated wetland text (in simplex text, **see below)  |
| _06 | by<br>layer | by layer | Water main easements  |
| _07 | by<br>layer | by layer | Water main, structures and details  |
| _08 | by<br>layer | by layer | Water main text (in simplex text, **see below)  |
| _09 | by<br>layer | by layer | Sewer line easements  |
| _10 | by<br>layer | by layer | Sewer lines, structures and details   |
| _11 | by<br>layer | by layer | Sewer line text (in simplex text, **see below)  |
| _12 | by<br>layer | by layer | Drain line easements  |
| _13 | by<br>layer | by layer | Drain lines, structures and details   |
| _14 | by<br>layer | by layer | Drain line text (in simplex text, **see below)  |
| _15 | by<br>layer | by layer | All other easements or dedications  |
| _16 | by<br>layer | by layer | All other lines, structures and details   |
| _17 | by          | by layer | All other associated easement text (in simplex text, **see below)   |

layer

**NOTES:**

\* *Italic Text*

Text style name should be "italic" for italic text.

Text font style should be "italic."

Text shall have preferred height of 20.

Text style name should be "simplex" for simplex text.

Text font style should be "simplex."

Text shall have a preferred height of 20.

B. For streets in SUBDIVISIONS, the following layer change shall apply:

**Layer Color Linetype Information**

|     |             |          |   |
|-----|-------------|----------|---|
| _01 | by<br>layer | by layer | Property lines for the entire site shall be shown. All corners shall be connected. Do not use "special lines" such as stone walls or fences. Lines shall be contiguous. |
|-----|-------------|----------|---|

C. AutoCAD units shall be with one unit equals one foot.

D. All files shall be in AutoCAD dwg or dxf format, Release 14 or earlier.

E. All other information may be placed on other layers at the APPLICANT's discretion.

**§ 276-12. Escrow Deposit.**

The PLANNING BOARD may require the OWNER or his/her/its authorized agent to deposit in escrow with the Town an amount of money sufficient to cover the costs for any professional review of any SITE PLAN or PERMIT documents or for preparation of any specific study which the PLANNING BOARD determines is reasonably necessary to protect the general welfare of the Town. The PLANNING BOARD may make such determinations any time following preliminary application acceptance.

A. The OWNER or his/her/its authorized agent shall be notified of such determination and estimated costs, in writing.

B. Upon completion of the review or study process, any unused funds in excess of \$5 shall be returned to the APPLICANT.

C. Failure of the OWNER or agent to deposit such funds with the Town within 15 days of the date of the written notification shall be sufficient basis for PLANNING BOARD denial of the application.

**§ 276-13. Utilities.**

- A. All electric, telephone, television and other communication lines, both main and service connections, servicing new developments shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services. "New developments" means any LOTS created by SUBDIVISION and any SITE PLANS approved since the passage of this amendment. Where the topography is such as to make difficult the inclusion of any utilities or other facilities within the public area so laid out, the preliminary PLAN shall show the boundaries of proposed permanent easements over or under private property.
- B. LOTS that abut existing easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. Replacement or relocation of overhead utility lines shall only be permitted in SUBDIVISIONS and on SITE PLANS that existed prior to the passage of this amended regulation.
- C. Where overhead lines are permitted as a waiver, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines. Alignments and pole locations shall be carefully routed to avoid locations along horizons; clearing swaths through treed areas shall be avoided by selective cutting and staggering alignment; trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments; and alignments shall follow rear LOT lines and other alignments.
- D. Year-round screening of any utility apparatus appearing above the surface of the ground, other than utility poles, shall be required.
- E. In SUBDIVISIONS to be served by a public sewer or public water system, the SUBDIVIDER shall submit a separate PLAN and profile of the proposed STREET or HIGHWAY showing proposed sewers, water mains and an additional PLAN and profile of the sewerage and water connections from the existing public sewer and water lines through or over any existing STREET or HIGHWAY or over private property to connect with the proposed systems of the SUBDIVISION shall be submitted. The SUBDIVIDER shall obtain a letter from the governmental agency or public utility company controlling the system or systems indicating their acceptance of the proposed design and agreement to furnish the public service or services.
- F. Upon completion of all improvements required herein, and all others that may be agreed upon at the time of submittal of the proposed public utility designs, upon the petition of the APPLICANT to the appropriate governmental agency or public utility company and upon acceptance by the appropriate governmental agency or public utility company, the completed improvements shall become the property of the governmental agency or public utility company.
- G. In areas not currently served by public sewer systems, it shall be the responsibility of the APPLICANT to provide adequate information to prove that the area of each LOT is

adequate to PERMIT the installation and operation of an individual sewage disposal system (septic tank and drain field). Such information shall consist of a PLAN and PERMIT showing compliance with the requirements for SUBDIVISION, SITE PLAN and other approvals required in the New Hampshire Department of Environmental Services Subsurface Disposal Regulations, latest edition. The engineer shall locate the best position of each private sewerage system and shall submit a typical design for each system also done in accordance with the above state regulations.

- H. In areas not currently served by public water systems, it shall be the responsibility of the APPLICANT to provide adequate information to prove that the area of each LOT is adequate to PERMIT the installation and operation of both individual on-LOT water and sewerage systems. Each water system shall be at least 75 feet from any portion of a septic tank or drainage field and shall be constructed in accordance with the United States Department of Health, Education and Welfare publication titled Manual of Individual Water Supply Systems, Public Health Service Publication No. 24.

**§ 276-14. Application Completeness.**

- A. Pursuant to NH RSA 676:4, BOARD's Procedures on Plats, the Hudson PLANNING BOARD designates the TOWN PLANNER as the authority to determine if an application for PERMIT or plan is complete. The TOWN PLANNER shall then determine, or can assign the Associate Planner to determine, if the application plan set is complete and ready for PLANNING BOARD review. The application checklist and the LAND USE REGULATIONS shall be used as the measure in determining completeness.
- B. The checklist. The checklist, which is built into SITE PLAN application, must itself be completed by the APPLICANT, if applicable. The planning STAFF shall review the submitted application checklist for correctness. Only planning staff, and not the APPLICANT, shall determine if a checklist item is not applicable.
- C. The LAND USE REGULATIONS. The LAND USE REGULATIONS shall be followed by the APPLICANT. The planning STAFF shall review the application submittal for conformance to the regulations.
- D. Complete or incomplete. If any items are found to be incomplete, the planning STAFF has the authority to return the entire application PLAN set to the APPLICANT, with fees. If the application is found to be complete, the PLAN shall be routed for STAFF review.
- E. If during STAFF review it is determined that the information provided, while complete enough for STAFF review, is found to be inadequate for BOARD consideration of the plan, the Town planning STAFF shall have the authority to return the application to the APPLICANT until such time that all necessary PLAN review materials are provided.
- F. Scheduling a PLAN on a PLANNING BOARD agenda. Application PLAN sets shall only be scheduled on PLANNING BOARD agendas when the STAFF review is both deemed complete and not having resulted in finding the plan.

**§ 276-15. DIG SAFE.**

All EXCAVATION, trenching, post hole digging, stump grinding, post driving and any other

underground work whatsoever shall require prior notification of DigSafe (phone #811 or 888-DIG-SAFE) as required by the RSAs.

ALL PLANS referencing such work shall bear the current DigSafe logo and/or phone number.

The intent of this section is to ensure that all APPLICANTS are aware that digging without notifying DIG SAFE may pose a health and safety hazard to the persons digging and to the community.

## Chapter 289

### SUBDIVISION OF LAND

[HISTORY: Adopted by the Planning Board of the Town of Hudson as amended through 10-14-2015. Subsequent amendments noted where applicable.]

#### GENERAL REFERENCES

Driveways — See Ch. 193.  
Excavation of soil — See Ch. 200.  
Flood damage prevention — See Ch. 218.  
Sewers — See Ch. 270.  
Site plan review — See Ch. 275.  
Administrative Requirements and definitions — See Ch. 276.  
Street numbering — See Ch. 281.  
Stormwater management — See Ch. 290.  
Zoning — See Ch. 334.

### Part 1 SUBDIVISION Regulations

#### ARTICLE I General Provisions

##### § 289-1. Authority.

Pursuant to the authority vested in the Hudson PLANNING BOARD by the voters of the Town of Hudson, and in accordance with the provisions of RSA 674, 675 and 676, as amended, the Hudson PLANNING BOARD adopts the following regulations governing the SUBDIVISION of land in the Town of Hudson, New Hampshire.

##### § 289-2. Title.

These amended regulations shall be known and may be cited as the "TOWN OF HUDSON Land SUBDIVISION Regulations," hereinafter referred to as the "SUBDIVISION Regulations."

##### § 289-3. Definitions.

Words in all capital letters are those with special definitions as noted in § 276-2 of the LAND USE REGULATIONS.

##### § 289-4. Highway monuments.

HIGHWAY monuments shall be of natural or artificial stone of a size not less than five inches by five inches by 30 inches with either a one-half-inch drillhole, a chiseled cross or a lead or iron plug on the five-inch-by-five-inch end.

#### ARTICLE II Application Procedure

**§ 289-5. Preapplication submission and appearance.**

Previous to the formal submission of a SUBDIVISION preliminary plan, a subdivider, in order to save the cost of changes at a later date, may appear at a regular meeting of the BOARD and submit a sketch PLAN for discussion with the BOARD.

**§ 289-6. Submission of application.**

All applications shall conform to the requirements of §§ 276-3 and 276-11.

**§ 289-7. Filing preliminary plan.**

The preliminary PLAN as described in Article IV shall be filed with the BOARD. The BOARD shall then study the preliminary STREET and LOT layout and proposed improvements in connection with the Comprehensive Town Plan, the Official Map (if and when one is adopted), the needs of the surrounding area and neighborhood, the topography and soil conditions of the area, the existing requirements of Chapter 334, Zoning, and any other pertinent state or local regulations.

**§ 289-8. Information required on preliminary plan.**

The preliminary plan, as submitted, shall show the property tax code number of the property, or properties, being subdivided and the names of the ABUTTERS and tax property code numbers, with their addresses. The lower right-hand corner of the PLAN shall also state the property tax code number, name of the SUBDIVIDER, map number and LOT number being subdivided.

**§ 289-9. Revision of preliminary plan.**

- A. The BOARD, before taking formal action, shall hold a discussion with the SUBDIVIDER or his/her/its agent(s) and may hear and confer with other parties whose interest may be affected by the proposed layout. After such discussion, and within 30 days of the receipt of the application and preliminary plan, the BOARD shall communicate in writing to the SUBDIVIDER the specific changes, if any, which it shall require in the preliminary plan, and the types and amount of construction or improvements it shall require as a condition precedent to the approval of the SUBDIVISION PLAN.
- B. The BOARD may disapprove of the preliminary PLAN in its entirety but shall state its reasons for such disapproval.
- C. The preliminary PLAN shall be approved or disapproved by the BOARD within 60 days, unless the SUBDIVIDER shall have agreed in writing to an extension of the period of consideration.

**§ 289-10. Final plat.**

- A. The APPLICANT, after official notification by the BOARD with respect to the PRELIMINARY PLAN and the changes, if any, to be made therein, shall within six months thereafter file with the BOARD the final plat, the completed application, Form A

(See Appendix <sup>1</sup>), and the accompanying material as described in Article V. The APPLICANT shall be furnished with a receipt therefor.

- B. The APPLICANT shall tender offers of cession in a form certified as satisfactory by the Town legal counsel of all land included in streets, HIGHWAYS or parks not specifically reserved by him, but approval of the PLAT by the BOARD shall not constitute an acceptance by the Town of the dedication of any street, HIGHWAY, park or other public open space.
- C. Performance sureties. Performance sureties, if required, shall be set and controlled by the provisions or § 276-4

**§ 289-11. Action on final plat.**

- A. The BOARD shall consider any final PLAT submitted to it and shall act within 30 days to approve or disapprove the PLAT in accordance with RSA 674:41, as amended.
- B. If the BOARD approves the plat, the Secretary of the BOARD shall transmit a copy of such approval in writing to the Register of Deeds of Hillsborough County. A copy of the final PLAT shall be retained by the BOARD, a copy shall be filed or recorded in the Office of the Register of Deeds of Hillsborough County by the BOARD and a copy shall be returned to the subdivider.

**§ 289-12. Conceptual future SUBDIVISION PLAN.**

The application PLAN set shall, if required by the BOARD, also include a "conceptual future SUBDIVISION PLAN" sheet to illustrate any intended future SUBDIVISION of this tract. This illustration shall be drawn to scale. This illustration is only to assist the PLANNING BOARD in understanding potential future land SUBDIVISION.

**ARTICLE III  
General Requirements**

**§ 289-13. Requirements to be observed.**

The SUBDIVIDER shall observe the following general requirements and principles of land SUBDIVISION.

**§ 289-14. Conformity required.**

The PLAN shall conform with the HUDSON Master Plan, the Official Map, if and when one is adopted, Chapter 334, Zoning, and any other pertinent state or local laws or regulations.

**§ 289-15. Unsafe and flood hazard areas.**

- A. Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood or other menace shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or

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1. Editor's Note: The Appendix is available and on file in the Town offices.

property or aggravate the flood hazard, until appropriate measures have been taken by the SUBDIVIDER to eliminate such hazards. No floodway shall be obstructed.

B. Flood hazard.

- (1) Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow a BOARD determination that:
  - (a) All such proposals are consistent with the need to minimize flood damage.
  - (b) All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.
  - (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
- (2) Adequate design information shall also be submitted to the BOARD assuring that new or replacement water systems and/or sanitary sewerage systems are designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and that on-site waste disposal systems are located so as to avoid impairment of them or contamination from them during flooding.

**§ 289-16. Shared ACCESS roads.**

The PLANNING BOARD may require use of a shared ACCESS road where two or more SUBDIVISIONs are being proposed, which SUBDIVISIONs shall be considered a single parcel of land for this specific purpose, even though acquired by more than one conveyance or held nominally by more than one OWNER.

**§ 289-17. Lot requirements.**

- A. For minimum area and frontage requirements for new residential SUBDIVISIONs, refer to the Hudson, New Hampshire, Zoning Ordinance, Article VII, Dimensional Requirements, Hudson Town Code § 334-27, Table of Minimum Dimensional Requirements.
- B. (Reserved)
- C. No LOT that will result from a SUBDIVISION shall have an interior LOT line that intersects a front LOT line at an angle of less than 45° as measured from the front LOT line.

**§ 289-18. Streets.**

- A. No STREET or HIGHWAY RIGHT-OF-WAY shall be less than 50 feet in width and may be required to be more if a greater STREET width is required by § 289-14 above or is warranted in the opinion of the BOARD. Existing streets shall be widened as if they were new streets, and only 1/2 of their additional widening shall be required on each side.
- B. Cul-de-sac roads.<sup>2</sup>

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2. Editor's Note: The Typical Offset Cul-De-Sac illustration and the Typical Straight Cul-De-Sac illustration are included as

- (1) RIGHT-OF-WAY and pavement widths. Culs-de-sac, or dead-end streets, designated to be permanently closed at one end, shall have a RIGHT-OF-WAY width not less than 50 feet leading up to the turnaround. The pavement width leading up to the turnaround shall be 28 feet. The pavement width for the turnaround shall be 28 feet.
- (2) Cul-de-sac roadway length. A cul-de-sac STREET shall not exceed 1,000 feet in length, and shall measure from the center point of the outside edge of the cul-de-sac turnaround to the point of intersection at the center line of an intersecting street. Said intersecting STREET shall have, at minimum, two intersections with other streets, leading to a collector/arterial STREET or limited-ACCESS HIGHWAY.
- (3) Radial turnaround. Closed ends of cul-de-sac streets shall be provided with a radial-shaped turnaround having a minimum RIGHT-OF-WAY radius of 75 feet and a minimum radius to the outside edge of pavement, or curb, of 65 feet. The illustrative sketches further define and clarify the turnaround requirements for dead-end or cul-de-sac streets.
- (4) Landscaping. Cul-de-sac roadways shall have a permanent area in the center of the turnaround. The center of the turnaround shall have suitable drainage and/or landscaping as approved by the PLANNING BOARD.
- (5) Signage. A dead-end informational sign shall be placed at the beginning of the cul-de-sac roadway. The dead-end sign shall have black lettering on a yellow background, a sign area of 18 inches by 24 inches and a minimum height of six feet measured from the ground to the top of the sign as affixed to a pole.

C. Horizontal and vertical curves.

- (1) No horizontal curve shall have a center line radius of less than 150 feet except on a cul-de-sac.
- (2) No vertical curve shall have K values less than the following: 40 Sag; 30 Crest. Note: K values at stop condition situations shall be evaluated on an individual basis.

D. Streets in cut or fill shall be provided with side slopes not steeper than two feet horizontal to one foot vertical. All side slopes shall be constructed outside the right-of-way.

E. STREET intersections and curves shall be designed to PERMIT adequate visibility for both pedestrian and vehicular traffic. Intersections shall comply with applicable sections of Chapter 193, DRIVEWAYS.

F. Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed 4% for major streets and 7% for minor streets. No STREET shall have a grade of less than 1%.

G. The widths of blocks shall not be less than 500 feet.

H. Intersecting property lines at STREET intersections shall be joined by a curve of at least 1/2 the width of the wider STREET in radius.

- I. Streets shall be laid out to intersect as nearly as possible at right angles. No STREET shall intersect another at an angle of less than 60°. Streets entering opposite sides of another STREET shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their center lines. All STREET deflections shall be curved.
- J. No STREET shall be accepted by the TOWN OF HUDSON until after a public hearing and approval, in writing, by the Board of Selectmen.
- K. STREET and HIGHWAY layouts. All streets and HIGHWAYS in the TOWN OF HUDSON shall be laid out in accordance with the procedures outlined in RSA 234 and by the final PLAT of this chapter. A deed shall be given the Town by the OWNER of the SUBDIVISION covering all STREET areas within the SUBDIVISION.
- L. STREET HIGHWAY layout requirements. Any person interested in having a STREET or HIGHWAY laid out by the Town shall petition therefor on a form to be supplied by the Board of Selectmen and shall attach to said petition a PLAN satisfying all requirements of this chapter and Chapter 334, Zoning.
- M. PLAN requirements. The petitioner(s) for STREET or HIGHWAY layout shall cause to be prepared and submitted to the Board of Selectmen, in accordance with instructions from the Board of Selectmen, an accurate PLAN and profile, showing the present length of frontage of each LOT, the names of OWNERS thereof and the land to be taken, showing the number of square feet to be taken from each LOT and also showing such references to bounds and other marks on the premises as shall enable the Board of Selectmen to locate said STREET with accuracy.
  - (1) Said PLAN and profile shall be submitted to the Board of Selectmen with the petition for acceptance and shall contain a horizontal scale of one inch equals 50 feet and a vertical scale of one inch equals five feet.
  - (2) The PLAN and profile shall contain existing grades and proposed grades of all streets. Existing and proposed grades shall be adequately differentiated.
  - (3) The Board of Selectmen may make such alterations in the PLAN and proposed grades as they may deem necessary.
- N. Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to, the names of existing streets within the Town. Where practical, names shall have an historical connection.<sup>3</sup>
- O. All STREET names, in SUBDIVISIONs, shall be identified at all intersections by metal signs, in accordance with HIGHWAY Department specifications. The SUBDIVIDER shall, at his/her/its own expense, install these STREET signs on metal posts, two inches inside diameter and 10 1/2 feet long, galvanized. The galvanized steel posts shall be set in concrete with the top of the post being eight feet above the ground, subject to approval by the road agent. The signs shall be metal, in conformity with new signs purchased by the Town, two-faced and reflectorized, six inches high with three-and-one-half-inch letters

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3. Editor's Note: For related provisions, see Ch. 281, Street Numbering. For the inventory of streets, see Ch. A340.

embossed and reflectorized with green background and white letters, of aluminum metal. The road agent is charged with the responsibility of approving final installation of all STREET signs.

- P. Any bridge or culvert shall be designed by a registered engineer, which design shall accompany the preliminary layout.
- Q. STREET and HIGHWAY acceptance requirements. Upon completion of the layout proceedings, the parties interested in having the Town accept the STREET or HIGHWAY shall petition therefor on a form to be supplied by the Board of Selectmen, but no STREET or HIGHWAY shall be accepted unless or until the provisions of this chapter are fully satisfied.
- R. Installation of improvements.
  - (1) The PLANNING BOARD shall weigh the burden that proposed DEVELOPMENT places on public facilities, infrastructure, sewers and amenities and shall require the installation of public improvements, both on-site and off-site, to compensate for this burden. Improvements may include, but are not limited to:
    - (a) Granite curbing.
    - (b) Sidewalk and STREET trees.
    - (c) Improvements to existing roadways and drainage.
    - (d) Traffic control devices.
    - (e) Open space.
    - (f) Recreational space.
    - (g) Moneys granted in lieu of land for recreational space, which shall be held by the Town in a nonlapsing fund for the future purchase and DEVELOPMENT of recreational space/facilities to serve this particular neighborhood/development.
    - (h) Improvements to nearby traffic corridors as warranted by the Town's cost allocation procedure traffic study.
  - (2) All requested improvements, whether on-site or off, shall be consistent with the standards enunciated by the New Hampshire Supreme Court and this legislature.
- S. The arrangement, character, extent, width, grade and location of all streets shall conform to the Master PLAN whenever possible and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.
- T. Where such is not shown in the Master Plan, the arrangement of streets in a SUBDIVISION shall either:
  - (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  - (2) Conform to a PLAN for the neighborhood approved or adopted by the BOARD to

meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

- U. Service streets shall be so laid out that their use by through traffic shall be discouraged.
- V. Where a SUBDIVISION abuts or contains an existing or arterial street, the BOARD may require marginal-access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep LOTS with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- W. Where a SUBDIVISION borders on or contains a railroad RIGHT-OF-WAY or limited-access HIGHWAY right-of-way, the BOARD may require a STREET approximately parallel to and on each side of such RIGHT-OF-WAY at a distance suitable for the appropriate use of the intervening land, as for park purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- X. Pedestrian rights-of-way not less than 15 feet wide may be required where deemed essential to provide circulation or ACCESS to schools, playgrounds, shopping centers, transportation or other community facilities. Where such pedestrian rights-of-way are provided, the developer shall clear the areas of obstructing rocks, trees and undergrowth, bring the RIGHT-OF-WAY to suitable grade and construct a four-foot-wide BITUMINOUS CONCRETE sidewalk in accordance with the Department of Public Works specifications.
- Y. All proposed streets shall be designed with intersections of not more than two-percent slope for a distance of 100 feet from the edge of pavement of the intersection to the first point of vertical curvature. The center line of the intersecting streets shall intersect one another as near to a ninety-degree angle as possible but not less than 60°.

**§ 289-19. Utilities.**

All utility installations, modifications, easements and other pertinent elements of the PLAN shall conform to § 276-13 of the LAND USE REGULATIONS.

**§ 289-20. Flood, stagnant and stormwater.**

All stormwater planning and management shall comply with Chapter 290 of the LAND USE REGULATIONS. In addition:

- A. LOTS shall be laid out and graded to eliminate flood or stagnant water pools.
  - (1) Where a building foundation is less than one foot above finished road grade, suitable mechanical or natural drains shall be installed, subject to approval of the Selectmen.<sup>4</sup> The type of construction and size of pipe shall be clearly designated on the final plot plan, as approved by the BOARD.

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4. Editor's Note: Approval of the PLANNING BOARD is the requirement for installation of drains.

- (2) No water shall be permitted to run across a STREET on the surface, but shall be directed into catch basins and piped underground in a pipe of adequate size, approved by the Selectmen,<sup>5</sup> in writing.
- B. Where feasible, stormwater should be directed to enter the nearest open STREAM channel.
- (1) Stormwater runoff, except in areas where the LOT size is 40,000 square feet or larger, or where it is in already existing open STREAM channels, shall not be permitted to flow upon the surface for a longer distance than 4,000 feet before it enters the underground system.
  - (2) Catch basins shall be located on both sides of the roadway in continuous grades at intervals of not more than 400 feet at all sags in the roadway and near the corners of the roadway at intersecting streets.
- C. A STORMWATER MANAGEMENT PLAN shall be prepared including and using the following guidelines. NOTE: In preparing the STORMWATER MANAGEMENT PLAN, please refer to and comply with the requirements provided in Chapter 290, Stormwater Management and Erosion Control, of these LAND USE REGULATIONS.
- (1) No STORMWATER RUNOFF in excess of rates existing prior to new construction shall be allowed to be discharged onto a public way or into a public drainage system unless there is sufficient capacity to handle the additional runoff. All drainage shall be designed to achieve a zero-increase in runoff for both peak and volume where practicable.
  - (2) The direction of flow of runoff through the use of arrows.
  - (3) The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers. If infiltration systems are proposed as part of a stormwater management plan, test pit and percolation test data in the vicinity of the proposed infiltration system(s) must be provided.
  - (4) Engineering calculations used to determine drainage requirements shall be based upon minimum storm frequency design events as follows:
    - (a) Ten-year storm event for closed drainage systems and local roadside ditches.
    - (b) Twenty-five-year storm event for culverts, major ditches and swales and detention ponds.
    - (c) Fifty-year storm event for bridges.
  - (5) Certification by a licensed professional engineer. (See RSA 310-A.)
  - (6) Any other specific study, calculation or investigation as requested by the Town Engineer.

[NOTE: Generally speaking, the stormwater drainage PLAN is probably the single most important element of the entire SITE PLAN. Yet, traditionally, it has been one of the most

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5. Editor's Note: Approval of the size of the underground pipe is provided by the PLANNING BOARD.

neglected elements. The Hudson PLANNING BOARD recognizes that only a professional engineer, licensed in accordance with RSA 310-A, can certify the adequacy of proposed drainage plans. APPLICANTS are expected to make the same recognition or to discuss this matter with the PLANNING BOARD. The PLANNING BOARD emphasizes that the criteria listed in § 289-20C(1) through (6) are minimum requirements stated for these general regulations. It is expected that the Town Engineer shall have the latitude to more precisely define the criteria once a specific proposal is before the PLANNING BOARD.]

**§ 289-21. Utilities easements.**

- A. Easements for utilities across LOTs or centered on rear or side LOT lines shall be provided where necessary and shall be at least 15 feet wide, except for watercourses proposed for public control, which shall have a permanent easement of not less than 20 feet.
- B. Where a SUBDIVISION is traversed by a watercourse, drainageway, channel or stream, the BOARD may require that there be provided a stormwater easement or drainage RIGHT-OF-WAY of adequate width to conform substantially to the lines of such watercourse, drainageway, channel or STREAM and to provide for construction or for other necessary purposes.

**§ 289-22. Open spaces.**

Before approval of a SUBDIVISION PLAN, the BOARD shall review said PLAN for open space requirements to consist of parks, playgrounds or permanently reserved open space. The open space shall not be unreasonable in area and generally shall consist of 10% or less of the total area. Open space areas shall be deeded to the TOWN OF HUDSON and shall be so indicated on the final SUBDIVISION PLAN.

**§ 289-23. Natural features.**

Due regard shall be shown for all natural features, such as large trees, watercourses, scenic points, historic spots and similar community assets which, if preserved, shall add attractiveness and value to the SUBDIVISION.

**§ 289-24. Reserve strips restricting access to public use land.**

Reserve strips of land which, in the opinion of the BOARD, show an intent on the part of the SUBDIVIDER to control ACCESS to land dedicated or to be dedicated to public use shall not be permitted.

**§ 289-25. Remnants of lots.**

Remnants of lots below usable size left over after subdividing a large tract shall be added to adjacent lots rather than remain as unusable parcels.

ARTICLE IV  
**Preliminary Plan**

**§ 289-26. Form; required information.**

- A. Each SUBDIVIDER shall file with the BOARD three black-and-white copies of a preliminary PLAN at a horizontal scale of one inch to either 20 feet, 40 feet, 50 feet or 100 feet and a vertical scale of not more than 40 feet to the inch. The overall sheet size shall be 24 inches by 36 inches, with separate sheets numbered and showing their relationship to each other by means of match marks. A margin of at least one inch shall be provided outside ruled border lines on three sides and of at least two inches along the left side for binding.
- B. The preliminary PLAN shall show or be accompanied by the following information:
- (1) Proposed SUBDIVISION name, signature and address of OWNER of record, signature of SUBDIVIDER and engineer or surveyor, date and North point and scale.
  - (2) Names of OWNERS of record abutting properties certified by the Selectmen<sup>6</sup> on Form B (see Appendix <sup>7</sup>), abutting SUBDIVISION names, streets, easements, setbacks, alleys, parks and public open spaces and similar facts regarding abutting property.
  - (3) Location of property lines and their approximate dimensions; existing easements, buildings, watercourses, ponds or standing water, rock ledges and other essential features.
  - (4) Existing water mains, sewers, culverts, drains and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage; location of each percolation test hole and the results, each proposed septic tank and drainage field, each proposed well and typical designs of proposed on-LOT water and sewerage systems. A certificate of approval from the Board of Health of the TOWN OF HUDSON<sup>8</sup> shall be required when on-LOT utilities must be installed.
  - (5) Location, name and RIGHT-OF-WAY widths of existing and proposed streets and HIGHWAYS within the SUBDIVISION and on abutting land within 200 feet, along with their grades and profiles, and the elevations of sufficient points on the property to indicate the general topography of the property. For land that slopes less than approximately 2%, spot elevations at all breaks in grade, along all drainage channels or swales and at selected points not more than 100 feet apart in all directions; for land that slopes more than approximately 2% either contours with an interval of not more than five feet, if ground slope is regular, or not more than two feet, if ground slope is irregular. If any of the aforesaid features cannot be so indicated on the primary drawing, an additional sheet drawn to a scale of 100 feet to the inch or 200 feet to the inch shall be submitted to satisfy the requirements of this section. Aerial photography or Town topographic mapping which suitably depicts the aforementioned features and properly identifies the tract may be used for this purpose.
  - (6) Proposed LOTS, approximate square foot size of each LOT and setback lines. House numbers shall be assigned as directed by the Board of Selectmen and shown on the

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6. Editor's Note: The certified list of abutting OWNERS of record may be obtained from the Assessor's Office.

7. Editor's Note: The appendix is available and on file in the Town offices.

8. Editor's Note: Approval is required from the state for on-LOT utilities.

final plat.<sup>9</sup>

- (7) Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication, and a copy of such private deed restrictions as are intended to cover part or all of the tract.
- (8) Preliminary designs of any bridges or culverts which may be required.
- (9) Where the preliminary PLAN submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future STREET system of the unsubmitted part shall be furnished, and the STREET system of the submitted part shall be considered in the light of adjustments and connections with the STREET system of the part not submitted.

## ARTICLE V Final Plat

### § 289-27. Form; required information.

#### A. PLANNING BOARD approval block.

- (1) Eight printed copies of the original PLAN shall be submitted for approval and subsequent recording. The size of sheet, margins and scales shall be as required in Article IV, Preliminary Plan. A minimum two-inch-by-six-inch approval block containing the statement "Approved by the Hudson, NH PLANNING BOARD," one line with the words "Date of Meeting: \_\_\_\_\_," and two lines for the signatures of the PLANNING BOARD Chairman and Secretary. The signature line shall provide space for the signature, follow with the words "Signature Date: \_\_\_\_\_."
- (2) The following sentences shall be included within the approval block: "SUBDIVISIONs are valid for two years from the date of PLANNING BOARD meeting final approval. For an APPLICANT to gain an exemption from all subsequent changes in SUBDIVISION regulations, SITE PLAN regulations and changes to the Zoning Ordinance, see NH RSA 674:39."
- (3) The PLANNING BOARD approval block shall be located on the lower left corner of each sheet in the PLAN set.

#### B. The final PLAT shall show, in addition to all items required under Article IV, Preliminary Plan, the following:

- (1) Proposed SUBDIVISION name or identifying title, the name and address of OWNER of record and subdivider, and the name, license number and seal of the engineer and/or name and address of surveyor.
- (2) STREET lines, setback lines, pedestrian ways, LOT lines, LOT sizes in square feet, identification number for each LOT, reservations, easements and areas to be dedicated to public use and areas the title to which is reserved by the developer.

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9. Editor's Note: House numbers are assigned by the Fire Department. For related provisions, see Ch. 281, Street Numbering.

- (3) STREET cross sections, approximate grades and profiles and designs of any bridges or culverts.
  - (4) Proposed layout of storm drainage, water supply and sewage disposal systems.
  - (5) Typical design and location of each proposed on-LOT sewerage and water system and location and size of each proposed storm pipe and catch basin.
  - (6) Sufficient data to determine readily the location, bearing and length of every STREET line, LOT line, boundary line and to reproduce such lines upon the ground. All dimensions shall be shown to the nearest hundredth of a foot and bearings to the nearest 30 seconds. The error of closure shall be one in 10,000 or better. The final PLAT shall show the boundaries of the property.
  - (7) Location and description of each permanent monument and benchmark, including primary control points and reference to a USGS (United States Geological Survey) benchmark.
  - (8) Reference to recorded SUBDIVISION plats of adjoining platted areas by county registry record, name, date and number.
  - (9) Sworn statement by OWNER dedicating streets, rights-of-way and any sites for public use.
  - (10) A locus plan, drawn at a scale of one inch equals 1,000 feet, which shall depict STREET RIGHT-OF-WAY lines, major utility lines, external property lines, waterways and any feature usually shown on the Official Town Map.
- C. All sheets of the PLAN set, recommended by STAFF to be recorded, and approved by the PLANNING BOARD, shall be recorded at the Hillsborough County Registry of Deeds at the APPLICANT's expense, with the provision that any subsequent changes to these PLANS might also be required to be so recorded, at the option of the PLANNING BOARD, at the APPLICANT's expense.

## ARTICLE VI Improvements

### § 289-28. Requirements.

The following improvements shall be installed and constructed by the SUBDIVIDER to the satisfaction of the PLANNING BOARD<sup>10</sup> and under its supervision, either before submission of the final plat, or the SUBDIVIDER together with the final PLAT shall file a bond or make other suitable arrangements as contained in § 289-10.

- A. Monuments shall be set at all block corners, angle points, points of curves in streets, property corners and at any other points the PLANNING BOARD<sup>11</sup> may deem necessary to control the line of streets.

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10. Editor's Note: Improvements are to be installed and supervised by the PLANNING BOARD.

11. Editor's Note: The locations of monuments are determined by the PLANNING BOARD.

- B. The paved roadway shall have a minimum width in accordance with the type of street, as defined in § 289-3, as follows:
  - (1) Major streets, collector streets and commercial streets shall be paved a minimum of 36 feet or wider where the PLANNING BOARD determines that the nature and/or intensity of the proposed use would require a wider pavement.
  - (2) Residential streets, service streets and access streets shall be paved 28 feet.
- C. The roadway shall be constructed in accordance with the specifications of the Engineering Department and the typical roadway cross-section as approved by the PLANNING BOARD.<sup>12</sup>
- D. All proposed drainage facilities and culverts shall be installed in accordance with the specifications of the Engineering Department and as approved by the PLANNING BOARD.
- E. The roadway shall be graded and paved to the final grade in accordance with the profile and cross section submitted.
- F. Slope granite curbing shall be installed on both sides of the proposed roadway.
- G. A BITUMINOUS CONCRETE sidewalk four feet wide shall be constructed on one side of the proposed roadway.

ARTICLE VII  
**Administration**

**§ 289-29. Agent to receive preliminary plans and final plats.**

The Selectmen may appoint an agent charged with the responsibility of receiving for the BOARD preliminary PLANS and final plats, checking them to determine if they meet the requirements of this chapter and inspecting improvements for compliance with this chapter and requirements of the Board of Selectmen.

**§ 289-30. Responsibility to institute legal action.**

It shall be the duty of the Selectmen to institute appropriate action to recover all penalties and to enjoin any violation in a civil action brought in the name of the Town, in the manner and to the extent permitted by statute.

**§ 289-31. Variances.**

Where strict conformity to this chapter would cause undue hardship or injustice to the OWNER of the land, a SUBDIVISION PLAN substantially in conformity with this chapter may be approved by the BOARD, provided that the spirit of this chapter and public convenience and welfare shall not be adversely affected.

**§ 289-32. Amendments.**

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12. Editor's Note: The Typical Cross-Section Subdivision Street illustration is included as an attachment to of this chapter.

This chapter may be amended or rescinded by the BOARD, but only following public hearing on the proposed change. The Chairman or Secretary of the BOARD shall transmit a record of any changes so authorized to the Registry of Deeds of Hillsborough County. Approval of all SUBDIVISIONS, in conflict with the proposed amendments to this chapter, shall be suspended pending the public hearings covering the proposed amendments, and decision by the PLANNING BOARD.

**§ 289-33. Interpretation.**

In matters of judgment or interpretation of the above requirements for SUBDIVISION of land, the opinion and decision of the PLANNING BOARD shall prevail.

**§ 289-34. Severability.**

If any section, provision, clause, portion or phrase of this chapter shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of this chapter.

**§ 289-35. Effective date.**

This chapter shall take effect upon its adoption, and amendments shall go into effect on the date they are approved by a majority of the members on the PLANNING BOARD.

ARTICLE VIII  
**Phased Lot Approval Plan**

**§ 289-36. Review of subdivision effect on services.**

The PLANNING BOARD shall, in the exercise of the authority vested under RSA 674:36, I and II, review all proposed SUBDIVISIONS with a view toward determining the impact that the proposed DEVELOPMENT shall have on various services, and to that end, said BOARD shall also review all such SUBDIVISIONS with a view toward determining whether such SUBDIVISION, if permitted, would constitute a scattered or premature SUBDIVISION of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools or fire services or necessitate an excessive expenditure of public funds for the supply of such services.

**§ 289-37. Plan schedule and form.**

- A. In consonance with RSA 674:36, I and II, the minimum duration of time for total DEVELOPMENT and the extent to which a proposed SUBDIVISION may be developed in any given year shall conform at least to the schedule set forth below so that said minimum duration of time for total DEVELOPMENT shall not be less than the amount specified, and the maximum extent to which the SUBDIVISION may be developed in any given year shall not be more than the amount specified below.

| <b>Number of LOTS Proposed</b> | <b>Length of Time (years)</b> | <b>Number of LOTS Given Final Approval in One Year (percent)</b> |
|--------------------------------|-------------------------------|--|
| Under 6                        | —                             | All  |
| 6 to 16                        | 2                             | 50%  |
| 17 to 30                       | 3                             | 30%  |
| 31 to 50                       | 4                             | 25%  |
| 51 to 100                      | 5 or more                     | 20%  |

Subdivisions proposing over 100 lots shall have the phasing plan established by the PLANNING BOARD at a public hearing. Such public hearing may be as part of the formal APPLICATION approval process or at a pre-APPLICATION hearing requested by the APPLICANT solely for this purpose subsequent to a conceptual plan presentation. The BOARD reserves the right to place conditions on such phasing with relation to any conceptual plans presented, and may further require that such phasing approval be made part of the formal APPLICATION process, and significant changes to the conceptual plan that appear as part of the formal APPLICATION may, at the discretion of the BOARD, require re-approval of the changes with regard to the phasing plan.

- B. Final PLANS shall be drawn up to meet all other SUBDIVISION requirements, except that a Master PLAN for the SUBDIVISION shall be submitted to the PLANNING BOARD showing which LOTS and how many will be submitted for each phase. A phase (first) shall constitute one year from the date of final approval, and each subsequent year shall constitute a subsequent phase (second, third, etc.). The Master PLAN shall not be filed at the registry but shall be retained by the SUBDIVIDER and PLANNING BOARD.
- C. The final PLAN submitted by the SUBDIVIDER for the final hearing shall show only those LOTS being approved for that phase. Other future LOTS shall be shown on the Master Plan. Roads may be built in sections and temporarily terminated by a cul-de-sac until continued.

ARTICLE VIIIA  
**DEVELOPMENT Agreement**

**§ 289-38. Agreement required; contents.**

Pursuant to the PLANNING BOARD's statutory authority to attach reasonable conditions to SUBDIVISION and SITE PLAN approvals, the PLANNING BOARD shall require the APPLICANT to execute a DEVELOPMENT agreement. This agreement shall detail the terms, conditions and responsibilities of the APPLICANT and the Town in conjunction with an approved plan.

ARTICLE VIIIB

**Incomplete and Inactive SUBDIVISION or SITE PLAN Application plan sets**

**§ 289-39. Return of application plan sets; refund.**

Refunds of fees and the return of application PLAN sets shall be in compliance with § 276-8 of the LAND USE REGULATIONS.

**ARTICLE VIIIIC  
Street Disposition Awareness**

**§ 289-40. Identification of unaccepted streets; responsibility of developer.**

- A. Purpose. Residents and prospective residents need to know what kind of maintenance and support can be expected for the streets on which they live. Such persons need to be able to easily determine that a given STREET is accepted and maintained by the Town. The purpose also is to promote safety as much as possible.
- B. Signage; warning signs. For all new DEVELOPMENTS, a warning sign shall be placed at the junction where an unapproved street(s) meet(s) an approved street(s). Such warning sign shall be installed at the developer's own cost. Sign message shall read: "Notice: Unaccepted Street, Maintenance is the Responsibility of Developer or ABUTTERS, Pass at Own Risk." This warning sign shall remain in place until the STREET in question is accepted by the Town. Until Town STREET acceptance, sign maintenance shall be the responsibility of the developer.
- C. Signage design specifications.
  - (1) Dimensions for sign area: 24 inches wide by 30 inches high.
  - (2) Background of sign: white.
  - (3) Lettering: black.
  - (4) The sign shall conform to the Manual on Uniform Traffic Control Devices.
- D. Signage cost, if purchased through the Town of Hudson. The sign may be ordered through the Hudson Department of Public Works. Including sign post and mounting hardware, the cost is \$100. Payment is required at time of sign order. The developer may choose to acquire the sign without purchase through the Town.
- E. Signage installation. The sign shall be installed by the developer.
- F. Winter maintenance bond. Prior to the issuance of a building PERMIT for any dwelling or other habitable structure on an unaccepted street, the developer/OWNER of such a STREET shall be required to post a winter maintenance bond with the Town. The winter maintenance bond shall be separate from the SUBDIVISION performance bond and any escrow fees that the developer establishes with the Town. The winter maintenance bond shall be designed to reimburse the Town for the potential cost of maintaining an unaccepted street, should said party of responsibility fail to do so in a manner deemed acceptable by the Town Road Agent, resulting in the Town being forced to use the Emergency Lane Statute (i.e., NH RSA 231:59-a) to maintain the street.

ARTICLE VIIID  
**Period of Validity of Approved PLANS**

**§ 289-41. PLANS approved at PLANNING BOARD meeting, but not signed and recorded at Hillsborough County Registry of Deeds.**

PLAN validity shall be as be as required in § 276-9 of the LAND USE REGULATIONS.

ARTICLE VIIIE  
**Utilities**

**§ 289-42. Installation requirements.**

All utility installations and modifications shall comply with the requirements of § 276-13 of the LAND USE REGULATIONS.

ARTICLE VIIIF  
**Application Completeness**

**§ 289-43. Determination of application completion.**

Application completeness shall be determined in accordance with §§ 276-3 and 276-14 of the LAND USE REGULATIONS.

ARTICLE VIIIG  
**Electronic Copy of plan**

**§ 289-44. Form requirements.**

Prior to recording a SITE PLAN at the Hillsborough County Registry of Deeds, a copy of the PLAN shall be provided in electronic form acceptable to the Town.

A. The electronic drawing for all but streets shall incorporate the information and layer configuration specified in § 276-11.2A.

**Part 2**  
**Streets in subdivisions**

The electronic drawing shall incorporate same layer configuration as required by § 276-11.2A and § 276-11.2B.

ARTICLE IX  
**Surfacing and Costs of Surfacing**

(Article 21, voted in the affirmative 3-14-1967 by the Annual Town Meeting, reads as follows: "To see if the Town shall vote to rescind the action taken under Article 26 of the 1963 Town Meeting relative to the surfacing of streets in subdivisions and substitute in its stead the following: To see if the Town shall vote to require OWNERS or developers of new subdivisions, subdivisions with unsold LOTS or homes owned by the subdivider or his/her/its agents, to surface all unsurfaced streets either by the Town at total cost, including equipment, or by a private contractor under supervision of the Road Agent. A bond shall be required from the subdivider, developer, or his/her/its agents to insure faithful performance and guarantee that the paving shall be in accordance with Town specifications.")

## Chapter 290

### STORMWATER MANAGEMENT

**[HISTORY: Adopted by the Planning Board of the Town of Hudson as amended through 10-14-2015. Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Excavation of soil — See Ch. 200.  
Site plan review — See Ch. 275.  
Administrative requirements and definitions — See Ch. 276.  
Subdivision of land — See Ch. 289.  
Zoning — See Ch. 334.

#### **§ 290-1. Purpose; when effective; applicability.**

The purpose of this regulation is to control runoff and soil erosion and sedimentation resulting from site construction and DEVELOPMENT and to comply with U.S. Environmental Protection Agency (EPA) stormwater management legislation for municipal separate storm sewer systems (MS4s), as amended. SUBDIVISIONS and SITE PLANS shall include PLANS for managing stormwater and controlling erosion and sedimentation as provided below. Any errors or omissions in these regulations shall not exempt APPLICANTS from complying with applicable state and federal statutes. In the event of conflicting requirements between this regulation and any existing or subsequently adopted regulation or ordinance of the Town of Hudson, pursuant to RSA 676:14, the provision that imposes the greater restriction or higher standard shall be controlling. The regulation shall become effective upon adoption by the PLANNING BOARD in accordance with provisions of RSA 675:6 and shall apply thereafter to all development within the Town of Hudson, pursuant to the PLANNING BOARD's authority to regulate SUBDIVISIONS and SITE PLANS.

#### **§ 290-2. Definitions; abbreviations.**

Words in all capital letters are those with special definitions as noted in § 276-2 of the LAND USE REGULATIONS.

As used in this regulation, the terms listed in § 276-2 of the LAND USE REGULATIONS shall have the meanings indicated therein.

#### **§ 290-3. Conditions under which plans are required.**

A. The APPLICANT shall design and submit a site-specific construction STORMWATER MANAGEMENT AND EROSION CONTROL PLAN to the PLANNING BOARD and Town Engineer for any tract of land being developed, redeveloped or subdivided within the boundaries of Hudson, where one or more of the following conditions are proposed:

- (1) A cumulative disturbed area exceeding 20,000 square feet.

- (2) Construction or reconstruction of a STREET or road with greater than one acre of disturbance.
  - (3) A SUBDIVISION of more than three building LOTS.
  - (4) Proposed work adjacent to a wetlands or wetlands buffer.
  - (5) Disturbed CRITICAL AREAS (see definitions).
- B. The APPLICANT shall design and submit a permanent Stormwater Management and Erosion Control PLAN to the PLANNING BOARD and Town Engineer for any tract of land within the boundaries of Hudson where one or more of the conditions described in Subsection A(1) through (5) are proposed. The plan's contents shall be as described § 290-4 below.

**§ 290-4. Design standards.**

The design shall conform to the standards set forth in NHDES regulations or as directed in the LAND USE REGULATIONS, whichever dictates the higher standard.

- A. Temporary/Construction stormwater management design. The following standards shall be applied in planning for stormwater management and erosion control as related to construction. (These standards are in addition to requirements that may be found in this and other sections of the SITE PLAN Review and SUBDIVISION Regulations.)
- (1) All measures in the PLAN shall meet, as a minimum, the BEST MANAGEMENT PRACTICES set forth in the Stormwater Management and Erosion and SEDIMENT Control Handbook for Urban and Developing Areas in New Hampshire, Rockingham County Conservation District, NH Department of Environmental Services, Soil Conservation Service (now the Natural Resources Conservation Service), August 1992, as amended from time to time. Additional BMPs are available at the following locations:
    - (a) <http://www.des.state.nh.us/factsheets/wqe/wqe-6.htm> - NHDES Environmental Fact Sheet WD-WQE-6 (Soil Erosion and SEDIMENT Control on Construction Sites, 1996).
    - (b) <http://www.epa.gov/npdes/national-menu-best-management-practices-bmp-s-stormwater#edu> - EPA National Pollution Discharge Elimination System (NPDES) [National Menu of BEST MANAGEMENT PRACTICES (BMPs) for Stormwater].
    - (c) <http://www.epa.gov/npdes> - EPA National Pollutant Discharge Elimination System (NPDES).
  - (2) Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation shall be done in a manner that minimizes soil erosion.
  - (3) Appropriate erosion and SEDIMENT control measures shall be installed prior to land disturbance.

- (4) The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than 30 days shall be stabilized.
- (5) Measures shall be taken to control erosion within the project area. SEDIMENT in runoff water shall be trapped and retained within the PROJECT AREA using approved measures. Wetland areas and surface waters shall be protected from sediment.
- (6) SEDIMENT basins. For common drainage that serves an area with 10 or more acres disturbed at one time, a temporary (or permanent) SEDIMENT basin provides storage for a calculated volume of runoff from measures, and must be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) SEDIMENT basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, must be provided where attainable until final stabilization of the site. When computing the number of acres draining to a common location, it is not necessary to include flows from off-site areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed areas and the SEDIMENT basin. In determining whether a SEDIMENT basin is attainable, the operators may consider such factors as site soils, slope, available area on site, etc. In any event, the operator must consider public safety, especially as it relates to children, as a design factor for the SEDIMENT basin, and alternative SEDIMENT controls must be used where site limitations would preclude a safe design.
- (7) For drainage locations which serve 10 or more disturbed acres at one time and where a temporary SEDIMENT basin or equivalent controls are not attainable, smaller SEDIMENT basins and/or SEDIMENT traps should be used. At a minimum, a silt fence, vegetative buffer strips, or equivalent SEDIMENT controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).
- (8) For drainage locations serving fewer than 10 acres, smaller SEDIMENT basins and/or SEDIMENT traps should be used. At a minimum, a silt fence, vegetative buffer strips, or equivalent SEDIMENT controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a SEDIMENT basin providing storage for a calculated volume of runoff from a two-year, twenty-four-hour storm or 3,600 cubic feet of storage per acre drained is provided.
- (9) Off-site surface water and runoff from undisturbed areas shall be diverted away from disturbed areas where feasible or carried nonerosively through the project area. Integrity of downstream drainage systems shall be maintained.
- (10) Measures shall be taken to control the post-DEVELOPMENT peak rate of runoff so that it does not exceed pre-DEVELOPMENT runoff for the two-year, twenty-four-hour storm event and for additional storm event frequencies as specified in the design criteria of the Stormwater Management and Erosion and SEDIMENT Control Handbook for Urban and Developing Areas in New Hampshire.

- (11) Priority should be given to preserving natural drainage systems, including perennial and intermittent streams, wetlands, swales, and drainage ditches for conveyance of runoff leaving the project area.
  - (12) All temporary erosion and SEDIMENT control measures shall be maintained in functioning condition until final site stabilization is accomplished.
  - (13) All temporary erosion and SEDIMENT control measures shall be removed after final site stabilization. Trapped SEDIMENT and other disturbed soil areas resulting from the removal of temporary measures shall be permanently STABILIZED within 30 days unless conditions dictate otherwise.
  - (14) Naturally occurring streams, channels, and wetlands shall be used for conveyance of runoff leaving the PROJECT AREA only after appropriate sedimentation control measures have been employed.
- B. Permanent stormwater management general design criteria. The following standards shall be applied in planning for stormwater management and erosion control as related to long-term management of municipal water quality:
- (1) Under one acre of disturbance: This shall require a basic stormwater quality management system. At a minimum, all stormwater must pass through basic pretreatment (beyond catch basin sumps) prior to leaving the site.
  - (2) Over one acre of disturbance:
    - (a) Within the UA requires a well-thought-out, systematic, permanent stormwater quality management system. The latest technology and most up-to-date performance data must be considered when selecting permanent control measures. As noted above, catch basin sumps alone are not considered a valid water quality control measure. Mechanical devices may be required to supplement any proposal. Maintenance programs and schedules shall be required as part of the proposal. Water quality control measures associated with a SUBDIVISION or SITE PLAN may be required to provide long-term escrow funds to cover future maintenance expenses. Sites with appropriate separation to the seasonal high groundwater table must also consider groundwater recharge. All groundwater recharge systems shall require on-site test pit and percolation test data to be submitted as part of the review.
    - (b) Outside the UA requires a basic systematic permanent stormwater quality management system. Catch basin sumps alone are not considered a valid water quality control measure.
  - (3) Adjacent to the wetlands buffer (any size disturbance):
    - (a) Any new project adjacent to the wetlands buffer shall require permanent water quality control measures.
    - (b) Projects involving redevelopment or expansion shall be considered on a case-by-case basis.
  - (4) Municipal projects: All municipal projects shall comply with water quality control

measures defined in this regulation. Nothing regarding municipal projects is intended to impose any greater requirement than is already required by RSA 674:54.

- C. Permanent stormwater management technical design criteria. All measures in the PLAN shall as a minimum meet the BEST MANAGEMENT PRACTICES set forth in the Stormwater Management and Erosion and SEDIMENT Control Handbook for Urban and Developing Areas in New Hampshire, Rockingham County Conservation District, NH Department of Environmental Services, Soil Conservation Service (now the Natural Resources Conservation Service), August 1992, as amended from time to time.

**§ 290-5. Application requirements.**

The following minimum PLAN requirements apply to all stormwater management and erosion control plans. Additional requirements may be found in this and other sections of the SITE PLAN Review and SUBDIVISION Regulations.

- A. Site drawing of existing and proposed conditions:
  - (1) Locus map showing property boundaries.
  - (2) North arrow, scale, date.
  - (3) Property lines.
  - (4) Easements.
  - (5) Structures, utilities, roads and other paved areas.
  - (6) Topographic contours.
  - (7) CRITICAL AREAS.
  - (8) Surface water and wetlands, drainage patterns, and watershed boundaries.
  - (9) Vegetation.
- B. Soils information for design purposes or for determining HIGHLY ERODIBLE SOILS shall be determined from a National Cooperative Soil Survey (NCSS) soil series map. A High Intensity Soil Map of the site, prepared in accordance with the Society of Soil Scientists of Northern New England (SSNNE) Special Publication No. 1, can only be used for design purposes and not for determining HIGHLY ERODIBLE SOILS.
- C. Temporary and permanent stormwater management and erosion and SEDIMENT control BMPs.
- D. Areas and timing of soil disturbance.
- E. A schedule for self-inspection and maintenance of all BMPs.
- F. Narrative section including discussion of each measure, its purpose, construction sequence, and installation timing as they apply to the site.
- G. If infiltration or exfiltration is proposed as part of the drainage solution, test pit information regarding estimated seasonal high water table shall be provided at the elevation of the

proposed infiltrating or exfiltrating device.

- H. Calculations for the infiltration or exfiltration system. These calculations should also account for frozen ground conditions, when the devices may not function at their optimal design.
- I. Any other specific study, calculation, or investigation as requested by the Town.
- J. The drainage PLANS and report shall be certified by a licensed professional engineer, registered in the State of New Hampshire.
- K. Completed application requirements. The following shall be required in the final PLAN unless the project is under one acre or is of sufficiently minimal impact to qualify for the minimum requirements specified in § 290-4, Design standards, of this regulation as determined by the Town Engineer.
  - (1) Construction drawings; supporting documents.
  - (2) Locus map showing property boundaries.
  - (3) North arrow, scale, date.
  - (4) Property lines.
  - (5) Structures, roads, utilities, EARTH stockpiles, equipment storage, and plan for stump and debris removal.
  - (6) Topographic contours at two-foot intervals.
  - (7) CRITICAL AREAS within the PROJECT AREA and within 200 feet of project boundary surface waters, wetlands, and drainage patterns and watershed boundaries.
  - (8) Vegetation.
  - (9) Extent of one-hundred-year floodplain boundaries if published or determined.
  - (10) Soils information for design purposes from a National Cooperative Soil Survey (NCSS) soil series map or a High Intensity Soil Map of the site, prepared in accordance with SSSNNE Special Publication No. 1. HIGHLY ERODIBLE SOILS shall be determined by soil series.
  - (11) Easements.
  - (12) Areas of soil disturbance.
  - (13) Areas of cut and fill.
  - (14) Locations of EARTH stockpiles.
  - (15) Locations of equipment storage and staging.
  - (16) Stump disposal.
  - (17) Areas of soil disturbance.
  - (18) Highlighted areas of poorly and very poorly drained soils.

- (19) Highlighted areas of poorly and/or very poorly drained soils proposed to be filled.
- (20) Locations, descriptions, details, and design calculations for all structural, nonstructural, permanent, and temporary erosion and sedimentation control measures and BMPs.
- (21) Identification of all permanent control measures.
- (22) Identification of permanent snow storage areas.
- (23) Identification of snow management measures during construction.
- (24) Construction schedule.
- (25) EARTH movement schedule.
- (26) A combination of SEDIMENT and erosion control measures is required to achieve maximum pollutant removal.
  - (a) SEDIMENT basins: for common drainage that serves an area with 10 or more acres disturbed at one time, a temporary (or permanent) SEDIMENT basin which provides storage for a calculated volume of runoff from a drainage area from a two-year, twenty-four-hour storm, or equivalent control measures, must be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) SEDIMENT basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, must be provided where attainable until final stabilization of the site. When computing the number of acres draining to a common location, it is not necessary to include flows from off-site areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed areas and the SEDIMENT basin. In determining whether a SEDIMENT basin is attainable, the operators may consider such factors as site soils, slope, available area on site, etc. In any event, the operator must consider public safety, especially as it relates to children, as a design factor for the SEDIMENT basin, and alternative SEDIMENT controls must be used where site limitations would preclude a safe design.
  - (b) For drainage locations which serve 10 or more disturbed acres at one time and where a temporary SEDIMENT basin or equivalent controls are not attainable, smaller SEDIMENT basins and/or SEDIMENT traps should be used. At a minimum, a silt fence, vegetative buffer strips, or equivalent SEDIMENT controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).
  - (c) For drainage locations serving fewer than 10 acres, smaller SEDIMENT basins and/or SEDIMENT traps should be used. At a minimum, a silt fence, vegetative buffer strips, or equivalent SEDIMENT controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a SEDIMENT basin providing storage for a calculated volume of runoff from a two-year, twenty-four-hour storm or 3,600 cubic feet of storage per acre drained is

provided.

- (d) A proposed schedule for the inspection and maintenance of all measures. Inspections must be conducted at least once every seven calendar days or once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inch or greater.
- (e) Identification of all permanent control measures and responsibility for continued maintenance.

L. STORMWATER MANAGEMENT PLAN, including:

- (1) Design calculations for all temporary and permanent structural control BMP measures.
- (2) A proposed schedule for the inspection and maintenance of all BMPs.
- (3) Identification of all permanent control measures and responsibility for continued maintenance.
- (4) Drainage report with calculations showing volume, peak discharge, and velocity of present and future runoff for the ten-year, twenty-four-hour storm event.
- (5) PLANS showing the entire drainage area affecting or being affected by the DEVELOPMENT of the site. Proposed LOT boundaries and drainage areas shall be clearly shown on the plan.
- (6) The direction of flow of runoff through the use of arrows shall clearly be shown on the plan.
- (7) The location, elevation, and size of all existing and proposed catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers shall be shown on the plan.
- (8) When detention structures are planned to reduce future condition peak discharge, the soil cover complex method shall be used to compute the runoff volume and peak discharge for designing the structure. The design shall conform to the criteria outlined for those types of structures given in the Stormwater Management and Erosion and SEDIMENT Control Handbook for Urban and Developing Areas in New Hampshire.
- (9) Copies of pertinent state and federal permits.
- (10) An example stormwater management PLAN table of contents follows:
  - (a) Project overview.
  - (b) OWNER.
  - (c) Address of DEVELOPMENT.
  - (d) Location of the site.
  - (e) Description of receiving waters.

- (f) Nature and purpose of the land-disturbing activity.
- (g) Limits of disturbance.
- (h) Construction schedule.
- (i) Existing conditions summary.
- (j) Define topography, drainage patterns, soils, ground cover, CRITICAL AREAS, adjacent areas, upstream areas draining through site, existing DEVELOPMENT, existing stormwater facilities, on- and off-site utilities, construction limitations, buffers, wetlands, streams, sensitive areas, and other pertinent features.
- (k) An existing conditions PLAN (drawing) showing the above existing conditions and labeled per the narrative above.
- (l) Off-site analysis.
- (m) Description of the tributary area (include at least 1/4 mile downstream), drainage channels, conveyance systems and downstream receiving waters.
- (n) Review of the existing or potential problems resulting from the DEVELOPMENT, including, but not limited to, sedimentation, erosion, water quality issues, chemical spills.
- (o) A demonstration or explanation showing that the DEVELOPMENT of the site shall not affect the downstream systems negatively.
- (p) A demonstration or explanation showing the adequate capacity of the downstream system to handle flow conditions after DEVELOPMENT.
- (q) As applicable, an off-site drainage PLAN. (The PLAN may be part of the existing conditions plan.)
- (r) Special reports, studies, maintenance information.
- (s) As applicable, inclusion of test pit log forms, soil conditions data, wetland delineation information.
- (t) As applicable, inclusion of information regarding long-range maintenance of any closed drainage systems, detention/retention facilities, etc.
- (u) Appendix (include copies of all tables, graphs, and charts, test pit, and percolation test data used in any of the above calculations).

**§ 290-6. Responsibility for installation and construction.**

- A. The APPLICANT and the APPLICANT's engineer (or technical representative) shall schedule and attend a mandatory preconstruction meeting with the Town Engineer or his/her/its designee at least two weeks prior to commencement of construction. Two copies of the SWPPP and NOI (if required), the SWMP, and associated construction documents must be provided at that time. The SWMP must bear the seal and signature of the New

Hampshire registered professional engineer preparing the documents. Prior to commencement of construction, the Community Development Department shall confirm that the documents submitted meet the conditions of PLAN approval. An appropriate notation shall be made on the "official" construction set used by the Code Enforcement Officer and Engineering Division. (Note: Preconstruction conferences shall typically not be required for single-family and duplex construction.)

- (1) The APPLICANT shall provide the TOWN an emergency contact name and number for stormwater management emergency incidents.
  - (2) The contact name and number shall remain current during the life of the permit, and shall require a minimum four-hour response to emergencies.
- B. The Town's Community Development Department Engineering Division reserves the right to prepare and request the APPLICANT's acknowledgement of a preconstruction checklist.
- C. The APPLICANT shall bear final responsibility for the installation, construction, inspection and disposition of all stormwater management and erosion control measures required by the provisions of this regulation.
- D. The Town's Community Development Department Engineering Division may require a bond or other security in an amount and with surety conditions satisfactory to the Town, providing for the actual construction and installation of such measures within a period specified by the Town and expressed in the bond or the surety.
- E. The Town's Community Development Department Engineering Division may require the OWNER or his/her/its authorized agent to deposit in escrow with the Town an amount of money sufficient to cover the Town's costs for inspection and any professional assistance required for site compliance monitoring.
- F. Site DEVELOPMENT shall not begin before the SWMP has been reviewed and approved from the Town and a NOI has been acknowledged by the EPA. BEST MANAGEMENT PRACTICES shall be installed as designed and scheduled as a condition of final approval of the plan.
- G. Commercial and industrial DEVELOPMENT and/or redevelopment. The APPLICANT, OWNER, and OWNER's legally designated representative (if any) shall all hold responsibility for implementing the SWMP.
- H. Residential DEVELOPMENT and redevelopment. The APPLICANT is responsible for implementing the SWMP. There are two ways for the Town to consider an APPLICANT to be removed as the responsible party (The APPLICANT may also be required to comply with other regulating entities' additional requirements.):
- (1) The APPLICANT completes the project in a manner satisfactory to the Town and files a notice of termination (NOT) with the EPA in accordance with the terms of the federal requirements.
  - (2) The APPLICANT passes legal responsibility for the PLAN to another competent party. In the case of a new SUBDIVISION where LOTs may be transferred to a different entity for construction of the buildings, it is the APPLICANT's

responsibility to ensure that the APPLICANT has a legal basis to require compliance by the new entity.

- I. Individual homeowner development. The homeowner, of a subdivided property bears responsibility for compliance with the approved SWMP. If the homeowner is contracting building services to another person or entity, the homeowner may choose to pass legal responsibility of compliance to the contracted entity. If the responsibility is not passed, the homeowner remains the responsible party and must comply with the terms of the original plan.

**§ 290-7. Plan approval and review.**

- A. The PLANNING BOARD shall indicate approval of the SWMP, as filed, if it complies with the requirements and objectives of this regulation. Review and recommendation shall be provided by the Town Engineer or agent thereof. As applicable, such approval shall be a component of SUBDIVISION or SITE PLAN approval.
- B. Final SWMP approval shall be contingent upon collection of any required fees or escrow amounts related to technical review of any SWMP prepared under this regulation.

**§ 290-8. Maintenance and inspection.**

- A. A narrative description of ongoing construction and operational maintenance requirements for water quality measures required by SWMP after final PLANNING BOARD approval shall be incorporated into the DEVELOPMENT agreement of the property on which such measures are located and recorded at the Hillsborough County Registry of Deeds. The narrative shall be in the form of a typical SITE PLAN management or DEVELOPMENT agreement, or as otherwise set forth by the PLANNING BOARD.
- B. The purpose of this section is to enact locally the administrative and enforcement procedures set forth in RSA Chapter 676 of the existing planning and land use statutes.
- C. If the APPLICANT is unable to adequately provide the required maintenance activities during construction, the Town may require additional escrow funding to be used by either the APPLICANT or the Town solely to repair, replace and/or maintain the required measures.
- D. The Town may require inspections to verify ongoing maintenance of water quality protection measures. Such inspections shall be performed by the Town or its designee at reasonable times to the landowner.
- E. As a condition of PLANNING BOARD approval, the owner, his/her/its successor and assigns shall consent to inspections by the PLANNING BOARD or its designee for compliance with these regulations.
- F. Self-inspection reports are to be filed on-site in a location easily accessible to a Town inspector.

**§ 290-9. Other required permits.**

In addition to local approval, copies of the following permits shall be required if applicable:

- A. RSA 485-A:17 requires a PERMIT from the New Hampshire Water Supply and Pollution Control Division for ". . .any person proposing to significantly alter the characteristics of the terrain, in such a manner as to impede the natural runoff or create an unnatural runoff. . ." Regulations require this PERMIT for any project involving more than 100,000 contiguous square feet of disturbance or if such activity occurs in or on the border of the surface waters of the state.
- B. National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit: a PERMIT issued by the EPA or by the state under authority delegated pursuant to 33 U.S.C. § 1342(b) that authorizes the discharge of pollutants to waters of the United States. For a cumulative disturbance of one acre of land that the EPA considers "construction activity," which includes, but is not limited to, clearing, grading, EXCAVATION and other activities that expose soil typically related to landscaping, demolition and construction of structures and roads, a federal PERMIT shall be required. Consult the EPA for specific rules. This EPA PERMIT is in addition to any state or local PERMIT required. To apply, the entity or individual responsible for construction site operations shall file a notice of intent (NOI) with the EPA at least seven days prior to work beginning. Discharge is authorized when the application status is listed as "authorized" in the EPA public NOI database or when the APPLICANT receives an EPA authorization letter by mail. A sample NOI is provided in Attachment 2, included as an attachment to this chapter.

**§ 290-10. Post-construction operation.**

- A. Stormwater discharges associated with commercial/industrial activities. Each commercial and industrial facility approved under this regulation is required to perform annual site inspections (at a minimum). The site inspection must be documented and at a minimum should include: review of stormwater flow paths, condition of any SEDIMENT or contaminant control devices, water quality notations, corrective actions and time frames if unacceptable water quality runoff is noted, and the name and position of the inspector. All records of the inspections must be made available to the Town or authorized agent upon request.
- B. Notification of spills or other nonstormwater discharges. As soon as any person responsible for a facility, site, activity or operation has information of any known or suspected release of pollutants or nonstormwater discharges which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the Town of Hudson's municipal storm system, state waters, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release so as to minimize the effects of the discharge. (If said individual is not competent to assess, contain, or clean up, that person shall immediately notify another competent individual or firm.) If the substance poses an immediate health or safety concern, the TOWN OF HUDSON Emergency Services must immediately be notified. If the substance does not pose an immediate concern, the TOWN OF HUDSON Community Development Department should be notified. This notification should be made as soon as possible; however, no later than 24 hours post-event. This notification does not preclude and must be made in addition to any federal or state required notifications. The site operator/owner must

be aware that discharges such as treated swimming pool water are not allowed discharges unless appropriate measures have been taken to reduce the treatment chemical concentrations in the water.

**§ 290-11. Enforcement; violations and penalties.**

- A. Any violation of the requirements of this regulation shall be subject to the enforcement procedures detailed in RSA Chapter 676 in addition to any other remedy available in law or equity.
- B. Written notice of violation (first offense). A written notice of violation shall be issued to the property OWNER by certified mail from the Town Engineer or designee if the agent determines that conditions at the site are in violation of any of the requirements of this regulation or PLANS approved under this regulation and that the violation is not an immediate threat to public health and safety. The notice of violation shall:
  - (1) Specify the actions or conditions which violate the requirements of this regulation or PLANS approved under this regulation.
  - (2) Identify what needs to be done to correct the violation(s).
  - (3) Specify a reasonable time frame within which the violation shall be corrected.
  - (4) Be provided to the property OWNER with a copy to be kept in the official Community Development records.
- C. Civil penalty (second or multiple offenses). A letter outlining all of the above may be accompanied by a notice of civil penalty. In addition to the corrections required by the initial notice of violation and any subsequent reported infractions, a civil penalty may be imposed, not to exceed \$275 for the first offense and \$550 for subsequent offenses for each day that such violation is found to continue after the conviction date or after the date on which the violator received notice from the Town that the violator is in violation, whichever is earlier.
- D. Cease-and-desist order. In accordance with RSA 676:17-a, cease-and-desist orders may be issued to the property OWNER by the TOWN OF HUDSON if the agent determines that conditions at the site are in violation of any of the requirements of this regulation and the violation is either:
  - (1) An immediate threat to public health and safety; or
  - (2) The property OWNER has failed to take corrective action(s) identified in a written notice of violation issued under Subsection B of this section within the time frame specified therein.
- E. Revocation of SUBDIVISION or SITE PLAN approval or building PERMIT or certificate of occupancy. If the Town and the developers are unable to reach a viable agreement related to any on-site violation, the PLANNING BOARD may revoke the SUBDIVISION or SITE PLAN approval pursuant to the provisions of RSA 676:4-a. In addition, the Community Development Department may revoke the building PERMIT or certificate of

occupancy pursuant to the provisions of the TOWN OF HUDSON Zoning Ordinance<sup>1</sup> and Building Code. This action is only to be used in cases where the above measures have failed to move the project into compliance with the established regulations or design standards or those standards subsequently adopted by state and/or federal agencies.

- F. Criminal penalties. Any person who violates any of the provisions of this regulation or any provision or specification of any application, plat, or plan, or any requirement or condition of a PERMIT or decision issued by the PLANNING BOARD or the Town Engineer shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.
- G. Associated fees. In any legal action brought by the Town to enforce these regulations or any requirement or condition imposed by the PLANNING BOARD or the Town Engineer, the Town shall recover its costs and reasonable attorney's fees actually expended in pursuing a legal action if it is found to be a prevailing party. For the purposes of this subsection, recoverable costs shall include all out-of-pocket expenses actually incurred, including but not limited to inspection fees, expert fees, and investigatory expenses.

**§ 290-12. Mandatory regulated MS4s in urbanized areas.** <sup>2</sup>

Municipal separate storm sewer systems (MS4s) within urbanized areas (UAs), as defined by the Bureau of Census, fall under mandatory regulation under EPA Phase II Stormwater Management Regulations. Within the UAs, all roads and streets and associated drainage systems, both open and closed, fall under regulation. Map 1 depicts the two urbanized areas in Hudson. The northern area is within the Nashua, New Hampshire UA and the southern area is within the Boston, Massachusetts, New Hampshire, and Rhode Island UA. All land in Hudson shall comply with this regulation.

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1. Editor's Note: See Ch. 334, Zoning.

2. Editor's Note: The Map of Urbanized Areas is included as an attachment to this chapter.