



# TOWN OF HUDSON

## Planning Board

Glenn Della-Monica, Chairman      Marilyn McGrath, Selectmen Liaison



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### MEETING MINUTES December 14, 2016

- I. CALL TO ORDER BY CHAIRPERSON AT 7:03 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL

**Members Present:** Glenn Della-Monica, Timothy Malley, William Collins, Jordan Ulery, Charles Brackett, Dillon Dumont, Marilyn McGrath (Selectmen Representative),

**Members Absent:** Angela Saucier (Alternate Selectmen Representative), Excused

**Staff Present:** Town Planner John Cashell

- IV. SEATING OF ALTERNATES

Mr. Dumont seated for Mr. Ulery  
Mr. Ulery seated for Mr. Dumont at 7:19 pm

- V. MINUTES OF PREVIOUS MEETING(S)

26 October 2016 Meeting Minutes/Decisions

- VI. CASES REQUESTED FOR DEFERRAL
- VII. CORRESPONDENCE
- VIII. PERFORMANCE SURETIES
- IX. ZBA INPUT ONLY
- X. PUBLIC HEARINGS
- XI. OLD BUSINESS/PUBLIC HEARINGS
- XII. DESIGN REVIEW PHASE
- XIII. CONCEPTUAL REVIEW ONLY

- XIV. NEW BUSINESS/PUBLIC HEARINGS

- A. Dumont Point 2-Lot Subdivision Plan      18 Hilindale Drive  
SB# 08-16      Map 199/Lot 4

Purpose of Plan: To depict the subdivision of existing Lot 4 into two separate lots, Lots 4 and 4-1. Application Acceptance & Hearing.

Mr. Malley moved to accept the 2-lot Subdivision application for 18 Hilindale Dr. /Pelham Rd. – Map 199/Lot 004.

Motion seconded by Mr. Collins. All in favor – Motion carried.

Mr. Malley moved to approve the subdivision plan entitled: Master Subdivision Plan Dumont Point, Map 199, Lot 4 Hilindale Drive & Pelham Road, Hudson, Hillsborough County, NH, prepared by Keach-Nordstrom, Inc., 10 Commerce Park North, Suite 3B, Bedford, NH 03110, dated 13 OCT 2016 and last revised 18 NOV 2016, consisting of Sheets 1 – 7, and Notes 1 – 22, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Decision of Approval, which shall be recorded at the HCRD, together with the Plan.
2. A cost allocation procedure (CAP) amount of \$1,664.00, per residential unit shall be paid prior to the issuance of a Certificate of Occupancy. Prior to Plan endorsement, Note 18 shall be amended, relative to accurately depicting said correct CAP Fee.
3. A public school impact fee in the amount of \$3,578.00, per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
4. A recreation contribution in the amount of \$400.00, per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
5. All monumentation shall be set or bonded for prior to the Planning Board endorsing the Plan-of -Record.
6. Prior to Plan endorsement, Hilindale Drive shall be spelled correctly in the title block for each sheet of the Plan.

Motion seconded by Mr. Collins. All in favor – Motion carried.

- B. Dumont Point Site Plan  
SP# 06-16
- 18 Hilindale Drive  
Map 199/Lot 4

Purpose of Plan: To depict the layout of three (3) single-family residential condominium units and all associated site improvements. Application Acceptance & Hearing.

Mr. Malley moved to accept the Site Plan application for Pelham Rd. – Map 199/Lot 004-001, which depicts the layout of three (3) single-family residential condominium units and all associated site improvements, including a common driveway.

Motion seconded by Mr. Collins. All in favor – Motion carried.

**REQUESTED WAIVERS: HTC §276-13.A. – Underground Utilities**

Ms. McGrath moved to deny the requested waiver – HTC §276-13.A. – Underground Utilities – based on the testimony of the Applicant’s representative here this evening, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

Motion seconded by Mr. Malley. Motion failed: 5/0/0

Mr. Malley moved to approve the subdivision plan entitled: Residential Site Plan - Dumont Point, Map 199, Lot 4-1 Pelham Road, Hudson, Hillsborough County, NH, prepared by Keach-Nordstrom, Inc., 10 Commerce Park North, Suite 3B, Bedford, NH 03110, dated 13 OCT 2016 and last revised 18 NOV 2016, consisting of Sheets 1 – 15 and Notes 1 – 43, in accordance with the following terms and conditions:

- 1) All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the HCRD, together with the Site Plan-of-Record (hereinafter referred to as the Plan).
- 2) Prior to the Planning Board endorsement of the Plan any applicable condominium, right-of way and/or easement deeds shall be favorably reviewed and recommended on by Town Counsel, and, if applicable, final action taken on same by the Board of Selectmen.
- 3) All improvements shown on the Plan, including Notes 1- 43, shall be completed in their entirety and at the expense of the Applicant or his assigns.
- 4) Prior to the issuance of a final certificate of occupancy, a L.L.S. certified "As Built" site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Planning Board approved Plan.
- 5) This approval shall be subject to final engineering review.
- 6) A cost allocation procedure (CAP) amount of \$1,664.00, per residential unit shall be paid prior to the issuance of a Certificate of Occupancy. Prior to Plan endorsement, Note 35 shall be amended, relative to accurately depicting said correct CAP Fee.
- 7) A public school impact fee in the amount of \$3,578.00, per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
- 8) A recreation contribution in the amount of \$400.00, per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
- 9) All notes pertaining to the approval of this Plan are included in Notes 1 – 43, Sheet 1 of 15– The Master Plan, including, but not limited to, blasting/ramming of bedrock, hours of construction, refuse removal and stipulation that the driveway shall remain private in perpetuity.
- 10) The Applicant/Owner shall cooperate with abutter, Suellen Seabury or her assign, in order to create a suitable landscaped buffer between the Applicant's private drive and Ms. Seabury's property.

- 11) Add Note 44, relocate stone wall along the property between Map 199/Lot 005 and Lot 004-1.
- 12) Change Site Plan drawings depicting the private drive name from Derek Drive to Derek Way.
- 13) Add "Private Drive – Not Maintained by the Town" sign at the entrance to Derek Way.

Motion seconded by Mr. Collins. All in favor – Motion carried.

- C. §334-73. Accessory Dwelling Units - this proposed amendment addresses the new state statute on Accessory Dwelling Units: RSA 674:71-73, and ARTICLE XIII A, is proposed for amendment as provided below in its entirety:

ARTICLE XIII A  
**ACCESSORY DWELLING UNITS**  
**Accessory Dwelling Units (In-Law Apartments)**  
**[Added 3-14-1995 by Amdt. No. 16]**

In §334-6. Definitions., of the Zoning Ordinance, the following definition shall be added for the term "ACCESSORY DWELLING UNIT":

**ACCESSORY DWELLING UNIT (ADU) - A residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal DWELLING UNIT it accompanies, as defined in RSA 674:71.**

§ 334-73.1. Reserved.

~~As used in this article, the following terms shall have the meanings indicated:~~

~~**ACCESSORY LIVING UNIT (ALU) – A secondary dwelling unit which is accessory and subordinate to a permitted principal one-family dwelling unit and consists of any kitchen/kitchenette area combined with one bedroom and optional living room/dining area and bathroom, which is located on a single floor in a contiguous area of the dwelling that is separate from the primary kitchen and bedroom areas of the permitted one-family dwelling. [Amended 3-14-2006 by Amdt. No. 3]**~~

§ 334-73.2. Purpose.

The purpose of this article is to ~~provide flexible household living arrangements and expanded increase the supply of~~ affordable housing ~~opportunities to accommodate immediate family members of a permitted, owner-occupied, one-family dwelling,~~ in the Town without the need for more infrastructure or further land development, while maintaining aesthetics and residence use compatible with homes in the neighborhood.

**§ 334-73.3. Provisions.** [Amended 3-14-2006 by Amdt. No. 3]

An **ALU ADU** shall be permitted ~~only by special exception~~ in **allowed** zoning **DISTRICTS** that **permit single-family dwellings**, and only in accordance with the following provisions:

- A. An **ALU ADU** is allowed only in ~~one-family~~ **single-family** dwellings. An **ALU ADU** is not allowed in two, or multifamily dwellings or in any nonresidential uses. ~~An ADU is expressly prohibited in an open space development.~~
- B. An **ALU ADU** is not allowed as a freestanding detached STRUCTURE or as part of any STRUCTURE which is detached from the principal dwelling. **MANUFACTURED HOUSING, RECREATIONAL VEHICLES** ~~Mobile homes~~ or trailers may not be erected or added to the principal dwelling as an **ALU ADU**.
- C. ~~Either the principal DWELLING UNIT or the ADU~~ ~~An ALU is to be occupied only by immediate family members (by blood or marriage) of~~ **must be occupied by** the owner of record of the principal dwelling. ~~An ALU is not allowed in any principal dwelling in which the owner of record of the principal dwelling does not personally reside.~~ **Upon request of the Zoning Administrator or other official with the authority to enforce this ordinance the owner of record shall demonstrate that one of the units is his or her principle place of residence.**
- D. The front face of the principal dwelling STRUCTURE is to appear as a ~~one-family single-family~~ **single-family** dwelling after any alterations to the STRUCTURE are made to accommodate an **ALU ADU**. Any additional separate entrances must be located ~~so as to preserve the appearance of a one-family dwelling on the side or rear of the STRUCTURE.~~
- E. At least one common interior access between the principal DWELLING UNIT and an **ALU ADU** must exist. ~~A second~~ **Two external** means of egress (**common or separate**) from ~~an ALU~~ **both a principle DWELLING UNIT and an ADU** must exist. ~~and be located at the side or rear of the structure.~~
- F. Separate utility service connections and/or meters for the principal DWELLING UNIT and an **ALU ADU** shall not exist. (This does not preclude using a type of heating system for an **ALU ADU** different from the type for the principal DWELLING UNIT.) **Separate service connections for common areas shall be as required by building and electrical codes.**
- G. **A minimum of four** off-street **paved** parking **spaces** shall be provided to serve the combined needs of the principal DWELLING UNIT and an **ALU ADU**. There shall not be a separate driveway for the **ALU ADU**.
- H. The gross living area (GLA) of an ~~ALU ADU~~ shall not be less than 350 square feet ~~nor greater than 750 square feet and shall not exceed 50% of the principal structure or 1,000 square feet, whichever is less.~~ The above-grade GLA of the principal dwelling shall not be reduced to less than 850 square feet in order to accommodate the creation of an **ALU ADU**.
- I. **An ADU shall not have more than two bedrooms.**

- J. A building permit for an **ALU ADU** must be approved and issued prior to the construction of an **ALU-ADU** or conversion of existing space into an ADU. ~~An ALU shall have an interconnected fire alarm system.~~
- K. The house number for the **ALU ADU** shall be the same as that of the primary DWELLING UNIT, and there shall not be a separate mailbox for the **ALU ADU**.
- L. Multiple **ALUs ADUs** are not permitted on any ~~property~~ LOT in any DISTRICT.
- M. The maximum number of unrelated persons occupying an ADU shall not exceed two.
- N. An ADU shall have an interconnected fire alarm system with the principle DWELLING UNIT.
- O. An ADU shall make provision for adequate water supply and sewage disposal in compliance with RSA 485-A:38 and regulations adopted by the New Hampshire Department of Environmental Services, but separate systems shall not be required for the principal STRUCTURE and ADU.

~~§ 334-73.4. Term of special exception approval. Reserved.~~

~~Any special exception granted to permit the creation of an ADU in accordance with § 334-73.3A through K above of this article is to benefit the original applicant for the same exclusively. The approval by special exception granted shall expire when the owner of record of the principal dwelling conveys the property by sale or ceases to personally occupy either the principal~~

~~DWELLING UNIT or the ADU. In the event that special exception approval expires, one of the following provisions must be met:~~

- ~~A. The original applicant shall notify the Zoning Administrator of such occupancy termination. When the original tenant vacates the premises, the owner has the option to relet the ADU or remove the ADU at the owners' option. Violators shall be charged \$275 per day, plus court costs or attorneys' fees. [Amended 3-14-2006 by Amdt. No. 3]~~
- ~~B. If a new owner of record of the principal dwelling desires to maintain the existence of previously approved ADU, the new owner shall notify the Zoning Administrator application for a new special exception approval to benefit the new owner of record must be made within 60 days of the property's conveyance.~~

~~§ 334-73.5. Procedural requirements.~~

~~An ADU application submitted for special exception approval under the auspices of this article shall include the following items: an accurate copy of the plan, which shall denote, describe and/or identify the intended ADU area. The application shall be submitted to the TOWN Zoning Administrator for determination as to its compliance with this article.~~

- ~~A. A letter from the applicant stating the name of the intended occupant of the ALU and the intended occupant's relationship to the applicant shall accompany the application for a special exception.~~

~~B. If the special exception is approved, the building permit application for an ALU shall include a copy of the letter described in Subsection A above, so that the name and relationship of the intended occupant of an ALU can appear on the approved building permit and any subsequent certificate of occupancy issued for that ALU.~~

~~C. All plans submitted with any application for an ALU building permit shall donate, describe and/or identify the intended ALU area as such.~~

~~D.~~

**§ 334-73.6. Minimum lot dimension requirements.**

An **ALU ADU** shall not be considered ~~to be~~ an additional DWELLING UNIT for the purposes of determining minimum dimensional requirements of a principal dwelling LOT. An **ALU ADU** shall be allowed to exist in a principal dwelling on a legal nonconforming lot so long as all provisions of this article can be satisfied. **An ADU shall comply with all setback requirements.**

**§ 334-73.7. Enforcement authority.**

The Zoning Administrator shall be the final authority on compliance and enforcement issues of this article.

~~**§ 334-73.8. Existing legal nonconforming and illegal accessory living units.**~~

~~**ADUs constructed prior to this article without a building permit or certificate of occupancy shall apply to the Zoning Administrator for a determination of compliance with this article. There shall be an amnesty period of 180 days from the date of adoption of this article in which**~~

~~**to make an application for a determination and in which no penalty will be assessed for an illegal nonconforming ADU.**~~

Mr. Collins approved for the 2017 Town Warrant, as written in its entirety above, the proposed zoning amendment to **Amend** ARTICLE XIII A – Accessory Living Units (In-Law Apartments) - §334-73. – 73.8. of the Town of Hudson Zoning Ordinance: this proposed amendment addresses RSA 674:71-73 the new state statute on Accessory Dwelling Units.

Motion seconded by Mr. Brackett. Motion carried: 6/1/0 (TM)

ARTICLE II - Sections §334-5 & 334-6 - Terminology & Definitions – this amendment proposes multiple edits and additions of terms and definitions within said sections of the Town's Zoning Ordinance, and reads in its entirety as follows (added language shown in bold-print and deleted language shown in bold-strikethrough print):

ARTICLE II  
**Terminology**

**§ 334-5. Word usage and interpretation.**

For the purposes of this chapter, certain words, terms or phrases shall bear the meanings **given herein unless** defined in §334-6, unless the context clearly indicates otherwise. **Such words, terms and phrases shall appear in CAPITAL LETTERS when used as herein defined.**

- A. Words in the present tense include the future.
- B. The singular includes the plural, and the plural includes the singular.
- C. **Hierarchy: ~~Terms and words not defined in this article but defined in the Building Code shall have the meanings given therein.~~**
  - i) **Terms and words not defined in this article but defined in applicable New Hampshire state statutes or regulations shall have the meanings given therein.**
  - ii) **Terms and words not defined in this article but defined in the Building Code shall have the meanings given therein.**
  - iii) **Terms and words not defined in this article, the RSAs or in the Building Code shall have the meanings understood in common usage and as defined in standard American dictionaries.**
- D. **~~Terms and words not defined in this article or in the Building Code shall have the meanings understood in common usage and as defined in standard American dictionaries~~**
- E. In interpreting any portion of this chapter, it shall be held as the minimum requirement adopted for promotion of the public health, safety and general welfare of the Town. Whenever any provision of this chapter is at variance with any other provision of the chapter, or with the requirements of any other lawfully adopted rule or regulation, the most restrictive, or that imposing the highest standard, shall govern.
- F. In case of any difference in meaning or implication between the text of these regulations and any caption, illustration, summary table or illustrative table, the text shall govern.
- G. The words "shall," "will," "shall not," "will not" or "may not" are always mandatory and not discretionary. the word "may" is permissive.
- H. The terms "building" or "structure" include any part thereof.
- I. The term "person" includes an individual, a corporation a partnership, an incorporated association, or any other similar entity.
- J. The terms "includes" and "including" shall not limit a term, definition or set of examples to the specified examples, but is intended to extend its meaning to all other instances or circumstances of the like kind of character.



- K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions “and,” “or,” or “either... or,” the conjunction shall be interpreted as follows: 1. “And” or “plus” indicates that all the connected items, conditions, provisions or events shall apply. 2. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination. 3. “Either ... or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

**§ 334-6. Definitions.**

The following words have the following meanings for the purposes of this chapter **and do not affect or supersede definitions contained in any other TOWN ordinance or regulation.**

**A**

**ABANDONMENT** - The visible or otherwise apparent intention of an owner to discontinue a use of a structure or LOT.

**ABUTTER** - Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board **as defined in RSA 672:3. For purposes of receiving testimony only, and not for purposes of notification, the term "ABUTTER" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.** For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term "ABUTTER" means the officers of the collective or association, as defined in New Hampshire RSA 356-B:3, XXIII.

**ACCESS** - The right vested in the owner of land to enter and return from that land without obstruction to and from a public way. ~~A way or means of approach to provide physical entrance to a property. [Added 3-1-1998]~~

~~**ACCESSORY LIVING UNIT (ALU)** — A secondary dwelling unit which is accessory and subordinate to a permitted principal one-family dwelling unit and consists of any kitchen/kitchenette area combined with one bedroom and optional living room/dining area and bathroom, which is located on a single floor in a contiguous area of the dwelling that is separate from the primary kitchen and bedroom areas of the permitted one-family dwelling. [Amended 3-14-2006 by Amdt. No. 3]~~

**ACCESSORY DWELLING UNIT (ADU)** - A residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal DWELLING UNIT it accompanies, as defined in RSA 674:71.

**ACCESSORY BUILDING or SHED** - A structure of any kind other than an **AWNING** or **CANOPY**, the purpose of which is storage or other accessory use.

**ACCESSORY STRUCTURES** – A detached building or other structure, the use of which is customarily incidental and subordinate to that of the principal building, and which is located

on the same lot as that occupied by the principal building. These include, but are not limited to:

- **ACCESSORY BUILDING or SHED**
- **AWNING**
- **CANOPY**
- **PORTABLE GARAGE**
- **CAR CANOPY**

ADULT BOOKSTORE or ADULT VIDEO STORE— A **SEXUALLY ORIENTED BUSINESS** that devotes display, shelf, rack, table, stand or floor area, utilized for the display and sale of the following: [Added 3-9-1999; amended 3-13-2001 by Amdt. No. 7]

(A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records, CD-ROM's or other forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1; or

(B) Instruments, devices or paraphernalia which are designed for use in connection with "sexual conduct" as defined in NH RSA 571-B:1, other than birth control devices.

ADULT CABARET — A **type of SEXUALLY ORIENTED BUSINESS that is** a nightclub, bar, restaurant, or similar establishment which meets the definition of "harmful to minors" and/or "sexual

conduct" as set forth in NH RSA 5871-B:1, and/or feature films, motion pictures, videocassettes, **DVDs. Blu-Ray discs, electronic media and storage devices**, slides or other photographic or **electronic** reproductions, a SUBSTANTIAL PORTION of the total presentation time of which is devoted to showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1. [Added 3-9-1999; readopted 3-13-2001 by Amdt. No. 7]

ADULT DRIVE-IN THEATER — A **type of SEXUALLY ORIENTED BUSINESS that is** an open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration to persons in motor vehicles or on outdoor seats, in which materials are shown which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1. [Added 3-9-1999; readopted 3-13-2001 by Amdt. No. 7]

**ADULT USE ESTABLISHMENT MOTEL** — ~~A motel or similar~~ **type of SEXUALLY ORIENTED BUSINESS that is** an establishment offering **goods, services or public** accommodations ~~for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographs reproductions which are~~ distinguished or characterized by an emphasis upon the depiction of materials which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1. [Added 3-9-1999; readopted 3-13-2001 by Amdt. No. 7]

**ADULT MOTION-PICTURE ARCADE** — **A type of SEXUALLY ORIENTED BUSINESS that is** any place to which the public is permitted or invited wherein coin-, -token or slug-operated or electronically, electrically or mechanically controlled still or motion-picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, in which the images so displayed are devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1. [Added 3-9-1999; readopted 3-13-2001 by Amdt. No. 7]

**ADULT MOTION-PICTURE THEATER** — **A type of SEXUALLY ORIENTED BUSINESS that has** ~~An establishment with~~ a capacity of five or more persons, where for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are shown, and in which a SUBSTANTIAL PORTION OF THE TOTAL PRESENTATION TIME is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1, for observation by patrons. ~~For the purposes of this chapter, "substantial portion of the total presentation time" shall mean the presentation of films or shows described above for viewing on more than seven days within any 56 consecutive-day period.~~ [Added 3-9-1999; readopted 3-13-2001 by Amdt. No. 7]

**ADULT THEATER** — **A type of SEXUALLY ORIENTED BUSINESS that is** a theater, concert hall, auditorium or similar establishment, either indoor or outdoor in nature, which for any form of consideration regularly features live performances, which are distinguished or characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1. [Added 3-9-1999; readopted 3-13-2001 by Amdt. No. 7]

**ALTERNATIVE FACILITIES/TECHNOLOGIES (telecommunications)** — Innovative siting techniques for use with commercial wireless telecommunication facilities such as artificial trees, clock towers, bell towers, steeples, light poles and similar alternative design mounting structures which camouflage or conceal the presence of antennas, towers or facilities; as well as utility pole and cable-based technologies. [Added 3-9-1999]

**ALTERNATIVE ENERGY SYSTEMS – ALTERNATIVE ENERGY SYSTEMS include wind, solar, geothermal, fuel cell, hydroelectric and other similar energy production systems. See:**

- **METEOROLOGICAL TOWER (MET TOWER)**
- **SYSTEM MODIFICATION**
- **NET METERING**
- **POWER GRID**
- **SHADOW FLICKER**
- **SMALL WIND ENERGY SYSTEM**
- **SMALL WIND ENERGY SYSTEM HEIGHT**
- **SMALL WIND ENERGY SYSTEM TOWER**
- **WIND GENERATOR**

**ANTENNA** — The radiating system used to perform or achieve (transmit and/or receive) ~~the~~ a desired communication or telecommunication service. ~~An "integrated antenna array" means multiple coordinated radiating elements. [Added 3-9-1999]~~

**APPLICANT** – The person, persons, corporation or other legal entity, or their assigns, applying for a **VARIANCE, SPECIAL EXCEPTION or APPEAL OF ADMINISTRATIVE DECISION.**

**AWNING** — A ~~roof-like~~ cover or appurtenance that is **permanent, retractable**, temporary or portable in nature and ~~that projects from the wall of a building for the purposes of shielding a doorway or window from the elements~~ is attached to and wholly supported by a building or other structure.

**AWNING SIGN** — A sign painted on or attached flat or flush against the surface of the awning, but not extending above, below or beyond the awning or attached to the underside.

B

**BANNER SIGN** — A temporary sign of lightweight material (paper, plastic or fabric) hung either with or without frames. Flags and insignias containing only markings of any government, corporation or business are not considered "banners" and are defined separately as "flags."

**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. The standard described in the latest published copy of Erosion and Sediment Control Design Handbook for Developing Areas of

New Hampshire prepared by United States Department of Agriculture Soil Conservation Services.

**BMP** – see **BEST MANAGEMENT PRACTICE** .

**BOARD, ZBA or ZONING BOARD OF ADJUSTMENT** - Unless otherwise specified, **BOARD or ZONING BOARD OF ADJUSTMENT** means the Town of Hudson, NH, **ZONING BOARD OF ADJUSTMENT** as appointed by the Town Selectmen.

**BOG** — A wetland distinguished by stunted evergreen trees and shrubs, the presence of peat deposits and/or highly acidic soil and/or water conditions as defined in the New Hampshire Code of Administrative Rules issued by the New Hampshire Wetlands Board.

**BUFFER**- Physical distance and/or vertical elements, such as plants, berms fences or walls, the purpose of which is to separate and/or screen incompatible land uses from each other. (See also **WETLAND BUFFER**)

**BUILDING CERTIFICATE** — A certificate obtained from the Planning Board entitling the holder to obtain one building permit for one dwelling unit. Dwelling units as defined in this article include single-family homes and duplexes on individual lots, as well as individual condominium units and apartments in multifamily structures shown on approved site plans. A building certificate is valid for a period of two years from the date of issuance, by which time it must be redeemed for a building permit, or expire.

**BUILDING, STRUCTURE (Accessory)** – See **ACCESSORY STRUCTURES**.

~~**BUILDING, ACCESSORY** — A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.~~

**BUILDING, ATTACHED** — A building having any portion of one or more walls or roof in common with adjoining buildings.

**BUILDING, DETACHED** — A building not sharing any walls or portions of any walls or roof with adjoining buildings.

**BUILDING, PRINCIPAL** — A building in which is conducted the principal use of the lot on which it is located.

**BUILDING SETBACK** – The minimum distance from the **RIGHT OF WAY** to a **FRONT, SIDE** or **REAR LOT LINE** at which a building, driveway or other regulated structure or feature may be set or constructed.

**BUILDING SIGN** — Any sign affixed, mounted, attached to or painted on to the exterior of a building, including awnings, canopies, roof-mounted and projecting signs. [Amended 3-10-2009 by Amdt. No. 2]

## C

**CANOPY** – A temporary or permanent covered structure, the primary purpose of which is to shield the area beneath it from the elements, and which is supported by posts, poles, columns or other elements directly on or into the ground.

**CAR CANOPY:** A free standing, lightweight structure used to house vehicles and constructed of tube framing and is partially covered by a canvas, polyethylene cover or other woven or nonwoven fabric or sheeting cover. This type of structure typically has no side walls and can be easily disassembled and moved. See also **CANOPY**.

**CARE FACILITIES** – See **NH RSAs**

- **DAY-CARE NURSERY**
- **CHILD DAY CARE,**
- **CHILD DAY-CARE AGENCY**

- FAMILY DAY-CARE HOME
- FAMILY GROUP DAY-CARE HOME
- GROUP CHILD DAY-CARE CENTER
- NIGHT-CARE AGENCY
- PRESCHOOL PROGRAM
- RESIDENCE

CHILD DAY CARE — The care and supervision of a child away from the child's home and apart from the child's parents. ~~including such care and supervision at workplace facilities, but excluding public and private K-12 schools.~~ [Added 3-13-2007 by Amdt. No. 1]

CHILD DAY-CARE AGENCY — Any person, corporation, partnership, voluntary association or other organization, either established for profit or otherwise, which regularly receives for child day care one or more children, unrelated to the operator or staff of the agency. The total number of hours in which a child may remain in child day care shall not exceed 13 hours per day, except in emergencies. The types of child day care agencies are defined as follows: [Added 3-13-2007 by Amdt. No. 1]

~~A. FAMILY DAY-CARE HOME — An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to six children from one or more unrelated families. The six children shall include any foster children residing in the home and all children who are related to the caregiver except children who are 10 years of age or older. In addition to the six children, up to three children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays.~~

~~B. FAMILY GROUP DAY-CARE HOME — An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for seven to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to five children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays.~~

~~C. GROUP CHILD DAY-CARE CENTER — A child day-care agency in which child day care is provided for preschool children and up to five school-age children, whether or not the service is known as day nursery, nursery school, kindergarten, cooperative, child development center, day-care center, center for the developmentally disabled, progressive school, Montessori school, or by any other name.~~

~~D. DAY-CARE NURSERY — A child day-care agency in which child day care is provided for any part of a day, for five or more children under the age of three years.~~

~~E. NIGHT-CARE AGENCY — A center or family home in which child day care is provided during the evening and night hours. A child day-care agency may be licensed for day care, night care, or both.~~

~~F. PRESCHOOL PROGRAM — A child day-care agency providing care and a structured program for children three years of age and older who are not attending a full-day school program. The total amount of hours a child may be enrolled in a preschool program shall not exceed five hours per day.~~

- i. PRESCHOOL PROGRAM — A child day-care agency providing care and a structured program for children three years of age and older who are not attending a full-day school program. The total amount of hours a child may be enrolled in a preschool program shall not exceed five hours per day.

**CERTIFIED SOILS SCIENTIST** — A professional soils scientist certified by the state of New Hampshire pursuant to New Hampshire state statutes and licensed to practice in the state.

**CERTIFIED WETLANDS SCIENTIST** — A professional wetland scientist certified by the state of New Hampshire pursuant to New Hampshire state statutes and licensed to practice in the state.

**CO-LOCATION, CO-LOCATED (telecommunications – ANTENNA)** — The placement of more than one ANTENNA or INTEGRATED ANTENNA ARRAY on a supporting structure, and appurtenant equipment and devices on the supporting structure and/or ground, necessary to perform or achieve a desired telecommunication service or radio service which is discrete from any other telecommunication or radio service(s) located on the same supporting structure. [Added 3-9-1999]

**COMMERCIAL VEHICLE, LIGHT** — A vehicle used in commerce, which does not exceed 13,000 pounds gross weight. [Added 3-13-2007 by Amdt. No. 1]

**COMMERCIAL VEHICLE, HEAVY** — A vehicle used in commerce, which exceeds 13,000 pounds gross weight. [Added 3-13-2007 by Amdt. No. 1]

**COMMERCIAL WIRELESS TELECOMMUNICATION FACILITY** — Any structure, ANTENNA, **MAST**, tower or other device used to provide a discrete commercial telecommunication service by a single provider **or multiple CO-LOCATED providers** to a broad base of usually unrelated users; generally including, but not limited to, cellular telephone, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR) and paging. [Added 3-9-1999]

**CONFORMING LOT** : 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.

D

~~**DANCE HALL** — Any location which permits or permits to occur the gathering of people for dancing, regardless of whether conducted as an isolated or occasional event. This definition shall not be limited to any particular type of structure, or any particular part of any structure, and shall include any building or any part thereof where dancing occurs, and the fact that other activities are carried on in the same place shall not alter the classification of the location as defined herein. Expressly excluded from this definition are public or private schools licensed by the State of New Hampshire or operated by the Hudson School District.<sup>2</sup> [Added 3-12-2002 by Amdt. No.3]~~

**DAY-CARE NURSERY** — A child day-care agency in which child day care is provided for any part of a day, for five or more children under the age of three years.

**DIRECTIONAL SIGN** — Signs identifying entrances, exits, parking areas or loading docks or providing other messages necessary to direct vehicles and pedestrians through or within a site.

**DIRECTORY SIGN** — Signs which identify or locate the occupants of buildings.

**DISTRICT** – An area of land within the TOWN designated as one of the five land use classifications in § 334-9 of this ordinance.

**DUPLEX** – Two **DWELLING UNITS** attached by any portion of one or more floors, walls or roofs.

**DWELLING UNIT** — One or more rooms arranged for living, ~~and~~ sleeping ~~and~~ cooking purposes with ~~cooking and~~ sanitary facilities for the use of one or more individuals living as a single housekeeping unit.

**DWELLING UNIT, MULTIFAMILY** — Three or more ~~attached~~ **DWELLING UNITS** attached by any portion of one or more floors, walls or roofs.

E

**ELECTRONIC CHANGING SIGN** — Electronic message center (EMC), electronic message sign (EMS) and changeable copy board (CCB) signs that display illuminated messages that can change frequently, can flash, display and/or convey messages in text, graphics, pictures, symbols, multiple colors, rhythms, animation and/or patterns. This sign's message may be changed by the electronic switching of lamps, illuminated tubes, bulbs and/or through the apparent movement of light. These signs are capable of storing and/or displaying single or multiple messages in various formats at varying intervals. [Amended 3-10-2009 by Amdt. No. 2] Definitions related to **ELECTRONIC CHANGING SIGNS** are:

- **BRIGHTNESS** — Also known as "intensity"; the LED Industry measures display intensity in candelas per square meter, which is also referred to as "NITS."



- **DIMMING** — The ability to increase or decrease the overall display intensity brightness.
- **DIODE** — Also called "light-emitting diode" (LED) or "surface-mounted diode" (SMD).
- **LED (LIGHT-EMITTING DIODE/SMD)** — A solid-state component that uses a semiconductor (a silicon chip or some type of semiconductor) that emits visible light when electric current passes through it.
- **LUMINANCE** — The amount of light that passes through or is emitted from a particular area. The SI unit for luminance is candela per square meter.
- **NIT or NITS** — A luminance-measuring unit equal to one candela (one candle) per square meter measured perpendicular to the rays from the source.
- **SI UNIT** — An abbreviation for the International System of Units.
- **TEXT** — Any form in which writing exists.

**ENGINEER or SURVEYOR** - The designated, legally recognized engineer or surveyor of the **APPLICANT**, licensed by the State of New Hampshire, as may be pertinent to the actual services to be performed in accordance with the provisions of RSA 310-A:1 et seq. and as amended.

~~**ENTERTAINMENT PLACE OF ASSEMBLY** — Any room, space or area which is suitable for the occupancy or assembly of One Hundred or more persons for entertainment purposes. For the purposes of this definition, any such room, space or area shall include any occupied connecting rooms, spaces or areas on the same level or in the same story or in a story or stories above or below, which entrance is common to the rooms, space or area. <sup>3</sup> [Added 3-12-2002 by Amdt. No. 3]~~

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

**EXTERIOR DISPLAY** — The placement of goods for sale or for advertisement, outside of the building or structure, including but not limited to vehicles, garden supplies, gas, tires, motor oil, food and beverages, whether or not contained in vending machines, boats, farm equipment, motor homes and clothes. [Added 3-10-1998]

**EXTERIOR ILLUMINATED SIGN** — A sign illuminated by an external electrical source similar, but not limited to, an upright spotlight or top-hung art light. The external electrical source may be turned on/off manually. [Added 3-10-2009 by Amdt. No. 2]

F

**FAIR-SHARE REGION AVERAGE GROWTH RATE (FSRAGR) — Average annual percentage increase in residential building permits issued in the six adjacent municipalities of Litchfield, Londonderry, Nashua, Pelham, Windham and Tyngsborough, MA, for the preceding five-year period.**

**FAMILY DAY-CARE HOME — An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to six children from one or more unrelated families. The six children shall include any foster children residing in the home and all children who are related to the caregiver except children who are 10 years of age or older. In addition to the six children, up to three children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays.**

**FAMILY GROUP DAY-CARE HOME — An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for seven to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to five children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays.**

**FEEPAYER — The person, whether individual or corporate, who pays an impact fee in conjunction with the issuance of a building permit or occupancy permit.**

**FLASHING SIGN — Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever; does not include electronic changing signs (message center).**

**FREESTANDING SIGN — Any sign not affixed or attached to a building which is established on a freestanding frame, mast or pole.**

**FRONTAGE — The distance measured along the FRONT LOT LINE between points of intersection with the SIDE LOT LINES. FRONTAGE along cul-de-sac roadways (**HIGHWAYS**) shall be measured at the appropriate yard building SETBACK depth from the FRONT LOT LINE between the points of intersection with the SIDE LOT LINES. "FRONTAGE" shall be contiguous and measured along the joining boundary of the FRONT LOT LINE and a Class V or better public RIGHT-OF-WAY. Lot lines bordering limited access roads cannot be considered "FRONTAGE." FRONTAGE shall be capable of providing ACCESS.4 [Amended 3-10-1998; 3-13-2001 by Amdt. No. 1]**

## G

**GENERAL RETAIL** — Retail stores and service establishments other than those listed in the Table of Permitted Principal Uses.<sup>1</sup>

**GROUP CHILD DAY-CARE CENTER** — A child day-care agency in which child day care is provided for preschool children and up to five school-age children, whether or not the service is known as day nursery, nursery school, kindergarten, cooperative, child development center, day-care center, center for the developmentally disabled, progressive school, Montessori school, or by any other name.

**GUY WIRE** — A cable-type appurtenant device which is used to secure and steady a tower or mast; and includes all hardware which attaches the cable to the tower or mast and to the ground. [Added 3-9-1999]

## H

**HEIGHT (General Use)** — The distance measured from the ground **adjacent to the structure**, or some other alternatively specified point, up to the highest point of a **BUILDING**, **ANTENNA**, **STRUCTURE** or a supporting structure. [Added 3-9-1999]

**HEIGHT, SMALL WIND ENERGY SYSTEM**— The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

**HEIGHT, SMALL WIND ENERGY SYSTEM TOWER**— The height above grade of the fixed portion of the tower, excluding the wind generator.

**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. In this code, the terms street, road, route, roadway or avenue may be used interchangeably with HIGHWAY.

**HOME OCCUPATION** — The accessory use of a residence for business purposes which is clearly incidental to the principal residential use, provided that the use does not significantly change the residential character or function of the property. ~~The use is customarily carried out entirely within the dwelling unit.~~

**HOUSING FOR OLDER PERSONS** — Housing that qualifies as "Housing for Older Persons" as defined in § 334-70 and developed according to the provisions of § 334-71 of the Town of Hudson Zoning Ordinance.

**HUDSON** – The TOWN of HUDSON, New Hampshire

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1. Editor's Note: The Table of Permitted Principal Uses is included at the end of this chapter.

I

**INFLATABLE OR BALLOON SIGN** — A sign that inflates with air or helium to display advertisements or promotional activities typically known as, but not limited to, tubes, tubes in motion, inflatables, rotatable inflatables or rooftop balloons. [Added 3-10-2009 by Amdt. No. 2]

**INTEGRATED ANTENNA ARRAY** – An ANTENNA, MAST or MONOPOLE containing multiple coordinated radiating elements.

**INTERIOR ILLUMINATED SIGN** — A sign that has an internal light source (such as LED, neon or bulb) that may be turned on/off either manually or by remote control and used to display text that is manually affixed to and/or manually changeable in an external message area. [Added 3-10-2009 by Amdt. No. 2]

~~**ITINERANT ROADSIDE VENDOR** — A portable motorized or nonmotorized vehicle, truck, or cart that is used to prepare or display products for sale. [Added 3-13-2007]~~

J

**JUNK** — Any material, such as, but not limited to, ~~old~~ discarded metal, glass, paper, building debris, demolition debris, salvage materials, rubber, textiles, rubbish or trash or junked, dismantled or wrecked motor vehicles or motor vehicle parts.

**JUNKYARD** — A commercial establishment or place of business which is used for storing, keeping, buying or selling junk but not including approved solid waste disposal facilities or registered motor vehicle dealers.

**JUNKYARD, MOTOR VEHICLE** — Any place of storage or deposit, whether in connection with another business or not, which has two or more unregistered motor vehicles which are no longer fit for legal use on public highways or any combination of motor vehicle parts or materials, the sum of which in build is equal to or greater than two or more motor vehicles.

L

**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.

**LED SIGN** — A sign that uses light-emitting diodes to form numbers, as in digital clocks, transmit information to the sign from remote controls, form text images and/or illuminate from tiny bulbs that fit into an electrical circuit. [Added 3-10-2009 by Amdt. No. 2]

**LOT – A single contiguous parcel of land. (See also CONFORMING and NON-CONFORMING)**

~~**LOT — An area or parcel of land in the same ownership considered as a unit. For purposes of this chapter, a "lot" may or may not have boundaries identical with those recorded in the Hillsborough County Registry of Deeds.**~~

**LOT, CORNER — A lot with two adjacent sides abutting intersecting public ~~rights-of-way~~ streets (HIGHWAYS).**

**LOT LINE, FRONT — The property line dividing a lot from any street (HIGHWAY) or public RIGHT-OF-WAY without regard to the arrangement or orientation of buildings or structures on the lot.**

**LOT LINE, REAR — The property line opposite the front lot line, except in the case of corner lots where the owner has the option of choosing which of the property lines not ~~adjacent~~ contiguous with ~~to~~ streets (HIGHWAYS) or public RIGHTS-OF-WAY is to be considered the "rear lot line."**

**LOT, NONCONFORMING — A lot lawfully existing at the effective date of this chapter, or any subsequent amendment thereto, which is not in conformity with all provisions of this chapter. Notwithstanding the minimum lot area requirements set forth in § 334-27, in any DISTRICT in which structures are permitted, a structure may be erected on a lot which was a LEGAL LOT OF RECORD, even though such lot fails to meet the present requirements for frontage or area, or both, that are applicable for that use in the DISTRICT allowed; provided, however, that such lot is not contiguous with another lot or lots in the same ownership, provided that the property is either on Town sewer or the property owner obtains a state and/or municipal septic permit, and further provided that the zone's minimum front, side and back yard SETBACKS are satisfied.**

~~**LOT OF RECORD — Land designated as a separate and or distinct numbered lot as shown, as of the effective date of the March 10, 1942, Zoning Ordinance, by a plan of lots which has been recorded at the Hillsborough County Registry of Deeds.**~~ **parcel prior to the date of posting (November 3, 2000) of this article either in a legally recorded deed filed with the Hillsborough County Registry of Deeds or lots or units described as part of a subdivision or site plan recorded at the Hillsborough County Registry of Deeds prior to the date of posting. For the purpose of this article, a lot of record shall also be defined to include separately defined condominium units, as well as individual units in duplexes and multifamily structures, shown on site plans and/or subdivision plans accepted for review by the Hudson Planning Board prior to the date of posting.**

**LOT, THROUGH — An interior lot, the FRONT and REAR LOT LINES of which abut streets (HIGHWAYS), or a corner lot two opposite lines of which abut streets (HIGHWAYS); any lot that has street (HIGHWAY) frontage along two or more nonadjacent LOT LINES.**

M

**MAJOR COMMERCIAL PROJECT** — A retail, hotel, office, research, warehouse or industrial facility(ies) proposed on a parcel or adjoining parcels, which individually or in the aggregate exceed(s) 100,000 square feet of gross building area. [Added 3-13-2007 by Amdt. No. 1]

**MANUFACTURED HOUSING** -- A home built entirely in a factory under the federal building code administered by the Department of Housing and Urban Development (HUD), and constructed to meet the current Manufactured Home Construction and Safety Standards (HUD Code). A manufactured home is permanently attached to a steel frame, can be moved from one

**TOWN** approved location to another TOWN approved location, and is considered personal property. **MANUFACTURED HOUSING** does not include **MODULAR HOUSING**, nor

~~campers or recreational mobile homes. Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein.~~

**MARSH** — A wetland where the vegetation is distinguished by the absence of trees and shrubs and dominated by soft-stemmed herbaceous plants and other emergent vegetation, such as grasses, reeds and sedges. The water table is at or above the surface throughout the year but can fluctuate seasonally.

~~**MAST** — A structure which is designed and constructed to support one or more antennas used by radio service and/or receive-only facilities and includes all appurtenant devices attached to it. A mast can be of "lattice" construction having a diameter of no more than one foot which is freestanding (solely self-supported by direct attachment to the ground), supported (attached to the ground directly and with guy wires), anchored (attached to the ground directly and to some other substantial structure such as a building) and anchored/supported (attached directly to the ground and some other substantial structure and with guy wires to the ground and/or some other substantial structure); or it can be of "pipe" construction having a diameter of no more than four inches which is supported solely by direct attachment to a substantial structure such as a building. [Added 3-9-1999]~~

**METEOROLOGICAL TOWER (MET TOWER)** — Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this article, "met towers" shall refer only to those whose purpose is to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

**MODULAR HOUSING** — A home built entirely in a factory under the current NH State building code, which is also a part of the current IRC (International Residential Code). A modular home is assembled on site, cannot be moved, is considered real property, and is allowed in all residential districts in the TOWN.

**MONOPOLE** — A freestanding tower consisting of a single pole, constructed without guy wires or lattice characteristics, which relies solely on self-support (direct attachment to the ground) to remain upright. [Added 3-9-1999]

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

N

**NEW DEVELOPMENT** — The subdivision, building construction or other land use change which results in: A net increase in the capital facilities service demands as identified in the

Planning Board's impact fee schedules; and/or The conversion of a legally existing use to another use or activity which created an increase in capital facilities service demands.

**NET METERING** — The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's wind or solar energy system that is fed back into the electric distribution system over a billing period.

**NHDOT** – The New Hampshire Department of Transportation

**NHDES** – The New Hampshire Department of Environmental Services

**NIGHT-CARE AGENCY** — A center or family home in which child day care is provided during the evening and night hours. A child day-care agency may be licensed for day care, night care, or both.

**NON-CONFORMING LOT:** 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.

**NUDE MODEL STUDIO** — A place where a person who appears in a state of nudity or displays male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals, and is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration or such display is characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1. [Added 3-9-1999; readopted 3-13-2001 by Amdt. No. 7]

O

**OCEAN CONTAINER** – A shipping container of the type typically used for freight movement. Constructed of steel and typically sealed from the weather and lockable. Also known as cargo container, CONEX container and land/sea container.

**OPEN SPACE DEVELOPMENT (OSD)** — A form of land subdivision where lot size and other dimensional requirements and minimum road widths may be reduced in exchange for the permanent preservation or provision of proportional areas of open space, farmland, recreational land and other lands.

~~**OUTSIDE DISPLAY** — The placement of goods for sale or for advertisement, outside of the building or structure, including but not limited to vehicles, garden supplies, gas, tires, motor oil, food and beverages (vending machines), boats and farm equipment, motor homes and clothes. [Added 3-10-1998]~~

**OUTSIDE STORAGE** — The placement of goods outside of a building or structure. [Added 3-10-1998]

P

**PARKING SPACE** — An off-street space, whether inside or outside a structure, for exclusive use as a parking stall for one motor vehicle.

**PERSONAL SERVICE ESTABLISHMENT** — A facility **predominantly** providing uses **exclusive including, but not limited to**, hair salons, barber shops, manicures, health spas, tailors, dry cleaners, **tattooing, body piercing, fortune telling and other psychic services**, cobblers and massage therapy. [Added 3-13-2007 by Amdt. No. 1]

**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.

**POORLY DRAINED SOILS** — Soils where the water is removed so slowly that the soil is saturated periodically during the growing season or remains wet for long periods of time as defined in the United States Soil Conservation Service Soils Survey of Hillsborough County, Eastern Half (latest edition). (see also **VERY POORLY DRAINED SOILS**).

**PORTABLE CARPORT** – See **CAR CANOPY**

**PORTABLE GARAGE:** A free standing, lightweight temporary structure used to house vehicles and constructed of tube framing and fully enclosed by a canvas, polyethylene cover or other woven or nonwoven fabric or sheeting. This structure type typically has no permanent footing or floor and can be easily disassembled and moved.



**PORTABLE SIGN** — A sign that is movable, typically set up on a daily basis outside the business establishment, such as, but not limited to, sandwich boards, swinger sidewalk signs, portable billboards, Portasigns, Portasigns in motion or roadside readerboards. [Added 3-10-2009 by Amdt. No. 2]

**POWER GRID** — The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

**PREEXISTING TOWERS, MASTS AND ANTENNAS** — Any TOWER, MAST, **MONOPOLE** or ANTENNA lawfully constructed or permitted prior to the adoption of this article. Also, any TOWER, MAST, **MONOPOLE** or ANTENNA lawfully constructed in accordance with this article which predates an application currently before the Town. [Added 3-9-1999]

~~**PRE-SITE-BUILT HOUSING** — Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United State Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, on the building site. “Pre-site building housing” does not include manufactured housing.~~

**PUBLIC NUISANCE** — Any use that may endanger the health, safety, peace or enjoyment of the community or a neighborhood due to the emission of smoke, fumes, particulates, noise, vibration, radiation, visual blight or any other like condition. [Added 3-12-1996]

R

**RADIO SERVICE FACILITY** — Any structure, ANTENNA, MAST, **MONOPOLE** or other radio installation device used to achieve desired communication(s) by a user with a narrow base of related or unrelated users; generally including, but not limited to, amateur radio service, general mobile radio service, citizens band radio service, low-power radio service, aeronautical and marine communications and any other similar radio communications or service which is not specifically named within this definition. [Added 3-9-1999]

**RECEIVE-ONLY FACILITY** — Any ANTENNA, MAST, **MONOPOLE** or other device designed and constructed with the intent to receive broadcast signals typically for household use; including, but not limited to, personal satellite and off-the-air television signals and AM, FM, shortwave and other similar radio signals. [Added 3-9-1999]

**RECREATIONAL VEHICLE** — A vehicle, motorized or not, which is designed and used primarily for the purpose of recreation, including but not limited to the following: ~~snowmobiles, motorcycles, vehicles defined in RSA Chapter 215, boats, motorhomes and recreational trailers. of 320 square feet or less.~~

**RESERVE STRIP** - Includes areas for which future public use is intended for street (HIGHWAY) connections, for street (HIGHWAY) improvements and for street or pedestrian ways giving ACCESS to land dedicated for public use.

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

**RSA** – The NH Revised Statutes, Annotated.

S

**SECONDARY USE** — A use of land or of a building or of a portion thereof which is unrelated to the principal use of the land or building. [Added 3-9-1999]

**SEXUAL ENCOUNTER CENTER** [Added 3-9-1999; readopted 3-13-2001 by Amdt. No. 7]: — A business or commercial enterprise that as one of its primary business purposes offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one or more persons is in the state of nudity; and
- C. When the activities in Subsection A or B above are characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

**SEXUALLY ORIENTED BUSINESSES** – Businesses generally falling into categories regulated or defined in NH RSA 571 et seq. See

- **ADULT BOOKSTORE/ADULT VIDEO STORE**
- **ADULT CABARET**
- **ADULT DRIVE-IN TEATER**
- **ADULT USE ESTABLISHMENT**
- **ADULT MOTION PICTURE ARCADE**
- **ADULT MOTION PICTURE THEATER**
- **“THE TOTAL PRESENTATION TIME”**
- **“SUBSTANTIAL PORTION OF THE TOTAL PRESENTATION TIME”**
- **SEXUAL ENCOUNTER CENTER**
- **SEXUALLY ORIENTED BUSINESS**
- **NUDE MODEL STUDIO**

~~**SEXUALLY ORIENTED BUSINESS** — Any place of business in which any of the following activities are conducted: adult bookstore or adult video store, adult motion picture theater, adult motion picture arcade, adult drive-in theater, adult cabaret, adult motel, adult theater, nude model studio, or sexual encounter center. [Added 3-9-1999; readopted 3-13-2001 by Amdt. No. 7]~~

**SUBSTANTIAL PORTION OF THE TOTAL PRESENTATION TIME** -- For the purposes of this chapter, "substantial portion of the total presentation time" shall mean the presentation of films or shows described above for viewing on more than seven days within any 56-consecutive-day period.

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

**SHADOW FLICKER** — The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

**SHED** – See **ACCESSORY BUILDING**

**SIGN** — An object, display device or structure visible to the public from the exterior of a building which contains any combination of lights, letters, words, objects, graphics, figures, designs, symbols, pictures, logos or colors which are intended to advertise, identify, direct, convey a message to the public or attract attention to an object, person, institution, organization, business or service. **See:**

- **AWNING SIGN**
- **BANNER SIGN**
- **BUILDING SIGN**
- **DIRECTIONAL SIGN**
- **DIRECTORY SIGN**
- **ELECTRONIC CHANGING SIGN**
- **EXTERIOR ILLUMINATED SIGN**
- **FLASHING SIGN**
- **FREESTANDING SIGN**
- **INTERIOR ILLUMINATED SIGN**
- **INFLATABLE OR BALLOON SIGN**
- **LED SIGN**

- **PORTABLE SIGN**

**SMALL WIND ENERGY SYSTEM** — A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for on-site consumption.

**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.

**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.

**STRUCTURE** — A combination of materials assembled at a fixed location to give support or shelter, such as, **but not limited to**, a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole or ~~the like~~ **portable or temporary canopy or garage**.

**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 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.

**SURFACE WATER BODY** — Those portions of waters of the state, as defined by RSA 482-A:4, which have standing or flowing water at or on the surface of the ground. This includes, but is not limited to, rivers, streams, lakes and ponds.

**SUSTAINABLE RATE OF DEVELOPMENT** — A target number of building permits to be issued in Hudson in the current year equaling the fair-share region average growth rate for the preceding five years times the total number of dwelling units existing in Hudson in the preceding year. Round any fraction calculated herein to the next whole number.

**SWAMP** — A wetland that is dominated by trees and/or shrubs.

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

**SYSTEM MODIFICATION** — When applied to **ALTERNATIVE ENERGY SYSTEMS**, any change to the small wind, solar or other **ALTERNATIVE ENERGY SYSTEM** that materially alters the size, type or location of the that system. Like-kind (same size and general conformation) replacements shall not be construed to be a modification.

T

**TOTAL DWELLING UNITS (DU)** — The total number of dwelling units in Hudson on December 31. This number includes single-family homes, as well as dwelling units in duplexes, apartments, condominium developments and other multifamily structures. Note: For 1999, the DU number is 7,965 based on an estimated accounting of the number of dwelling units.

**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.

**TOWER** — A structure which is designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and includes all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires) of either lattice or monopole construction. [Added 3-9-1999]

U

**USE, ACCESSORY** — Any use which is customary, incidental and subordinate to the principal use of a structure or lot.

**USE, CHANGE OF** — A "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. See Article III, § 334-9B, Use classification, and Article V, § 334-21, Table of Permitted Principal Uses.

**USE, PRINCIPAL** — The main or primary purpose for which a structure or lot is used.

## **V**

**VARIANCE** -- A variance is a request to deviate from current zoning requirements. If granted, it permits the owner to use the land in a manner not otherwise permitted by the zoning ordinance. It is not a change in the zoning law. Instead, it is a specific waiver of requirements of the zoning ordinance.

**VERY POORLY DRAINED SOILS** — Soils where the water is removed so slowly that free water remains at or on the surface during most of the growing season as defined in the United States Soil Conservation Service Soils Survey of Hillsborough County, Eastern Half (latest edition).

## **W**

**WETLAND** — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, in accordance with the latest edition Federal Manual for Identifying and Delineating Jurisdictional Wetlands as amended. "Wetlands" include, but are not limited to, swamps, marshes, bogs and similar areas.

**WETLAND BUFFER** – A naturally vegetated upland zone of noninterference extending 50 feet from the edge of a wetland area, or from the top of the bank of a surface water body toward the adjacent upland environment. "Naturally vegetated" includes uncut or undisturbed forest and abandoned pasture or fields.

**WETLAND CONSERVATION DISTRICT** — All wetland areas, surface water bodies and areas of poorly drained or very poorly drained soils and the associated wetland buffers, as defined above. The "Wetland Conservation DISTRICT" is an overlay DISTRICT which adds requirements and restrictions to those of the underlying zone in order to preserve the function of a wetland area.

**WIND GENERATOR** — The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert the kinetic energy of the wind into rotational energy used to generate electricity.

Y

~~YARD — A portion of a lot, other than a court, on the same lot as the principal building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.~~

~~YARD, FRONT — A space extending for the width of the lot between the nearest building wall and the front lot line.~~

~~YARD, REAR — A space extending for the width of the lot between the nearest building wall of the principal structure and the rear lot line.~~

~~YARD, SIDE — A space extending for the width of the lot between the nearest building wall of the principal structure and side lot lines.~~

**See bylaws chapter 143 town code.**

Mr. Malley moved to approve for the 2017 Town Warrant, as written in its entirety above, the proposed zoning amendment to **Amend** ARTICLE II – Terminology - §334-5. Word usage and interpretation and §334-6. Definitions.

Motion seconded by Mr. Brackett. All in favor – Motion carried.

- D. Portable Signs - §334-60.K. - This proposed amendment would allow portable signs for special events authorized by the Board of Selectmen.

Mr. Malley moved to approve for the 2017 Town Warrant, the proposed zoning amendment to **Amend** §334-60.K. to read, in its entirety, as follows:

No Inflatable, balloon or portable signs are allowed in any **DISTRICT unless specifically authorized in a permit issued by the TOWN Board of Selectmen for a fair, festival, limited duration performance or other event of a temporary nature.**

Motion seconded by Ms. McGrath. All in favor – Motion carried.

- E. **Amend § 334-14. Building height, Sub-section A.**, by adding and deleting the following language to said Sub-section (added language shown in bold-print and deleted language shown in strikethrough-print):

- A. In the Sagamore Industrial Park (IP), which is zoned Industrial (I) in its entirety, In the following described zoning districts/parcels, the maximum allowed habitable building height shall be 50 feet, and said maximum height shall be restricted to those areas of buildings used exclusively for, manufacturing, warehouse, and/or distribution and office space ancillary to said principal uses. Note: the subject Sagamore IP is bordered by Sagamore Bridge Road along its south border, the Merrimack River along its west border, the existing General (G) district along its north border and the existing Business (B) district, which abuts Lowell Road (Rte. 3A), along its east border.**

- (1) **Sagamore Industrial Park (IP), located in an Industrial (I) zoning district, bordered by Sagamore Bridge Rd. to the south, the Merrimack River to the west, the existing General (G) district to the north and the existing Business (B) district, abutting Lowell Rd. (Rte. 3A) to the east, and including all parcels located within this I zoning district.**
- (2) **The General (G) zoning district abutting to the north of the above-described Sagamore IP, and known locally as the “Friar Property”, having frontage off Friars Dr. and 161 Lowell Rd. (Map 209/Lot 001).**
- (3) **The portion of the General-One (G-1) zoning district located to the south of Sagamore Bridge Road and exclusive to the following parcels: Green Meadow Golf Club, 43 Steele Rd. (Map 239/Lot 001), 11 Steele Rd. (Map 234/Lot 005), 2 Friel Golf Rd. (Map 234/Lot 001), 267 Lowell Rd. (Map 234/Lot 035) and 273 Lowell Rd. (Map 234/Lot 034).**
- (4) **The Industrial (I) zoning district located along the south border of Central St. (NH Rte. 111), starting at the westernmost border of this I district (i.e., just west of Hudson Park Dr.), running along said south border of Central St. to the west border of Sullivan Rd. and including all parcels located within this I zone.**
- (5) **The Industrial (I) zoning district located along the north side of Derry St. (NH Rte. 102), at the intersection of West St., and including all parcels located within this I zone.**

Mr. Malley moved to approve for the 2017 Town Warrant, as written in its entirety above, the proposed zoning amendment to **Amend §334-14. Building height, Sub-section A.**

Motion seconded by Mr. Collins. Motion carried – 5/2/0

- XV. OTHER BUSINESS  
XVI. ADJOURNMENT

Motion to adjourn by Mr. Malley. Seconded by Ms. McGrath. All in favor – motion carried.

Meeting adjourned at 10:22 p.m.

\_\_\_\_\_  
William Collins