



**TOWN OF HUDSON
PLANNING BOARD
PUBLIC MEETING
TOWN OF HUDSON, NH
JANUARY 6, 2016**



12 School Street

Hudson, New Hampshire 03051

603/886-6005

The Town of Hudson Planning Board's ad hoc Zoning Ordinance Review Committee (ZORC) will hold a scheduled meeting on Wednesday, January 6, 2016 at 7:00 p.m. in the "Buxton Community Development Conference Room" at Town Hall. The following items will be on the agenda:

- I. CALL TO ORDER BY CHAIRPERSON AT 7:00 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL

- IV. NEW BUSINESS
 - Initial ZORC Meeting, Relative to Updating the Town's Zoning Ordinance.

- V. ADJOURNMENT

All documents pertaining to the above-described meeting are available for review in the Planning Office. Comments may be submitted in writing until 10:00 a.m. on the Monday prior to the day of the meeting.

The public is invited to attend.


John M. Cashell
Town Planner

Town Hall, Library, Post Office – 12-24-15

Zoning Ordinance Review Committee

Staff Report
February 3, 2016

Meeting called to order at approximately _____ p.m.

I. ROLL CALL

In attendance = X; Partial Attendance = P; Excused Absence = E

Glenn Della-Monica,
Chairman _____

William Collins
Member _____

Donna Shuman
Member _____

Charles Brackett
Member _____

Maryellen Davis
Member _____

- 1) In preparation for this meeting, please read the included ZORC Meeting Minutes/Decision for the 06 JAN 16 Meeting, together with the other attachments included with this report:
 - a) Adult Day Care Definition – “A”.
 - b) Awning Definition – “B”.
 - c) Land Lot Definition, etc. – “C”.
 - d) Adult Entertainment Definition and 2 related articles concerning WIFI Adult Entertainment and the Hotel Industry – “D”. NOTE: these latter two articles, pertain to the ZORC discussion on same at the 6 JAN 16 ZORC Meeting.
 - e) DRAFT COPY of Chapter 276 of the Planning Board’s Updated Land Use Regulations. The FINAL COPIES will be available the end of next week. In the meantime, the attached copy will help us with our work in updating Article II, §334-6, Definitions. “E”.

In addition to the above, the new Zoning Administrator, Bruce Buttrick, will be attending the ZORC meetings from here-on-out. Staff was able to get him up-to-speed on the work done to-date, and prepared him for the work we’ll be doing next Wednesday night on said §334-6.

See you at the ZORC Meeting, next Wednesday evening, 3 FEB 16.



Adult day care

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Alzheimer's Asst. Living

Find Assisted Living in Your Area. Local Advisors - Free Referrals.



(Definition

Adult day care includes programs, services, and facilities designed to assist physically or mentally impaired adults remain in their communities. These are persons who might otherwise require institutional or long-term care and rehabilitation.

(Purpose

Assisted Living Costs

12 Facilities Near You. Compare Pricing, Options, Pictures.



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There are two general purposes for adult day-care. The first is to provide an alternative to placement in a residential institution. The second is to create a respite for care-givers, often the children of the persons for whom the care is being provided.

Description

There are two general types of adult day care programs. One is based on a medical model and the other on a social model. The medical model provides comprehensive medical, therapeutic, and rehabilitation day treatment. The social model offers supervised activities, peer support, companionship, and recreation. Both models assist older adults and those with chronic conditions to remain as independent as possible, for as long as possible.

Programs organized along the medical model lines are often called adult day health care to distinguish them from social programs. Adult day health care programs offer health services such as physician visits, nursing care, and podiatry, as well as rehabilitation services such as physical, occupational, and speech therapy (/knowledge/Speech_and_language_pathology.html) in a secure environment. This model of adult day care is offered to persons with a variety of chronic medical conditions including the following:

- adults with Alzheimer's disease, other forms of dementia, or depression
- persons recovering from stroke or head or spinal cord injuries
- people with chronic conditions such as diabetes or cardiovascular disease
- adults with developmental disabilities such as Down syndrome (/knowledge/Down_syndrome.html)
- adults suffering from mental illnesses (/knowledge/Mental_disorder.html)
- weak or frail older adults requiring nursing care or assistance with daily living activities

The social model of adult day care emphasizes supervised group activities such as crafts, gardening, music, and exercise (../Ce-Fi/Exercise.html) . Participants in this model may require some assistance with the activities of daily living (e.g., eating, bathing, dressing) but they generally do not require skilled nursing

care. Like adult day health care facilities, these social programs generally provide transportation and a midday meal for participants, as well as caregiver support groups, information and referral services, and community outreach programs.

In 2005, an estimated 36 million Americans will be aged 65 or older. According to statistics from the U. S. Department of Labor, the fastest growing segment of older adults is the population aged 85 and older. Historically, approximately 80% of the frail elderly remain in the community and are cared for by relatives, most commonly by adult daughters. Today, however, an increasing number of women aged 35-54 are in the workforce and unable to care for aging parents or disabled adult children living at home.

Although the participants of adult day care are adults who attend the programs daily or several times each week, adult day care also meets the needs of families and other caregivers. Before women entered the workforce, they were available to care for relatives at home. Today, adult day care provides a secure, alternative source of care for women who work outside the home. It also offers respite, or much needed breaks, for caregivers. Older adults caring for spouses, or children caring for aging parents find that adult day care helps ease the burden of caring for ill, confused, or disabled family members.

The first adult day care centers opened in England during the 1940s and 1950s. Established by psychiatric (</knowledge/Psychiatry.html>) hospitals, these centers were designed to reduce the frequency of hospital admissions. The first adult day care centers in the United States appeared during the early 1970s. Today, there are more than 4,000 services and centers. Most centers and programs operate during normal business hours, Monday through Friday, but some offer weekend and evening care.

As of 2003, 34 states offer licensure (</knowledge/Licensure.html>) of adult day care, but only 25 require such licensure. Adult day care services or programs may be affiliated with hospitals, [nursing homes \(../La-Pa/Nursing-Homes.html\)](..La-Pa/Nursing-Homes.html), home health agencies, or senior centers, but many are unaffiliated, independent programs. They may be located in storefronts, senior centers, community health and medical centers, and nursing homes.

Among centers responding to a 1997 National Adult Day Services Association (NADSA) survey, the average number of persons in an adult day care facility was approximately 40 and the average age of persons served was 76. About three out of four persons receiving adult day care services lived with family. Nearly 80% of adult day centers offered nursing services, and approximately 90% were not-for-profit. Fees ranged from \$1 to \$200 per day, with an average of \$28 to \$43 dollars per day. As of 2003, **Medicare** does not pay for any type of adult day care. However, in 35 states, **Medicaid** can be used to pay for adult day care services.

Though fees for adult day care vary widely, the service is generally considered to be cost effective when compared with the cost of institutional care, such as skilled nursing facilities (/knowledge/Nursing_home.html) or even home health care. More importantly, adult day care enables older adults, persons with physical disabilities, and those with cognitive impairments (/knowledge/Cognitive_dysfunction.html) to maintain their independence. Research has demonstrated that adult day care also reduces the risks and frequency of hospitalization for older adults. Adult day care satisfies two requirements of care. It provides a secure, protected environment and is often the least restrictive setting in which care may be delivered.

Quality and standards of care vary from state to state and from one center or program to another. NADSA and the National Council on the Aging have developed standards and benchmarks for care, but adherence to these standards is voluntary. NADSA is currently developing a certification program for adult day center administrators and directors. A certification process for program assistants also exists. Since no uniform national standards exist, it is difficult for consumers to know whether a program or center is staffed by qualified personnel or provides appropriate services.

Generally, quality adult day care centers or programs conduct thorough assessments of each person and develop individualized plans of care and activities to meet the needs of impaired, disabled, or frail older adults. The plans for each individual describe objectives in terms of improvement or maintenance of health status, functional capabilities, and emotional well being. Centers must have sufficient staff to ensure safety, supervision, and close attention. Further, all personnel and volunteers should be qualified, trained, and sensitive to the special needs of older adults. For example, centers and services for persons with Alzheimer's disease or other dementias must take special precautions to ensure that people do not wander away from the facility.

(Results

The aging population (/knowledge/Population_ageing.html) in the United States, the increasing incidence of Alzheimer's disease, and rising popularity of adult day care have created new and additional opportunities for health professionals and other care-giving and service personnel.

See also [Nursing homes \(../La-Pa/Nursing-Homes.html\)](..La-Pa/Nursing-Homes.html).

(Resources

books

Arnold, Dorothy T. *Better Elder Care: A Nurse's Guide to Caring for Older Adults*. Philadelphia: Lippincott (</knowledge/Lippincott.html>) Williams & Wilkins, 2001.

Beisgen, B. A., M. C. Kraitchman, and A. C. Ellis. *Senior Centers: Opportunities for Successful Aging*. New York: Springer Publishing Company, 2003.

Clark, Chris L. *Adult Day Services and Social Inclusion: Better Days*. London: Jessica Kingsley Publishers, 2001.

Harris, Phyllis J. *The National Directory of Adult Day Care Centers, 3rd edition*. Silver Spring, MD: Health Resources Publisher, 2002.

periodicals

Nieves, E. J. "The Effectiveness of the Assertive Community Treatment Model." *Administration and Policy in Mental Health* 29, no. 6 (2002): 461-480.

Powell, J., and H. Roberts. "Identifying 'Value' in Day Care Provision for Older People." *Journal of the Royal Society of Health* 122, no. 3 (2002): 158-164.

Ritchie, L. "Adult Day Care: Northern Perspectives." *Public Health Nursing* 20, no. 2 (2003): 120-131.

Sanfilippo, J. G., and J. E. Forker. "Creating Family: A Holistic Milieu at a Geriatric Adult Day Center." *Holistic Nursing Practice* 17, no. 1 (2003): 19-21.

organizations

Adult Day Care Group. 3 Ramsgate Ct., Blue Bell, PA 19422. Telephone(610) 941-0340, FAX (610) 834-0459.
<http://www.libertynet.org/adcg> (<http://www.libertynet.org/adcg>) .

Alzheimer's Association. 919 North Michigan Avenue, Suite 100, Chicago, IL 60611-1676. 800-272-3900 or 312-375-8700, FAX 312-335-1110. <http://www.alz.org> (<http://www.alz.org>) .

California Association for Adult Day Services. 921 11th Street Suite 701, Sacramento, CA 95814. (916) 552-7400, Fax: (916) 552-7404.
caads@caads.org.

National Adult Day Services Association. 8201 Greensboro Drive, Suite 300, McLean, VA 22102. (866) 890-7357 or (703) 610-9035,
 Fax: (703) 610-9005. info@nadsa.org.

U.S. Administration on Aging. 200 Independence Avenue, SW, Washington, DC 20201. 202-619-0724. AoA Info@aoa.gov.

other

Administration on Aging. *1998 State Performance Reports*. 1998 [cited March 21, 2003 (/knowledge/March_2003.html)].
<http://www.aoa.gov/napis/98spr/tables/table4a.html> (<http://www.aoa.gov/napis/98spr/tables/table4a.html>) .

"Adult Day Care Checklist." *Care Guide*. [cited March 21, 2003]. <<http://www.careguide.com/Careguide/livingalternativescontentview.jsp?ContentKey=1060>> (<http://www.careguide.com/Careguide/livingalternativescontentview.jsp?ContentKey=1060>) .

"Nursing Homes: Alternatives for Care." *Medicare*. [cited March 21, 2003]. <http://www.medicare.gov/Nursing/Alternatives/Pace.asp> (<http://www.medicare.gov/Nursing/Alternatives/Pace.asp>) .

L. Fleming Fallon, Jr., M.D., Dr.PH

User Contributions:

1 Jenae Poole Mar 9, 2008 @ 8:20 pm
UA-Ce/Adult
 i am a registered nurse and I am planning on opening an adult day health care center. I would like more information on Adult day health care centers.

2 Teresa Johnson Oct 24, 2008 @ 8:20 pm
UA-Ce/Adult
 Please update the contact information for National Adult Day Services Association, Inc., 85 South Washington, Suite 316, Seattle WA 98104
 Toll Free Phone: 1-877-745-1440, Fax: 206-461-3218, Email info@nadsa.org

3 Teresa Johnson ([mailto:NADSAnews\[at\]gmail\[dot\]com](mailto:NADSAnews[at]gmail[dot]com)) Dec 3, 2010 @ 8:20 pm
UA-Ce/Adult
 Please update the contact information for National Adult Day Services Association to 1421 E. Broad Street, Suite 425, Fuquay Varina, NC 27526.
 Toll Free 1-877-745-1440, Fax 919-552-0254, Email NADSAnews@gmail.com

4 Osvaldo Feb 23, 2012 @ 12:12 pm
UA-Ce/Adult
 I loved rideang about Adult Family/foster care resources. I work as an occupational therapist with adults who have developmental disabilities. One of my passions is to discover what their dreams are and how to have those fulfilled. The Adult family Care program sounds like a way for parents to have their dreams fulfilled by being able to continue to care for their child. Thank you, Kathy and everyone for the work you are doing to make this happen for families.Emily Berheide

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Public Comment: (50-4000 characters)

Awning - definition of awning by The Free Dictionary

<http://www.thefreedictionary.com/awning>



awning

Also found in: **Thesaurus**, **Encyclopedia**, **Wikipedia**.

Related to awning: **Retractable awning**

awn·ing (ô'nĭng)

n.

A rooflike structure, often made of canvas or plastic, that serves as a shelter, as over a storefront, window, door, or deck.

[*Origin unknown.*]

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awning ('ɔ:nɪŋ)

n

(Architecture) a roof of canvas or other material supported by a frame to provide protection from the weather, esp one placed over a doorway or part of a deck of a ship

[C17: of uncertain origin]

Collins English Dictionary – Complete and Unabridged, 12th Edition 2014 © HarperCollins Publishers 1991, 1994, 1998, 2000, 2003, 2006, 2007, 2009, 2011, 2014

awn·ing ('ɔ nɪŋ)

n.

a rooflike shelter of canvas or other material extending over a doorway, window, deck, etc., to provide protection from the sun or rain.

[1615–25; orig. uncertain]

awn'inged, *adj.*

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Thesaurus

Legend: ≡ Synonyms ↔ Related Words ≠ Antonyms

Noun 1. awning - a canopy made of canvas to shelter people or things from rain or sun



☰ **sunblind, sunshade**

↔ **canopy** - a covering (usually of cloth) that serves as a roof to shelter an area from the weather



Based on WordNet 3.0, Farlex clipart collection. © 2003-2012 Princeton University, Farlex Inc.

awning

noun ☰ **canopy, tester, covering, shade, sunshade, baldachin** *They leapt from a first-floor window on to a shop awning.*

Collins Thesaurus of the English Language – Complete and Unabridged 2nd Edition. 2002 © HarperCollins Publishers 1995, 2002

Translations

Select a language: ▼

Spanish / Español ▼

awning [ˈɔːnɪŋ] *N* → **toldo** *m*

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A Mode Tend Parenting Partnership

LC
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Land lot

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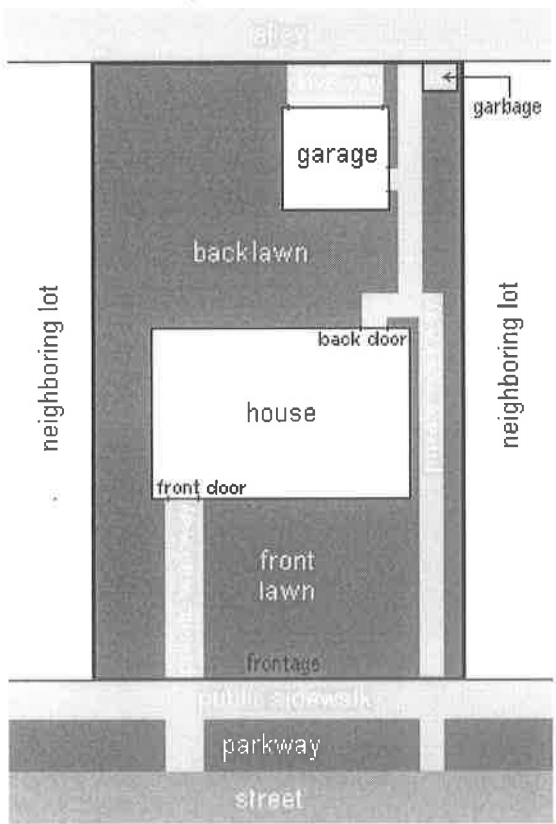


Diagram of an example **house lot** as seen from above, showing front and back lawns, positions of structures on the lot, and immediate surroundings. The lot boundaries are outlined in black except for the frontage, which is shown in red. In this example, the immediate surroundings include a sidewalk, parkway, and section of street out in front and a section of alley in back. Lot structures include a house, private walkways, and in back - a detached garage with driveway access to the alley and a small area for garbage.

In real estate, a **lot** or **plot** is a tract or parcel of land owned or meant to be owned by some owner(s). A lot is essentially considered a parcel of real property in some countries or

immovable property (meaning practically the same thing) in other countries. Possible owner(s) of a lot can be one or more person(s) or another legal entity, such as a company/corporation, organization, government, or trust. A common form of ownership of a lot is called fee simple in some countries.

A lot may also be defined as a small area of land that is empty except for pavement or similar improvement. An example would be a parking lot. This article covers lots as parcels of land meant to be owned as units by an owner(s).

Like most other types of real estate, lots owned by private parties are subject to a periodic real estate tax payable by the owners to local governments such as a county or municipality. These real estate taxes are based on the assessed value of the real property; additional taxes usually apply to transfer of ownership and property sales. Other fees by government are possible for improvements such as curbs and sidewalks or an impact fee for building a house on a vacant lot.

Definition and boundaries[edit]

A lot has defined boundaries (or borders) which are documented somewhere, but the boundaries need not be shown on the land itself. Most lots are small enough to be mapped as if they are flat, in spite of the curvature of the earth. A characteristic of the size of a lot is its area. The area is typically determined as if the land is flat and level, although the terrain of the lot may not be flat, i. e., the lot may be hilly. The contour surface area of the land is changeable and may be too complicated for determining a lot's area.

Lots can come in various sizes and shapes. To be considered a single lot, the land described as the "lot" must be contiguous. Two separate parcels are considered two lots, not one. Often a lot is sized for a single house or other building. Many lots are rectangular in shape, although other shapes are possible as long as the boundaries are well-defined. Methods of determining or documenting the boundaries of lots include metes and bounds, quadrant method, and use of a plat diagram. Use of the metes and bounds method may be compared to drawing a polygon. Metes are points which are like the vertices (corners) of a polygon. Bounds are line segments between two adjacent metes. Bounds are usually straight lines, but can be curved as long as they are clearly defined.

When the boundaries of a lot are not indicated on the lot, a survey of the lot can be made to determine where the boundaries are according to the lot descriptions or plat diagrams. Formal surveys are done by qualified surveyors, who can make a diagram or map of the lot showing boundaries, dimensions, locations of any structures such as buildings, etc. Such surveys are also used to determine if there are any encroachments to the lot. Surveyors can sometimes place posts at the metes of a lot.

The part of the boundary of the lot next to a street or road is the frontage. Developers try to provide at least one side of frontage for every lot, so owners can have transportation access to their lots. As the name implies, street frontage determines which side of the lot is the front, with the opposite side being the back. Sometimes minor, usually unnamed driveways called alleys, usually publicly owned, also provide access to the back of a lot. When alleys are present, garages

are often located in back of a lot with access from the alley. Also when there are alleys, garbage collection may take place from the alley. Lots at the corners of a block have two sides of frontage and are called corner lots. Corner lots may have the advantage that a garage can be built with street access from the side, but have the disadvantage that there is more parkway lawn to mow and more sidewalk to shovel snow from. In areas with large blocks, homes are sometimes built in the center of the block. In this situation, the lot will usually include a long driveway to provide transportation access. Because the shape is reminiscent of a flag (the home) on a flag pole (the driveway), these lots are called flag lots.

Development and use[edit]

Local governments often pass zoning laws which control what buildings can be built on a lot and what they can be used for. For example, certain areas are zoned for residential buildings such as houses. Other areas can be commercially, agriculturally, or industrially zoned. Sometimes zoning laws establish other restrictions such as a minimum lot area and/or frontage length for building a house or other building, maximum building size, or minimum setbacks from a lot boundary for building a structure. This is in addition to building codes which must be met. Also minimum lot sizes and separations must be met when wells and septic systems are used. In urban areas, sewers and water lines often provide service to households. There may also be restrictions based on covenants established by private parties such as the real estate developer. There may be easements for utilities to run water, sewage, electric power, or telephone lines through a lot.



Vacant lot, with fencing

Something which is meant to improve the value or usefulness of a lot can be called an appurtenance to the lot. Structures such as buildings, driveways, sidewalks, patios or other pavement, wells, septic systems, signs, and similar improvements which are considered permanently attached to the land in the lot are considered to be real property, usually part of the lot but often parts of a building, such as condominiums, are owned separately. Such structures owned by the lot owner(s), as well as easements which help the lot owners or users, can be considered appurtenances to the lot. A lot without such structures can be called a vacant lot, urban prairie, spare ground, an empty lot, or an unimproved or undeveloped lot.

Many developers divide a large tract of land into lots as a subdivision. Certain areas of the land are dedicated (given to local government for permanent upkeep) as streets and sometimes alleys for transportation and access to lots. Areas between the streets are divided up into lots to be sold to future owners. The layout of the lots is mapped on a plat diagram, which is recorded with the

government, typically the county recorder's office. The blocks between streets and the individual lots in each block are given an identifier, usually a number or letter.

Land originally granted by the government was commonly done by documents called land patents. Lots of land can be sold/bought by the owners or conveyed in other ways. Such conveyances are made by documents called deeds which should be recorded by the government, typically the county recorder's office. Deeds specify the lot by including a description such as one determined by the "metes and bounds" or quadrant methods, or referring to a lot number and block number in a recorded plat diagram. Deeds often mention that appurtenances to the lot are included in order to convey any structures and other improvements also.

In front of many lots in urban areas, there are sidewalks, usually publicly owned. Beyond the sidewalk, there may sometimes be a strip of land called a road verge, and then the roadway, being the drivable part of the road.

See also[edit]

- Cadastre
- City planning
- Site plan
- Zoning

Retrieved from "https://en.wikipedia.org/w/index.php?title=Land_lot&oldid=693510882"

Categories:

- Real estate terminology
- Urban studies and planning terminology
- Surveying

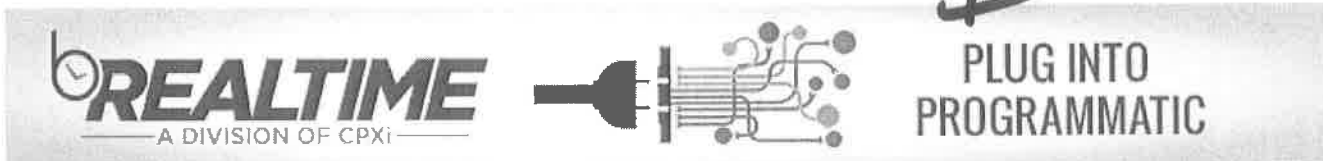
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Top Definition
adult entertainment

Any form of entertainment that one must be 21 years old or older to do, usually involves sexual content.

Strip clubs, Hardcore pornography

You work in Adult Entertainment if you are an escort, stripper, exotic dancer, sex worker, Chippendale's dancer, etc....

by reademandweep November 10, 2007

2912

Add your own

Random Word

20 Words related to adult entertainment

- porn
- sex
- stripper
- adult entertainer
- strip club
- reeperbahn
- sankt pauli
- pleasure
- prostitute
- whore
- bangerangolicious
- call girl
- hooker
- lap dancer
- pole crawler
- slixa
- strua
- uber cool
- usp
- xxx

2

adult entertainment

making your living havig sex, or simulating it

You work in Adult Entertainment if you are an escort, stripper, exotic dancer, sex worker, Chippendale's dancer, etc....

by Alyssa N. October 12, 2006

1418



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“Don’t.”

A Study of Guests and Hoteliers

“At the core of today’s customer experience is connectivity...”



Introduction

Hotel Internet Services is well-known for installing uncompromising Wi-Fi networks to the hospitality industry. Per recent surveys of the hotel industry – Wi-Fi is the most important amenity for guests and can actually determine whether a guest will stay in your establishment or not. Truly, Wi-Fi is no longer an amenity, it has become a utility, as important as running water and electricity. In order to keep our finger on the guest pulse, we recently conducted a survey of over 500 hotel guests to determine how significant a role Wi-Fi was in their travels. We wanted to know what devices they traveled with, their Internet habits and desires and what they needed as well as wanted from their digital hospitality experience. This included the importance of streaming for guests with its native need for increasing bandwidth, which of course leads us to a more robust W-Fi network.



At the core of today’s guest experience is connectivity and the quality of that connection. Guests no longer are stationary with their laptops. They have become moving targets with their smartphones, tablets and coming advances in smartwear. What was workable two years ago is no



longer acceptable. Antiquated Wi-Fi networks account for the majority of today's user complaints with dropped, weak or inconsistent signals.

At Hotel Internet Services we pride ourselves on our ability to deliver installations that keep our clients a step ahead of the competition in terms of using cutting edge technologies and equipment to deliver world-class service.

While we were surveying guests, we also wanted to get the hoteliers take on the current and future of Wi-Fi. Therefore, simultaneously, we surveyed some 200 hoteliers to determine how the industry was responding to guest needs and wants when it came to Internet access. Where possible we include both results in order to demonstrate the similarities and differences regarding cares and concerns of each.



Wi-Fi is the conduit for the myriad of services, connections and communications we do every day. Here is the intimate story of Wi-Fi for today and tomorrow.

The survey was conducted in May of 2015.

TO LEARN MORE, CLICK ON THE BUTTON ABOVE TO DOWNLOAD THE ENTIRE RESEARCH REPORT!

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"D'Cont."

Marriott phasing out in-room adult movies from its hotels

But business travelers, skin flicks remain familiar bedfellows via personal laptops

By **Bill Briggs**

msnbc.com contributor

Skin flicks soon will be stripped from all Marriott TV screens, but industry insiders say X-rated offerings are not likely to disappear from America's hotel rooms.

While revenues from in-room adult videos are down for the hotel industry, mature content and the business traveler remain familiar bedfellows, experts say. The real shift: how most road warriors now feed their lustful habits — mostly via hotel Wi-Fi streams and their own laptops.

"Marriott sees porn as a rapidly declining source of income, so they [figure they] might as well get ahead of the competition and make this a good PR message," said Glenn Haussman, editor-in-chief of HotelInteractive.com, which covers news in the hospitality world.

Marriott International last week revealed plans to phase out porn "over the next few years ... across our system" — the largest U.S. hotel chain to say it will no longer offer in-room adult movies. In a statement, Marriott said, "it is our practice to keep adult content out of the reach of children and unavailable to any adult who chooses not to view it."

Dirty little secret

Beyond Marriott, an industry-wide expulsion of X-rated offerings is not looming, Haussman believes — in part because he estimates that mature menu purchases still comprise 85 percent of the money hotels collect from in-room entertainment. But if any hotel giants do purge porn, and cite moral reasons for doing so, "it would be disingenuous," he added.

"Adult content has been the industry's dirty little secret for decades," Haussman said. "They have made hundreds of millions of dollars — \$12.95 at a time — by providing this content over the years."

Two weeks ago, probable Republican presidential candidate Mitt Romney abruptly resigned from Marriott's board. In 2008, family-values groups chastised Romney for failing to convince Marriott to de-porn its movie titles.

But Marriott's statement points to pure economics: "Changing technology and how guests access entertainment has reduced the revenue hotels and their owners derive from in-room movies, including adult content."

Msnbc.com e-mailed Marriott 10 questions, including when and where its removal process will begin, why porn cannot be immediately deleted from all in-room screens, and what the company believes it gains by the move.

"Thank you for the opportunity to respond," Marriott spokesman Jeff Flaherty replied in an e-mail. "At this time, our statement includes all the information we have to share."

Family-friendly decision

While Marriott sticks to its script, frequent traveler and mother Cindy Richards lauds the chain's choice.

"Watching a movie in a hotel room with room service is one of those great family treats. I'm not a prude, but I always hated flipping through the channels and accidentally running across something less than appropriate for kids," said Richards, editor of TravelingMom.com.

"It was no big deal when the kids were too young to know what they were seeing. But once they knew there was more than one meaning to the phrase 'Debbie does Dallas,' it led to much giggling," she added.

Omni Hotels believes it was the first national chain to dump porn — and that decision was made in 1999, years before most hotel guests lifted their laptops for lascivious looks.

"This was never a business decision," said Omni spokesperson Caryn Kboudi. "Our ownership at the time had younger children, and it just wasn't a way as an organization that we felt we wanted to make money.

"I don't believe," she added, "there are any other large (hotel) brands" that have since gone porn-free.

And Marriott would not be following that path if the income from in-room movies was rising or even flat, contends Quentin Boyer, spokesman for the adult entertainment studio Pink Visual.

Last week, USA Today reported that hotel-room movie provider LodgeNet — whose clients include Marriott and Hilton — suffered a 19 percent slide in its guest-entertainment revenue from 2008 to 2009. LodgeNet officials declined an interview with msnbc.com for this article.

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Two factors are behind the decline in revenues from steamier film titles, Boyer said. First and foremost, travelers can pull up free X-rated snippets on their computers. "It's also true," he added, "that in many hotels the adult fare is highly edited and censored, while online content generally — well — isn't.

"We're not too upset by the trend of (travelers) migrating from pay-per-view content consumption to consumption via Wi-Fi-enabled mobile devices," Boyer said. "Not only do we keep a larger percentage of the purchase price when a customer comes directly to us, but as a company we're complete tech nerds at heart ... The wise choice for producers of just about any kind of content is to embrace those new technologies with great gusto."

Adult online providers also have proof that plenty of hotel guests are trolling their websites for hardcore peeks not long after they check in.

"Web analytics from adult sites routinely experience a bump in traffic from neighborhoods with large hotels, proving that it's easier to click on to a free adult site via one's laptop than incur a charge on the hotel bill that you may have to explain later on," said Charles Anderson, spokesman for Pornhub.com, an adult content site.

"Don't let Marriott lead you to believe that they're performing a public service," Anderson added.

Would some hotels attempt to block guests from using in-house Wi-Fi systems to stream porn on their personal computers? That, Boyer believes, is not likely.

"Even eliminating Wi-Fi access in hotel rooms — which would be an absolutely absurd and self-defeating business decision at this point — would not shut off the porn tap," Boyer said.

"You'd have to entirely eliminate the option of guests going online from the confines of their hotel room, and I just don't see any major hotel chain contemplating a move that rash."

Bill Briggs is a frequent contributor to msnbc.com and author of the forthcoming book, "The Third Miracle."

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Chapter 276

ADMINISTRATIVE REQUIREMENTS AND DEFINITIONS

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[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

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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:

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- (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 Ordinance¹ are considered to be major streets.

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

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- (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 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,² 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.

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

§ 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. 1³) 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/. 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 Department website: 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.

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

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- 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 subordinate 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**

Payment Description	Amount	Payment Due
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**

Payment Description	Amount	Payment Due
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

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- * **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 or 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,⁴ 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 § 275-8B(4), as amended, and § 289-27A, as amended.
 - (2) The subsection above should be placed as a note on the PLAN within the PLANNING BOARD approval block. See Hudson Town Code § 275-8B(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 one year from approval if no active or substantial DEVELOPMENT or construction has not 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.

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

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§ 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.

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- (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 Ordinance⁵) 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 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.

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

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- (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. (Reserved)
 - (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
0	by layer	by layer	Blank

Layer	Color	Linetype	Information
_01	by 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 layer	by layer	Bearing and distances (in italics text, *see below).
_03	by layer	by layer	Polylines shall be provided for wetland delineation, buffers and streams easements
_04	by layer	by layer	Associated wetland
_05	by layer	by layer	Associated wetland text (in simplex text, **see below)
_06	by layer	by layer	Water main easements
_07	by layer	by layer	Water main, structures and details
_08	by layer	by layer	Water main text (in simplex text, **see below)
_09	by layer	by layer	Sewer line easements
_10	by layer	by layer	Sewer lines, structures and details
_11	by layer	by layer	Sewer line text (in simplex text, **see below)
_12	by layer	by layer	Drain line easements
_13	by layer	by layer	Drain lines, structures and details
_14	by layer	by layer	Drain line text (in simplex text, **see below)
_15	by layer	by layer	All other easements or dedications

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Layer	Color	Linetype	Information
_16	by layer	by layer	All other lines, structures and details
_17	by layer	by layer	All other associated easement text (in simplex text, **see below)

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 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

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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 #) 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.