

Town of Hudson, N. H.
Zoning Ordinance

ADOPTED MARCH 10, 1942

AMENDED JULY 17, 1956

RATIFIED MARCH 11, 1958

INCLUDING

All Amendments Adopted
Up To And Including March 8, 1960

PRICE 50¢ per Copy

ZONING ORDINANCE

OF THE

Town of Hudson, New Hampshire

In order to safeguard the life, health and property and to promote the public welfare; and to safeguard the public from the hazard of fire, panic and unsanitary conditions, the following Zoning Ordinance is hereby enacted by the voters of the Town of Hudson in special town meeting duly convened this 12th day of June, 1956.

We, the citizens of the Town of Hudson, do hereby amend the Zoning Ordinance adopted at the Town Meeting held March 1942 by striking out the same and substituting in place thereof the following ordinance, but such striking out and substitution shall in no way affect the provisions of Article VI Section 1. of this ordinance.

ARTICLE I

ESTABLISHMENT OF ZONING DISTRICTS

SECTION 1. For the purpose of the Ordinance, the Town of Hudson is divided into four zones as defined below:

Zone A shall be the residential zone; Zone B shall be the commercial zone; Zone C shall be the light industrial or manufacturing zone; Zone D shall be the rural zone.

SECTION 2. Zone A shall comprise the following described area:

Beginning at the northwesterly corner of the Town of Hudson at the southwesterly corner of the Town of Litchfield and at a point on the Merrimack River; thence northeasterly by the southerly line of the Litchfield Town line to the Old Derry Road; thence southeasterly in a straight line to the intersection of the Barrett's Hill Road and the Windham Road; thence southerly in a straight line to the center of Perhams Four Corners; thence southeasterly in a straight line to the southeasterly corner of the Town of Hudson; thence westerly by the northerly line of the Town of Tyngsboro to the Merrimack River; thence northerly along the easterly line of the Merrimack River to the place of beginning.

EXCEPTING THEREFROM ZONE B AND ZONE C.

SECTION 3. Zone B shall comprise the following described areas:

(a) "Beginning at the intersection of the southerly line of Riverside Avenue and the westerly line of the Lowell Road; thence running (1) westerly by the southerly line of Riverside Avenue three hundred feet; thence (2) southerly parallel with the westerly line of Lowell Road and three hundred feet distant therefrom to a point one hundred feet northerly from an abandoned street in the Elmhurst Sub-division known as Brenton Street; thence, (3) easterly parallel with said Brenton Street and one hundred feet distant therefrom for one hundred fifty feet; thence, (4) southerly at right angles to the center of the abandoned Brenton Street; thence, (5) easterly by the centerline of said Brenton Street to a point one hundred feet westerly of the west line of Lowell Road; thence, (6) southerly parallel with said Lowell Road about one hundred twenty-five feet; thence, (7) westerly parallel with said Brenton Street and one hundred feet southerly therefrom about eighty (80) feet to a point; thence, (8) at right angles southerly about one hundred five feet more or less to the northerly line of Atwood Avenue; thence, (9) northeasterly and easterly by the northerly line of Atwood Avenue to the westerly line of the Lowell Road; thence, (10) easterly crossing said Lowell Road and continuing in the same course to a point three hundred feet east of the easterly line of said Lowell Road; thence, (11) northerly parallel with and three hundred feet east of the easterly line of said Lowell Road to a point opposite the southerly line of said Riverside Avenue; thence, (12) westerly by the same course as the southerly line of Riverside Avenue three hundred feet to the easterly line of said Lowell Road; thence, (13) crossing said Lowell Road to the intersection of the southerly line of Riverside Avenue and the westerly line of the Lowell Road at the point of beginning."

(b) Beginning at a point on the westerly line of Derry Road, said point being five hundred feet north of the intersection of the northerly line of Cummings Street and the westerly line of Derry Road; thence running (1) southwesterly parallel with and five hundred feet distant from the northerly line of Cummings Street to the easterly line of Webster Street; thence (2) northerly by the easterly line of Webster Street to a point opposite the southerly line of Summer Street; thence (3) easterly by the same course as the southerly line of Summer Street and in part on Summer Street to the westerly line of Derry Road; thence (4) southerly by the westerly line of Derry Road to the place of beginning.

(c) All the land that lies within a distance of three hundred feet northwesterly and southeasterly of the center line of Central Street between its junction with the center line of Hamblett Avenue and a point in the center line of Central Street situate three hundred feet southwest of the junction of the center line of Central Street and the center line of Burnham Road extended.

(d) All the land that lies within the following described area: Beginning at the junction of the Southerly line of Steele Road and the Westerly line of River Road, thence running Westerly 300 feet by the Southerly line of Steele Road; thence Southerly parallel with and 300 feet from the Westerly line of River Road 2000 feet; thence Easterly parallel with the Hudson-Tyngsborough Town line to a point 300 feet East of the Easterly line of Dracut Road; thence Northwesterly parallel with and 300 feet from the Easterly line of Dracut Road to a point opposite the Southerly line of Steele Road; thence Westerly on the same course as the Southerly line of Steele Road to the place of beginning.

(e) Beginning at the junction of George Street and Ferry Street; thence running (1) Northerly by the Easterly line of George Street three hundred (300) feet; thence (2) Easterly and Southeasterly parallel with the Northerly line of Ferry Street and Northeasterly line of Burnham Road to the Northerly line of Central Street; thence (3) Southwesterly by the Northerly line of Central Street to a point three hundred (300) feet Southwest of the Southwesterly line of Burnham Road; thence (4) Northwesterly and Westerly parallel with and three hundred (300) feet from the Southwesterly line of Burnham Road and the Southerly line of Ferry Street to the Easterly line of Adelaide Street; thence (5) Northerly by the Easterly line of Adelaide Street to the Southerly line of Ferry Street; thence (6) Northwesterly crossing Ferry Street to the place of beginning.

(f) Beginning a point on the northerly side of Elm Street and on the easterly side of Webster Street or the Litchfield Road, thence running easterly on Elm Avenue one hundred (100) feet more or less; thence running northerly parallel with said Webster Street two hundred (200) feet more or less; thence, westerly at right angles one hundred (100) feet to the easterly line of said Webster Street; thence, southerly by the easterly line of Webster Street two hundred (200) feet to the point of beginning.

(g) Beginning at a point on the westerly side of the junction of Elm Avenue and Webster Street, thence running northerly parallel with said Webster Street Two Hundred Fifty (250) feet; thence westerly at right angles Three Hundred (300) feet; thence southerly parallel with Webster Street Two Hundred Fifty (250) feet; thence easterly to the point of beginning.

(h) An area located and described as follows for a depth not in excess of one hundred twenty-five (125) feet from the center line of contiguous street or streets in the following areas: Webster Street, easterly and westerly side for a distance of five hundred (500) feet from the junction of Ferry Street; Ferry Street, northerly side between the Merrimack River and the junction of Derry Road; southerly side between Central and Library Streets; Central Street, easterly and westerly side two hundred (200) feet from Taylor's Falls Bridge. Said description being the B Commercial area found in the Zoning Ordinance adopted at the Hudson Town Meeting in March 1942.

The set-back requirements described in Article III section 6 shall not apply to the area designated as Zone B by vote of said Town of Hudson passed at this meeting held on the 13th day of November 1956; but any building built in this Zone B shall have a set-back of at least one (1) foot or be in line with existing buildings on adjacent lots.

SECTION 4. Zone C shall comprise the following described areas:

(a) Beginning at a point on the northerly line of Atwood Avenue, said point being about one hundred thirty-two (132) feet westerly of the west line of Lowell Road; thence (1) At right angles with Atwood Avenue, northerly one hundred five (105) feet to a point; thence (2) At right angles, easterly about eighty (80) feet to a point; thence (3) Northerly, parallel with said Lowell Road and about one hundred (100) feet westerly therefrom about one hundred twenty-five (125) feet to a point in the center of an abandoned portion of Brenton Avenue, said point being one hundred (100) feet westerly of the westerly line of said Lowell Road; thence (4) Westerly by the center of said abandoned Brenton Avenue about twenty-five (25) feet to a point; thence (5) Northerly, at right angles to said Brenton Avenue about one hundred twenty-five (125) feet to a point; thence (6) Westerly, at right angles, to a point which is three hundred (300) feet westerly of the westerly line of Lowell Road; thence (7) Northerly and parallel to said Lowell Road to a point which is two thousand five hundred (2500) feet northerly of the north line of Atwood Avenue; thence (8) Southwesterly parallel with the center line of Riverside Avenue to the Merrimack River; thence (9) Southerly by the Merrimack River to a point opposite the northerly line of Atwood Avenue extended; thence (10) Easterly on a line with the northerly line of Atwood Avenue to the place of beginning.

(b) Beginning at a point three hundred feet South of the Southerly line of Marsh Road, said point being three hundred feet East of the Easterly line of Derry Road; thence running Southwesterly parallel with and three hundred feet distant from Derry Road to a point three hundred feet North of the Northerly line of Ledge Road; thence running Northeasterly parallel with and three hundred feet distant from the Northerly line of Ledge Road to the Rocky Hill Road; thence Northeasterly in a straight line to a point three hundred feet Southwest of the end of Marsh Road; thence Westerly parallel with the Southerly line of Marsh Road and three hundred feet therefrom to the place of beginning.

(c) Beginning at a point three hundred feet North of the Northerly line of Derry Lane, said point being five hundred feet West of the Westerly line of Derry Road; thence running Northeasterly parallel with and five hundred feet distant from the Westerly line of Derry Road to the Litchfield Town line; thence running Westerly by the Litchfield Town Line to a point one thousand feet East of the Easterly line of Litchfield Road; thence running Southerly parallel with

the Easterly line of Litchfield Road and one thousand feet distant therefrom to a point one thousand feet North of the Northerly line of Derry Lane; thence Easterly therefrom to the place of beginning.

(d) Beginning at a point on the Litchfield Town Line, said point being three hundred feet West of the Westerly line of the Litchfield Road; thence running (1) Westerly by the Litchfield Town Line to the Merrimack River; thence (2) Southerly by the Merrimack River to a point three hundred feet North of the Northerly line of Federal Street, extended; thence (3) Easterly in the same course as the Northerly line of Federal Street, and three hundred feet distant therefrom to a point three hundred feet West of the Westerly line of the Litchfield Road; thence (4) Northerly parallel with and three hundred feet west of the Litchfield Road to the place of beginning.

(e) Beginning at a point on Steele Road on the Westerly side of trail which leads from Steele Road to Chalifoux Road; thence running (1) Westerly by Steele Road and Steele Road extended to the Merrimack River, thence (2) Southerly by the Merrimack River to the Tyngsborough Town Line; thence (3) Easterly eighteen hundred (1800) feet by the Tyngsborough Town Line; thence (4) Northerly to trail which leads to Chalifoux Road and Steele Road; thence (5) Northeasterly and Northwesterly by said trail to the place of beginning.

(f) Beginning at a point on the Southerly line of Sagamore Road, five hundred feet West of the Westerly line of Lowell Road; thence running (1) Westerly by the Southerly line of Sagamore Road and Sagamore Road extended to the Merrimack River; thence (2) Southerly by the Merrimack River to a point opposite the Northerly line of Steele Road extended; thence (3) Easterly by the North line of Steele Road extended and Steele Road to a point five hundred (500) feet West of the Lowell Road; thence (4) Northerly parallel with and five hundred (500) feet West of the Westerly line of Lowell Road to the place of beginning.

(g) Beginning at a point on the Southerly side of Wason Road, said point being five hundred (500) feet East of the Easterly line of Lowell Road; thence running (1) Southerly parallel with and five hundred (500) feet East of the Easterly line of Lowell Road to the Northwesterly line of the Old Davenport Road; thence (2) North-easterly by the Northwesterly line of the old Davenport Road to the Southerly line of Wason Road; thence (3) Westerly by the Southerly line of Wason Road to the place of beginning.

(h) Beginning at a point on the Southeasterly side of Pine Road, said point being five hundred (500) feet West of Dracut Road; thence running (1) Southwesterly and Westerly by Pine Road to a point five hundred (500) feet East of the Easterly line of River Road; thence (2) Southerly parallel with and five hundred (500) feet East of the Easterly line of River Road to the Tyngsborough Town line; thence (3) Easterly by the Tyngsborough Town line to a point five hundred (500) feet West of the Dracut Road; thence (4) Northwesterly parallel with Dracut Road and five hundred (500) feet therefrom to the place of beginning.

(i) Beginning at a point on the northerly line of Elm Avenue, said point being one hundred (100) feet east of the easterly line of Webster Street (otherwise known as Litchfield Road); thence running (1) easterly by the northerly line of Elm Avenue to a point fifty (50) feet west of the west line of the New Derry Highway; thence, (2) northerly parallel with the New Derry Highway and fifty (50) feet therefrom to land of the Hills Farms Cemetery; thence, (3) west-erly and northwesterly by land of the Hills Farms Cemetery to a point in the southerly line of Derry Lane; thence, (4) southwest-erly by the southerly line of Derry Lane to a point one hundred (100) feet east of the east line of Webster Street (otherwise known as Litchfield Road); thence, (5) southerly, parallel with said Webster Street (otherwise known as Litchfield Road) and one hundred feet therefrom to the place of beginning.

SECTION 5. Zone D shall comprise that part of Hudson situate north and east of Zone A.

ARTICLE II

APPLICATION OF THIS ORDINANCE

SECTION 1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the District in which it is located.

SECTION 2. No building shall hereafter be erected or altered.

- (a) To exceed the height,
- (b) To accommodate or house a greater number of families,
- (c) To have narrower or smaller rear yards, or front yards, or side yards than is specified herein for the district in which such building is located.

SECTION 3. No land shall be used except as herein permitted.

ARTICLE III

USES PERMITTED IN THE VARIOUS DISTRICTS

SECTION 1. In the "A" residential district, land may be used and buildings or structures may be erected, altered or used for the following purposes only:

- (a) One to two family dwellings of not more than two stories in height.
- (b) Church or other places of worship.
- (c) School or college; also fraternity house, sorority house or dormitory, if located on the same lot or adjacent to the lot on which the school or college buildings are situated.
- (d) Library or museum.
- (e) Park (not including an amusement park operated wholly or partially for profit).
- (f) Playground or athletic field.
- (g) Country Club.
- (h) Truck garden, greenhouse or nursery.
- (i) Farm, excepting however any farm raising one or more pigs.
- (j) Hospital, Nursing home or Sanitarium.
- (k) Public or semi-public institution, educational or charitable.

SECTION 2. In the "A" residential zone the following accessory uses incident to any of the principal uses above listed are permissible:

- (a) An office, such as that of a physician, dentist, musician, beautician, artist or other professional person when located within the dwelling of the professional person.
- (b) The renting of rooms or the serving of meals for compensation to not more than four persons.
- (c) A one- to four-vehicle private garage.
- (d) A sign to advertise the profession or services performed by the owner or occupant of the property, provided such sign or group of signs shall not exceed six square feet, including border. Such signs shall be governed by the set back requirements appearing in Section 3 of this Article.
- (e) A legal fence (not to exceed four (4) feet in height), hedge, planting or enclosure wall may be erected without a building permit except on a corner lot. On corner lots the erection of a fence, hedge, planting or enclosure wall shall be subject to the building set back requirements of this code, and to the requirement that a building permit must be obtained.

(f) Such other accessory use of buildings and land as is natural, incidental, and essential to the principal uses herein enumerated. Use shall not, however, include the operation of a public garage or filling station or the deposit or placing outside of any building of any waste, refuse or ashes, the storage of oil or gasoline, nor the operation of a junk yard.

The word "Junk" in this Ordinance shall mean any old metals, old bottles, cotton, or woolen waste, unfinished cloth, old rags, old paper products, old rubber products, two or more unregistered motor vehicles which are unfit for reconditioning for use on the highways, used parts and materials for motor vehicles the quantity of which would be equal in bulk to two or more vehicles, and any other second hand articles.

SECTION 3. Every building, structure or sign, hereafter erected in the "A" residential zone shall be set back from the front property line not less than thirty feet, and all buildings, structures and signs shall be set back at least fifteen feet from the side lot lines and fifteen feet from the rear lot lines.

SECTION 4. Within Zone B, the commercial district, land may be used and buildings, structures or signs may be erected, altered or used for the following uses only:

- (a) Any use permitted in Zone A.
- (b) Multiple family residence, hotels, motels, boarding houses, or apartment houses.
- (c) Restaurants and other eating places.
- (d) Wholesale or retail stores, sales stores for trade, or shops for custom work or the making of articles to be sold at retail on the premises, provided that manufacturing of any such product shall be limited to the engagement of not more than five persons in any building if done within the commercial district, public garage or filling station.
- (e) Business or professional offices, banks, and the conduct of similar professional or business enterprises.
- (f) A sign to advertise the business which the owner or occupant conducts on the property, not to exceed 48 square feet.

SECTION 5. Within Zone B, the commercial district, such accessory use of buildings and land may be permitted as is natural, incidental and essential to the principal uses hereinabove enumerated. Use shall not include the deposit or placing outside of any building any waste, refuse, or ashes; the bulk storage of oil or gasoline out of doors unless placed underground. Use shall not include the operation of a junk yard as defined in Article III, Section 2, item (f).

SECTION 6. Within the commercial district, Zone B, every building, structure or sign shall be set back from the front property line not less than thirty feet, and all buildings, structures or signs shall be set back at least fifteen feet from the side lot lines and rear lot lines. No building or structure shall be erected or altered on any lot having less than eighty-five (85) feet of street frontage, nor on any lot having an area of less than ten (10) thousand square feet. No building or structure shall be built of a height of more than two stories.

SECTION 7. Within Zone C, the light industrial or manufacturing district, land may be used and buildings, structures, or signs may be erected, altered or used for the following uses only:

- (a) Any use permitted in Zone A or Zone B.
- (b) All light industrial and manufacturing uses except those which are specifically prohibited herein.
- (c) Any trade or use that is not noxious, hazardous or offensive by reason of the emission of odor, dust, smoke, gas or noise.

No building or structure shall be built of a height of more than two stories within Zone C. Every building, structure or sign shall be set back from the front property line not less than thirty feet, and all buildings shall be erected at least fifteen feet from the side lot lines and rear lot lines.

(1) Use shall not include the operation of a junk yard as defined in Article III, Section 2, Item f, but however, shall not apply to any junkyard operating in Zone C as defined in the Zoning Ordinance adopted in 1956 and the amendments thereto.

SECTION 8. Within Zone D, the rural district, the land may be used or buildings, structures or signs may be erected, altered or used providing the building shall be set back from the front property line not less than thirty feet, and all buildings shall be set back at least fifteen feet from the side lot lines and the rear lot lines. The use shall not include the deposit or placing outside of any building or exposing of any waste, refuse or ashes nor does it include the operation of a junk yard as defined in Article III, Section 2, item (f). No sign shall be erected except one to advertise the profession or services or goods sold and dealt in by the owner or occupant of the property upon which it is placed, and no sign or group of signs shall exceed twelve (12) square feet.

ARTICLE IV OFF-STREET PARKING

The following parking spaces shall be provided and satisfactorily maintained, by the owner of the property, for each building which, after date when this Ordinance becomes effective, is erected, enlarged or altered for use for any of the following purposes:

- (a) Multiple dwellings, at least one parking space for each dwelling unit in the building or buildings.
- (b) Auditorium, stadium, theatre, or other places of public assemblage, at least one parking space for each eight seats provided for its patrons (based on maximum seating capacity).
- (c) Hotel, at least one parking space for each three guest sleeping rooms.
- (d) Restaurant or other eating place, at least one parking space for each three seats, except when it is in a building which provides parking space, in which case the number of places already provided may be taken to be available for the restaurant or other eating place.
- (e) Hospital, sanitarium or nursing home, at least one parking space for each five patients.
- (f) Stores, at least one parking space for each sixty square feet of store floor area.
- (g) Office building, at least one parking space for each three hundred square feet of office floor area.
- (h) Industrial or manufacturing establishments, at least one parking space for each four hundred square feet of gross floor area or for every three workers.

All parking space provided pursuant to this section shall be on the same lot with the building, except that the Board of Adjustment may permit the parking spaces to be on any lot within five hundred feet of the building, if it determines that it is impractical to provide parking on the same lot with the building.

The plans for vehicular approaches to such parking spaces shall be submitted to the Town Building Inspector at the time a building permit is sought by the owner. Such plans shall be presented to the Board of Selectmen for their approval prior to the issuance of a building permit. The Board of Selectmen shall not approve such plans until they are satisfied that no unnecessary traffic hazard is created thereby.

ARTICLE V

TRAILER COURTS

The provisions of this article shall not apply to the continued use of any house trailer now parked and occupied as a dwelling in the Town of Hudson, nor to a house trailer hereafter acquired as a replacement by the owner of a trailer now parked and occupied as a dwelling. Provided, however, that if a house trailer now parked and occupied as a dwelling in the Town of Hudson is moved from its present location, the subsequent use of such trailer must comply with the following provisions.

Except as above provided, every house trailer hereinafter occupied as a dwelling in the Town of Hudson shall be parked in a licensed trailer court.

The licensing of trailer courts shall be the function of the Town Building Inspector, the Town Health Officer and the Board of Selectmen, who shall issue an annual license without fee upon their determination that the provisions of this Article are satisfied by the trailer court owner.

Such trailer courts shall contain facilities for not less than four house trailers. Such courts shall contain a minimum land area of one acre. Each individual trailer lot shall contain at least 7,500 square feet, and shall be furnished with a suitable right of way, and properly installed facilities to insure the health and safety of the occupants including running water, drainage, sewerage, electricity and such other facilities as the Health Officer may find required by any other Ordinances or statutes.

A plan of the proposed trailer court showing the individual trailer lots and arrangements for facilities shall be filed with the Town Building Inspector prior to the issuance of license to operate a trailer court.

1. Whenever the words "a house trailer" are used in this Ordinance it shall be construed to include a mobile home.
2. No license shall be issued for a trailer court or mobile home court by the Building Inspector, Town Health Officer or Board of Selectmen until the same has been voted favorably upon by the voters of the Town of Hudson at an annual Town Meeting.

ARTICLE VI

NON-CONFORMING USE

SECTION 1. Any lawful use of land or of a building or part thereof which existed at the time of adoption of the Zoning Ordinance in March 1942 and which has continued to exist to the date of the passage of this ordinance may be continued and any existing use of land or buildings provided for in The Zoning Ordinance of 1942 or under a variance heretofore granted may be continued, although such use does not conform to the provisions of this Ordinance. A non-conforming building or a building occupied by a non-conforming use may be strengthened and made safe. The mere strengthening of a building shall not be deemed an alteration. A non-conforming building shall not be moved, rebuilt, replaced or altered unless it shall conform to this Ordinance. If an existing non-conforming use becomes discontinued or abandoned for a continuous period of 6 months, any subsequent use of such land or buildings shall conform to the terms of this ordinance.

ARTICLE VII

TOWN PLANNING BOARD

SECTION 1. The Town Planning Board established under the Zoning Ordinance adopted at the Town Meeting in March 1942 consisting of a selectman and four other members shall continue their terms in office. Their successors shall be appointed by the Board of Selectmen upon the expiration of their respective terms. The members of the Board (excepting the Selectmen) shall serve for a term of 4 years. The member from the Board of Selectmen shall be appointed each year. The members of the Town Planning Board shall receive no compensation.

SECTION 2. Powers of the Town Planning Board. The Town Planning Board shall have the power to approve or disapprove, in its discretion, plats showing new streets, or the widening thereof, or parks. They shall have the power to adopt regulations governing the subdivisions of land within the Town of Hudson in accordance with Chapter 36 Section 19-29 New Hampshire Revised Statutes Annotated. It shall be the duty of the Town Clerk to file in Hillsborough County Registry of Deeds a Certificate of Notice showing that the Planning Board has been so authorized and giving the date of such authorization.

ARTICLE VIII

THE DEVELOPMENT AND SUBDIVISION OF LAND

SECTION 1. Procedure. The owner of any plot of ground intended for development or subdivision into two or more building lots shall file with the Town Planning Board a plat of the proposed subdivision, and shall obtain the approval of the Town Planning Board thereon before proceeding with the development or sale of the lots in said subdivision. It shall be the duty of the Town Planning Board to inspect the site of such proposed subdivision, and to require such roadway and other areas for common use as will be acceptable to the Town for maintenance by the Town, and approve same when satisfied that such proposed plans are in harmony with and conducive to the general welfare of the Town and the neighborhood, and are not detrimental to existing property value, that in no sense shall this approval be deemed an acceptance by the Town of the street or streets.

The Town Planning Board shall approve or disapprove the plat within thirty days after its submission to the Board, otherwise such plan shall be deemed approved. If no action is taken within 30 days, it shall be the duty of the Chairman of the Town Planning Board to issue a certificate to the plat owner showing the Planning Board failed to take action in regard to this plat, within the 30 day period, and such certificate shall have the same legal effect as an approval endorsed upon the plan by the Chairman of the Town Planning Board. If the plat is disapproved, the reasons therefore shall be made a part of the record of the Town Planning Board, and a copy of the record shall be mailed to the plat owner.

SECTION 2. Penalties for Transferring Lots in Unapproved Subdivisions. Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiates to sell any land by reference to, or exhibition of or by other use of a plat of subdivision, before such plat has been approved by the Town Planning Board and recorded or filed in the office of the Hillsborough County Registry of Deeds shall forfeit and pay the penalty of One Hundred Dollars for each lot or parcel so transferred or sold or agreed or negotiated to be sold, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town of Hudson, through its Solicitor or other official designated by the Selectmen, may enjoin such transfer or sale or agreement and may recover the said penalty by Civil Action.

DETAILED SUBDIVISION REQUIREMENTS

Adopted by Hudson Planning Board, April 26, 1960

Pursuant to the authority vested in the Hudson Planning Board by the voters of the Town of Hudson and in accordance with the provisions of Chapter 36, Secs. 19-29, New Hampshire R.S.A., 1955, the Hudson Planning Board adopts the following detailed regulations governing the sub-division of land in the Town of Hudson, New Hampshire, and the laying out and acceptance of streets and highways.

SECTION 3. Definitions and Validity

(a) *Subdivision* shall mean the division of a tract or parcel of land into two or more lots for the purpose, whether immediate or future, of sale of land for 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 these regulations, the term subdivision shall relate either to the process of subdividing or to the land or area subdivided.

(b) *Board* shall mean the Planning Board of the Town of Hudson, New Hampshire.

(c) *Preliminary plan* shall mean the preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for its consideration, as outlined in Section 5, Master Plan.

(d) *Plat* shall mean the map, drawing or chart on which the final plan of subdivision is presented to the Planning Board, and which, if approved, will be filed or recorded with the Hillsborough County Register of Deeds. The submission to the Planning Board shall be accompanied by a fee of \$5.00 to assure recording in Hillsborough County Registry of Deeds.

(e) *Street* shall mean and include streets, avenues, boulevards, roads, lanes, alleys and any other way exclusive of driveways serving not more than two contiguous lots.

(f) *Reserve strip* shall mean and include areas for which future public use is intended for street connections and for street or pedestrian ways giving access to land dedicated for public use.

(g) *Highway Monuments* shall be of natural or artificial stone of a size not less than 5" x 5" x 30" with either a 1/2" drill hole, a chiseled cross or a lead or iron plug on the 5" x 5" end.

(h) *Residence* shall mean any structure occupied for domiciling purposes and may be for permanent, year round occupancy or for seasonal occupancy.

(i) *Validity.* If any section, clause, provision, portion or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority; such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

SECTION 4. *Procedure*

(a) Whenever any subdivision is proposed to be made and before any contract for the sale of, or negotiation to sell, such subdivision or any part thereof, shall have been concluded, and before any permit for the erection of a structure shall be granted, the subdividing owner shall apply, in writing, on a form prescribed by the Board, to the Board for approval of such subdivision. Application for approval shall be filed not less than five (5) days before any meeting with the Chairman or the Secretary of the Board, who shall furnish the applicant with a receipt for same.

(b) A preliminary plan, as hereinafter described, shall accompany the request for approval.

(c) The Board, after careful study of the preliminary plan and after arriving at a tentative conclusion, will discuss the plan with the subdivider or his agent(s) at a meeting of the Board. After such discussion and within thirty (30) days of the receipt of the application and preliminary plan, the Board will, if it approves the preliminary plan, communicate with the subdivider, indicating any changes which will be required in order to safeguard public health, morals, safety and general welfare, the character and extent of public improvements which may be waived, when waivers have been requested, and which, in the opinion of the Board, may be waived without jeopardy to the public health, safety, morals and general welfare of the community.

(d) The preliminary plan shall be approved or disapproved by the Board within sixty (60) days, unless the subdivider shall have agreed in writing to an extension of the period of consideration.

(e) Upon receipt of approval, the Subdivider shall within six (6) months thereafter file with the Chairman or the Secretary of the Board three printed copies of the final plat; and street profiles, if required by the Board; and the subdivider shall be furnished a receipt therefor. The Board will then, within thirty (30) days from the date of submission of the final plat, approve or disapprove the plat in accordance with Chapter 36, Section 23, New Hampshire, R. S. A. 1955. Approval of the final plat, when granted, shall be attested on each of the three copies by the signature of the Chairman, or in his absence, the Secretary of the Board.

(f) A copy of the final plat will be retained by the Board, a copy shall be filed or recorded in the Office of the Register of Deeds of Hillsborough County by the Board and a copy shall be returned to the subdivider.

(g) *Costs* of recording shall be borne by the subdivider.

SECTION 5: *Master Plan*

(a) In order to assist the Board, the subdivider may submit a master plan of the entire tract of land to be subdivided at a scale of 1 inch equals 100 feet, 1 inch equals 200 feet or 1 inch equals 400 feet; drawn carefully to scale, but without dimensions in detail, in order to indicate his intentions for the entire area. He may indicate his desire to subdivide a portion or portions of the entire area in logical sequence and thereby limit the subdivision of the entire parcel into separate phases, or sections. Such submission shall be plainly marked "Master Plan" and shall be accompanied by a letter of explanation relative thereto.

(b) The Board shall consult with and advise the subdivider or his agents of changes which it deems desirable in the Master Plan in order to assist the subdivider and facilitate preparation of the preliminary plan required under Section 6.

SECTION 6. *The Preliminary Plan*

(a) The preliminary plan may be drawn on paper with pencil on a scale of 1 inch to either 20 feet, 40 feet or 50 feet. This plan must show the following:

(1) Location and boundaries of subdivision; signature of owners of record, signature of subdivider, designer, engineer or surveyor; north arrow, date and scale.

(2) Names of all abutting owners.

(3) Topographic map of area to a line 50 feet outside the boundaries of the subdivision, if required by the Board.

(4) Existing and proposed lines, grades and widths of streets within the subdivision and on abutting land within 200 feet; building lines, easements and public areas within the subdivision and on abutting land within 200 feet; water courses or water areas.

(5) Proposals for water supply, storm and sanitary sewage disposal and drainage within the subdivision, together with a certificate of approval from the Board of Health of the Town of Hudson when on site facilities must be installed because town utilities are not available.

(6) Lot numbers, lines, courses and dimensions.

(7) House numbers shall be assigned as directed by the Board of Selectmen and shown on the final plat.

(8) Parcels of land proposed to be dedicated to public use and any conditions of such dedication.

SECTION 7. *The Final Plat.*

(a) The final plat submitted for approval and recording shall be clearly and legibly drawn in ink on linen tracing cloth.

(b) The drawing shall be at a scale of not more than 1 inch to each 20 feet, 40 feet or 50 feet, and shall show:

(1) Right-of-way width of each street or other right-of-way.
(2) Right-of-way lines of streets, easements, other rights-of-way and property lines of residential lots and other sites, with accurate dimensions, bearings and curve data within the subdivision, and within 200 feet thereof. Any change in direction in excess of 10° shall be made by a curve.

(3) Location, dimensions and purpose of any easements.

(4) Number to identify each lot or site.

(5) House numbers shall be assigned to each lot and indicated as shown on Plate A, sample of subdivision plan included herewith.

(6) Purpose for which sites, other than residential lots, are dedicated or reserved.

(7) Minimum building setback line on all lots and other sites.

(8) Location and description of monuments.

(9) Names of record owners of adjoining unplatted or platted land.

(10) Reference to recorded subdivision plats of adjoining platted areas by County Registry record, name, date and number.

(11) Certification by owner, surveyor and/or engineer.

(12) Sworn statement by owner dedicating streets, rights-of-way and any sites for public use.

(13) Title, scale, north arrow and date.

(14) Plate A, attached hereto, is made a part of this Section.

(c) In the event that the size of the final plat shall be so great as to render it impractical to be contained in one sheet, as many sheets of the required size as may be necessary may be used, provided that the continued portions are matched by means of a "matchmark."

SECTION 8. *Streets*

(a) The subdivider shall be required to conform to the standards established by the Board of Selectmen in street layout, including width, maximum and minimum grades, curvatures, and construction methods; and in the design and construction of sidewalks, curbs and gutters. The prevailing engineering standards will govern the design of sanitary sewerage and storm drainage systems and the structures related to them. Promise of such conformance shall be indicated on the final plan and profiles, as required by the Board.

(b) *Arrangements of streets* shall provide for the continuation of the principal streets in adjoining subdivisions or for their projection when adjoining property is not subdivided. Dead-end or cul-de-sac streets, in general, shall not exceed 400 feet in length and shall be equipped with a turnaround roadway with a minimum radius of 45 feet for the outside curb at the closed end. The end terminus of

the turnaround shall be located on the property line of an abutting owner, or on land not covered by the subdivision. Width shall be provided by easement for extension of the street to abutting property or land not covered by this subdivision. On all streets, block lengths shall be a minimum of 1000 feet. Block widths shall not be less than 200 feet.

(c) *Streets in cut or fill* shall be provided with side slopes not steeper than two feet horizontal to one foot vertical. Street grades shall not be more than 8% except on approval by the Board of Selectmen. Street intersections and curves shall be designed to permit adequate visibility for both pedestrian and vehicular traffic.

(d) No street shall be accepted by the Town of Hudson until after approval by the Board of Selectmen.

(e) *Street and Highway Layouts.* All streets and highways in the Town of Hudson shall be laid out in accordance with the procedure outlined in Chapter 234, New Hampshire Revised Statutes Annotated or by the Final Plan of this Ordinance. A deed shall be given the Town by the Owner of the Subdivision covering all street areas within the subdivision.

(f) *Street Highway Layout Requirements.* Any person interested in having a street or highway laid out by the Town shall petition therefor on a form to be supplied by The Board of Selectmen and shall attach to said petition a plan satisfying the requirements of Section 8 and Section 9.

(g) Where any subdivision borders on a brook, a river, a pond or public waters, an access road, or right-of-way of at least 33 feet in width shall be provided at least every 1000 feet in frontage along the shoreline. This right of way shall be graded by the subdivider to the satisfaction of the Board of Selectmen.

(h) *Plan Requirements.* The petitioner(s) for street or highway layout shall cause to be prepared and submitted to the Board of Selectmen, in accordance with instructions from the Board of Selectmen, an accurate plan and profile, drawn in ink, on linen tracing cloth, showing the present length of frontage of each estate, the names of owners thereof, the land to be taken, showing the number of square feet to be taken from each owner; also showing such references to stakes, bounds and other marks on the premises as will enable the Board of Selectmen to locate said street with accuracy. Said plan and profile shall be submitted to the Board of Selectmen with the petition for acceptance and shall contain a horizontal scale of 1" = 50' and a vertical scale of 1" = 5'. The plan and profile shall contain existing grades drawn in ink and proposed grades of all streets drawn in *pencil*. The Board of Selectmen shall make such alterations in the plan and proposed grades as they may deem necessary.

(i) *Drainage Requirements.* The plan and profile shall include a proposed system of drainage facilities for the area, correlated with existing or proposed drains, if in the opinion of the Board of Selectmen such information would be useful and desirable.

(j) *Sewer Requirements.* Where a sewerage collection system of the Town of Hudson is within 500 feet of the proposed subdivision, a separate plan and profile of the proposed street or highway showing proposed sewers and an additional plan and profile of the sewerage connections from the existing Town sewerage line through or over any existing street or highway, or over private property to connect with the proposed sewerage system of the subdivision shall be submitted, if the Board of Selectmen deem the same useful and desirable.

(k) *Street and Highway Acceptance Requirements.* Upon completion of the layout proceedings, the parties interested in having the Town accept the street or highway shall petition therefor on a form to be supplied by the Board of Selectmen, but no street or highway shall be accepted unless or until the provisions of this ordinance are fully satisfied, as follows:

(1) The street or highway must conform to the master plan, if any, of principal streets as adopted by the Planning Board.

(2) Streets and highways shall be continuous and in alignment with existing streets as far as possible.

(3) Provision shall be made for the proper projection of streets if adjoining property is not subdivided.

(4) A minimum center line radius of streets shall be 50 feet; greater radii may be required for principal streets. All curved streets must be designed to permit safe vehicular travel.

(5) The minimum width of street right-of-way shall be 50 feet, as approved by the Board of Selectmen. A greater width may be required for principal streets. Dead end streets shall not be proposed by the subdivider.

(6) *Streets* shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at any angle of less than 60°. Property lines at street intersections shall be rounded to provided for property line radii of not less than 15 feet.

(7) *Grade of street* shall not be more than 8%, without approval of the Board of Selectmen.

(8) *Highway Monuments* as approved by the Board of Selectmen shall be installed after the subgrade of the street is in place at all intersections of streets, at all points of change in direction or curvature of streets, and at any other points the Board of Selectmen may deem necessary to control the line of streets.

(9) The entire area of each street shall be cleared of all stumps, brush, roots, boulders and like material and all trees not intended for preservation. All loam and other deleterious material shall be removed. All boulders or ledge shall be broken off to a depth of not less than 12 inches below the subgrade. All streets shall be graded with at least 12 inches of gravel and the upper 6 inches of gravel shall be of a quality and type recommended by the Board of Selectmen to a width of not less than 36 feet. Local soil conditions may vary the subgrade requirements below the upper 6" of finished gravel as specified by the Board of Selectmen.

(10) Adequate disposal of surface water shall be provided for. Catch basins shall be built where required by the Selectmen and culverts of proper capacity installed at all water courses with necessary headers of approved construction.

(11) Where required by the Selectmen, sanitary sewers shall be installed by the subdivider within the limits of the proposed street or highway by the petitioner and connections shall be made at the petitioners' expense to the existing Town Sewerage System, and shall become the property of the Town upon completion, as approved by the Board of Selectmen.

(1) *Hearings.* (Acceptance and Conditional Acceptance). Upon compliance with Section a - k inclusive of Section 8 hereof and the posting of a bond in a manner and in an amount satisfactory to the Board of Selectmen for the completion of the improvement, required by Sections a - k of Section 8, the petitioners shall be entitled to a public hearing on their petition for acceptance. No owner shall sell or convey land upon a street not laid out in accord with Chapter 234, New Hampshire, R. S. A., 1955, or accepted and approved by the Planning Board.

SECTION 9. Lots: The following shall be minimum area and frontage requirements for new residential subdivisions:

(a) In the village area where a public sewerage collection line passes adjacent to the property to be subdivided or where the subdivider shall install a sewerage collection system connecting to public collection lines; and where water mains of the Hudson Water Co. are in existence or are contracted by the subdivider to be installed:

Type of Residence	Minimum Frontage Requirements	Minimum Area Requirements
Single Residence	100 feet	15,000 Sq. ft.
Two (2) Family Residence	120 feet	18,000 Sq. ft.

(b) In rural or other areas served by only one underground utility—(either public sewerage collection or public water mains of the Hudson Water Co., or other water utility company):

Type of Residence	Minimum Frontage Requirements	Minimum Area Requirements
Single Residence	120 feet	20,000 Sq. ft.
Two (2) Family Residence	120 feet	20,000 Sq. ft.

(c) In any area *not served* by public sewerage collection and not served by any water distribution mains:

Type of Residence	Minimum Frontage Requirements	Minimum Area Requirements
Single Residence	150 feet	30,000 Sq. ft.
Two (2) Family Residence	150 feet	30,000 Sq. ft.

(d) Minimum lot requirements for multiple family dwellings, hotels, motels, boarding houses, apartment houses and industrial development sites shall be discussed with the Planning Board before subdivision, and lot sizes determined mutually by the Board and the subdivider.

SECTION 11. *General Requirements.*

(a) The proposed subdivision shall conform to the Zoning Ordinance of the Town of Hudson. Where strict conformity to the Subdivision regulations would cause undue hardship or injustice to the owner of the land, a subdivision plan substantially in conformity with regulations may be approved by the Planning Board provided that the spirit of the regulations and public convenience and welfare will not be adversely affected.

(b) Land subject to flooding and land deemed by the Planning Board to be uninhabitable shall not be plotted for residential occupancy nor for any use which might be hazardous to health, life or property.

(c) In general, no reserve strips controlling access to land dedicated or to be dedicated to public use will be permitted, unless such strips are conveyed to the Town of Hudson. Reserve strips of land which may prove to be untaxable for improvements shall not be permitted.

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

(e) No subdivision shall be approved by the Planning Board until the Board of Health of the Town of Hudson shall have approved the layout and design of private water service and private sewerage systems and disposal, and until the Board of Selectmen shall have approved the engineering and/or construction requirements in lieu of actual construction of street improvements.

(f) Before approval of a subdivision by the Planning Board, there shall be filed with the Board of Selectmen a bond by the subdivider in an amount sufficient to cover the cost of the preparation of the streets, the installation of sewerage collection mains, if required, and extension of water mains; approved as to form and sureties by the legal counsel of the Town of Hudson, and conditioned on the completion of such improvements within ten years of the date of bond.

SECTION 11. *Expense.* Any expense in regard to public hearings involved in the procedure for approval or disapproval of a subdivision or any part thereof shall be borne by the applicant or subdivider. Final approval shall be withheld until payment for such expense has been received by the Board of Selectmen.

SECTION 12. *Interpretation.* In matters of judgment or interpretation of the above requirements for subdivision of land, the opinion and decision of the Planning Board shall prevail.

SECTION 13. *Amendments.* These regulations may be amended or rescinded by the Planning Board but only following public hearing on the proposed change. The Chairman or Secretary of the Planning Board shall transmit a record of any changes so authorized to the Registry of Deeds of Hillsborough County.

SECTION 14. This Ordinance shall take effect upon its adoption and be enforced immediately.

**ARTICLE IX
ADMINISTRATION**

SECTION 1. The Board of Selectmen shall appoint a Town Building Inspector who shall be the administrative officer charged with the duty of administering and enforcing this Ordinance. The Town Building Inspector shall make inspections of all buildings in the process of construction or reconstruction, and report all violations of this Ordinance to the Board of Selectmen.

SECTION 2. Any person, firm or corporation shall obtain a building permit before commencing work on the erection, alteration or movement of any building, structure or sign. Such permit shall be issued by the Town Building Inspector when he is satisfied that the proposed construction, or building which is moved, or alteration, will conform with the provisions of this Ordinance. Such permit to become null and void if such erection or alteration is not commenced within 60 days.

SECTION 3. No permit, however, shall be issued unless the structure will present a reasonable appearance and will be in keeping with the neighborhood and unless the building is to be finished on the exterior in a permanent manner and is to be suitably painted on the outside whenever the same is of wood or a material customarily painted. This is intended to eliminate the erection of structures obviously out of place for the neighborhood as judged by the property values and neighborhood character. No permit shall be issued for the construction of a dwelling unless the same has frontage upon some street accepted by the Town or accepted by the Planning Board. No permit shall be issued for the construction of a dwelling unless the plans therefor provide for 850 square feet of floor space exclusive of garage, basements and open porches.

SECTION 4. There shall be no fee for a building permit.

SECTION 5. A person aggrieved by a decision or order of the Town Building Inspector may appeal therefrom to the Zoning Board of Adjustment. Such an appeal must be made within thirty days from the date of the order or decision complained of, in writing, addressed to the Clerk of the Zoning Board of Adjustment. Such appeal shall state every reason for reversing or modifying the order complained of. Petitions for variance shall also be filed with the said Clerk. Upon receipt of such an appeal or a petition for variance (accompanied by the consent of owners required by Article X, Section 2) the said Clerk shall within seven days set the time and place for hearing and shall thereafter send a notice of the hearing to the Town Building Inspector, the members of the Zoning Board of

Adjustment and to the person filing the appeal or petition for variance by ordinary mail sent to their last known addresses not less than two days prior to the date of the hearing. The aggrieved party shall receive the decision of the Board in writing not later than seven days after the hearing.

SECTION 6. Compensation. The Town Building Inspector shall receive as compensation the sum of Three Hundred Fifty Dollars annually.

ARTICLE X BOARD OF ADJUSTMENT

SECTION 1. Membership. The Board of Adjustment established under the Zoning Ordinance adopted at the Town Meeting in March 1942 shall continue their terms in office. Their successors shall be appointed upon the expiration of their respective terms, to serve for a period of five years, by the selectmen within fifteen days after Town Meeting. Appointment to fill a casual vacancy shall be made by the Board of Selectmen and shall be only for the unexpired portion of the term.

SECTION 2. Duties. The duties of the Board of Adjustment shall be in accordance with Chapter 36 Section 31 New Hampshire Revised Statutes Annotated. The board is to serve without compensation. The Board of Adjustment shall have authority to review decisions of the Building Inspector and to allow slight variances from the specific terms of this ordinance, where it can be shown that they would result in unnecessary hardship. Whenever a petition for variance is received by the Clerk of the Zoning Board of Adjustment, the petitioner shall be instructed to acquire the written consent of a majority of the property owners owning land within five hundred feet of the proposed site of the structure or the site of any land to be devoted to a non-conforming use. The Board shall determine what notice should be given prior to the holding of any hearing. The Board shall also determine the rules and procedure necessary to insure a fair and adequate hearing to all persons.

ARTICLE XI PENALTIES

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine for each violation of not more than Ten Dollars. Each day that a violation is permitted to exist shall constitute a separate violation. Such fines shall be in addition to the Remedies for Violation provided for by Chapter 36 Section 36 New Hampshire Revised Statutes Annotated.

ARTICLE XII

The definitions appearing in the proposed "Building Code" approved by the Planning Board in their final report are incorporated herein by reference.

ARTICLE XIII VALIDITY

SECTION 1. If any section, clause, provision, portion or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair, or invalidate any other section, clause, provision, portion or phrase of the Ordinance.

ARTICLE XIV CONFLICT

SECTION 1. All Ordinances or parts of Ordinances inconsistent or in conflict with this Ordinance are hereby repealed, but such repeal shall in no way affect the provisions of Article VI Section 1 of this ordinance.

ARTICLE XV AMENDMENT OF ORDINANCE

The provisions of this Ordinance may be amended or changed at any regular or special Town Meeting by a majority of the voters present, as provided by the Laws of New Hampshire.

ARTICLE XVI

This Ordinance shall take effect upon its passage.