Chapter 276

ADMINISTRATIVE REQUIREMENTS AND DEFINITIONS

§ 276-1. Title.
§ 276-~~2~~ 4. Definitions.
§ 276-~~3~~ 7. Application for ~~Permit~~ Approval.
§ 276-~~4~~ 17. Performance Sureties.
~~§ 276-8.~~ ~~Refunds and Plan/Application Return.~~
~~§ 276-9.~~ ~~Plan and Permit Validity.~~
§ 276-~~10~~ 3. Effective Date.
§ 276-~~11~~ 13. Plan Requirements.
§ 276-~~11.1~~ 13.1. ~~General Plan~~ Submission Requirements.
§ 276-~~11.1~~ 13.2. Traffic Impact Analysis
§ 276-13.3 Environmental Impact Study.
§ 276-~~5~~ 8. Hearings on Applications.
§ 276-~~6~~ 15. Fees.
§ 276-~~7~~ 9. Waivers.
§ 276-~~11.2~~ 13.4. Electronic Plan Submittal.
§ 276-~~12~~ 16. Escrow Deposit.
§ 276-~~13~~ 17. Utilities.
§ 276-14. Application Completeness.
§ 276-~~15~~ 19. DIG SAFE.

[HISTORY: Adopted by the Planning Board of the Town of Hudson as amended through ~~10-14-2015~~ _____2026. Subsequent amendments noted where applicable.]

---

§ 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. Purpose.

The purpose of this chapter is to provide guidance on general administrative requirements, including PLANNING BOARD review and approval procedures, minimum submission requirements, general plan requirements, and definitions for all kinds of PLAN and PERMIT applications under the PLANNING BOARD's jurisdiction.

Requirements specific to any specific type of PLAN and PERMIT application can be found in the corresponding chapter, e.g., Chapter **275** for SITE PLAN, Chapter **289** for SUBDIVISION PLAN, and Chapter **200** for EXCAVATION PLAN.

§ 276-~~10~~ 3. 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-~~2~~ 4. Definitions. [Amended 10-9-2018; 4-9-2025; _____2026]

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.~~

Any person whose property adjoins or is directly across the street or stream from the land under consideration by the Board. "Directly across the street or stream" shall be determined by lines drawn perpendicular from all pairs of corner boundaries along the street or stream of the applicant to pairs of projected points on any property boundary across the street or stream that intersect these perpendicular lines. Any property that lies along the street or stream between each pair of projected points or is within 50 feet of any projected point shall be considered an abutter. If an abutting property is under condominium or other collective form of ownership, the officers of the collective or association as defined in RSA 356-B:3, XXIII, shall receive the formal notification. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for the purpose of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

ACTIVE AND SUBSTANTIAL DEVELOPMENT - The first threshold of development, to be completed within 36 months after the date of approval of a SUBDIVISION PLAN or SITE PLAN, to be agreed upon by the APPLICANT and the BOARD, and normally defined by milestones relating to structures, roads, utilities, etc.

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.

ACCESSORY DRIVEWAY — Any improved or traveled way for vehicles originating from a DRIVEWAY, ending within the bounds of a LOT, that is at no point located within the front yard building setback.

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 (BMP) — ~~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.~~ A standardized structural, non-structural, or managerial practice used to prevent or reduce pollution and minimize environmental harm to the maximum extent practicable based on current engineering, science, and regulatory guidance**.** For the purposes of stormwater management, construction, period erosion and sedimentation control practices and post construction and post construction good housekeeping practices, including but not limited to: source controls, pollution prevention measures; operating procedures and practices to control site runoff; spillage or leaks; sludge or waste disposal, or drainage from raw material storage. For purposes of post construction stormwater management, see the definition of Stormwater Control Measure.

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

~~BMP — Best management practice.~~

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

CIVIL ENGINEER — The person presently serving in capacity of CIVIL ENGINEER for the TOWN OF HUDSON, either in a permanent or temporary capacity, acting under the guidance of the TOWN ENGINEER.

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

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

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

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

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

DRIVEWAY — Any improved or traveled way for vehicles serving as an area of access, entrance, exit, or approach to any parcel of land, originating at an intersection with a HIGHWAY extending to a maximum distance of the front principal building setback line of the LOT.

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

ENGINEER or SURVEYOR — The designated, licensed and legally recognized engineer or surveyor of the ~~SUBDIVIDER~~ APPLICANT 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.~~ protecting human health and the environment by developing and enforcing environmental regulations, conducting research, and overseeing pollution prevention and remediation programs including the Clean Air Act (CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), Toxic Substances Control Act (TSCA), Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), **and the** Emergency Planning and Community Right-to-Know Act (EPCRA).

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~~ 2026, et seq.

LOT — A single contiguous parcel of land.

~~A.~~ LOT, 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.~~ LOT, 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 under the EPA's General PERMIT for Stormwater Discharges from Construction Activities. (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~~ 2026, et seq.

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

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

~~A. Permit application:~~

~~(1) Payment of fees.~~

~~(2) Requests for waivers.~~

~~(3) Submission of PLAN sets or drawings, as required.~~

~~(4) Submission of other documentation, as required.~~

~~B. STAFF and legal review.~~

~~C. Public notice and notification of ABUTTERS, if required.~~

~~D. Scheduling of BOARD public hearing date.~~

~~E. Public hearing:~~

~~(1) Application acceptance or rejection.*~~

~~(2) APPLICANT presentation.~~

~~(3) Public input.~~

~~(4) PLANNING BOARD discussion and action:~~

~~(a) Vote to approve or disapprove waivers, if required.~~

~~(b) Vote to approve or disapprove PLAN or PERMIT.~~

~~(c) Continuation date set if the matter is deemed not ready for a vote.~~

~~F. Posting of sureties, if required.~~

~~G. Appeals of rejected PLANS or permits may be made as allowed for in applicable RSAs, which differ for the various types of PLANS and permits.~~

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

PLAN — A document, drawing or set of documents and/or drawings required for a SITE PLAN,

SUBDIVISION PLAN or other PERMIT approval required by the LAND USE REGULATIONS.

~~A.~~ PLAN, SITE ~~PLAN~~ (or 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.~~ PLAN, SUBDIVISION (or SUBDIVISION PLAN) ~~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.

PUBLIC WORKS DIRECTOR — The person presently serving in the capacity of PUBLIC WORKS DIRECTOR for the Town of Hudson, either in a permanent or temporary capacity.

RESERVE STRIP — Includes 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.

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

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, engineering 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~~ EPA's General PERMIT for Stormwater Discharges from Construction Activities that clearly describes appropriate pollution control measures that include a description of all pollution control measures (i.e., BMPs/SCMs) that will be implemented as part of the construction activity to control pollutants in stormwater discharges and describes the interim and permanent stabilization practices for the site.

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

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

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

A. MAJOR STREETS — Streets designed, or required, to carry large volumes of traffic to, from, or through the Town. Arterial and collector streets as listed in the Zoning Ordinance are considered to be major streets.

   (1) COLLECTOR STREETS — Streets designed, or required, to collect traffic from minor streets and distributing traffic to major street

   (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.

SUBDIVISION, Minor. The subdivision of land into three or fewer lots, with no potential for re-subdivision, and requiring no new road, utilities or other municipal improvements.

SUBSTANTIAL COMPLETION - The threshold of completed development or building to be agreed upon by the APPLICANT and the BOARD, and will normally be defined in terms of structures, roads, utilities,

issuance of building permits, satisfaction of meeting all conditions to issuance of building permit, etc.

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

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~~ An urban area with a population of at least 50,000 people.

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~~ Ordinance,[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.

§ 276-5. Procedural Overview

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, legal, and engineering peer review.

C. Public notice and notification of ABUTTERS, if required.

D. Scheduling of BOARD public hearing date.

E. Public hearing:

   (1) Application acceptance or rejection.*

   (2) APPLICANT presentation.

   (3) Public input.

   (4) PLANNING BOARD discussion and action:

      (a) Vote to approve or disapprove waivers, if required.

      (b) Vote to approve or disapprove PLAN or PERMIT.

(c) Continuation date set if the matter is deemed not ready for a vote.

F. Posting of sureties, if required.

G. Appeals of rejected PLANS or permits may be made as allowed for in applicable RSAs, which differ for the various types of PLANS and permits.

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

§ 276-6. Preapplication Review

Prior to the submission of a completed application, the APPLICANT is encouraged to come to the PLANNING BOARD for a preapplication review. The preapplication review provides an opportunity for the applicant and the PLANNING BOARD to discuss the concept of the proposal in the context of the Town's master plan and regulations. The purpose of the review is to ensure complete knowledge of applicable rules and regulations, to save time in the preparation of plans, to ensure that an adequate PLAN is submitted and to acquaint the PLANNING BOARD with the intentions of the APPLICANT. All discussions during the preapplication review phase by both the APPLICANT and the PLANNING BOARD are non-binding. Though the preapplication review phase is optional, the PLANNING BOARD strongly recommends that APPLICANTS for major projects participate in this process. There are two optional phases to preapplication review: conceptual consultation, and design review.

A. Conceptual Consultation. The APPLICANT may request a meeting with the PLANNING BOARD to discuss a proposal in conceptual form and in general terms. Conceptual consultations must be conducted at a public meeting of the PLANNING BOARD but do not require formal notification of abutters. The conceptual consultation is informal and will adhere to the following.

(1) All requests for conceptual consultations shall be made in writing and received no less than twenty one (21) days prior to the meeting at which the applicant wishes to appear.

(2) The APPLICANT may bring in a site location map or a base map of the site, which provides minimal detail of the proposal.

(3) The PLANNING BOARD and the APPLICANT may discuss the basic concept of the proposal, review the proposal with regard to the master plan and the zoning ordinance, explain the applicable local regulations, and provide guidance relative to other state and local requirements.

B. Design Review. The APPLICANT may request a design review with the PLANNING BOARD or its designee prior to the submission of a completed application. This phase involves a non-binding review of specific design and engineering details of the proposal. Formal notification of abutters and the general public is required for design reviews. Requests for design review will adhere to the following.

(1) All requests for design review must be submitted no less than twenty-one (21) days prior to the scheduled meeting of the PLANNING BOARD at which the design review will be considered, with the application form, the appropriate fees, and the fees, owing information:

(2) A list of ABUTTERS and their addresses obtained from the Town records not more than five (5) days before submission and the name and business address of every engineer, architect land surveyor, or soil scientist whose professional seal appears on any plat submitted to the PLANNING BOARD.

(3) No PLAN will be formally accepted by the PLANNING BOARD during this phase.

276-7. Application for ~~Permit~~ Approval.

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 or SUBDIVISION approval ~~(see Appendix No. 1[3])~~ 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~~ 13 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 Services Department offices at Town Hall~~.~~ or ~~Said form can also be obtained/downloaded~~ online via the town's website. ~~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~~ APPLICANTS seeking an EXCAVATION PERMIT ~~of his/her/its land and~~ shall send a copy of the application to the Conservation Commission. ~~Said~~ The application form can ~~also~~ be obtained~~/ downloaded~~ at the Development Services Department offices at Town Hall or online via ~~the Development Department offices at Town Hall Town's Community Development Department~~ the town's website. ~~: www.hudsonnh.gov/.~~

C. For DRIVEWAY PERMITS, electronic filing~~,~~ in pdf format~~,~~ is required ~~In~~ in addition to submitting a written DRIVEWAY application form to the PLANNING BOARD~~, electronic filing, in pdf format, is required~~.

D. ~~In addition thereto, e~~ Estimated fees as specified in § 276-~~6~~ 15 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.

E. The PLANNING BOARD shall determine if any additional studies are necessary (i.e., environmental (see § 276-13.3), noise (see §275-11), or traffic (see §276-13.2).

F. All SUBDIVISION and SITE PLANs shall comply with the TOWN OF HUDSON's Engineering Technical Guidelines and Typical Details.

§ 276-8. Hearings on Applications. ~~[Amended 1-22-2020]~~

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 at the next regular meeting or within 30 days following ~~the~~ delivery of the application, for which notice can be given in accordance with the requirements below. A notice of said hearing shall be sent by verified mail, as defined by RSA 451-C:1, VII, to all ~~direct~~ ABUTTERs ~~and by first class mail to indirect ABUTTERS within 200 feet 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 of the hearing. Notice shall be mailed at least 10 days prior to the hearing. A notice of the hearing shall also be posted in at least three public places within Town and on the Town's website. (Note: The 10 days shall not include the day of the hearing, but shall include any Saturdays, Sundays, or legal holidays within said period.)

§ 276-~~7~~ 9. Waivers.

A. Any or all requirements of this the Town of Hudson, NH, LAND USE REGULATIONS may be waived pursuant to RSA 674:36.II.(n) and RSA 674:44.III.(e) at the sole discretion of the PLANNING BOARD when it determines that:

(1) Strict conformity would pose an unnecessary hardship to the APPLICANT and WAIVER would not be contrary to the spirit and intent of the REGULATIONS; or

(2) Specific circumstances relating to the PLAN or PERMIT, or conditions of the land in such PLAN or PERMIT, indicate the WAIVER will properly carry out the spirit and intent of the REGULATIONS.

~~(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, SUBDIVISON PLAN or other applicable PERMIT.

D. Any waiver granted is for the specific SITE PLAN, SUBDIVISON 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, SUBDIVISON PLAN or revised PERMIT application.

§ 276-10. Submission and Acceptance

An application shall only be submitted to and accepted by the PLANNING BOARD at a properly noticed public hearing as required by RSA 676:4,I(d). Upon determination that the application is complete, the PLANNING BOARD may vote to accept the application. Immediately after acceptance of the application, the PLANNING BOARD will determine if the application has regional impact per RSA 36:54 through 36:58. If the finding of the PLANNING BOARD is that the application is of regional significance, the PLANNING BOARD will not commence review of the application until notice to the regional abutters is officially made.

Once accepted, the APPLICANT may present the proposal to the PLANNING BOARD and the general public. The date of acceptance begins the sixty-five (65) day review period except for projects of regional impact which shall have a ninety-five (95) day review period. Should the application not be accepted, the PLANNING BOARD shall state the reasons and specify any additional requirements to the applicant at the meeting and will provide a written response to the applicant listing the reasons for refusal to accept.

§ 276-11. Action on a Completed Application.

The PLANNING BOARD shall act to approve, conditionally approve, or disapprove a completed application within sixty-five (65) days of its acceptance except for projects of regional impact which shall have a ninety-five (95) day review period.. The APPLICANT may waive the requirement for **§ 276-8.** action within the

specified time limit and consent to a mutually agreed upon extension.

If the BOARD has not taken action on a completed application within sixty-five (65) days of its acceptance (or 95-days for projects of regional impact) and has not obtained an extension, the Selectmen shall certify on the APPLICANT'S application that the plat is approved. Such a certification shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15. Failure of the Selectmen to issue an order to the BOARD or act to certify approval of the plat shall constitute grounds for the applicant to petition the superior court as provided in RSA 676:4,I(c)(2).

§ 276-12. Action on a Completed Application.

A. Approval. Approval of the PLAN shall be by affirmative vote of the majority of the BOARD present at the meeting. The decision shall include specific written findings of fact that support the decision. The PLAN is certified by the signatures of the BOARD Chairman and Vice-chairman. The approved PLAN will not be recorded until all fees have been paid by the APPLICANT. The APPLICANT may not commence construction the PLAN is recorded.

B. Conditional Approval. The PLANNING BOARD may grant conditional approval of an application if the remaining actions on the application are: administrative in nature; involve the applicant's possession of permits and approvals granted by other boards or agencies, such as the NH Departments of Transportation or Environmental Services; and/or do not involve discretionary judgment by the Planning Board. In these instances, final approval may be granted without further public hearing. A public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to RSA 676:4,I(i). Final approval will be granted when the conditions have been met to the satisfaction of the PLANNING BOARD. The PLAN will not be recorded at the Hillsborough County Registry of Deeds until all of the conditions have been met and confirmed by the PLANNING BOARD Chairman, and Vice-Chairman.

C. Disapproval. If the PLANNING BOARD determines that it lacks sufficient information to make a final decision on an application and the APPLICANT does not consent to an extension, the BOARD may in its discretion deny the application without prejudice in which case the APPLICANT may resubmit the same or substantially similar application. If an application is not approved, the specific findings of fact reasons for the disapproval will be clearly stated in the PLANNING BOARD'S written notice of decision to the APPLICANT.

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

~~A. SUBDIVISION or SITE PLAN application PLAN sets and PERMIT applications submitted to the PLANNING BOARD but not acted on in any fashion for a period of one year from submittal shall be returned to the APPLICANT, provided that:~~

~~(1) The PLAN submittal or PERMIT application is incomplete and not ready for application acceptance; and~~

~~(2) The developer/APPLICANT has not made progress at completing application PLAN set or PERMIT application elements toward PLANNING BOARD application acceptance readiness.~~

~~B. Any unused fees are to be returned to the APPLICANT.~~

~~C. Resubmittals must be complete and ready for application acceptance.~~

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

A. ~~SUBDIVISION and SITE PLANS shall expire two years from the date of PLANNING BOARD meeting final approval or as specified on the permit if active and 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. **[Amended 8-14-2019]**~~

~~(1) The subsection above should be placed as a note on the PLAN within the PLANNING BOARD approval block. See Hudson Town Code § 276-11.1B(4), as amended, and § 289-27A, as amended.~~

~~(2) The subsection above should be placed as a note on the PLAN within the PLANNING BOARD approval block. See Hudson Town Code § 276-11.1B(4), as amended, and § 289-27A, as amended.~~

B. ~~(Reserved)~~

C. ~~An EXCAVATION PERMIT shall specify the date upon which it shall expire. (Ref. § 200-10B.)~~

~~**Editor's Note: See Ch. 334, Zoning.**~~

D. ~~All permits without a BOARD-approved specific expiration date shall expire after two years from approval if no active or substantial DEVELOPMENT or construction has occurred.~~

~~(1) For subdivision plans that do not include improvements such as roads, utilities or topographical modifications, substantial development is achieved when:~~

~~(a) The plan is recorded and MONUMENTATION is bonded or set; or~~

~~(b) The threshold levels of work specified by the BOARD at the time the permit is granted are met.~~

~~**§ 276-10. Effective Date.**~~

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

§ 276-~~11~~ 13. Plan Requirements.

All SITE PLAN and SUBDIVISION PLAN applications submitted to the PLANNING BOARD for approval shall ~~to~~ conform to this section shall meet the following requirements:

§ 276-13.1. ~~General Plan~~ Submission 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 two years 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." **[Amended 8-14-2019]**

(b) The PLANNING BOARD approval block shall be located on the lower left corner of each sheet in the PLAN set.

(5) (Reserved)[5]

(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) STREET lines, setback lines, pedestrian ways, LOT lines, LOT sizes in square feet, identification number for each LOT, reservations, easements and areas to be dedicated to public use and areas the title to which is reserved by the developer.

(11) STREET cross sections, approximate grades and profiles and designs of any bridges or culverts.

(12) For SUBDIVISION PLANS, Typical design and location of each proposed on-LOT sewerage and water system and location and size of each proposed storm pipe and catch basin.

(13) 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.

(14) (Reserved)

(15) 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 except for the placement of utilities, including but not limited to septic systems, wells, electric distribution, drainage structures, stormwater management structures, and other utilities.

(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 except for the placement of utilities, including but not limited to septic systems, wells, electric distribution, drainage structures, stormwater management structures, and other utilities.

(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 except for the placement of utilities, including but not limited to septic systems, wells, electric distribution, drainage structures, stormwater management structures, and other utilities.

(16) 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."

(17) The location, details and character of all exterior lighting or a note stating: "There will be no exterior lighting."

~~1. Editor's Note: Former Subsection B(5) was repealed 9-13-2023.~~

(18) The location of all buildings within 50 feet of the tract.

(19) 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.

(20) 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.

(21) Proposed topography at two-foot contour intervals.

(22) A note identifying the Tax Map and LOT number of the tract.

(23) The location of all existing buildings (including size and height), DRIVEWAYS, sidewalks, parking spaces, loading area, open spaces, large trees, open drainage courses, utilities, signs, exterior lighting, service areas, easements, landscaping, and other pertinent items.

(24) 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) Copies of any proposed or existing easements, covenants, deed restrictions or any other similar document pertinent to the PLAN.

(23) A copy of all applicable Town, State, County or Federal approval or PERMIT.

§ 276-13.2 Traffic Impact Analysis.

A. Submittals: All Applicants, except for lot line adjustments, minor SUBDIVSIONS, and minor SITE PLAN applications, must provide a traffic impact analysis for their proposed project. If the application is for a proposed use or a change of use with minimal traffic generation as verified by the Town of Hudson Planning Department, a waiver of full site plan review, or a site plan amendment, then a "Minor Analysis" may be provided at the discretion of the Planning Department. For all other projects a "Short Analysis" traffic impact analysis must be provided. If any of the following conditions apply, then a "Full Analysis" traffic impact analysis must be completed:

(1) Trip generation exceeding 1,000 average daily trips or 100 peak hour trips. Peak hour is defined as any of the following:

(a) AM peak hour (one hour between 7:00 to 9:00 AM),
(b) PM peak hour (one hour between 4:00 to 6:00 PM),
(c) Saturday midday peak hour (one hour between 10:00 AM to 1:00 PM), and
(d) Peak hour generator for certain land uses (e.g., school, movie theater) where the peak hour of the generator falls outside the three listed periods. Analysis of the Saturday midday peak hour typically only applies to retail or recreational uses.

(2) The Planning Department may require a "Full" analysis because of special circumstances at their discretion.

B. Required for "Minor Analysis".

(1) The Applicant shall provide a Traffic Letter after confirming with Planning Department Staff that the project would not be subject to a "Short Analysis".

(2) Trip Generation: The Traffic Letter shall include a trip generation analysis based upon the ITE Trip Generation Handbook - latest edition. Where the applicant feels the ITE trip generation is not representative of the proposed development, justification must be provided for alternative trip

generation methodology. If counts are performed to determine trip generation rates, the applicant must conduct two separate counts and provide full details of the count locations, including the size of the facility, percent occupancy, location, adjacent road Average Daily Traffic (ADT), time, and date of count.

C. Required for "Short Analysis"

The primary objective of a "Short Analysis" is to justify that a "Full Analysis" is not required. At a minimum, the "Short Analysis" must include the following:

(1) Description of Site: A brief narrative of the character of the site and adjacent properties, including land uses and other pertinent facts.

(2) Description of Roadways: A brief narrative of the study area roadway facilities, including the number of lanes, speed limit, major intersections, and locations of existing driveways within 500 feet of the site vicinity. A description of pedestrian and bicycle amenities such as sidewalks, crosswalks, bike lanes and handicap ramps shall also be completed.

(3) Sight Distance: Measurements shall be provided for each existing and proposed site driveway, based on the 85th percentile speed of the adjacent roadway. A comparison of the available sight distance at each study intersection with American Association of State Highway and Transportation Officials (AASHTO) standards shall be included.

(4) Trip Generation: In all cases, the analysis shall include trip generation calculations based upon the latest edition of the Institute of Transportation (ITE) Trip Generation Manual. Where the applicant feels the ITE trip generation is not representative of the proposed development, justification must be provided for alternative trip generation methodology. If counts are performed to determine trip generation rates, the applicant must conduct two separate counts and provide full details of the count locations, including the size of the facility, percent occupancy, location, adjacent road Average Daily Traffic (ADT), time, and date of count.

(5) Trip Distribution: At the "Short" analysis level, trip distribution shall be described in a report that demonstrates knowledge of area-wide land uses, roadway facilities, and predominant traffic flows by time of day. The analysis shall contain a percentage distribution of trips (by direction) to the adjacent roadway facilities and any relevant assumptions. All assumptions made shall be outlined, with justification, in the report.

(6) A New Hampshire licensed professional engineer shall stamp the report.

D. Required for "Full Analysis."

(1) It is recommended that the applicant meet with the Planning Department prior to submission of a site plan application in order to establish the study area and study area requirements.

(2) General Requirements: All information described in the "Short Analysis" must also be contained in the "Full Analysis".

(3) Existing Traffic Counts: In no case shall existing traffic counts used in the analysis be more than two years old (from the date of count to the date of the analysis submittal). If a significant change (e.g., new roadway or development) has occurred within the last two years, the Planning Department and/or Public Works Department can, at their discretion, require that new counts be conducted. Traffic counts shall include information on date, time, day of week, and name of the

firm or individual who performed the counts. Traffic counts shall be seasonally adjusted to the peak month conditions in accordance with NHDOT requirements.

(4) Design Year Traffic Projection:

(a) Design Year: The design year for traffic projections shall be 10 years from the opening year.

(b) The applicant shall obtain a list from the Town of Hudson containing all proposed developments permitted to date but not constructed, permitted and constructed but not occupied, and currently in the approval process within the study area. The traffic generated by these projects shall be added to the No-Build and Build analyses. Additionally, the background growth rate shall be determined based upon information obtained from the NH Department of Transportation or the Nashua Regional Planning Commission. The calculated background growth rate shall be completely documented and included in the study for review.

(c) Trip Generation: Traffic projection for trip generation is described in the "Short Analysis" section.

(d) Trip Distribution: The applicant shall provide justification for the assumed trip distribution. The trip distribution methodology should be representative of the type of development. Data may be obtained from employee zip code analysis, studies of similar sites, analysis of ADT on adjacent roadways, US Census Journey to Work and home-based work/non-work trips, or other sources. Graphic presentation shall be provided showing 1) peak hour trips added by the development, and 2) study area peak hour traffic volumes under each of the following scenarios:

(i) No-Build for opening year (typically one (1) to three (3) years from Application),
(ii) Opening year with proposed development (typically one (1) to three (3) years from Application),
(iii) No-Build for horizon design year (ten (10) years from Opening year), and
(iv) Build for horizon design year (ten (10) years from Opening year).

(5) Peak Hour Capacity Analysis: Capacity analyses are to be performed at all study intersections (including driveways) using the current Highway Capacity Manual Level of Service methodology for signalized and unsignalized intersections. Each of the four scenarios listed above must be analyzed at a minimum. A gap acceptance analysis should be provided in the case of adjustment to the default critical gap in the capacity analysis.

(6) Safety Analysis: Accident data for the roadways and intersections included in the study area shall be obtained from the Hudson Police Department and/or the NH Department of Safety. Accident history for the three most recent years available shall be summarized and compared to the Statewide or national rates established for the corresponding facility type (e.g., rural two-lane highway, urban arterial, etc.).

(7) Trucks: If the proposed development is a truck intensive use (warehousing, manufacturing, etc.), the location of loading docks and/or delivery drop-off areas shall be identified. The estimated frequency of trucks by time of day shall be provided.

(8) Parking: The study should contain a justification for the amount of parking provided for the proposed development. A comparison of Town standards to ITE estimates in the latest edition of

the ITE Parking Generation Manual should be included.

(9) Narrative: Discussion of the following shall be provided:

(a) Travel safety characteristics of any streets substantially impacted by allowing the "Build" alternative, considering such things as sight distance limitations, width limitations, horizontal or vertical alignment deficiencies, and surface conditions,
(b) Streetside safety of any streets substantially impacted, considering such things as the amount and type of development along such streets, presence of sidewalks, crosswalks, vehicle speeds, and any outstanding limitations in sight distance or road configuration,
(c) Impact on pedestrian safety and convenience, and
(d) Noise impacts on residential premises.

(10) Mitigation: Any mitigating measures proposed shall be described in detail and included in the analysis. It is imperative that the applicant identifies improvements to intersections even if they do not fund them fully. Transportation Demand Management (TDM), non-vehicular transportation and mass transit should be strongly considered as mitigating strategies.

E. PROCEDURE

(1) Applicants shall contact the Planning Department early in the project design regarding the scoping of any traffic studies, including consideration of the study area boundary, the definition of "alternative" where involved, and the type of mitigation, if any, which are likely to prove appropriate.

(2) Impact studies shall be submitted at the time of application for site plan review, to allow review prior to the public hearing or meeting at which the project will be presented to the Planning Board.

(3) Applicants shall coordinate with the New Hampshire Department of Transportation for all projects impacting state owned roadways. Submission of traffic impact analyses to the Town of Hudson in no way alleviate the applicant from following all NHDOT requirements.

F. Third-Party Traffic Review.

For any application requiring a Traffic Impact Study, the Planning Board shall not take final action on the application until the Town's third-party traffic review has been completed and the findings of that review have been provided to the Planning Board. The Applicant shall address all comments resulting from the third-party traffic review to the satisfaction of the Town Engineer prior to final Planning Board action.

§ 276-13.3 Environmental Impact Study.

A. The requirements of this section are intended to provide the Planning Board with sufficient information to evaluate potential impacts of proposed development and to incorporate appropriate measures for environmental protection into SUBDIVISION, SITE PLAN AND EXCAVATION PLAN approvals.

B. As part of SITE PLAN, SUBDIVISION PLAN, or EXCAVATION PLAN review, an Environmental Impact Study may be required when one or more of the following conditions apply:

(1) Presence of reported or reportable quantities of hazardous materials or petroleum contamination to soil or groundwater on the site;

(2) The site encompasses existing, former, closed, or capped landfill and solid waste disposal sites;

(3) The site encompasses existing or former JUNKYARDs;

(4) Development activity is proposed within Highest Ranked Habitat areas or Wildlife corridors identified by the NH Fish & Game Department's State Wildlife Action Plan.

(5) Development of facilities requiring an Air Quality Permit from the NHDES Air Resources Division under the statewide permitting program;

(6) Development of projects or facilities requiring a Groundwater Discharge Permit from the New Hampshire Department of Environmental Services (NHDES) for treatment and disposal of wastewater onto or into the ground;

(7) Development of projects or facilities required to obtain a federal National Pollutant Discharge Elimination System (NPDES) permit to discharge directly to a surface water.

(8) Development of facilities that would utilize, store, or generate regulated substances on the site in reportable quantities.

C. Upon determination that an Environmental Impact Study is required, the APPLICANT shall prepare an Environmental Impact Study that at minimum:

(1) Describes existing or proposed conditions identified in subsection § 276-13.3 A 1 through 8;

(2) Identifies any potential threats to air quality, surface and ground water quality, priority wildlife habitat or threats to human health that may result from conditions identified in subsection § 276-13.3 A 1 through 8;

(3) Describes in sufficient detail all proposed mitigation, containment or site management measures proposed, and

(4) Identifies all revenant state or federal permits and approvals required for project implementation;

D. The study shall be prepared by a qualified engineer, wetlands scientist, biologist, ecologist, environmental scientist, or other professional with demonstrated experience in his or her relevant field

E. The PLANNING BOARD may require third party review of the study by an independent qualified professional to assist in its review.

F. Receipt of relevant state or federal permits or approvals shall be accepted by the PLANNING BOARD and/or STAFF as satisfactory disposition of related environmental impacts identified under this section including receipt of Air Quality, Surface or Groundwater Discharge and Alteration of Terrain permits, Brownfields remediation Certificates of Completion and other relevant permits and approvals.

§ 276-13.4 General Requirements.

A. 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.

B. 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.

C. Open space equal to not less than the following percentages of the LOT (as defined in the Zoning Ordinance[6]) being developed shall be required, thus:

(1) Thirty-five percent, if the area of the LOT is located within the area bounded by the former corridor or RIGHT-OF-WAY of the Nashua-Hudson Circumferential HIGHWAY and the Merrimack River; or

~~**Editor's Note: See Ch. 334, Zoning.**~~

(2) Forty percent, if the area of the LOT is located outside of the area bounded by the former 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 except for the placement of utilities, including but not limited to septic systems, wells, electric distribution, drainage structures, stormwater management structures, and other utilities; there must be reasonable open space near or adjacent to each building or structure, including pavement, as determined by the PLANNING BOARD.)

D. 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.

E. 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.

F. 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:

G. 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.

H. 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.

I. 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:

(1) 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.

(2) 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.

(3) 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.

(4) The as-built PLAN shall be placed on the agenda of a PLANNING BOARD meeting for consideration and approval.

(5) 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~~ 13.4.

§ 276-~~11.2~~ 13.4. 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	Line type	Information
0	by layer	by layer	Blank
_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

Layer	**Color**	**linotype**	**Information**
_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
_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**	**line type**	**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.

§ 276-14. Application Completeness.

A. ~~Pursuant to NH RSA 676:4, BOARD's Procedures on Plats, the~~ 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, with the assistance of planning STAFF ~~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 and SUBDIVION applications, must ~~itself~~ be completed by the APPLICANT as part of the application submittal, if applicable. The planning STAFF shall review the submitted application checklist for correctness. Only The TOWN PLANNER or 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 TOWN PLANNER with the assistance of 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~~ inform the APPLICANT of the checklist items that are missing or need to be addressed.

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-~~6~~ 15. Fees.

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 the fee schedule is included on the respective application forms available at the Development Services Department located in the Hudson Town Hall and online, via the Town's website at this **link**.

A. All fees are the responsibility of the APPLICANT, and no applications would be considered complete until all fees are paid in full.

B. Denial Without Prejudice.

If an application is denied without prejudice, the APPLICANT shall remain responsible for all fees incurred in connection with the application. Any subsequent resubmission shall be subject to all applicable filing and review fees.

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

~~A. Table 1, Table 2 and Table 3 of this section shall list the required categories of fees and their applicable payment due periods. The current schedule of fees shall be maintained by the Hudson Town Clerk and shall be posted by the Hudson Town Clerk (increased, decreased, or eliminated) to reflect future changes to those schedules as directed by the TOWN OF HUDSON Board of Selectmen without further action required by the PLANNING BOARD, and a copy of that posting shall be provided to APPLICANTS with their APPLICATION forms.~~

~~B. All fees are the responsibility of the APPLICANT.~~

~~C. SITE PLAN Application Fees and Due Dates are specified in Table 1 of this chapter (insert the schedule from the Town Clerk's Office in Table 1).~~

~~D. EXCAVATION PERMIT Fees and Due Dates are specified in Table 2 of this chapter.~~

~~E. The DRIVEWAY PERMIT Application Fee is specified in Table 3.~~

~~F. The fees for SUBDIVISIONS are contained in the SUBDIVISION PERMIT APPLICATION.~~

~~**Table 1**~~

~~**SITE PLAN and SUBDIVISION Application Fees**~~

~~**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~~

~~* **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-~~12~~ 16. Escrow Deposit.

The PLANNING BOARD may require the APPLICANT ~~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, SUBDIVISION 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 APPLICANT ~~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-~~5~~ 17. Performance Sureties.

A. Need statement. Certain SITE PLAN, SUBDIVISION, EXCAVATION, DRIVEWAY, and stormwater management projects, because of size, scope, site and seasonal weather conditions, shall need to post a performance surety. The APPLICANT shall file a performance surety to guarantee completion of the project.

B. Surety types. The performance surety shall be either:

(1) In the form of the "Hampton Method Letter of Credit" (copy on file in the Town Planner's office); or

(2) A cash bond on deposit with the Town in an interest-bearing account.

C. Such performance surety shall guarantee all improvements as proposed by the APPLICANT and approved by the PLANNING BOARD.

D. SUBDIVISION performance sureties shall guarantee completion of streets, curbing, sidewalks, utilities, and other site-specific items as determined by the PLANNING BOARD.

E. SITE PLAN performance sureties shall guarantee plan implementation for any PLAN elements not completed at time of certificate of occupancy application.

F. EXCAVATION, DRIVEWAY, and stormwater management performance sureties shall guarantee the completion of any PLAN elements not completed by the date specified by the PLANNING BOARD in the plan. The performance surety shall have a time period as specified by the PLANNING BOARD.

G. Surety reductions or terminations. The ~~subdivider/site developer~~ APPLICANT 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 10% of the original road construction estimate ~~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~~ Board of Selectmen Acceptance.

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~~ APPLICANT, 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.

§ 289-18. Development Agreement required.

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

§ 276-~~13~~ 19. 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~~ APPLICANT 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~~ APPLICANT 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 NH Department of Environmental Services requirements. ~~the United States Department of Health, Education and Welfare publication titled Manual of Individual Water Supply Systems, Public Health Service Publication No. 24.~~

§ 276-~~15~~ 20. DIG SAFE.

All EXCAVATION, trenching, post hole digging, stump grinding, post driving, and any other underground work whatsoever shall require prior notification of DigSafe (phone #811 or 888-DIG-SAFE) as required by the RSAs.

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

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