Chapter 289

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

GENERAL REFERENCES

Driveways — See Ch. 193.

Excavation of soil — See Ch. 200.

Flood damage prevention — See Ch. 218.

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~~**Part 1**~~
~~**SUBDIVISION**~~
~~**Regulations**~~

ARTICLE I
General Provisions

§ 289-1. Authority.

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

§ 289-2. Title.

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

§ 289-3. Definitions.

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

§ 289-4. Highway monuments.

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

ARTICLE II
Application Procedure

§ 289-5. Preapplication submission and appearance. Application procedures. See Section § 276-3.

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

§ 289-6. Submission of application.

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

§ 289-7. Filing preliminary plan.

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

§ 289-8. Information required on preliminary plan.

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

§ 289-9. Revision of preliminary plan.

A. The BOARD, before taking formal action, shall hold a discussion with the SUBDIVIDER or his/her/ its agent(s) and may hear and confer with other parties whose interest may be affected by the proposed layout. After such discussion, and within 30 days of the receipt of the application and preliminary plan, the BOARD shall communicate in writing to the SUBDIVIDER the specific changes, if any, which it shall require in the preliminary plan, and the types and amount of construction or improvements it shall require as a condition precedent to the approval of the SUBDIVISION PLAN.

B. The BOARD may disapprove of the preliminary PLAN in its entirety but shall state its reasons for such disapproval.

C. The preliminary PLAN shall be approved or disapproved by the BOARD within 60 days, unless the SUBDIVIDER shall have agreed in writing to an extension of the period of consideration.

§ 289-10. Final plat.

1. The APPLICANT, after official notification by the BOARD with respect to the PRELIMINARY PLAN and the changes, if any, to be made therein, shall within six months thereafter file with the BOARD the final plat, the completed application, Form A (See Appendix[1]), and the accompanying material as described in Article V. The APPLICANT shall be furnished with a receipt therefor.

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

~~B. The APPLICANT shall tender offers of cession in a form certified as satisfactory by the Town legal counsel of all land included in streets, HIGHWAYs or parks not specifically reserved by him, but approval of the PLAT by the BOARD shall not constitute an acceptance by the Town of the dedication of any street, HIGHWAY, park or other public open space.~~

~~C. Performance sureties. Performance sureties, if required, shall be set and controlled by the provisions or § 276-4~~

~~**§ 289-11. Action on final plat.**~~

~~A. The BOARD shall consider any final PLAT submitted to it and shall act within 30 days to approve or disapprove the PLAT in accordance with RSA 674:41, as amended.~~

~~B. If the BOARD approves the plat, the Secretary of the BOARD shall transmit a copy of such approval in writing to the Register of Deeds of Hillsborough County. A copy of the final PLAT shall be retained by the BOARD, a copy shall be filed or recorded in the Office of the Register of Deeds of Hillsborough County by the BOARD and a copy shall be returned to the subdivider.~~

§ 289-~~12~~ 5. Conceptual future SUBDIVISION PLAN.

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

ARTICLE III
General Requirements

§ 289-~~6~~ 13. Requirements to be observed.

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

§ 289-~~7~~ 14. Conformity required.

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

§ 289-~~8~~ 15. Unsafe and flood hazard areas.

A. Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood or other menace shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, until appropriate measures have been taken by the SUBDIVIDER to eliminate such hazards. No floodway shall be obstructed.

B. Flood hazard.

(1) Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow a BOARD determination that:

(a) All such proposals are consistent with the need to minimize flood damage.

(b) All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.

(c) Adequate drainage is provided so as to reduce exposure to flood hazards.

(2) Adequate design information shall also be submitted to the BOARD assuring that new or replacement water systems and/or sanitary sewerage systems are designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and that on-site waste disposal systems are located so as to avoid impairment of them or contamination from them during flooding.

§ 289-~~9~~ 16. Shared ACCESS roads.

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

§ 289-~~10~~ 17. Lot requirements.

~~A.~~ For minimum area and frontage requirements for new residential SUBDIVISIONs, refer to the Hudson, New Hampshire, Zoning Ordinance, Article VII, Dimensional Requirements, Hudson Town Code § 334-27, Table of Minimum Dimensional Requirements.

~~B. (Reserved)~~

~~C.~~ B. No LOT that will result from a SUBDIVISION shall have an interior LOT line that intersects a front LOT line at an angle of less than 45° as measured from the front LOT line.

§ 289-~~11~~ 11 ~~18~~. Streets.

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

B. Cul-de-sac roads.[2]

(1) RIGHT-OF-WAY and pavement widths. Cul~~s~~-de-sac, or dead-end streets, designated to be permanently closed at one end, shall have a RIGHT-OF-WAY width not less than 50 feet leading up to the turnaround. The pavement width leading up to the turnaround shall be 24 feet. The pavement width for the turnaround shall be 24 feet. **[Amended 4-24-2019 by Amdt. No. 1]**

~~(2) Cul-de-sac roadway length. A cul-de-sac STREET shall not exceed 1,000 feet in length, and shall measure from the center point of the outside edge of the cul-de-sac turnaround to the point of intersection at the center line of an intersecting street. Said intersecting STREET shall have, at minimum, two intersections with other streets, leading to a collector/arterial STREET or limited ACCESS HIGHWAY.~~

(3) Radial turnaround. Closed ends of cul-de-sac streets shall be provided with a radial-shaped turnaround having a minimum RIGHT-OF-WAY radius of 75 feet and a minimum radius to the outside edge of pavement, or curb, of 65 feet. The illustrative sketches further define and clarify the turnaround requirements for dead-end or cul-de-sac streets.

(4) Landscaping. Cul-de-sac roadways shall have a permanent area in the center of the turnaround. The center of the turnaround shall have suitable drainage and/or landscaping as approved by the PLANNING BOARD.

(5) Signage. A dead-end informational sign shall be placed at the beginning of the cul-de-sac roadway. The dead-end sign shall have black lettering on a yellow background, a sign area of 18 inches by 24 inches and a minimum height of six feet measured from the ground to the top of the sign as affixed to a pole.

C. Horizontal and vertical curves.

(1) No horizontal curve shall have a center line radius of less than 150 feet except on a cul-de-sac.

(2) No vertical curve shall have K values less than the following: 40 Sag; 30 Crest. Note: K values at stop condition situations shall be evaluated on an individual basis.

D. Streets in cut or fill shall be provided with side slopes not steeper than two feet horizontal to one foot vertical. All side slopes shall be constructed outside the right-of-way.
STREET intersections and curves shall be designed to PERMIT adequate visibility for both pedestrian and vehicular traffic. Intersections shall comply with applicable sections of Chapter 193, DRIVEWAYS.

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

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

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

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

H. Streets shall be laid out to intersect as nearly as possible at right angles. No STREET shall intersect another at an angle of less than 60°. Streets entering opposite sides of another STREET shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their center lines. All STREET deflections shall be curved.

I. No STREET shall be accepted by the TOWN OF HUDSON until after a public hearing and approval, in writing, by the Board of Selectmen.

J. STREET and HIGHWAY layouts. All streets and HIGHWAYs in the TOWN OF HUDSON shall be laid out in accordance with the procedures outlined in RSA 234 and by the final PLAT of this chapter. A deed shall be given the Town by the OWNER of the SUBDIVISION covering all STREET areas within the SUBDIVISION.

K. STREET HIGHWAY layout requirements. Any person interested in having a STREET or HIGHWAY laid out by the Town shall petition therefor on a form to be supplied by the Board of Selectmen and shall attach to said petition a PLAN satisfying all requirements of this chapter and Chapter 334, Zoning.

L. PLAN requirements. The petitioner(s) for STREET or HIGHWAY layout shall cause to be prepared and submitted to the Board of Selectmen, in accordance with instructions from the Board of Selectmen, an accurate PLAN and profile, showing the present length of frontage of each LOT, the names of OWNERs thereof and the land to be taken, showing the number of square feet to be taken from each LOT and also showing such references to bounds and other marks on the premises as shall enable the Board of Selectmen to locate said STREET with accuracy.

(1) Said PLAN and profile shall be submitted to the Board of Selectmen with the petition for acceptance and shall contain a horizontal scale of one inch equals 50 feet and a vertical scale of one inch equals five feet.

(2) The PLAN and profile shall contain existing grades and proposed grades of all streets. Existing and proposed grades shall be adequately differentiated.

(3) The Board of Selectmen may make such alterations in the PLAN and proposed grades as they may deem necessary.

M. Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to, the names of existing streets within the Town. Where practical, names shall have an historical connection.[3]

N. All STREET names, in SUBDIVISIONs, shall be identified at all intersections by metal signs, in accordance with HIGHWAY Department specifications. The SUBDIVIDER shall, at his/her/its

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

own expense, install these STREET signs on metal posts, two inches inside diameter and 10 1/2 feet long, galvanized. The galvanized steel posts shall be set in concrete with the top of the post being eight feet above the ground, subject to approval by the PUBLIC WORKS DIRECTOR. The signs shall be metal, in conformity with new signs purchased by the Town, two-faced and reflectorized, six inches high with three-and-one-half-inch letters embossed and reflectorized with green background and white letters, of aluminum metal. The PUBLIC WORKS DIRECTOR is charged with the responsibility of approving final installation of all STREET signs. **[Amended 10-9-2018]**

O. Any bridge or culvert shall be designed by a registered engineer, which design shall accompany the preliminary layout.

P. STREET and HIGHWAY acceptance requirements. Upon completion of the layout proceedings, the parties interested in having the Town accept the STREET or HIGHWAY shall petition therefor on a form to be supplied by the Board of Selectmen, but no STREET or HIGHWAY shall be accepted unless or until the provisions of this chapter are fully satisfied.

Q. Installation of improvements.

(1) The PLANNING BOARD shall weigh the burden that proposed DEVELOPMENT places on public facilities, infrastructure, sewers and amenities and shall require the installation of public improvements, both on-site and off-site, to compensate for this burden. Improvements may include, but are not limited to:

(a) Granite curbing.

(b) Sidewalk and STREET trees and landscaping.

(c) Improvements to existing roadways and drainage.

(d) Traffic control devices.

(e) Open space.

(f) Recreational space.

(g) Moneys granted in lieu of land for recreational space, which shall be held by the Town in a nonlapsing fund for the future purchase and DEVELOPMENT of recreational space/ facilities to serve this particular neighborhood/development.

(h) Improvements to nearby traffic corridors as warranted by the Town's cost allocation procedure traffic study.

~~(2) All requested improvements, whether on-site or off, shall be consistent with the standards enunciated by the New Hampshire Supreme Court and this legislature.~~

R. The arrangement, character, extent, width, grade and location of all streets shall conform to the Master PLAN whenever possible and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.

S. Where such is not shown in the Master Plan, the arrangement of streets in a SUBDIVISION shall either:

(1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(2) Conform to a PLAN for the neighborhood approved or adopted by the BOARD to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

T. Service streets shall be so laid out that their use by through traffic shall be discouraged.

U. Where a SUBDIVISION abuts or contains an existing or arterial street, the BOARD may require marginal-access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep LOTs with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

V. Where a SUBDIVISION borders on or contains a railroad RIGHT-OF-WAY or limited-access HIGHWAY right-of-way, the BOARD may require a STREET approximately parallel to and on each side of such RIGHT-OF-WAY at a distance suitable for the appropriate use of the intervening land, as for park purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

W. Pedestrian rights-of-way not less than 15 feet wide may be required where deemed essential to provide circulation or ACCESS to schools, playgrounds, shopping centers, transportation or other community facilities. Where such pedestrian rights-of-way are provided, the developer shall clear the areas of obstructing rocks, trees and undergrowth, bring the RIGHT-OF-WAY to suitable grade and construct a four-foot-wide BITUMINOUS CONCRETE sidewalk in accordance with the Department of Public Works specifications.

X. All proposed streets shall be designed with intersections of not more than two-percent slope for a distance of 100 feet from the edge of pavement of the intersection to the first point of vertical curvature. The center line of the intersecting streets shall intersect one another as near to a ninety-degree angle as possible but not less than 60°.

Y. Sidewalks shall be required along either side of the following STREETS or within 1/4 mile of these STREETS within Town limits: Lowell Road (Route 3A), Central Street (Route 3A & 111), Ferry Street (Route 111), Derry Road (Route 102) , and Chase Street (Route 3A). Providing Sidewalks on all other STREETS shall be at the discretion of the PUBLIC WORKS DIRECTOR.

Z. DRIVEWAYS for all lots connecting to a STREET within a proposed SUBDIVISION shall comply with all applicable sections of Chapter 193, DRIVEWAYS.

§ 289-12 ~~19~~. Utilities.

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

§ 289-13 ~~20~~. Flood, stagnant and stormwater.

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

A. LOTs shall be laid out and graded to eliminate flood or stagnant water pools.

(1) Where a building foundation is less than one foot above finished road grade, suitable mechanical or natural drains shall be installed, subject to approval of the Selectmen.[4] The type of construction and size of pipe shall be clearly designated on the final plot plan, as

approved by the BOARD.
No water shall be permitted to run across a STREET on the surface, but shall be directed into catch basins and piped underground in a pipe of adequate size, approved by the Selectmen,[5] in writing.

B. Where feasible, stormwater should be directed to enter the nearest open STREAM channel.

(1) Stormwater runoff, except in areas where the LOT size is 40,000 square feet or larger, or where it is in already existing open STREAM channels, shall not be permitted to flow upon the surface for a longer distance than 4,000 feet before it enters the underground system.

(2) Catch basins shall be located on both sides of the roadway in continuous grades at intervals of not more than 400 feet at all sags in the roadway and near the corners of the roadway at intersecting streets.

C. A STORMWATER MANAGEMENT PLAN shall be prepared in accordance with ~~including and using the following guidelines. NOTE: In preparing the STORMWATER MANAGEMENT PLAN, please refer to and comply with the requirements provided in~~ Chapter 290, Stormwater Management and Erosion Control, of these LAND USE REGULATIONS.

~~(1) No STORMWATER RUNOFF in excess of rates existing prior to new construction shall be allowed to be discharged onto a public way or into a public drainage system unless there is sufficient capacity to handle the additional runoff. All drainage shall be designed to achieve a zero increase in runoff for both peak and volume where practicable.~~

~~(2) The direction of flow of runoff through the use of arrows.~~

~~(3) The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers. If infiltration systems are proposed as part of a stormwater management plan, test pit and percolation test data in the vicinity of the proposed infiltration system(s) must be provided.~~

~~(4) Engineering calculations used to determine drainage requirements shall be based upon minimum storm frequency design events as follows:~~

~~(a) Ten-year storm event for closed drainage systems and local roadside ditches.~~

~~(b) Twenty-five-year storm event for culverts, major ditches and swales and detention ponds.~~

~~(c) Fifty-year storm event for bridges.~~

~~(5) Certification by a licensed professional engineer. (See RSA 310-A.)~~

~~(6) Any other specific study, calculation or investigation as requested by the Town Engineer.~~

~~[NOTE: Generally speaking, the stormwater drainage PLAN is probably the single most important element of the entire SITE PLAN. Yet, traditionally, it has been one of the most neglected elements. The Hudson PLANNING BOARD recognizes that oOnly a professional engineer, licensed in accordance with RSA 310-A, can certify the adequacy of proposed drainage plans. APPLICANTs are expected to make the same recognition or to discuss this matter with the PLANNING BOARD. The PLANNING BOARD emphasizes that the criteria listed in § 289-20C(1) through (6) are minimum requirements stated for these general regulations. It is expected that the~~

~~Town Engineer shall have the latitude to more precisely define the criteria once a specific proposal is before the PLANNING BOARD.]~~

~~**2. Editor's Note: Approval of the size of the underground pipe is provided by the PLANNING BOARD.**~~

§ 289-15 ~~21~~. Utilities easements.

A. Easements for utilities across LOTs or centered on rear or side LOT lines shall be provided where necessary and shall be at least 15 feet wide, except for watercourses proposed for public control, which shall have a permanent easement of not less than 20 feet.

B. Where a SUBDIVISION is traversed by a watercourse, drainageway, channel or stream, the BOARD may require that there be provided a stormwater easement or drainage RIGHT-OF-WAY of adequate width to conform substantially to the lines of such watercourse, drainageway, channel or STREAM and to provide for construction or for other necessary purposes.

~~**§ 289-22. Open spaces.**~~

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

§ 289-16 ~~23~~. Natural features.

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

§ 289-17 ~~24~~. Reserve strips restricting access to public use land.

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

§ 289-18 ~~25~~. Remnants of lots.

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

ARTICLE IV
Preliminary Plan

§ 289-26. Form; required information.

A. Each SUBDIVIDER shall file with the BOARD three black-and-white copies of a preliminary PLAN at a horizontal scale of one inch to either 20 feet, 40 feet, 50 feet or 100 feet and a vertical scale of not more than 40 feet to the inch. The overall sheet size shall be 24 inches by 36 inches, with separate sheets numbered and showing their relationship to each other by means of match marks. A margin of at least one inch shall be provided outside ruled border lines on three sides and of at least two inches along the left side for binding.

B. The preliminary PLAN shall show or be accompanied by the following information:

(1) Proposed SUBDIVISION name, signature and address of OWNER of record, signature of SUBDIVIDER and engineer or surveyor, date and North point and scale.

(2) Names of OWNERs of record abutting properties certified by the Selectmen[6] on Form B (see Appendix[7]), abutting SUBDIVISION names, streets, easements, setbacks, alleys, parks and public open spaces and similar facts regarding abutting property.

(3) Location of property lines and their approximate dimensions; existing easements, buildings, watercourses, ponds or standing water, rock ledges and other essential features.

(4) Existing water mains, sewers, culverts, drains and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage; location of each percolation test hole and the results, each proposed septic tank and drainage field, each proposed well and typical designs of proposed on-LOT water and sewerage systems. A certificate of approval from the Board of Health of the TOWN OF HUDSON[8] shall be required when on-LOT utilities must be installed.

(5) Location, name and RIGHT-OF-WAY widths of existing and proposed streets and HIGHWAYs within the SUBDIVISION and on abutting land within 200 feet, along with their grades and profiles, and the elevations of sufficient points on the property to indicate the general topography of the property. For land that slopes less than approximately 2%, spot elevations at all breaks in grade, along all drainage channels or swales and at selected points not more than 100 feet apart in all directions; for land that slopes more than approximately 2% either contours with an interval of not more than five feet, if ground slope is regular, or not more than two feet, if ground slope is irregular. If any of the aforesaid features cannot be so indicated on the primary drawing, an additional sheet drawn to a scale of 100 feet to the inch or 200 feet to the inch shall be submitted to satisfy the requirements of this section. Aerial photography or Town topographic mapping which suitably depicts the aforementioned features and properly identifies the tract may be used for this purpose.

(6) Proposed LOTs, approximate square foot size of each LOT and setback lines. House numbers shall be assigned as directed by the Board of Selectmen and shown on the final plat.[9]

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3. Editor's Note: The certified list of abutting OWNERs of record may be obtained from the Assessor's Office.
4. Editor's Note: The appendix is available and on file in the Town offices.
5. Editor's Note: Approval is required from the state for on-LOT utilities.

~~6. Editor's Note: House numbers are assigned by the Fire Department. For related provisions, see Ch. 281, Street Numbering.~~

~~(7) Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication, and a copy of such private deed restrictions as are intended to cover part or all of the tract.~~

~~(8) Preliminary designs of any bridges or culverts which may be required.~~

~~(9) Where the preliminary PLAN submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future STREET system of the unsubmitted part shall be furnished, and the STREET system of the submitted part shall be considered in the light of adjustments and connections with the STREET system of the part not submitted.~~

~~ARTICLE V~~
~~Final Plat~~

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

~~A. PLANNING BOARD approval block.~~

~~(1) Eight printed copies of the original PLAN shall be submitted for approval and subsequent recording. The size of sheet, margins and scales shall be as required in Article IV, Preliminary Plan. A minimum two-inch-by-six-inch approval block containing the statement "Approved by the Hudson, NH PLANNING BOARD," one line with the words "Date of Meeting: _____," and two lines for the signatures of the PLANNING BOARD Chairman and Secretary. The signature line shall provide space for the signature, follow with the words "Signature Date: _____."~~

~~(2) The following sentences shall be included within the approval block: "SUBDIVISIONs are valid for two years from the date of PLANNING BOARD meeting final approval. For an APPLICANT to gain an exemption from all subsequent changes in SUBDIVISION regulations, SITE PLAN regulations and changes to the Zoning Ordinance, see NH RSA 674:39."~~

~~(3) The PLANNING BOARD approval block shall be located on the lower left corner of each sheet in the PLAN set.~~

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

~~(1) Proposed SUBDIVISION name or identifying title, the name and address of OWNER of record and subdivider, and the name, license number and seal of the engineer and/or name and address of surveyor.~~

~~(2) STREET lines, setback lines, pedestrian ways, LOT lines, LOT sizes in square feet, identification number for each LOT, reservations, easements and areas to be dedicated to public use and areas the title to which is reserved by the developer.~~

~~(3) STREET cross sections, approximate grades and profiles and designs of any bridges or culverts.~~

~~(4) Proposed layout of storm drainage, water supply and sewage disposal systems.~~

~~(5) Typical design and location of each proposed on-LOT sewerage and water system and location and size of each proposed storm pipe and catch basin.~~

~~(6) Sufficient data to determine readily the location, bearing and length of every STREET line, LOT line, boundary line and to reproduce such lines upon the ground. All dimensions shall be shown to the nearest hundredth of a foot and bearings to the nearest 30 seconds. The error of closure shall be one in 10,000 or better. The final PLAT shall show the boundaries of the property.~~

~~(7) Location and description of each permanent monument and benchmark, including primary control points and reference to a USGS (United States Geological Survey) benchmark.~~

~~(8) Reference to recorded SUBDIVISION plats of adjoining platted areas by county registry record, name, date and number.~~

~~(9) Sworn statement by OWNER dedicating streets, rights-of-way and any sites for public use.~~

~~(10) A locus plan, drawn at a scale of one inch equals 1,000 feet, which shall depict STREET RIGHT-OF-WAY lines, major utility lines, external property lines, waterways and any feature usually shown on the Official Town Map.~~

~~C. All sheets of the PLAN set, recommended by STAFF to be recorded, and approved by the PLANNING BOARD, shall be recorded at the Hillsborough County Registry of Deeds at the APPLICANT's expense, with the provision that any subsequent changes to these PLANS might also be required to be so recorded, at the option of the PLANNING BOARD, at the APPLICANT's expense.~~

ARTICLE IV ~~VI~~
Improvements

§ 289-19 ~~28~~. Requirements.

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

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

B. The paved roadway shall have a minimum width in accordance with the type of street, as defined in § 289-3, as follows:

(1) Major streets, collector streets and commercial streets shall be paved a minimum of 36 feet or wider where the PLANNING BOARD determines that the nature and/or intensity of the proposed use would require a wider pavement.

(2) Residential streets, service streets and access streets of 1,000 feet in length or less shall be paved 24 feet wide. Residential streets, service streets and access streets greater than 1,000 feet in length shall be paved 28 feet wide. **[Amended 4-24-2019 by Amdt. No. 2]**

C. The roadway shall be constructed in accordance with the specifications of the Engineering Department and the typical roadway cross-section as approved by the PLANNING BOARD.[12]

D. All proposed drainage facilities and culverts shall be installed in accordance with the specifications of the Engineering Technical Guidelines & Typical Details, the Engineering Department and as approved by the PLANNING BOARD.

E. The roadway shall be graded and paved to the final grade in accordance with the profile and cross section submitted.

F. Slope granite curbing shall be installed on both sides of the proposed roadway.

~~G. A BITUMINOUS CONCRETE sidewalk four feet wide shall be constructed on one side of the proposed roadway.~~

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7. **Editor's Note: Improvements are to be installed and supervised by the PLANNING BOARD.**
8. **Editor's Note: The locations of monuments are determined by the PLANNING BOARD.**
9. **Editor's Note: The Typical Cross-Section Subdivision Street illustration is included as an attachment to of this chapter**

~~ARTICLE VIIIC~~
~~**Street Disposition Awareness**~~

§ 289-~~20 40~~. Identification of unaccepted streets; responsibility of developer.

A. Purpose. Residents and prospective residents need to know what kind of maintenance and support can be expected for the streets on which they live. Such persons need to be able to easily determine that a given STREET is accepted and maintained by the Town. The purpose also is to promote safety as much as possible.

B. Signage; warning signs. For all new DEVELOPMENTs, a warning sign shall be placed at the junction where an unapproved street(s) meet(s) an approved street(s). Such warning sign shall be installed at the developer's own cost. Sign message shall read: "Notice: Unaccepted Street, Maintenance is the Responsibility of Developer or ABUTTERs, Pass at Own Risk." This warning sign shall remain in place until the STREET in question is accepted by the Town. Until Town STREET acceptance, sign maintenance shall be the responsibility of the developer.

C. Signage design specifications.

(1) Dimensions for sign area: 24 inches wide by 30 inches high.

(2) Background of sign: white.

(3) Lettering: black.

(4) The sign shall conform to the Manual on Uniform Traffic Control Devices.

D. Signage cost, if purchased through the Town of Hudson. The sign may be ordered through the Hudson Department of Public Works. Including sign post and mounting hardware, the cost is $100. Payment is required at time of sign order. The developer may choose to acquire the sign without purchase through the Town.

E. Signage installation. The sign shall be installed by the developer.

F. Winter maintenance bond. Prior to the issuance of a building PERMIT for any dwelling or other habitable structure on an unaccepted street, the developer/OWNER of such a STREET shall be required to post a winter maintenance bond with the Town. The winter maintenance bond shall be separate from the SUBDIVISION performance bond and any escrow fees that the developer establishes with the Town. The winter maintenance bond shall be designed to reimburse the Town for the potential cost of maintaining an unaccepted street, should said party of responsibility fail to do so in a manner deemed acceptable by the Town PUBLIC WORKS DIRECTOR, resulting in the Town being forced to use the Emergency Lane Statute (i.e., NH RSA 231:59-a) to maintain the street. **[Amended 10-9-2018]**

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

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

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

~~ARTICLE IX VIIIE~~
~~Utilities~~

§ 289-21 ~~42~~. Utility Installation requirements.

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

~~ARTICLE VIIIF~~
~~Application Completeness~~

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

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

~~ARTICLE VIIIG~~
~~Electronic Copy of plan~~

~~**§ 289-44. Form requirements.**~~

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

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

~~**Part 2**~~
~~**Streets In Subdivisions**~~

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

ARTICLE V ~~VIII~~
Phased Lot Approval Plan

§ 289-22 ~~36~~. Review of subdivision effect on services.

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

§ 289-23 ~~37~~. Plan schedule and form.

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

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

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

B. Final PLANS shall be drawn up to meet all other SUBDIVISION requirements, except that a Master PLAN for the SUBDIVISION shall be submitted to the PLANNING BOARD showing which LOTs and how many will be submitted for each phase. A phase (first) shall constitute one

year from the date of final approval, and each subsequent year shall constitute a subsequent phase (second, third, etc.). The Master PLAN shall not be filed at the registry but shall be retained by the SUBDIVIDER and PLANNING BOARD.

C. The final PLAN submitted by the SUBDIVIDER for the final hearing shall show only those LOTs being approved for that phase. Other future LOTs shall be shown on the Master Plan. Roads may be built in sections and temporarily terminated by a cul-de-sac until continued.

~~ARTICLE VIIIA~~
~~DEVELOPMENT Agreement~~

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

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

~~ARTICLE VIIIB~~
~~Incomplete and Inactive SUBDIVISION or SITE PLAN Application plan sets~~

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

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

ARTICLE VII~~I~~
Administration

§ 289-24 ~~29~~. Agent to receive preliminary plans and final plats.

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

§ 289-25 ~~30~~. Responsibility to institute legal action.

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

~~**§ 289-31. Variances.**~~

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

§ 289-26 ~~32~~. Amendments.

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

§ 289-27 ~~33~~. Interpretation.

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

§ 289-28 ~~34~~. Severability.

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

§ 289-29 ~~35~~. Effective date.

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

~~ARTICLE IX~~
~~Surfacing and Costs of Surfacing~~

~~(Article 21, voted in the affirmative 3-14-1967 by the Annual Town Meeting, reads as follows: "To see if the Town shall vote to rescind the action taken under Article 26 of the 1963 Town Meeting relative to the surfacing of streets in subdivisions and substitute in its stead the following: To see if the Town shall vote to require OWNERs or developers of new subdivisions, subdivisions with unsold LOTs or homes owned by the subdivider or his/her/its agents, to surface all unsurfaced streets either by the Town at total cost, including equipment, or by a private contractor under supervision of the PUBLIC WORKS DIRECTOR.[13] A bond shall be required from the subdivider, developer, or his/her/its agents to insure faithful performance and guarantee that the paving shall be in accordance with Town specifications.")~~

~~**Editor's Note: The term "Road Agent" was changed to "Public Works Director" 10-9-2018.**~~