

SECTION 3. DEFINITIONS

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

3.02 **Applicant:** Shall mean the owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the duly authorized agent of any such owner.

3.03 **Approval:** Shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these Regulations and in the judgment of the Board, satisfies all criteria of good planning and design.

3.04 **Board:** Shall mean the Planning Board of Jackson, New Hampshire.

3.05 **Building:** Shall mean any combination of materials, whether portable, movable or fixed, having a roof and enclosed with exterior walls, built to form a structure for shelter.

3.06 **Building Site:** Shall mean that portion of a lot, tract or parcel of land upon which a single building is placed or is to be placed.

3.07 **Cluster Development:** Shall mean a residential subdivision of a tract of land where dwelling units are grouped on lots of reduced dimensions. The remaining land in the tract which is not built upon is reserved as permanently protected open space.

3.08 **Condominium:** Shall mean real property and any interests therein, lawfully submitted to the state under RSA 356-B by the recordation of condominium instruments pursuant to the provisions of RSA 356-B. No project shall be deemed a condominium unless the undivided interest in the common area is vested in the unit owners.

3.09 **Driveway:** Shall mean an area located on a lot, tract or parcel of land, and built for access to a garage or off-street parking space, serving not more than two (2) lots or dwelling units except in the case of cluster single-family and multi-family developments in which up to four dwellings may be served by a driveway.

3.10 **Dry Hydrant:** Shall mean a hydrant without water pressure, for use with a pump truck.

3.11 **Dwelling Unit:** Shall mean a room or rooms, with its own sanitary and kitchen facilities forming a habitable unit, used or intended to be used for living, sleeping, cooking, eating and sanitation.

3.12 **Easement:** Shall mean authorization by a property owner for the use of any designated portion of his/her property by another for a specified purpose.

3.13 **Engineer:** Shall mean the designated duly registered/licensed professional or civil sanitary engineer, as required by the N.H. Licensing Laws.

3.14 **Fire Pond:** Shall mean a man-made or natural pond used as a potential water source for fire fighting.

3.15 **High Intensity Soil Survey (HISS):** Shall mean an on-site soil survey carried out by a certified soil scientist according to the standards for a HISS developed by the Society of Soil Scientists of Northern New England. (renumber)

3.14 **Land Development:** Shall mean the process of changing the character of the land from its existing condition by any construction or grading activities including but not limited to placing a building or structure on the land.

3.15 **Lot:** Shall mean a parcel of land or any part thereof designated on a plat to be filed with the Register of Deeds by its owner or owners as a separate lot – a parcel or portion of lands separated from other parcels or portions of land by a description as on a subdivision or record of survey map or by metes and bounds for the purpose of sale, lease or use.

3.16 **Lot Line:** Shall mean the property line dividing a lot from a street right-of-way, a body of water or adjacent lot or property.

3.17 **Lot Line Adjustment:** Shall mean the exchange of abutting land among two or more owners which does not increase the number of owners or the number of lots.

3.18 **Lot Size:** Shall mean the total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes.

3.19 **Master Plan:** Shall mean the comprehensive plan or a plan for development for the municipality as defined in RSA 674:2.

3.20 **Open Space:** Shall mean an area of land dedicated without roads or buildings, save building appurtenant to specific family dwelling units. Such open space shall be reasonably located for owners of dwelling units who shall have rights therein for all subsurface uses, surface uses, and for recreational type purposes. This shall include the commercial recreational use of open land for golf courses, ski areas and other commercial recreational uses existing and operating as of December 13, 1974, as may be recommended by the Board and approved by the Selectmen.

3.21 **Plat:** Shall mean a map, plan, drawing or chart on which a subdivision of land is shown, and Final Plat means the final map, plan, drawing or chart on which the sub-divider's plan or subdivision is presented to the Board for approval and which, if approved, will be submitted to the Register of Deeds of Carroll County for recording.

3.22 **Preapplication Phases:** Shall mean the two optional steps, Conceptual Consultation and Design Review, that an applicant may follow prior to filing a completed application.

3.23 **Right-of-Way:** Shall mean a strip of land used for or intended to be used for a street, road, crosswalk, water main, sanitary or storm sewer main, or for other special use including public use.

3.24 **Road, Private:** Shall mean a highway, street, road, avenue or way not open to public use as a matter of right for vehicular travel, the maintenance and repair of which shall be borne by the subdivider, abutting landowners or an association of abutting landowners.

3.25 **Setback:** Shall mean the distance between a legal boundary such as a right-of-way, property line, or lot line and any part of a building or other entity subject to setback regulations.

3.26 **Street/Road:** Shall mean a state highway, or a town highway, street, road, avenue, land and/or other way including a private roadway which exists for vehicular travel. The terms "street" and "road" shall include the entire right-of-way.

3.27 **Subdivider:** Shall mean any individual, firm, association, syndicate, co-partnership or corporation, trust or other legal entity having commenced proceedings under these regulations to affect a subdivision of land hereunder for himself or for another.

3.28 **Subdivision:** Shall mean: I. The division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or Land Development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. II. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision. III. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision under this definition, and shall not be deemed to create any new subdivision of land for any other purpose.

3.29 **Surveyor:** Shall mean a duly designated registered/licensed land surveyor as required by the N.H. Licensing Laws.

3.30 **Time Sharing (Time Sharing Interest):** Shall mean the exclusive right to occupy one or more units for less than 60 days each year for a period of more than 5 years from the date of execution of an instrument for the disposition of such right, regardless of whether such right is accompanied by a fee simple interest or a leasehold interest, or neither of them, in a condominium unit. Time sharing interest shall include "interval ownership interest", "vacation license" or any other similar term.

