#### **LAUNDROMAT-A** facility where patrons wash, dry, or clean clothing or other fabrics in machines owned by the facility and operated by the patron and or facility personnel.

**LIGHT I NDUST RY--** An activity primarily concerned with the enclosed manufacturing, processing or warehousing of goods that employs no more than 30 persons, and that causes no traffic congestion, undue noise, vibration, odor or other nuisance and poses no hazard to public health or safety.

**LIVESTOCK AUCTION-** The use of buildings and/or land for the selling of livestock by means of a request or invitation for bids by a licensed Livestock Dealer

**LOT, CORNER--A** lot situated at the intersection of two streets.

#### **LOT--An** individually designated parcel of land

**MANUFACTURED HOME SA LES- -** The use of any building, land area or other premises for the display and sale of manufactured or mobile homes.

**MOBILE HOME or MANUFACTURED HOUSING** shall have the same meaning as defined in RSA 674:31

**MOBILE HOME PARK OR MANUFACTURED HOUSING PARK--A** parcel of land upon which mobile homes may be placed upon rented spaces.

**MOBILE HOME SUBDIVISION OR MANUFACTURED HOUSING SUBDIVISION--** A subdivision occupied

#### exclusively by mobile homes sited on individually owned lots, each of which complies with the minimum lot area and frontage requirement of this chapter.

**MODULAR BUILDING ~~Shall be as described in RSA 205: C XI [Added ATM 3 15 2017 ART.2]~~ A Modular Building shall adhere to the requirements of RSA 205C. Modular Buildings may be used for Commercial, Residential or Accessory uses. Modular Buildings require a Building Permit and must meet all Town Code requirements prior to receiving a Certificate of Occupancy.**

#### **MOTOR VEHICLE SALES--** The use of any building, land area or other premises for the display and sale of new or used automobiles, motorcycles, trucks, vans, trailers, farm machinery or recreational vehicles, and including any warranty repair work and other repair service conducted as an accessory use.

**MOTOR VEHICLE SERVICE STATION AND REPAIR GARAGE--** Land or structures used for either or both the sale of petroleum products, motor fuel, oil or other fuel for the propulsion of motor vehicles; the maintenance, servicing, repairing or painting of vehicles.

**MULTIFAMILY DWELLING--Any** building incorporating more than two dwelling units

#### **MUNICIPAL FACILITY--** Any utility, street, sidewalk structure, building or other facility owned and maintained by the Town of Hillsborough.

**MUSEUM--** An institution for the acquisition, preservation, study and exhibition of works of artistic, historical or scientific value, which may include the sale of museum pieces, replicas and display-related articles, and food service for visitors, as accessory uses.

**NET RESIDENTIAL DENSITY--** The maximum density allowed in a residential subdivision determined from the net area of the parcel that is available for residential development after deduction of vehicular rights-of-way and land not useable because of drainage, subsurface conditions, or other impediment,

including, but not limited to, wetlands, floodplains, steep slopes, or ledges.

**NIGHT CLUB--** An entertainment facility for dancing, concerts or other live performances, usually consisting of a bar or lounge and perhaps a restaurant.

**NURSERY SCHOOL/PRE-SCHOOL--** Early childhood (ages 6 and under) educational institution, including accessory uses, operated by a parochial or private institution.

**NURSING HOME, RETIREMENT HOME or SUPERVISED GROUP HOME—**A place, other than a hospital, which maintains and operates group living facilities and may provide nursing care.

#### **OFFICE--** *A* building or portion of building wherein services are performed involving predominantly administrative, professional, or clerical operations. Does not include a Home Business or a Home Occupation.

**PARKING FACILITY--**Anoff-street area either inside or outside a building, designed for the temporary storage of motor vehicles.

**PARKING SPACE--** *A* portion of a lot for the temporary location of a licensed motor vehicle, the dimensions of which are at least 10 feet wide by 18 feet long (not including access driveway areas). *A* parking space must have direct access to a street, alley or approved right-of-way. Parking spaces dedicated specifically to residents or employees, or for compact vehicles, and measuring less than the standard parking space size may be permitted as part of the Site Plan Review process.

#### **PERSONAL SERVICES** -- Establishments engaged to providing products or services to the general public. Examples of such uses include but are not limited to: Fitness Centers and Gyms, Barber Shops, Hairdressers, Travel Agencies, Caterers, and Shoe Repair.

**PLANNED UNIT DEVELOPMENT--Cluster** development involving other than single-family dwelling units

**PLANNING BOARD or BOARD--** The Town of Hillsborough Planning Board

#### **PRIVATE ROAD--** *A* road which is not serviced by the Town of Hillsborough or the State of NH and which serves more than two lots, sites, or dwelling units.

**PRE-SITE BUILT HOUSING Per RSA 6 74:31 - as amended, is any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, on the building site. Pre-site built housing shall not include manufactured housing, as defined in RSA 674:31.**

**PROFESSIONAL BUILDING--A** building partially or primarily used for offices in which professional services are offered or performed. Such services include, but are not limited to: doctor, dentist, lawyer, 66accountant, architect, therapist, realtor, photographer or other professions where service is provided to clients primarily on an individual basis **[Added 3-14-2006 ATM by Art. 5]**

**RECREATION, INDOOR--** Includes an indoor bowling alley, table tennis facility, pool hall, skating rink, gymnasium, swimming pool or similar place of indoor recreation.

**RECREATION, OUTDOOR--** Includes a trap, skeet and/or archery range, golf course, hunting preserve, swimming pool, amusement park, outdoor concert area, tennis court, skiing facility or similar place of

**WORKFORCE HOUSING--** Shall have the same meaning as specified in RSA 674:58 IV

**YARD SALE--An** outdoor sale of new or secondhand articles held on a residential premises by the owner(s) of the premises or by the owner and his neighbors. **[Added by the ATM 3 -1 2-1 9 9 1 by Art. 2]**

§ **229-7. Conflicts**

The provisions of this chapter shall be the minimum requirements for achieving the purposes stated. Wherever the provisions of this chapter conflict with the provisions of any other legally adopted ordinance, regulation or ruling, the more restrictive or the higher standard shall apply.

§ **229-8. ~~Building Height~~**

**~~Maximum height of all buildings shall not exceed fifty (50) feet above grade level. Steeples, cupolas, chimneys, antennas and other service appurtenances shall not be considered in determining height. Barns designated for livestock occupancy and silos v1here necessary to carrying on an agricultural operation are exempt from the height provisions of this chapter. [Amended 3-12-13 ATM by ART 3]~~**

§ **229-9. Unsafe Buildings**

Any building or structure determined to be unsafe by the Selectmen shall be repaired or demolished within 90 days of written notice of unsafe condition or such longer period as shall be set forth by the Selectmen. In the case where a building is demolished, the debris shall be removed, the cellar hole filled in and the area graded to blend with the surrounding area.

§ **229-10. Stream and Shoreline Protection [Amended TM 2015]**

No building or impervious surface shall be located within 75 feet of the average mean high water level of any lake, pond or stream with a normal year-round flow. Boathouses are exempt from this provision. See Chapter 160 for the special two-hundred-foot setback from Loon Pond, and see§ 229 -36, Waterfront development, of this chapter, for additional regulations applicable to lots on lakes and ponds.

§ **229-11. Outdoor Sales [Added 3-12-1991 ATM by Art. 2]**

1. Flea markets, yard sales and other similar types of outdoor sales shall not be conducted for more than three consecutive days, after which all evidence of sale and merchandise shall be removed.
2. Such sales shall not exceed a total of five days in any fourteen-day period.

§ **229-12. Reserved ~~Modular Building [Added ATM 3-15 2017 art.2]~~**

**~~A Modular Building shall adhere to the requirements of RSA 205C. Modular Buildings may be used for Commercial, Residential or Accessory uses . Modular Buildings require a Building Permit and must meet all Town Code requirements prior to receiving a Certificate of Occupancy.~~**

§ **229 -1 3. Recreational Camping Permit: Property Owners**

**[Added TM 2015]**

**~~A~~~~"Recreational Vehicle" may be stored unoccupied in the Rural and Residential distr icts on the property of the Recreational Vehicle owner in the Town of Hillsborough for any period of time without a permit~~**

**~~The Board of Selectmen, through the Building Inspector may issue a permit to any property owner to accommodate him/herself or nonpaying guests on their property to reside in a single "Recreational Vehicles" as defined in RSA, 216 I:1 VIII for a period not exceeding 90 days in any one year.~~**

**~~Each Recreational Vehicle to be occupied shall demonstrate that proper sanitary facilities are available, as determined by the Building Inspector / Health Officer and all applicable health, life safety codes are met.~~**

**~~No unit may he used for permanent dwelling at any time.~~**

* 1. **A Recreational Vehicle may be stored unoccupied in the Rural and Residential districts on the property of the Recreational Vehicle owner in the Town of Hillsborough for any period of time without a permit.**
	2. **Recreational Vehicles placed for storage purposes must be fully licensed and ready for highway use;**
	3. **A Recreational Vehicle parked or stored shall be the personal property of the owner.**
	4. **Each Recreational Vehicle to be occupied shall demonstrate that proper sanitary facilities are available, as determined by the Building Inspector/ Health Officer and all applicable health, life safety codes are met. No unit may be used for permanent dwelling at any time.**
	5. **The Board of Selectmen, through the Building Inspector, may issue a permit to any property owner to accommodate him/herself or nonpaying guests on their property to reside in a single "Recreational Vehicles" for a period not exceeding 90 days in any one year.**
	6. **A Recreational Vehicle may be used for living space during construction of a home, after receiving a permit issued by the Code Enforcement Officer for a period of sixty (60) days or less. Such permit is renewable.**
	7. **All recreational vehicles must be parked or placed at least Seventy-five (75) feet from the normal high water level of any body of water.**

§ **229-14. -Accessory Dwelling Unit (In-Law Apartments) [Added TM 2015] [Amended ATM 3-1 5-2 017 ART.3]**

Asecondary dwelling unit which is accessory and subordinate to a permitted primary one­ family dwelling unit and which consists of a kitchen/kitchenette area combined with no more than two bedroom(s), a bathroom and optional living room/dining area. The ADU is located in a shared area of the primary dwelling structure that is separate from the primary kitchen and bedroom areas of the permitted one-family dwelling.

Provisions: An ADU is allowed with the following provisions:

1. An ADU is allowed only in one-family dwellings.

1. Abuilding permit for a building, structure, alteration or proposed land use or otherwise shall become void if the work is not substantially started and completed with all reasonable due diligence within **~~-2-~~** **1 year~~s~~.** For new buildings, the commencement of work shall be considered to be the completion of the foundation.
2. Renewal of building permit. Abuilding permit under which work has commenced may be renewed for an additional year for a renewal fee to be established by the Selectmen as per Subsection **B** above.
3. Procedure for Approval of Building Permits in the Historic District shall be per the requirements in RSA 676:8-9 See also Article XV of the town of Hillsborough Zoning Ordinance. Adopted ATM 3-10-2020

### Temporary Use of Manufactured Housing:

1. **In the event of a catastrophe rendering an existing dwelling unusable, a manufactured home may be temporarily allowed on an occupied or unoccupied lot in all zones for a period not to exceed 12months, to allow for repair or rebuilding of a dwelling, provided that safe and adequate sewage and a safe water supply can be provided and that a valid building permit has been issued.**
2. **During the period of construction of a new home, a manufactured home may be temporarily allowed on the lot for a period not to exceed twelve (12) months, provided that safe and adequate sewage and a safe water supply can be provided and that a valid building permit has been issued.**

§ **229-60. Enforcement**

1. Enforcing authorities. It shall be the duty of the Selectmen of the Town of Hillsborough to enforce this chapter. The Selectmen may delegate enforcement authority to the Building Inspector. Where necessary, the Selectmen or the Building Inspector may retain legal counsel to assist with enforcement proceedings.
2. Cease and desist orders. The Selectmen or the duly authorized Building Inspector may issue violation and cease and desist orders personally. The Selectmen may take all actions deemed necessary by them to enforce this chapter or to prevent violations thereof.
3. Penalties. Penalties for violation of these regulations shall be as provided by New Hampshire RSA 676:17, as amended. Any person who violates any of these regulations:
	1. Shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.
	2. Shall be subject to a civil penalty not to exceed $100 for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he is in violation, whichever is earlier.

## **ARTICLE XVIII Large Wind Energy Systems Ordinance**

* 1. PURPOSE:

The purpose of this Ordinance is to provide for the development and use of wind power as an alternative energy source, benefiting both the economy and the environment, while protecting public Health, safety, property values, wildlife, and general welfare; preserving environmental, historic and scenic resources; controlling Sound Pressure Levels; and preventing electromagnetic interference.

This Ordinance provides regulation for Large Wind Energy Systems (LWES) which produce between 1 MW and 30 MW of electrical power. The N.H. Site Evaluation Committee has only discretionary jurisdictional authority over systems within this power range. This ordinance is intended to provide a municipal ordinance, as contemplated by RSA 162-H:4, IV(a). This ordinance also provides guidance to the (N.H. SEC) regarding any proposed LWES of more than 30MW of electrical power to the greatest degree possible by establishing guidelines to ensure that such an LWES does not unduly interfere with the orderly development of the region as provided by RSA 162-H:16, IV (b).

This Ordinance is adopted pursuant to the enabling provisions of NH RSA 674:1 V, NH RSA 674:16, NH RSA 674:17(j), and NH RSA 674:21. In addition, pursuant to the provisions of NH RSA 674:43, the Hillsborough Planning Board is hereby granted the authority to require preliminary review of site plans and to review and approve or disapprove site plans and issue authorization for the construction or operation of Large Wind Energy Systems including Meteorological Towers, in the Town of Hillsborough, subject to these provisions.

If there is a conflict between provisions in this Ordinance, or between its provisions and those in any other Town ordinance or regulation, the provision which imposes the greater restriction or higher standard shall be controlling.

Amendments to this ordinance shall be approved by the voters of the Town of Hillsborough.

* 1. DEFINITIONS:

The following terms shall have the meanings indicated:

ADVERSE NOISE IMPACTS -

Disturbances that interfere with customary speech and communications both indoors and outdoors, telephone conversations, reading, tasks requiring concentration, listening to music or television, and sleep.

APPLICANT-

The person, firm, corporation, company, or other entity who applies for approval under this Section, as well as the Applicant's successor(s), assign(s) and/or transferee(s) as to any approved LWES or testing facility. An Applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the LWES or testing facility. The duties and obligations regarding approval for any approved LWES or testing facility shall be with the owner of the LWES or testing facility, and jointly and severally with the owner and operator or lessee of the LWES or testing facility.

AUTOMATIC OBSTRUCTION LIGHTINGSYSTEM-

A lighting system that provides continuous 360-degree surveillance of the air space around a wind farm from the ground level to above aircraft flight altitudes, automatically activating obstruction lighting when aircraft are detected at a defined outer perimeter and course of travel.

A-WEIGHTING

Sound measurement weighting that emulates human hearing at normal sound levels, which is most sensitive in the upper mid-range of frequencies and effectively reduces the lower and higher frequencies to emulate what the average person can hear.

BACKGROUND SOUND PRESSURE LEVEL

The Sound Pressure Level represented without the Wind Turbines operating and when man-made and natural intrusive sounds are at a minimum. The intent of this definition is to exclude Sound Pressure Level contributions from intermittent Noises such as traffic and emergency vehicles, and from seasonal natural sounds such as tree frogs and crickets that are not present year round.

BLADE GLINT

The intermittent reflection of the sun off the surface of the blades of a single Wind Turbine or multiple turbines.

C-WEIGHTING

Sound measurement weighting the lowest frequencies perceptible in human hearing as strongly as the mid-range and higher frequencies, more similar to human perception of very loud sounds 100 dB and above.

DBA

The A-weighted unit of measure for the human response to Noise, using an electronic filter as specified by ANSI approximating the frequency response of the human ear from 20 Hz to 20 kHz.

DEBRIS HAZARD

Hazard owing to the possibility that the parts of an LWES, or material (ice or other debris) accumulated on its rotating elements, could be dislodged and fall or be thrown some distance onto surrounding property.

FAA

The Federal Aviation Administration.

HEALTH

State of complete physical, mental and social well-being and not merely the absence of disease or infirmity

IMPACT

Includes any effect on the environment, including sound and visual Impacts such as changes in sound pressure, Noise and light in the environment.

LWES

Large Wind Energy System; an electricity-generating facility with a generating capacity rated for full­ load sustained output of over 1 megawatt and less than 30 megawatts, consisting of one or more Wind Turbines, including any substations, Met Towers, cables/wires, and other buildings accessory to such facility.

LEQ

The equivalent continuous Sound Pressure Level is a single decibel value which takes into account the total sound energy over the period of time of interest.

LAEQ

A-weighted Noise parameter describing a sound level with the same Energy content as the varying acoustic signal measured.

La10

Noise level exceeded for 10% of the measurement period, A-weighted and calculated by statistical analysis.

LA90

Noise level exceeded for 90% of the measurement period, A-weighted and calculated by statistical analysis.

LCEQ- C

Weighted Noise para meter describing a sound level with the same Energy content as the varying acoustic signal measured.

LC1O - C

Weighted Noise level exceeded for 10% of the measurement period.

LC90-C- C

Weighted Noise level exceeded for 90% of the measurement period.

MET TOWER

A meteorological tower used for the measurement of wind speed.

NATURAL ENVIRONMENT

Includes navigable waters, waters of a contiguous zone, ocean waters and any other surface water, groundwater, drinking-water supply, land surface or subsurface strata, or ambient air, including wildlife, ecosystems, and habitat, and historical, cultural, recreational and archeological resources.

NEIGHBORING AREA

Hillsborough and abutting towns, Antrim, Deering, Windsor, Washington and Bradford.

NOISE

Any unwanted sound or any sound that is not part of the Natural Environment.

NON PARTICIPATING LANDOWNER

The land owner does not share in the bonus, rentals from a lease, nor the right (or obligation) to make decisions regarding execution of those leases (i.e. no executive rights).

OCTAVE BAND

A band of sound covering a range of frequencies such that the highest is twice the lowest, as defined in ANSI Standard S 1.11.

ONE-THIRD OCTAVE BAND

A band of sound covering a range of frequencies such that the highest frequency is the cube root of two times the lowest, as defined in ANSI Standard S 1.11.

PARTICIPATING LANDOWNER

Any landowner on whose property all or a portion of a Large Wind Energy System is located pursuant to an agreement with the Applicant, or any landowner who has waived his or her rights for protection under this ordinance.

#### PROJECT BOUNDARY

A continuous line that encompasses all Wind Turbines and related equipment to be used in association with a LWES.

PUBLIC INFRASTRUCTURE

Roadways, culverts, and bridges maintained by the Town of Hillsborough or State of New Hampshire.

SETBACK

The distance an LWES tower base, accessory structures and guy wires is set away from abutting property lines, structures, or other features.

SHADOW FLICKER

The effect when the blades of an operating Wind Turbine pass between the sun and an observer, casting a readily observable, moving shadow on the observer and his/her immediate environment.

SOUND POWER LEVEL

Ten times the logarithm to the base ten of the ratio of the sound power radiated by the source to a reference sound power, expressed in decibels (dB). The reference sound power is 1 picowatt (pW).

SOUND PRESSURE LEVEL

Twenty times the logarithm to the base ten of the ratio of a given sound pressure to a reference sound pressure of 20 microPascals (uPa), expressed in decibels (dB).

TOTAL HEIGHT

When referring to a Wind Turbine, the distance measured from ground level to the blade extended at its highest point.

TOWER SHADOWING

The shadow created on the surrounding area by the sun shining on a Wind Turbine.

USEFUL LIFE

The LWES or individual Wind Turbine(s) will be presumed to be at the end of its Useful Life if no electricity is generated for a continuous period of twelve (12) months,

VISUAL CLUTTER

The accumulation of diverse built elements on a site, especially elements that contrast with their surroundings in form, color, texture, or pattern, including power transition/collection lines.

WIND TURBINE

A wind-energy conversion system that converts wind energy into electricity through the use of a wind­ turbine generator, blade, tower, base, and pad transformer, if any.

* 1. LARGE WIND ENERGY SYSTEM REQUIREMENTS:
1. Design, Manufacture, Construction, and Maintenance Standards
	1. In order to minimize Visual Clutter, Wind Turbines shall use tubular towers of similar design, size, operation, and appearance throughout the project, which shall be painted a non- reflective, non-obtrusive color. Blades shall be coated or otherwise designed to minimize Blade Glint.
	2. At LWES sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend with the existing natural setting and environment.
	3. Wind Turbines shall not be used for displaying any signs or advertising except for signs at ground level for reasonable identification of the manufacturer, owner, or operator of the LWES, the utility procuring the power, emergency contact information, and appropriate warnings as required by national, state, and local laws. Such identification shall not be illuminated. Any graffiti on LWES structures shall be removed as soon as practical.
	4. Control wiring and power lines shall be wireless or below ground except where collector wiring is brought together for connection to the transmission or distribution network adjacent to the LWES. The Planning Board may permit above-ground wiring, if in the opinion of the Planning Board, its Impact, including but not limited to environmental and visual Impacts, is less than the Impact of below-ground wiring.
	5. The Applicant for construction of an LWES shall not undertake any blasting without specific approval of such blasting during Site Plan Review. Terms and conditions for the blasting, including any necessary notifications, shall be specified during Site Plan Review, and shall be pursuant to a Blast Plan approved by the Planning Board and the Hillsborough Fire Chief.
		1. The Applicant shall prepare an inventory of all structures, wells, bridges, and other seismically sensitive structures that could potentially be damaged by blasting.
		2. Before each blasting event, the Applicant shall notify all participating and non- Participating Landowners whose property can be potentially damaged of the time and date of the event at least a week before the blasting. The Applicant shall receive signature verification of such notice.
		3. Blasting mats shall be used to minimize flying rock traveling in the air or along the ground. Flying rock is not permitted to cross into the property of non-Participating Landowners.
		4. A blasting log for each blast shall be kept on site at the LWES office for not less than five (5) years, and copies of the required blasting log shall be promptly submitted to the Planning Board upon completion of construction of the LWES.
		5. Pre-blasting and post-blasting inspection and documentation may be required by the Planning Board.
		6. If at any time during construction, operation, or maintenance of the LWES, the Applicant wishes to modify the approved Site Plan, the Applicant shall submit to the Planning Board an Amended Site Plan for review and approval.
	6. Construction and maintenance activities shall be organized and timed to minimize Impacts on residents and wildlife from Noise, disruption (including disruption of wildlife habitat), and the presence of vehicles and people. Construction and maintenance, unless there is an imminent threat to life or property, shall be performed only on weekdays between the hours of 7am and 6pm. The Planning Board has the authority to waive this requirement if, in its opinion, there is cause to do so.
2. Height
	1. The Total Height of any Wind Turbine shall not exceed 350 feet.
	2. Met Towers must be less than 200 feet in height, and must be designed so as not to require lighting in compliance with FAA regulations. Guy wires are allowed on Met Towers, but must be designed so as to limit environmental hazards to wildlife, especially birds and bats.
3. Setbacks
	1. All LWES tower bases, accessory structures and guy wires must be sited so as to be set back from adjacent property lines by at least 3 times the maximum height of the Wind Turbine.
	2. The Applicant shall submit a plan showing the required Setback for each tower as a circle for a single tower or as a series of connected arcs centered on each turbine for multiple towers and submitted with the applicable Setbacks graphically superimposed to scale on town maps identifying map and lot numbers, lot owners, structures, and lot property lines.
4. Communications Interference

Any LWES shall be sited and operated so that it does not interfere with emergency communications of any jurisdiction, television, telephone (including cellular and digital), microwave, satellite (dish), navigational, or radio reception to Neighboring Areas. The Applicant shall be responsible for the full cost of any remediation necessary to provide equivalent alternate service or to correct any problems. Remedies may include relocation or removal of the LWES. The Applicant of the LWES shall respond within ten business days to any request for a communications interference investigation by a property owner within a three-mile radius beyond the Project Boundary. Testing shall commence within that ten business day window. The Applicant is responsible for mitigating the cause, within sixty business days from the determination of interference attributed to the operation of the LWES or, failing a determination of interference, the Applicant shall provide certification from an

N.H.licensed professional engineer confirming that the proposed project did not interfere with emergency communications of any jurisdiction, television, telephone (including cellular and digital), microwave, satellite (dish), navigational, or radio reception to Neighboring Areas.

1. Sound Pressure Level Limits and Measurement

The intent of this section is to preserve the quiet rural environment of Hillsborough and to provide protection from excessive Sound Pressure Levels that cause adverse Impacts to public Health, welfare, and wellbeing, and to minimize Adverse Noise Impacts.

* 1. Sound Pressure Levels produced by the LWES shall not exceed those specified by N. H. SEC rules as measured at the project site property line. Any model used to predict Wind Turbine Noise shall use the following parameters:
		1. Adherence to the ANSI/ASA S12.9-2013 Part 3 standard;
		2. Measurements shall be conducted at the property lines of the nearest properties from the proposed Wind Turbines that are representative of all properties within 2 miles of any turbine;
		3. Sound measurements shall be omitted when the wind velocity is greater than 4 meters per second at the microphone position, when there is rain, or with temperatures below instrumentation minima; following ANSI/ASA S12.9-2013 Part 3 protocol, and shall comply with the following additional specifications:
			1. Microphones shall be placed 1 to 2 meters above ground level, and at least 15 feet from any reflective surface;
			2. A windscreen of the type recommended by the monitoring instrument's manufacturer must be used for all data collection;
			3. Microphones should be field-calibrated before and after measurements;
			4. An anemometer shall be located within close proximity to each microphone.
	2. Pre-construction sound reports shall include a map or diagram clearly showing the following:
		1. Layout of the project area, including topography, Project Boundary lines, and property lines;
		2. Locations of the sound measurement points;
		3. Distance between any sound measurement point and the nearest Wind Turbine;
		4. Location of significant local non-turbine sound and vibration sources;
		5. Distance between all sound measurement points and significant local sound sources;
		6. Location of all sensitive receptors including schools, day-care centers, Health care facilities, residences, residential neighborhoods, places of worship, and elderly care facilities;
		7. Indication of temperature, weather conditions, sources of ambient sound, and prevailing wind direction and speed for the monitoring period;
		8. Final reports shall include each of the following measurements:

1. LAEQ, LAlO, and LA90; and

ii. LCeq, LClO, and LC90-C;

* 1. Pre-construction sound prediction shall;
		1. Be conducted in accordance with ISO 9613-2 1996-12-15 standards and specifications;
		2. Include an adjustment to the LEQ sound level produced by the model applied in order to

adjust for turbine manufacturer uncertainty, such adjustment to be determined in accordance with the most recent release of the IEC 61400 Part 11standard (Edition 3.0 2012-11); this standard anticipates that the analysis of Wind Turbine acoustic emissions shall also consider Sound Power Level and tonality for a batch of Wind Turbines as opposed to a single machine, pursuant to IEC 61400 Part 14 (First Edition 2005-03);

* + 1. Include predictions to be made at all properties within 2 miles from the project Wind Turbines for the wind speed and operating mode that would result in the worst case Wind Turbine sound emissions during the hours before 8:00 a.m. and after 8:00 p.m. each day;
1. Disclose and account for other corrections for model algorithm error in the model;
2. Include no attenuation (zero) for ground cover or foliage; and
3. Include a plus-5-dB design margin to the predicted Sound Pressure Levels to account for variations in meteorological conditions at the project site.
	1. The predictive sound modeling study report shall include a complete description and the results of the modeling required above as well as a map with sound contour lines showing DBA sound emitted from the proposed wind energy system at 5 DBA intervals;
4. Shadow Flicker, Tower Shadowing, and Blade Glint
	1. The facility shall be designed such that Shadow Flicker or Tower Shadowing falling on or in any non-Participating Landowner's property or a public or private road shall be limited as follows:
		1. The Shadow Flicker or Tower Shadowing shall not exceed eight (8) hours per year in total.
		2. The traffic volumes of an affected road shall be fewer than 500 vehicles per day.
		3. The Shadow Flicker or Tower Shadowing shall not fall onto an intersection.
	2. Blades shall be coated or otherwise designed to minimize Blade Glint.
	3. Upon receipt by the Code Enforcement Officer of a complaint of Shadow Flicker, Tower Shadowing, and/ or Blade Glint, the Code Enforcement Officer will consider the complaint and may require that the LWES operator submit a study certifying that Shadow Flicker, Tower Shadowing or Blade Glint present no deleterious effects for any occupied structure.
	4. If Shadow Flicker and/or Blade Glint exceeds any of the conditions listed above, the source Wind Turbines shall be shut down until the Shadow Flicker, Tower Shadowing, or Blade Glint problem is remedied.
5. Public Infrastructure

The Applicant shall not adversely Impact any Public Infrastructure occasioned by or in any manner related to the installation, operation, maintenance, and repair or decommissioning of the LWES. The Applicant shall provide documentation of written permission for any modifications to Public Infrastructure, including roadways and utilities, that may be required for the proposed LWES. This includes reimbursement to the Town or State for any repairs or reconstruction reasonably deemed necessary by the Town or State.

1. Erosion and Stormwater Control
	1. All storm water management and erosion control measures shall adhere to the " Erosion and Sediment Control Design Handbook for developing Areas of New Hampshire e", published by the Rockingham County Conservation District, dated August 1992, as may be updated and amended from time to time.
	2. During the construction, operation, and decommissioning of the LWES, the Applicant shall maintain any and all erosion and storm-water control practices described in the Erosion and Storm-Water Control Plans and Life Cycle and Decommissioning Plans submitted with the Application for Site Plan Review.
	3. An application for an LWES approval shall include an Erosion and Storm-Water Control Plan prepared by an N.H.licensed engineer demonstrating compliance with this Ordinance.
2. Safety
	1. Each Wind Turbine shall be equipped with both manual and automatic controls to limit the rotational speed of the blade to within the design limits of the rotor. All Wind Turbines shall be equipped with redundant braking systems. This includes both aerodynamic (including variable pitch) over-speed controls and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode, whereby they are engaged in the case of loss of load on the generator. Stall regulation shall not be considered a sufficient braking system for over-speed protection. A manual electrical and /or over-speed shutdown disconnect switch shall be provided and clearly labeled on/in the Wind Turbine structure.
	2. The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of not less than 20% of the tower height.
	3. Any Wind Turbine and/or accessory structure shall not be climbable within 15 feet of ground level.
	4. The LWES shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
	5. Appropriate warning and safety signage shall be placed on any Wind Turbine, accessory structure, and/or electrical equipment, and posted at all LWES entrances.
	6. All structures over 100 feet high shall be self-supporting. No guy-wire-supported structures shall be permitted, with the exception of structures under 100 feet and Met Towers.
	7. A sign stating emergency contact information shall be posted near the tower(s) or operations and maintenance office building.
	8. Signage shall be placed at the road access to warn visitors about the potential danger of falling and thrown ice and the Debris Hazards.
	9. Any Wind Turbine that is found to present an imminent physical threat of danger to human life, wildlife, or property, or that is found to exceed the Noise standards of this

Ordinance, shall be immediately shut down. Following repair or redesign to comply with the standards of this Ordinance, the Wind Turbine shall be certified to be safe and to comply with this Ordinance by an N.H. licensed professional engineer(s) prior to resumption of operation.

1. Rescue, Fire, and Hazard Protection

The Applicant shall assure and provide documentation that the LWES complies with the following fire control and prevention measures.

* 1. A plan acceptable to the Building Inspector of Hillsborough, the Hillsborough Emergency Management Director, any contracted services secured by Hillsborough and the N.H. State Fire Marshal, for firefighting and rescue services year-round including water accessibility, any necessary equipment, and/or training for local fire protection and rescue personnel, shall be prepared and updated annually. The full cost of implementing and maintaining the plan, including equipment, equipment maintenance, and staffing, shall be the responsibility of the Applicant.
	2. The Applicant shall comply with all laws applicable to the generation, storage, clean-up, transportation, and disposal of hazardous wastes generated during any phase of the project's life
	3. All structures and activities shall comply with the National Fire Protection Association (NFPA) Fire Code, including but not limited to the following (as updated): NFPA 1, 10, 12, 72 and 101, as well as the Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations, NFPA 850.
	4. Nothing herein shall be construed to regulate the fire-fighting practices of municipal organizations responding to fire calls at the LWES.
1. Environmental Impact

The Applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse Impacts on the Natural Environment during the entire life cycle of the LWES and shall comply with all Federal, State and local laws regulating environmental Impacts. In making its determination under this section, the Hillsborough Planning Board shall require the Applicant to demonstrate that the proposed LWES is consistent with Article XVI Groundwater Protection Ordinance and most current versions of the U.S. Fish and Wildlife Service "Land-Based Wind Energy Guidelines, dated March 23, 2012" and the

N.H.Site Evaluation Committee Rules, Chapters Site 100-300, adopted December 16, 2015, and any recommendations of the New Hampshire Fish and Game Department and the Hillsborough Conservation Commission.

1. Environmentally Sensitive Areas - The plan for the LWES shall reflect the natural capabilities of the site to support development. Environmentally sensitive areas - including but not limited to wetlands, vernal pools, seeps or springs, steep slopes (greater than 15%), watersheds, floodplains, significant wildlife habitats, fisheries, habitat for rare or endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers - will be maintained and preserved to the greatest reasonable extent possible. The Applicant shall demonstrate appropriate measures for protecting these resources during the entire lifecycle of the project.
2. Wildlife - The Applicant shall provide a plan to minimize any adverse Impact on area wildlife and wildlife habitat. Such analysis shall include but not be limited to adverse Impacts on birds, bats, rap tors, animals, migratory routes and habitat fragmentation. In addition, the Applicant must demonstrate that the LWES will have no undue adverse Impact on rare, threatened, or endangered wildlife. The wildlife and habitat analysis must include pre­ construction field studies conducted by a qualified wildlife biologist selected by the Planning Board and paid for by the Applicant.
3. Avian and Bat Species - The LWES shall be developed and operated in such a manner as to minimize adverse Impacts on bird or bat species.
	1. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, http: //www.aplic.org/) published standards to prevent avian mortality.
	2. The design and installation of the LWES shall avoid, to the extent practicable, the creation of artificial habitat for raptors or raptor prey; e.g., electrical equipment boxes on or near the ground that can provide shelter and warmth and horizontal perching opportunities on the towers or related structures.
4. Ground and Surface Water-The LWES will not adversely affect the quality or quantity of ground and surface waters. The Applicant shall demonstrate to the Planning Board's satisfaction that there are no unusual risks caused by the LWES. The Board may require that spill prevention and control measures be installed, and that all activities involving potentially permeable pollutants, including at delivery and transfer points, be conducted undercover and over an impervious surface surrounded by dikes. Whenever sedimentation is caused by stripping vegetation or grading, it shall be the responsibility of the Applicant to remove it from all adjoining surfaces, drainage systems, and watercourses and to repair any damage as quickly as possible at the Applicant's expense.
5. Historical, Cultural and Archeological - Because the preservation of historic resources is very important to the Town of Hillsborough, the Applicant shall be required to:
	1. Inventory and map all historically significant sites located within two thousand (2000) feet of the proposed LWES project area, including but not limited to structures, roadways, cellar holes, mines, and sites of geological significance.
	2. Provide a plan outlining how the Applicant proposes to minimize the Impact of construction and ongoing operation of the LWES on those sites. As a condition of approving the Applicant's Historical, Cultural and Archeological protection plan, the Planning Board may require specific Setbacks of LWES structures or roadways from significant sites and/or other actions that protect or restore items of historic significance.
6. Visual Impact
	1. An LWES shall be designed and located so as to minimize visual Impacts, including Visual Clutter and Impacts caused by any lighting, and so as not to dominate views from residential areas, cultural resource areas, major public ways, public recreational and scenic areas, trails used by the public, or open space within the Town.
	2. Dominance is determined by how an LWES will be seen within its visual context and occurs when the project would cause a change in the balance or feel of the character of the surrounding area or create a very dominant focal point that detracts from other important natural or cultural focal points. (Reference: A Visual Impact Assessment Process for Wind Energy Projects, Vissering, Sinclair, and Margolis, May 2011.) Some of the factors to be considered in evaluating the degree of dominance are:
		1. appearance of proximity,
		2. duration of view,
		3. expectation for natural or intact landscape setting,
		4. uniqueness of a scenic resource,
		5. whether the view is directly ahead over extended distances, and
		6. whether large numbers of turbines are visible in many views.
	3. All available mitigation techniques to reduce the visual Impacts of the LWES shall be considered, including methods prescribed by the American Landscape Institute. The use of Automatic Obstruction Lighting Systems is mandatory for Wind Turbines with FAA lighting.
	4. Photographic simulations shall be provided from potentially sensitive public and private viewpoints. The Planning Board may request that particular viewpoints be illustrated. Such locations could include the center of Town, public recreation areas, historic sites, and scenic sections of Town or State roads. Simulation photographs shall be taken and illustrated on 11"x 17" printed copies for each simulation. If several photographic frames are required to illustrate the breadth of the project from a particular viewpoint, illustrations shall be provided of each frame, plus a combined panoramic view. Any visible roads, site clearing, and all project infrastructure shall be depicted on the simulations. The report shall employ a standard Visual-Impact-assessment methodology for detailing what the visual Impacts of the project would be and explaining why these may be acceptable or unacceptable.
	5. The Applicant shall identify all mitigation methods proposed, if any, to address the potential visual Impacts of the LWES. These methods may include turbine siting and distance between towers; reductions in turbine height or numbers; design and size; hazard lighting mitigation by employing Automatic Obstruction Lighting Systems; underground placement of collector lines; and other methods. The Planning Board may require additional mitigation measures to minimize the Impact on scenic resources of the Town.
7. Financial, Technical, and Managerial Capability

Applicant shall demonstrate to the Planning Board that it has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of this ordinance.

* 1. APPLICATION PROCEDURE AND REQUIREMENTS
		1. Application for a new or replacement LWES shall be filed and processed in accordance with the Town of Hillsborough Planning Board's regulations and the provisions below. In case of any conflict with the regulations, the stricter requirement shall apply. Each of the studies and reports required below shall contain the information required by this Ordinance. If an application does not contain sufficient information to demonstrate compliance with the requirements of this Ordinance, the Planning Board shall reject the application as incomplete as provided by RSA 676:4, I (c).
		2. An application for LWES is presumed to have regional Impacts. Therefore, the procedure shall include notification per NH RSA 36:54 - 57.
		3. Submission Requirements: In addition to standard Planning Board requirements, an Applicant for an LWES shall submit the following:
			1. A Financial Resources Plan demonstration satisfactory to the Planning Board that the Applicant has adequate financial, technical, and managerial capability to assure

construction and operation of the facility in continuing compliance with the terms and conditions of this ordinance. This Plan shall include the Applicant's proposal for performance guarantees for completion of the following: (1) street work; (2) public safety and fire response improvements; (3) stormwater and erosion control measures; (4) wildlife and other ongoing studies; (5) wetlands, wildlife or other mitigation measures; (6) decommissioning, including site restoration; and (7) completion of such other studies, improvements or mitigation measures required by the Planning Board pursuant to this Ordinance. The Applicant's Financial Resources Plan shall provide for a performance guarantee in the form of a performance bond or some other type of indemnification acceptable to the Planning Board. The Financial Resources Plan shall include a cost estimate prepared by an N.H.licensed professional engineer of the above items for review by the Town's engineering or financial consultant.

* + - 1. Plans prepared and stamped by an N.H.licensed professional engineer that show the location, shape, size, color, materials, textures, landscaping, design, and Total Height of all proposed components of Met Towers and LWES, including the proposed access to the project site (including Town and State roads) and associated transmission lines.
			2. A location map to scale of current and planned land uses within the Project Boundary and a one-mile radius beyond the Project Boundary, showing the location of all proposed Wind Turbines and required Setbacks for each, and that identifies Participating Landowners. These maps must be prepared by an N.H.licensed land surveyor.
			3. A site grading and clearing plan that shows all areas to be cleared and all grade changes. The plan shall include details on the collector lines, locations and heights of poles, clearing limits for aboveground lines, substations, transmission line details, and upgrades or changes to existing power lines. This plan should delineate environmentally sensitive areas.
			4. Historical, Cultural, and Archeological Inventory and Resource Map prepared by an N.H.licensed land surveyor, and Applicant's plan to minimize Impact of LWES construction and operation on these sites.
			5. Environmental Resource Map prepared by a qualified **N.H.** licensed land surveyor.
			6. Intended period of data collection for the Met Tower.
			7. Certification of the non-reflecting properties of the external surfaces of the LWES.

1. Calculations and supporting data for all Setbacks for each turbine.

j. List of property owners whose property wholly or in part falls within the Setback areas specified in Section III. C., including copies of any and all agreements with Participating Landowners.

* + 1. The Applicant shall provide a Decommissioning Plan as part of its Financial Resources Plan. The Applicant's Decommissioning Plan shall include the following requirements:
			1. The Applicant shall, at his or her expense, complete decommissioning (including site restoration) of the LWES, or individual Wind Turbines, within twelve (12) months after it is deemed unsafe, abandoned, or at the end of its Useful Life. The LWES or individual turbines will be presumed to be at the end of its Useful Life if no electricity is generated and sent to the power grid by it for a continuous period of (12) twelve months.
			2. Site Restoration shall include:
				1. Removal of Wind Turbines, buildings, cabling, electrical components, foundations, and any other associated facilities to a depth of two feet below the ground surface. Conduits buried deeper than two feet may remain in place, but all cables must be

removed, and any pull boxes, junction boxes, transformer vaults, and other structures within two feet of the surface must be removed and remaining conduit ends permanently sealed and capped.

* + - * 1. Removal from the property of all items in outdoor storage.
				2. On-site-road and open-work-area removal, if any, to preconstruction conditions, excepting portions of roads useful for the proposed use of the site. The property owner or Town officials may approve retention of any roads that either may wish to retain. If any roads are

retained, excess paving and gravel shall be removed back to an appropriate width approved by the Planning Board, and the remaining areas loamed and seeded.

* + - * 1. Re-grading and revegetation necessary to return the subject property to the condition existing prior to establishment of the LWES. The restoration shall reflect the site-specific character including topography, vegetation, drainage, and any unique environmental features. If, in the opinion of the Planning Board, grades and vegetation existing at the time of decommissioning are sufficiently stable and well established, they may be allowed to remain.
				2. Implementation of the post-decommissioning stormwater runoff plan.
		1. Studies and Reports as required by the Planning Board, including but not limited to those listed below. The cost of any required study, report, plan, mitigation effort, or any other work required to be done by the Planning Board, is the full responsibility of the Applicant.
			1. Sound Pressure Level Study, including all of the applicable reports and information required by Section 111.E. of this Ordinance.
			2. Rescue, Fire, and Hazard Protection Plan
			3. Road and Property Risk Assessment
			4. Wildlife and Bird Impact Study and Protection Plan
			5. Groundwater and Surface Water Quality studies
			6. Visual Impact Assessment, including photographic simulations. The Planning Board may request that particular viewpoints be illustrated.
			7. Communication Interference Certificate
			8. Shadow Flicker, Tower Shadowing, and Blade Glint study
			9. Safety Plan
		2. Storm Water Management Plan: pre- and post-decommissioning.
		3. Erosion Control Plan.
		4. A Complaint Resolution Plan to address any complaints from affected parties during construction and over the life of the operation. The Plan shall identify a contact person and a process for mediation.
		5. Decommissioning and Site Restoration Plan as outlined in Section X (Decommissioning).
		6. Landscape Plan showing restoration of disturbed areas after completion of construction.
		7. Estimate of decommissioning costs prepared by an **N.H.** licensed professional engineer.
		8. Blasting plan, including inventory of all potentially affected structures.
		9. Any and all other State and Federal permits and approvals as may be required.
		10. Any other information deemed necessary by the Planning Board in order to make an

#### informed decision.

1. Permit to Construct.
	1. Following site plan approval by the Hillsborough Planning Board and before commencing construction of an LWES, the Applicant shall provide the Select Board with:
		1. documentation of planning board approval
		2. evidence of performance guarantee,
		3. a Town building permit.
	2. On receipt of these materials the Select Board will issue a permit to construct.
2. Repowering.
	1. When an LWES is planned for a retrofit, upgrade, reconstruction, substantial modification or any other significant change to the operating components of the

tur bine or its design specifications, for whatever cause or reason, which might affect its auditory, visual, or other Impacts, the Applicant must apply for, and obtain approval from the Planning Board before any portion of the LWES may be repowered.

* 1. ADMINISTRATION AND ASSOCIATED COSTS
		1. At the time of formal submission of their application for the Site Plan Review, the Applicant shall deposit funds into an escrow account in an amount acceptable to the planning board up to $50,000 depending on the scale of the project.
		2. The purpose of this escrow account is to reimburse the town of Hillsborough for the costs incurred to hire consultants and experts as the Planning Board, at its sole discretion, deems necessary for the costs for notification of abutters and for the costs of special investigation and the review of documents and studies required by this ordinance by professionals retained by the Planning Board, and for other matters which may be required by particular applications.
		3. The Applicant shall be responsible for payment of all special investigations, the review of documents and other matters related to the Site Plan Review pursuant to RSA 674:44, V.
	2. EASEMENTS AND LEASES
		1. Any landowner may grant an easement to the Applicant for any Impacts of the LWES on their property and shall advise all subsequent owners of the property that the standards permitted by this Section run with the land and are enforceable against the property owner. The terms of the easement shall be consistent with the current application for an LWES. All easements or leases shall include consent of the landowner to monitoring and inspections as required by the provisions of this Ordinance.
		2. All leases and easements related to the LWES and the land on which it is located

shall be recorded with the Registry of Deeds.

* + 1. All easements and other agreements with Participating Landowners shall be submitted to the Planning Board for review to ensure that they meet the legal and other requirements of this Ordinance, including any conditions as may be imposed by the Planning Board.
	1. ONGOING REQUIREMENTS
1. Monitoring: Upon reasonable notice, Town of Hillsborough officials or their designated representatives may enter a lot on which an LWES has been approved for the purpose of monitoring Noise, Impacts on the Natural Environment, and other Impacts that may arise, as well as to determine compliance with the approved Site Plan and the Permit to Operate. In such a case, the Town will provide the Applicant with 24-hour advance telephone notice, followed by e- mail notification for the record.
2. The Planning Board shall require the following on-going studies to be completed for review and approval by the Planning Board, or its designee:
3. Post-construction Water-Quality Study:
	1. Within six (6) months of the first Wind Turbine becoming operational, and every twelve

(12) months thereafter for a period of three (3) years, a water-quality study of all wells, springs, and water resources specifically identified during the Site Plan Review shall be designed and carried out by a water-quality professional approved by the Planning Board.

* 1. Upon receipt of a substantiated complaint that the integrity or water quality of any well, spring, or water resource has been damaged by the LWES construction or operation, the Planning Board may require prompt investigation of the complaint by a water­ quality professional approved by the Board, at the expense of the Applicant.
	2. If degradation or contamination of any well, spring, or water resource is found to have occurred, the Applicant shall be considered in violation of this Ordinance and its approved permit.
	3. The Applicant is responsible for all costs associated with water-quality testing and corrective action if necessary.
1. Environmental Impact Studies: Recognizing the importance of wildlife as described in 229- 20 111.K**.** 2., continuing environmental Impact studies shall be required.
	1. At least every 3 years after a permit to operate has been issued, an environmental study shall be conducted by a qualified wildlife biologist approved by the Planning Board and paid for by the Applicant.
	2. If the post-construction field studies demonstrate substantive harm to the Natural Environment, the Applicant shall develop an appropriate mitigation plan for approval by the Planning Board after review by the Conservation Commission. The Applicant shall be responsible for the full cost of implementing the mitigation plan.
	3. In addition, the Applicant shall submit a quarterly report to the Planning Board and Conservation Commission identifying all dead birds and bats found within 500 feet of the LWES. Reporting shall continue for at least three (3) years after the first Wind Turbine

becomes operational, or longer if required by the Planning Board, during the site plan review. In the event of an avian or bat mortality kill of threatened or endangered species, or discovery of more than six (6) dead birds or bats of any variety on site, the Applicant shall notify the Planning Board, Conservation Commission and the New Hampshire Department of Fish and Game within 24 hours. Within thirty (30) days of the occurrence, the Applicant shall submit a report to the Select Board describing the cause of the occurrence and the steps taken to avoid future occurrences. The Planning Board reserves the right to install and monitor video surveillance at the expense of the Applicant as part of Environmental-Impact Studies.

1. Decommissioning Costs. The owner shall submit an updated report of the total costs of decommissioning, prepared at the Applicant's expense by an independent N.H.licensed professional engineer(s), to the Select Board every fifth year of operation. The updated report shall demonstrate that the owner has sufficient financial capabilities required to complete decommissioning as required by this Ordinance, the Financial Resources Plan approved by the Planning Board and any conditions of approval imposed by the Planning Board.
2. Noise compliance. Sound Pressure Levels produced by the LWES shall not exceed those specified by N.H.Site Evaluation Committee rules as measured at the site property line.
	1. All applicable post-construction Noise monitoring surveys shall be conducted once within 3 months of commissioning, and once during each season thereafter for the first year; additional surveys shall be conducted at the request of Planning Board; adjustments to this schedule shall be permitted subject to review by the Planning Board.
	2. Post construction monitoring shall be performed by an independent N.H.licensed professional engineer qualified for acoustical monitoring.

Within thirty days of each monitoring survey, the owner shall submit to the Planning Board a Noise­ Compliance Report certifying compliance with the Noise requirements of this Ordinance and any conditions of approval imposed by the Planning Board. The report shall be prepared under the direction of an independent N.H.licensed professional engineer and shall be signed or stamped by this person. The owner shall be responsible for the costs for the Planning Board's review of the Noise Compliance Report which shall comply with the following:

1. Sound measurements shall be conducted in compliance with the most recent version of the American National Standards Institute (ANSI) Standards, ANSI/ASA S12.9 Parts 2 & 3. which define both short term attended monitoring and long term unattended monitoring.
2. Sound data shall be recorded with both DBA filtered and unfiltered down to 0.5Hz. Wind speeds shall be logged simultaneously with Sound Pressure Level data.
3. Measurements shall be conducted at the property lines of the nearest properties from the proposed Wind Turbines that are representative of all properties within 2 miles of any turbine;
4. Post-construction sound monitoring reports shall include a map or diagram clearly showing the following:
	1. Layout of the project area, including topography, Project Boundary lines, and property lines;
	2. Locations of the sound measurement points; and
	3. Distance between any sound measurement point and the nearest Wind Turbine.
5. For each sound measurement period during post-construction monitoring, reports shall include each of the following measurements:
	1. LAEQ, LAlO, and LA90; and
	2. LCeq, LClO, and LC90-C;
6. Sound Pressure Level meters and calibration equipment shall comply with the most recent version of ANSI Standard S 1.4 "Specifications for General Purpose Sound Pressure Level Meters," and shall have a calibration traceable to the National Institute of Standards and Testing (NIST) performed within the preceding 24 months.
7. Noise measurements shall be taken at locations and times when the Wind Turbine is clearly audible and dominating the acoustical environment. All unattended measurements shall consider the Wind Turbine as dominating the acoustical environment.
8. Noise measurements shall be taken with the Wind Turbines on and off to determine any background Noise to be accounted for. The Applicant shall cooperate by shutting Wind Turbines off and turning them on during acoustic testing at times required by the acoustic monitoring personnel.
9. The acoustic-monitoring personnel shall determine if extraneous sounds such as those made by insects, frogs, or other wildlife are contributing to the measured LEQ Sound Pressure Level and remove their contributions either by relocating the measurement microphone to a spot not affected by such sounds or conducting testing at dates and times when such sounds are not present. The acoustic-monitoring personnel may correct the LEQ Sound Pressure Level using full or One-Third Octave Band analysis to subtract Wind Turbine "off' levels from Wind Turbine "on" levels, and by removing data in One­ Third Octave Bands from the LEQ computation that are contaminated by extraneous sounds.
10. The wind velocity at the sound-measurement microphone shall not exceed 4.5 mph during measurements of Background Sound Pressure Level, and the maximum wind speed at the microphone for Noise measurements during turbine operation should not exceed 9 mph:
11. During Wind Turbine testing the atmospheric profile shall be Pasquill Stability Class E or F preferred, Class D as alternate. Wind Turbine acoustic testing shall be conducted with hub- height wind speeds varying between cut-in and cut-out speeds.
12. The Wind Turbine shall be fully engaged blades-to-generator and running the standard power output program and producing the maximum power output for the incoming hub­ height wind speed. Feathering or other blade angle manipulations that are not part of the normal Wind Turbine program to obtain maximum power output shall be prohibited during acoustic testing. If the Wind Turbine must be feathered due to a high wind condition for safety purposes, the testing shall be rescheduled.
13. Wind Turbine power output and hub-height wind speed data at 10-minute or shorter intervals shall be provided to the acoustic-monitoring personnel by the Applicant for the entire sound- measurement period.
14. Long-term unattended monitoring shall be conducted in accordance with the ANSI/ASA

S12.9- 1992 Part 2 (R2013), provided that audio recordings are taken in order to clearly

identify and remove transient Noises from the data, with frequencies above 1250 hertz One­ Third Octave Band to be filtered out of the data;

1. Noise measurements shall be taken at locations specified by the Planning Board, to include, but not be limited to, those at which predictive sound modeling study measurement s were taken pursuant to subsection E.3. above. The Planning Board ma y employ an N.H. licensed professional engineer, whose fees shall be paid by the Applicant, for advice regarding these measurements.
	1. PUBLIC INQUIRI ES AND COMPLAINTS
2. Throughout the life of the project, including the decommissioning phase, the LWES Applicant shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints. The Complaint Resolution Plan submitted with the initial application shall be used to resolve complaints.
	* 1. Any individual, group of individuals, or reasonably identifiable entity may file a signed and dated written complaint with the Applicant of the LWES. If any complaints are received by phone, the Applicant shall inform the complainant that complaints must be submitted in writing. Any complaint s received directly by the Code Enforcement Officer shall be referred to the Applicant.
		2. The Applicant of the L WES shall report to the Select Board all complaints received concerning any aspect of the L WES construction, operation, or decommissioning as follows
			1. Complaints received by the Applicant shall be reported to the Code Enforcement Officer within five business days; except that complaints regarding unsafe and serious violations of this Section shall be reported to public-safety personnel immediately, and the Code Enforcement Officer by the following business day.
			2. The Applicant shall document each complaint by maintaining a record including at least the following information:
				1. Name of the LWES and the Applicant,
				2. Name of complainant, address, phone number,
				3. A copy of the written complaint,

iv. Specific property description (if applicable) affected by complaint,

1. Nature of complaint (including weather conditions if germane),
2. Name of person receiving complaint, date received,
3. Date reported to the Select Board or its designee, and
4. Initial response, final resolution, and date of resolution.
	* 1. The Applicant shall maintain a chronological log of complaints received, summarizing the above information. A copy of this log including copies of each written complaint, and a summary of the log by type of complaint, shall be sent on or before January 15, March 15, July 15, and October 15 to the Select Board, covering the previous calendar quarter. An

annual summary shall accompany the January 15 submission.

* + 1. The Code Enforcement Officer shall forward copies of any Health-related complaints to the Hillsborough Health Officer and the State Board of Health.
		2. The Select Board ma y designate a person to seek a complaint resolution that is acceptable to the complainant, the Select Board, and the Applicant. If such a resolution cannot be obtained, the Select Board may take action as authorized by Section I: Enforcement and Penalties.
		3. The Select Board may at any time determine that a complaint shall be subject to enforcement and penalties as defined in Section I: Enforcement and Penalties.
1. This process shall not preclude the local government from acting on a complaint, and local provisions for complaint resolution shall prevail and supersede all Applicant complaint resolution processes.
	1. ENFORCEMENT AND PENALTIES
2. The enforcement of this Section shall be the responsibility of the Hillsborough Select Board or its agent, who is hereby authorized to cause any LWES component, premises, use, or any related place to be inspected, and to order in writing the remedying of any condition found to exist in violation of this Section.
3. An Applicant, owner or other person shall be deemed in violation of this Ordinance if such Applicant, owner or other person violates any provision of this ordinance, any provision or specification of any application, plat, or plan approved by the Planning Board, or any requirement or condition of a permit or decision issued by the Planning Board or the Select Board.
4. Violation of this Ordinance shall result in such enforcement action, including but not limited to revocation of approval, fines, recovery of attorney's fees, or any other action authorized by law.
	1. CRITERIA FOR APPROVAL

The Planning Board shall approve an application, subject to conditions, only if the Applicant demonstrates that all of the following criteria have been met:

1. The proposed LWES complies with all of the requirements of this Ordinance and the Town's Site Plan Regulations.
2. The proposed LWES will not have a negative financial Impact on the Town.
3. The proposed LWES includes adequate financial and other assurances to ensure the continued operation and decommissioning of the proposed LWES in compliance with the terms of this Ordinance.

If an Applicant fails to demonstrate that all of the above criteria have been met, the Planning Board shall deny the application as provided by RSA 676:3.

* 1. SEVERABIL ITY:

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision, nor any prior decisions made on the basis of the valid provisions of this Ordinance.

## **ARTICLE XIX Solar Collection System Ordinance**

#### Authority and Purpose

This Solar Collection System ordinance is enacted in accordance with RSA 6 7 4:17 (I)(j) and the purposes outlined in RSA 6 7 2:1-III-a as amended. The purpose of this ordinance is to accommodate solar energy collection systems and distributed generation resources in appropriate locations, while protecting the public's health, safety and welfare. The Town intends to facilitate the State and National goals of developing clean, safe, renewable energy resources in accordance with the enumerated polices of the State of New Hampshire, including but not limited to RSA 374-G and 362-F. The purposes and regulations are intended to apply to all Solar Collection Systems installed or modified after the effective date of this Ordinance, including, to the greatest decree possible, those Systems requiring approval from the New Hampshire Site Evaluation Committee.

229-32 DEFINITIONS

ABANDONMENT

A Commercial Solar Collection System shall be deemed to be abandoned if operations have discontinued for more than 6 months without written consent of the municipality (such as for reasons beyond the control of the owner/ operator). An abandoned system shall be removed and the site restored within 6 months of abandonment.

ACCESSORY AGRICULTURE SOLAR

Any Ground Mounted or Roof Mounted Solar Collection System designed to primarily reduce on­ site consumption of Utility Power of an existing primary agricultural use of the site and without a limit to the Rated Nameplate Capacity or Solar Land Coverage provided the existing primary agricultural use is preserved.

CARPORT MOUNT

Any Solar Collection System of any size that is installed on the roof structure of a carport over a commercial parking area.

COMMUNITY SOLAR

A use of land that consists of one or more free-standing, Ground Mounted Solar Collection Systems regardless of nameplate capacity that is up to 100 kW and that is less than 1 acre of Solar Land Coverage.

GROUND MOUNT

A Solar Collection System and associated mounting hardware that is affixed to or placed upon the ground (such as ballasted systems) including but not limited to fixed, passive or active tracking racking systems.

INDUSTRIAL SOLAR

A use of land that consists of one or more free-standing, Ground Mounted Solar Collection Systems regardless of nameplate capacity that is between 25 acres and 50 acres in Solar Land Coverage.

LARGE COMMERCIAL SOLAR

A use of land that consists of one or more free-standing, Ground Mounted Solar Collection Systems with a Rated Nameplate Capacity of between 1 MW and 5 MW that is between 5 and 25 acres in Solar Land Coverage.

PRIMARY AGRICULTURE SOLAR

Any Ground Mounted Solar Collection System that is partially used to reduce on-site consumption of Utility Power of an existing primary agricultural use of the site and with a Rated Nameplate Capacity up to 1 MW in size or has a Solar Land Coverage in excess of 5 acres provided the existing primary agricultural use is preserved.

RATED NAMEPLATE CAPACITY

Maximum rated electrical output of Solar Collection System based on the design output of the Solar Collection System.

RESIDENTIAL SOLAR

Any Ground Mounted or Roof Mounted Solar Collection System primarily for on-site residential use, and consisting of one or more free-standing, ground or Roof Mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of Utility Power and with a Rated Nameplate Capacity of 15 kW or less and that is less than 700 square feet Solar Land Coverage.

ROOF MOUNT

A Solar Collection System that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be Ground Mounted. For purposes of calculating array sizes or Solar Land Coverage under the solar definitions in this section, Roof Mounted portions shall not be included.

SMALL COMMERCIAL SOLAR

A use of land that consists of one or more free-standing, Ground Mounted Solar Collection Systems with a Rated Nameplate Capacity of up to 1 MW and that is less than 5 acres in Solar Land Coverage.

SOLAR COL LECTION SYSTEM

Includes all equipment required to harvest sola r energy to generate electricity. The Solar Collection System includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. Solar Collection Systems include only equipment up to (but not including) the stage that connection is made to the utility grid or site service point.

SOLAR LAND COVERAGE

Is defined exclusively for the purposes of calculating the footprint of the land area occupied be the components of a solar array. The Solar Land Coverage is the land area that encompasses all components of the Solar Collection System including but not limited to mounting equipment, panels and ancillary components of the system. This definition does not include access roads or fencing and is not to be interpreted as a measurement of impervious surface as it may be defined in other sections of the Town's Zoning Ordinance.

SOLAR POWER GENERATION STATION

Any Solar Collection System that is over 30 MW in nameplate capacity; and such systems also require approval by the New Hampshire Site Evaluation Committee. In no case shall a Solar Power Generation Station exceed 150 acres.

UTILITY POWER

Electric power supplied by a third party provider such as PSNH, NHEC or others.

UTILITY SOLAR

A use of land that consists of one or more free-standing, Ground Mounted Solar Collection Systems regardless of nameplate capacity that is over 50 aces in Solar Land Coverage and less than 30 MW in Rated Nameplate Capacity.

229-33 General Solar System Requirements and Exemptions:

* + 1. A ground-mounted Residential Solar system over 15 feet in height at any point shall be located between the primary structure and rear lot line. All other Ground Mounted systems shall be reasonably screened from abutting residential pro per ties.
		2. Non-residential Carport Mounted Solar Collection Systems over parking areas are permitted in all zones without a Site Plan approval.
		3. Roof Mounted Solar Collection Systems of any size are permitted in all zones:
		4. Municipal Systems: All Solar Collection Systems for municipal use are exempt from land use regulations pursuant to NH RSA 674:54.
		5. Building Height: Roof Mounted Solar Collection Systems shall be exempt from building height limitations.
		6. Impervious surface limitations as related to stormwater management for Solar Collection Systems shall be addressed in accordance with this ordinance.

229-34 Residential Solar Energy Systems

* + 1. General Requirements
1. Solar energy systems shall be located and/or screened so as to minimize the visual impact from abutting properties. For the purpose of this ordinance, a Ground Mounted solar energy system shall be considered a structure. Roof Mounted solar energy systems shall not be considered a structure.
2. Ground Mounted solar energy systems shall adhere to the setback requirements of the district in which they are located.
3. Ground Mounted solar energy systems shall not exceed twenty (20) feet in height above the ground.
4. All Roof Mounted and Ground Mounted solar energy systems require permits.

i. Electrical permits are required.

1. Plumbing permits are required only if fluids are used in the Solar Collection System
2. Engineer stamped letter certifying that the roof can accommodate the load may be required as part of the building permit process.

229-35 Commercial Solar Collection System CSCS (Includes Large Commercial, Industrial, Utility, Generation Station, Primary Agricultural Solar)

* + 1. Criteria

Standards of Review: Following a fully noticed public hearing on the proposed use, the Planning Board may issue a Site Plan approval, if it finds, based on the information and testimony submitted with respect to the application, that:

* + - 1. The development in its proposed location will comply with all applicable requirements of the Site Plan Regulations not otherwise covered in this section, as well as specific conditions established by the Planning Board;
			2. The use will not materially endanger the public health or safety;
			3. Required screening shall be maintained during the operative lifetime of the Commercial Solar Collection System Site Plan approval;
			4. In granting a Site Plan approval pursuant to this section, the Planning Board may impose any reasonable conditions or restrictions deemed necessary to carry out the intended

purpose of this ordinance.

* + 1. Site Plan Review Regulations Applicable

The specific requirements for a CSCS shall pre-empt any similar requirement in the Site Plan Review Regulations. Specific requirements for a CSCS are in the following sections of the Ordinance.

* + 1. System Layout
			1. A detailed sketch or plan showing the installation area of the site.
			2. A detailed sketch of any land clearing or grading required for the installation and operation of the system.
			3. The location of all equipment to be installed on site including utility connection point(s) and equipment. To the maximum extent practical all wiring associated with the utility connection shall be underground.
			4. All equipment locations, except for utility connections, shall comply with required setbacks.
			5. Equipment Specification.
			6. All proposed equipment or specifications must be included with the application.
			7. Such information can be supplied via manufacturer's specifications or through detailed description.
		2. Emergency Response
			1. Access to the site for emergency response shall be provided and detailed on the plan.
			2. A narrative or manual for municipal Fire Department detailing response guidance and disconnection locations necessary for fire response.
			3. Additional industry guidance documents that provide information about safety procedures for specific equipment on site shall be provided as needed to insure adequate public safety.
			4. Contact information for the Solar Collection System owner/operator shall be posted on site at the access way and provided and updated to the municipality.
		3. Natural Resource Impacts and Buffers

As deemed appropriate, all applications shall submit a detailed buffering plan demonstrating

how the proposed Ground Mounted solar installation will be incorporated into the local landscape so that effective screening is provided along public ways and from abutting views. The use of evergreens is recommended. The use of existing or created topography is encouraged to reduce visual impacts.

* + - 1. Solar Collection Systems shall be visually screened through the preservation of existing vegetation or through a landscaped buffer in accordance with the following.
			2. Plan: The buffering plan shall indicate the location, height and spacing of existing vegetation to be preserved and areas where new planting will be required.
			3. All solar systems shall have a reasonable visual buffer as required in the site plan review regulations from public ways and neighboring commercial/residential uses based on the view-sheds, contours of the land and abutting land uses.
			4. Areas that are within the view-shed of significant value as identified in the Master Plan shall include additional reasonable mechanisms to mitigate from a continuous and uninterrupted view of the system.
			5. Fencing shall be installed, if required by the electric code or the utility.
			6. Additional security or fencing may be required if the location of the system presents a safety concern for abutting land uses.
			7. Primary Agriculture Solar should minimize impacts to farmland activities and Prime Farmland. Dual use arrangements (solar and farming activities are encouraged where practical).
			8. Land clearing shall be limited to what is necessary for the installation and operation of the system and to insure sufficient all-season access to the solar resource given the topography of the land. Following construction, cleared land areas must be restored with native species that are consistent with the use of the site as a Solar Collection System such as slow growth or low ground cover. Erosion control measures during construction shall be detailed as required.
		1. Decommissioning

The applicant shall include a Decommissioning Plan which shall include the following requirements:

* + - 1. The applicant shall, at his or her expense, complete decommissioning (including site restoration) of the CSCS, within twelve (12) months after it is deemed unsafe, abandoned, or at the end of its useful life. The CSCS will be presumed to be at the end of its useful life if no electricity is generated and sent to the power grid by the CSCS for a continuous period of

(12) twelve months.

* + - 1. Site Restoration Plan
			2. The applicant shall include a Restoration Plan which shall include the following requirements:
				1. Removal from the property of all items in outdoor storage;
				2. On-site-road and open-work-area removal, if any, to preconstruction conditions, excepting portions of roads useful for the proposed use of the site. The property owner or Town officials may approve retention of any roads that either may wish to retain. If any roads are retained, excess paving and gravel shall be removed back to an appropriate width approved by the Planning Board, and the remaining areas loamed and seeded;
				3. Re-grading and re-vegetation necessary to return the subject property to the condition existing prior to establishment of the CSCS. The restoration shall reflect the site-specific character including topography, vegetation, drainage, and any unique environmental features. If, in the opinion of the Planning Board, grades and vegetation existing at the time of decommissioning are sufficiently stable and well established, they may be allowed to remain;
				4. Implementation of the post-decommissioning stormwater runoff plan.
		1. Additional Requirements for Commercial Solar Collection System
			1. A detailed pre-construction and post-construction plan identifying existing vegetation and areas to be cleared with specific identification of locations of buffer areas adjacent to neighboring uses and public ways.
			2. CSCS that disturb more than 10 acres of previously undisturbed land shall provide a natural resource inventory that details site conditions and habitat and mitigation efforts to reduce impacts to important species and habitat.
			3. Efforts and practices that can provide for a dual use of the site should be explored if feasible and encouraged where appropriate.
			4. The applicant shall demonstrate effective stormwater infiltration along with erosion control measures and soil stabilization.
		2. Electrical Requirements.

All systems not connected to the grid shall be approved by the electrical inspector or Building Inspector, as required.

Grid-tied systems shall file a copy of a final approved interconnection with the local Utility Company (e.g. PSNH, NHEC, etc.) shall be filed with the municipality prior to operation of the system.

* + 1. Glare
			1. A statement detailing potential significant glare onto abutting structures and roadways estimating the interaction of sun to panel angle, time of year and visibility locations.
			2. Based on the above information, the Planning Board may require reasonable mitigation. Mitigation may include angle of panels, details on the anti-reflective nature of the panel coating or any additional specific screening to minimize resulting impacts.

10.Noise

1. Estimates of any equipment noise on the site based on equipment specification materials (such as inverters).
2. Noise levels at the property line shall be at reasonable levels given the location of the facility with due consideration to the surrounding land uses and zone.
3. Setbacks

Solar Collection Systems shall be considered structures and shall comply with building setback requirements from lot lines for the entire system - including the panels. Tracking systems shall have the setback measured from the point and time where the array is closest to the lot line. No portion of a system may cross into the setback.

1. Stormwater
	1. Ground Mounted systems that are required to secure a New Hampshire Department of Environmental Services Alteration of Terrain (AoT) Permit in accordance with NH RSA 485:17 shall secure such permit accordingly.
		1. The final Permit issued by NH DES shall be incorporated by reference into the final Town approval and shall be enforceable by the Town in accordance with this zoning ordinance.
		2. No further local review of stormwater and erosion control shall be required where a project is required to secure the NH DES AoT Permit.
	2. Ground Mounted systems that do not require a NH DES AoT Permit shall comply with the following provisions:
		1. Ground Mounted Systems requiring AoT permit shall meet the requirements of the TOH Zoning Ordinance and Article XVI Groundwater Protection.
		2. Ground Mounted systems that require land clearing and grubbing of mature forested cover to accommodate more than 30% of the Solar Land Coverage area, provided such area of clearing and grubbing is also larger than 1 acre, the proposed system shall include a management plan for stormwater that is directly related to the impact of the Solar Collection System.
		3. Ground Mounted systems where the Solar Land Coverage area is large r than 1 acre and located on slopes of greater than 5% shall include a management plan for stormwater.
	3. The stormwater management plan shall include the following:
		1. The stormwater study shall take into account the nature of the solar panel installation and how the spacing, slope and row separate can enhance infiltration of stormwater. Percolation tests or site specific soil information may be provided to demonstrate recharge can be achieved without engineered solutions.
		2. Additional information, if required, shall calculate potential for concentrated flows of runoff due to the panels, slope, soil type and the impacts of other true impervious areas (such as equipment pads and roadways).
2. Required for all systems:
	1. All Ground Mounted systems shall be constructed in accordance with Best Management Practices for erosion and sedimentation control during the pre­construction, construction and post- construction restoration period.
	2. Post construction: For purposes of enhancing natural stormwater management, site conditions and plantings post-construction shall include insure that areas of soil compaction have been restored to more natural conditions. Plantings shall be native species and are recommended to beneficial habitat to song birds, pollinators and/or foraging specifies in order to maintain a healthy surface and subsurface habitat that can attenuate stormwater on the site.

14.Lighting

On site lighting shall be minimal and limited to access and safety requirements only. All lighting shall be downcast and shielded from abutting properties.

* 1. Financial Assurance

As a condition precedent to obtaining a permit to construct an CSCS, the applicant must submit an acceptable form of financial assurance including but not limited to cash, performance bond, or certificate of deposit. The amount of the financial assurance shall be established by the Planning Board and be based on what it would cost for the repair of public infrastructure and for the de- commissioning of the CSCS and reclamation of the site in the event the applicant fails to do so.

1. The amount of financial assurance as prepared by the applicant and may be reviewed periodically by the Planning Board to ensure that it equals outstanding decommissioning costs. Financial assurance may be adjusted, upwards or downwards, when required by the Planning Board.
2. Such financial assurance shall be kept in full force and effect during the entire time the CSCS facility exists or is in place, including decommissioning and site restoration. Such financial assurance shall be irrevocable and non-cancelable until such time as the Planning Board certifies that decommissioning and reclamation are complete and releases the obligation.
3. If the applicant fails to remove the CSCS and reclaim the site, the Town of Hillsborough may remove or cause the removal of the CSCS and the reclamation of the site. The Town may recover the cost of decommissioning and reclamation from any financial assurance provided by the applicant. Any decommissioning and reclamation cost incurred by the Town that is not recovered from the applicant will become a lien on the property where the removal or reclamation takes place and may be collected from the landowner in the same manner as property taxes.
4. If the applicant fails to complete decommissioning within the periods prescribed above, the entry into and submission of evidence of a participating landowner agreement to the Town shall constitute agreement and consent of the parties to the agreement, and of their respective heirs, successors, and assigns, that the Town may take such action as necessary to implement the decommissioning plan.
5. The escrow agent shall release the decommissioning funds when the applicant has demonstrated and the Planning Board concurs that decommissioning and site restoration has been satisfactorily completed, or upon written approval of the Town in order to implement the decommissioning plan.
6. The entry into and submission of evidence of a participating landowner agreement to the Town shall constitute agreement and consent of the parties to the agreement, and of their respective heirs, successors and assigns, that the Town may take such action as necessary to implement the Decommissioning Plan.
	1. Solar Collection Systems in The Historic District

The procedure for Building Permits in the Historic District shall be as specified in Article IX Section 229-59, J of the Town Zoning Ordinance.

1. Ground Mounted Systems should be mounted in inconspicuous locations, such as side and rear-yards, low to the ground and screened to limit visibility.
2. New Construction
	1. Should be placed where the is compatible with the historic building and is set where such installations are integrated into the building materials and designed so they are minimally visible.
	2. Sola r Collection Systems may be located on historic buildings, non-historic buildings and additions on the site.
	3. Systems, to the maximum extent practical are required to be not visible from public ways. Installations on building surfaces that face public ways should be limited. Locations behind dormers or on rear facing roof planes are permitted.
	4. Building integrated systems, such as tiles and other materials that mimic building components are encouraged.
	5. Installations on flat roof locations should be screened in keeping with the character of the building setback from the edge of the roofline.
	6. Criteria for Approval

The Planning Board shall approve an application, subject to conditions, only if the *applicant*

demonstrates that all of the following criteria have been met:

1. The proposed CSCS complies with all of the requirements of this Ordinance and the Town's Site Plan Regulations;
2. The proposed CSCS will not have a negative financial impact on the Town; and
3. The proposed CSCS includes adequate financial and other assurances to ensure the continued operation and decommissioning of the proposed CSCS in compliance with the terms of this Ordinance.

If an applicant fails to demonstrate that all of the above criteria have been met, the Planning Board shall deny the application as provided by RSA 676:3.

229-38 Severability

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision, nor any prior decisions made on the basis of the valid provisions of this Ordinance.

ZONING

*229 Attachment 3*

Table 3

Setback, Coverage and Building Height Requirements Town of Hillsborough

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| District and Type of Use | Minimum Setbacks | Maximum | Maximum Coverage (percent) |  | Maximum |
| Front (feet) | Side (feet) | Rear (feet) | Front Setback |  | Building |
| Height |
| (feet) | (feet) |
| **Residential, , Emerald Lake Village Residential, Village Residential, Lower Village Residential and Commercial, Historic Districts** |
|  | Dwellings | 30 | 15 | 20 | N/A | 25 |  | 50 |
| Commercial Uses | 50 | 20 | 25 | N/A | 30 |  | 50 |
| Other Uses 1 | 50 | 20 | 25 | N/A | 30 |  | 50 |
|  | Lake Lots 2  | 75 | 25 | 25 | N/A | 20 |  | 50 |
| **Rural District** |
|  | Dwellings | 30 | 25 | 50 | N/A | 25 |  | 50 |
| Commercial Uses | 50 | 25 | 50 | N/A | 30 |  | 50 |
| Other Uses1 | 50 | 25 | 50 | N/A | 30 |  | 50 |
| Lake Lots 2 | 75 | 25 | 25 | N/A | 20 |  | 50 |
| **Central Business District** |
|  | All Uses | 0 | 03 | 10 | 254 | 75 |  | 50 |
| **Historic District** |
|  | All Uses | 50 | 25 | 50 | N/A | 25 |  | 50 |

#### NOTES:

Other uses include rooming house with owner or agent in residence, residential use with house sales or professional office, church, school, etc.

2 For lake lots, the front of the lot is toward the lake and the front setback is measured from the average mean high water level.

3 If adequate fire protection can be provided for primary building.

 **4.** **Maximum height of all buildings shall not exceed fifty(50) feet above grade level. Steeples, cupolas, chimneys, antennas and other service appurtenances shall not be considered in determining height. Barns designated for livestock occupancy and silos where necessary to carrying on an agricultural operation are exempt from the height provisions of this chapter. [Amended 3-12-2013 ATM by Art. 3]**

Zoning

Table 4

Chart of Uses

**P**=Permitted Use **S**= Permitted by Special Exception

**C**= Permitted as a Conditional Use (#) See Notes Attachment 4:1

|  |
| --- |
| **Zoning Districts-Residential Uses** |
| Uses | Rural | Residential | Village Residential | Emerald Lake Village Residential | Historic District | Lower Village Residential | Commercial | Central Business District |
| Bed and Breakfast | P | P | P | P | S(#) |  |  | P |
| Cluster Development | C | C | C | C |  | C |  |  |
| Dwelling-Single Family | P | P | P | P | P | P | S(1) | S(2) |
| Dwelling-2 Family | P | P | P | P | P | P | S(1) | S(2) |
| Dwelling, 3 and 4 Family | S | S | S |  |  | S | S(1) | S(2) |
| Dwelling More than 4 Family | S | S | S |  |  |  | S(1) | S(2) |
| Home Occupation | P | P | P | P | P | P | P | P |
| Mobile Home/Manufactured | P | P |  |  |  |  |  |  |
| Mobile Home Park | S | S |  |  |  |  |  |  |
| Mobile Home Subdivision | P | P |  |  |  |  |  |  |
| **Modular Building** | **P** | **P** | **P** | **P** | **P** | **P** | **P** | **P** |
| **Presite Built Housing** | **P** | **P** | **P** | **P** |  | **P** |  |  |
| **RESIDENTIAL USES NOTES**1. Uses permitted by Special Exception only when such is a secondary use in conjunction with a commercial use and when such a use comprises less than 50% of the square footage of the structure
2. Dwellings at street level require a Special Exception. Minimum floor area for any dwelling unit shall b e 600 square fee

**#May be subject to Site Plan Review** |