

TOWN OF NEW BOSTON
New Boston Planning Board

Proposed Amendments
to the
Town of New Boston Zoning Ordinance
and Building Code and
Floodplain Development Ordinance
for Consideration
at the
Ballot Vote of March 10, 2009

**THE FOLLOWING ARE THE CHANGES AND
ADDITIONS TO THE PROPOSED AMENDMENTS
TO THE ZONING ORDINANCE AS EFFECTED AT
THE FIRST PUBLIC HEARING ON 12/30/08.
ADDITIONS ARE IN *BOLD ITALIC TYPE*.
DELETIONS ARE IN ~~STRIKETHROUGH TYPE~~.**

AMENDMENTS TO THE ZONING ORDINANCE

Proposed Amendment #1.

ARTICLE II: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 204.2 "COM" Commercial

Replace the existing Table of Uses with the following table:

Uses

Permitted Uses

1. Retail Store
- 1a. Pharmacy
2. Restaurant
3. Museum and Gallery
4. Medical/Dental Clinic
5. Extended Care Facility
6. Bank/Financial Institution
7. Office

Allowed by Special Exception

1. Theater
2. Kennel
3. Contractor's Yard
4. Vehicular sales facility
5. Vehicular repair facility
6. Small engine repair facility
7. Auto service station
8. Car wash

- | | |
|--|-------------------------------------|
| 8. Indoor and/or outdoor recreational facility | 9. Essential service |
| 9. Health Club/Gym | 10. Private school |
| 10. Funeral Home | 11. Day Care Center |
| 11. Newspaper | 12. Removal of earth products |
| 12. Printing/Copying | 13. Sawmill |
| 13. Hotel and Motel | 14. Warehouse |
| 14. Bed and Breakfast/Inn | 15. Self-Storage Facility |
| 15. Personal Services | 16. Public use |
| 16. General Service or Repair Establishment | 17. Research & Development Facility |
| 17. Accessory Building or Use | |
| 18. Agriculture, Farm & Farming | |
| 19. Business Incubator | |
| 20. Veterinary Practice | |
| 21. Membership Club | |

Proposed Amendment #2

ARTICLE VI DEFINITIONS

Section 602 Term Definitions

Replace the existing definition of Auto Service Station with the following definition:

"Auto Service Station: Any area of land, including structures thereon, that is used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used for polishing, greasing, washing, minor mechanical repairs or otherwise cleaning or servicing such motor vehicles and including as an accessory use a convenience store, but not including a drive through window. A service station is not a vehicular sales or repair facility."

Add a new definition for Bank/Financial Institution to read as follows:

"Bank/Financial Institution: A state or federally chartered bank, savings association, or credit union, located in a building or portion thereof which provides for the custody, loan, exchange or issue of money, the extension of credit, or facilitating the transmission of funds, and which may include accessory drive-up customer service facilities on the same premises. This does not include small loan businesses or check cashing facilities."

Add a new definition for Bed and Breakfast/Inn:

"Bed and Breakfast/Inn: A dwelling in which, for compensation, sleeping accommodations are provided to transient guests under management and operation of the owner/occupants of the dwelling. A

Bed and Breakfast/Inn may include the provision of meals for overnight guests only."

Add a new definition for Business Incubator to read as follows:

"Business Incubator: A business, either for-profit or non-profit, that assists start-up companies with establishing their business. An incubator provides below-market rent on office space and shared services such as teleconferencing equipment, a conference room, and secretarial services. Marketing, legal, and accounting services also may be provided. Private businesses and developers, public agencies, or universities may operate business incubators."

Add a new definition for Car Wash to read as follows:

"Car Wash: Any building or premises used primarily for washing motor vehicles. Car washes may also provide polishing, detailing, and may offer vacuum machines to allow owners to clean the interior of their vehicles."

Add a new definition for Contractor's Yard to read as follows:

"Contractor's Yard: A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the construction trades by a contractor."

Add a new definition for **Group Child** Day Care Center to read as follows:

"Group Child Day Care Center: A **facility** ~~private establishment where tuition, fees, or other forms of compensation for the care of the children and as defined in RSA 170-E:2(IV)(2) is charged, and which is licensed or approved to operate as a day care center by the State of New Hampshire.~~"

Add a new definition for ~~Extended~~ **Long Term** Care Facility to read as follows:

"Extended Long Term Care Facility: A building **or portion thereof** used primarily **used** for the ~~long-term~~ residence **and care** of **individuals**. ~~persons who, on account of (1) age or (2) physical infirmity, are unable to live by, or care for, themselves; included within this term are facilities which are commonly known as nursing homes, convalescent homes, This includes assisted living facilities, nursing facilities and residential care facilities, all as defined in RSA 151-E:2. and rest homes. Not included within this term are facilities which are commonly known as hospitals.~~"

Add a new definition for Funeral Home to read as follows:

"Funeral Home: Every place or premise, licensed in the State of New Hampshire, devoted to or used in the care and preparation for the funeral and burial of deceased human bodies or maintained for the convenience of the bereaved for viewing or other services in

connection with deceased human bodies or as an office or place for carrying on the profession of funeral directing."

Add a new definition for Gallery to read as follows:

"Gallery: A room or building devoted to the exhibition of works of art; and, an institution or business exhibiting or dealing in works of art."

Add a new definition for General Service or Repair Establishment to read as follows:

"General Service or Repair Establishment: A commercial establishment, the primary concern of which is the rendering of service and repair activities on equipment and appliances rather than the sale of goods. Such establishments include but are not limited to: watch, clock, radio, television, home appliances and bicycle repair. Retail sales shall be allowed as incidental uses in general service or repair establishments."

Add a new definition for Hazardous Waste to read as follows:

"Hazardous Waste: Those wastes where significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated, or disposed of in that manner customarily accepted for ordinary solid wastes; materials subject to special state or federal licensing; materials designated hazardous by the federal government or the State of New Hampshire."

Add a new definition for Health Club/Gym to read as follows:

"Health Club/Gym: A building which is occupied and used exclusively for physical health fitness programs and to provide facilities for group and individual exercise and physical well being."

Add a new definition for Hotel/**Motel** to read as follows:

"Hotel/**Motel**: An establishment where guests are required to register where lodging is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms."

Replace the existing definition of Kennel with the following definition:

"Kennel: An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation."

Add a new definition for Medical/Dental Clinic to read as follows:

"Medical/Dental Clinic: A building or structure or portion thereof where persons receive outpatient medical examinations, treatments, and procedures from licensed practitioners. This definition shall include doctors' and dentists' offices, and the offices of any other licensed and/or certified health care providers."

Add a new definition for Membership Club to read as follows:

"Membership Club: A social, sports, or fraternal association or other organization comprised of groups of people organized for a common purpose to pursue common goals, interests, or activities, used exclusively by members and their guests and not conducted as a gainful business. Membership clubs are usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and/or a constitution and bylaws."

~~Replace the existing definition for Motel with the following definition:~~

~~Motel: "An establishment where guests are required to register providing transient accommodations containing five (5) or more sleeping rooms, the majority of which have direct access to the outside without the necessity of passing through the main lobby of the building."~~

Add a new definition for Museum to read as follows:

"Museum: An institution devoted to the procurement, care, study, and display of objects of lasting interest or value and a place where such objects are exhibited."

Add a new definition for Newspaper to read as follows:

"Newspaper: An establishment that carries out operations necessary for producing and distributing newspapers, including gathering news; writing news columns, feature stories, and editorials; and selling and preparing advertisements. These establishments may publish newspapers in print or electronic form. Best management practices shall be followed for the proper disposal of any chemicals, dyes, or other hazardous materials."

Add a new definition for Office to read as follows:

"Office: A building or portion thereof in which no merchandise is displayed or exchanged and which is used for conducting predominantly administrative, professional, or clerical operations generally furnished with desks, tables, files, and communication equipment. Examples include architect, attorney, accountant, engineer, surveyor, drafting service, designer, planner, real estate agent, insurance agent, etc."

Replace the existing definition of Personal Services with the following definition:

"Personal Services: Establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as laundry, beauty shops, shoe repair, clothing rental. Retail sales shall be allowed as incidental uses in personal service establishments."

Add a new definition for Pharmacy to read as follows:

"Pharmacy: "A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines but where nonmedical products may be sold as well. A Pharmacy may include accessory drive-up customer service facilities on the same premises."

Add a new definition for Printing/Copying to read as follows:

"Printing/Copying: An establishment that carries out the process of applying images to a variety of surfaces. Some printing processes include: offset lithography, thermography, la gravure, letterpress, silkscreen, digital, laser, dye sub, photographic, desktop publishing and photocopying. Best management practices shall be followed for the proper disposal of any chemicals, dyes, or other hazardous materials."

Replace the existing definition of Private School with the following definition:

"Private school: A school which is privately owned that provides instruction and/or education of individuals for tuition, fees or other form of compensation. This includes schools in which special subjects or skills are taught, such as art, dance and photography."

Replace the existing definitions for Indoor and Outdoor Recreational Facilities with the following definitions:

"Recreational Facility, Indoor: A recreational activity, taking place totally within a structure or building, to include such facilities as bowling alleys, roller skating rinks, indoor arcades, indoor paintball, climbing walls, indoor soccer and similar uses."

"Recreational Facility, Outdoor: Outdoor recreation activities, including such facilities as outdoor tennis courts, swimming pools, miniature golf courses, play fields, and similar uses. No buildings shall be allowed except for the necessary related uses such as restrooms and maintenance facilities."

Add a new definition for Research and Development Facility to read as follows:

"Research & Development Facility: A business that engages in research, or research and development, ~~of innovative ideas~~ in technology-intensive fields. Examples include, but are not limited to, laboratories, scientific, medical, chemical, applied physics, mechanical, electronic, biological, genetic or other similar experimental research, product development or testing facilities. Development and construction of prototypes may be associated with this use but no facilities for manufacturing or sales of products are permitted. Research and Development Facilities shall not produce significant amounts of hazardous waste. Best management practices shall be followed for the proper disposal of any hazardous materials."

Add a new definition for Restaurant to read as follows:

"Restaurant:

"1) An establishment that serves food and beverages **and desserts** primarily to persons **located on the premises.** ~~seated within the building; or,~~

~~2) An establishment that offers frozen desserts, beverages and/or quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, griddled or grilled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.~~

32) In either **any** case curb side service is permitted for pre-ordered meals and snacks. Drive through service is prohibited."

Replace the existing definition of Retail Store with the following definition:

"Retail Store: Includes **gift** shop, store, and department store not to exceed 30,000 square feet, for the sale of retail goods; ~~and shall exclude any drive in service, free standing retail stand, auto service station, vehicular repair facility or vehicular sales facility.~~"

Add a new definition for Self-Storage Facility to read as follows:

"Self-Storage Facility: A structure or group of structures containing separate storage spaces leased or rented on an individual basis."

Add a new definition for Small Engine Repair Facility to read as follows:

"Small Engine Repair Facility: Enclosed establishment for the repair of new and used small engines, such as, but not limited to, snowblowers, chainsaws, and lawnmowers."

Add a new definition for Theater to read as follows:

"Theater: A building or part of a building used to show motion pictures or for drama, dance, musical, or other live performances. A maximum of two screens/stages/performance venues shall be permitted."

Replace the existing definition of Vehicular Sales and/or Repair Facility with two separate definitions as follows:

"Vehicular Repair Facility: Enclosed establishment for the repair of new and used motor vehicles, trailers, motorcycles, ~~mobile homes~~ **recreational vehicles** and boats. No retail sale of gasoline permitted except as incidental to the repair facility."

"Vehicular Sales Facility: Enclosed establishment for the display and sale of new and used motor vehicles, trailers, motorcycles, ~~mobile homes~~ **recreational vehicles** and boats. No retail sale of gasoline permitted except as incidental to the sales facility. Outdoor display of new and used vehicles may be permitted."

Add a new definition for Veterinary Practice to read as follows:
"Veterinary Practice: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use."

Replace the existing definition of Warehouse with the following definition:
"Warehouse: A building or group of buildings, not to exceed 30,000 square feet in aggregate, used for the storage of goods or materials that may include the repackaging or distribution of goods but does not include the retail sale of goods."

Proposed Amendment #3.

ARTICLE II: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

204.4 "R-A" Residential & Agricultural

Add a new use to the list of ~~Permitted Uses~~ **Special Exceptions** as follows:

"14. Accessory Dwelling Unit."

Proposed Amendment #4.

ARTICLE IV SPECIAL PROVISIONS

Add a new Section 404 Accessory Dwelling Units to read as follows:

Section 404.1 Authority and Purpose

Pursuant to the authority granted under RSA 674:21,IV,(b), as amended, the Town of New Boston hereby adopts the following regulations. For the purposes of providing expanded affordable housing opportunities, including rental potential, and providing flexibility in household arrangements, accessory dwelling units shall be permitted by special exception granted by the Board of Adjustment in the Residential-Agricultural district in conformance with these regulations.

Section 404.2 Definition

Dwelling Unit, Accessory: A **single** detached secondary dwelling unit, constructed either within an existing accessory building or within an accessory building constructed for that purpose, that is subordinate to the permitted principal dwelling unit in accordance with the provisions of this section.

Section 404.3 Requirements/Limitations

1. Accessory dwelling units are permitted in the Residential-Agricultural "R-A" District except in Open Space Developments.
2. Accessory dwelling units are intended to be secondary and accessory to a principal single-family dwelling unit.
3. Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the lot on which the dwellings are located.
4. Accessory dwelling units shall not be permitted on any lot with an existing two-family dwelling. Nor shall a two family dwelling be permitted on any lot with an existing accessory dwelling unit.
5. ~~Because the intent of this ordinance is to provide affordable housing options, the accessory dwelling unit shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single family dwelling.~~
5. In granting a special exception, the Board of Adjustment must find that the secondary dwelling unit is developed in a manner which does not alter the character or appearance of the principal dwelling unit as a single-family residence.
6. Only one accessory dwelling unit shall be allowed per principal dwelling unit and/or lot.
7. The accessory dwelling unit shall have an independent address designation from the principal dwelling.
8. Detached accessory dwelling units cannot be converted to a principal dwelling unit.
9. An accessory dwelling unit shall have an ~~area~~ **living space** of no less than 300 square feet and no greater than ~~850~~ **1,000** square feet.
10. **A septic system shall be provided in accordance with State regulations.**
~~The existing or proposed septic system must be certified by a licensed septic designer or engineer as adequate to handle and treat the increased waste volumes generated by the accessory dwelling unit in accordance with State regulations. If the existing septic system is not capable of adequately handling and treating the waste of the principal dwelling unit and the accessory dwelling unit in accordance with State regulations, a new or upgraded septic system conforming to the most recent state and local septic standards and regulations shall be required.~~
11. Adequate off-street parking shall be provided.
12. Adequate provisions must exist or be made for ingress, egress and turning of vehicles within the site.
13. A second driveway shall not be permitted unless it meets the requirements of the Town of New Boston Driveway Regulations. **A**

~~permit shall be required to change an existing single driveway to a common driveway.~~

14. All criteria of the Zoning District including, but not limited to, lot sizes, frontages, yard requirements and height requirements, wetland setbacks, and so on, shall be met.

Proposed Amendment #5

ARTICLE IV SPECIAL PROVISIONS

Add a new Section 405 Small Wind Energy Systems

Section 405.1 Authority and Purpose

This small wind energy systems ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate distributed generation/ small wind energy systems in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

Section 405.2 Definitions

Meteorological tower (met tower): Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ordinance, met towers shall refer only to those whose purpose is to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

Net metering: The difference between the electricity supplied over the electric distribution system and the electricity generated by the small wind energy system that is fed back into the electric distribution system over a billing period.

Power grid: The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

Shadow flicker: The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

Small wind energy systems: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less ~~and will be used primarily for onsite consumption.~~

System height: The ~~vertical distance~~ **height above grade** from ground level to the tip of the wind turbine blade when it is at its highest point.

Tower: The monopole, **guyed monopole or lattice** structure that supports a wind turbine.

Tower height: The height above grade of the fixed portion of the tower, excluding the wind turbine.

Wind turbine: The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

Section 405.3 Procedure for Review

- A. Building Permit: Small wind energy systems and met towers are an accessory use permitted in all zoning districts where structures of any sort are allowed. No small wind energy system shall be erected, constructed, or installed without first receiving a building permit from the Building Inspector. A building permit shall be required for any physical modification to an existing small wind energy system that materially alters the size and/or type of the small wind energy system or its location. Like-kind replacements shall not require a building permit to be modified. Met towers that receive a building permit shall be permitted on a temporary basis not to exceed ~~3~~ **one (1)** years from the date the building permit was issued.
- B. Application: Applications submitted to the Building Inspector shall contain a site plan with the following information:
 1. Property lines and physical dimensions of the applicant's property.
 2. Location, dimensions and types of existing ~~major~~ structures on the property.

3. Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.
 4. Tower blueprints or drawings including foundation details.
 5. Setback requirements as outlined in this ordinance.
 6. The right-of-way of any public road that is contiguous with the property.
 7. Any overhead utility lines.
 8. Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.
 9. Small wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.
 10. Sound level analysis prepared by the wind turbine manufacturer or qualified engineer.
 11. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to State, Federal and International building or electrical codes or laws.
 12. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
 13. List of abutters, with names and addresses, to the applicant's property.
- C. Abutter and Regional Notification: In accordance with RSA 676:66, the Building Inspector shall notify all abutters by certified mail upon application for a building permit to construct a small wind energy system. ***The Building Inspector shall also notify the Planning Board of the application by inter-office communication.*** The public will be afforded 30 days to submit comment to the Building Inspector prior to the issuance of the building permit. The Building Inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Building Inspector shall follow the procedures set forth in RSA 36:57, IV.
- D. ***The construction of a met tower for the purpose of collecting data to develop a small wind energy system shall abide by the following requirements:***
1. ***The construction, installation or modification of a met tower shall require a building permit and shall conform to all applicable sections of the state building code.***
 2. ***Met towers shall be permitted on a temporary basis not to exceed one (1) year.***
 3. ***Met towers shall adhere to the small wind energy system standards.***
 4. ***The applicant shall provide the expected date of removal of the met tower and details for restoration of the site to its natural condition.***

Section 405.4 Standards

A. The Building Inspector shall evaluate the application for compliance to the following standards:

1. Setbacks: The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the wind turbine base to property line, public roads, or nearest point on the foundation of an occupied building.

Minimum Setback Requirements			
Occupied Buildings on Participating Landowner Property	Occupied Building on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

- a. Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.
- b. Guy wires used to support the tower are exempt from the small wind energy system setback requirements.
2. Tower: The maximum tower height shall be restricted to 35 feet above the tree canopy within 300 feet of the small wind energy system. In no situation shall the tower height exceed 150 feet.
3. Sound Level: The small wind energy system shall not exceed 60 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.
4. Shadow Flicker: Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant ~~adverse~~ impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.
5. Signs: All signs including flags, streamers, and decorative items, both temporary and permanent, are prohibited on the small wind energy system, except for manufacturer identification or appropriate warning signs.
6. Code Compliance: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.
7. Aviation: The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations, including but not limited to 14 C.F.R. part 77, subpart B, regarding installations close to airports, and the

- New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.
8. Visual Impacts: It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access the wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.
 - a. The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, turbine design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground.
 - b. The color of the small wind energy system shall ~~either be the stock color from the manufacturer or~~ painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.
 - c. A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.
 9. Approved Wind Turbines: The manufacturer and model of the wind turbine to be used in the proposed small wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the State of New Hampshire, if available.
 10. Utility Connection: If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to RSA 362-A:9.
 11. Access: The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 12. Clearing: Clearing of natural vegetation shall be limited to ~~that which is~~ **the minimum** necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

Section 405.5 Abandonment or Discontinuance

- A. At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the ~~Building~~

- ~~Inspector~~ **Planning Board** by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
- B. Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the ~~Building Inspector~~ **Planning Board**. "Physically remove" shall include, but not be limited to:
- a. Removal of the wind turbine and tower and related above-grade structures.
 - b. Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.
- C. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12 month period. After the 12 months of inoperability, the ~~Building Inspector~~ **Planning Board** may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. After review of the information provided by the owner, the ~~Building Inspector~~ **Planning Board** shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the ~~Building Inspector~~ **Planning Board** shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.
- D. If the owner fails to respond to the Notice of Abandonment or if, after review by the ~~Building Inspector~~ **Planning Board**, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall **physically** remove the wind turbine and tower at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the ~~Building Inspector~~ **Planning Board** may pursue legal action to have the small wind energy system **physically** removed at the owner's expense.

Section 405.6 Violation

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt from this ordinance except when modifications are proposed to the small wind energy system.

Section 405.7 Penalties

Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject

to enforcement and penalties as allowed by NH Revised Statutes
Annotated Chapter 676.

Proposed Amendment #6

ARTICLE III GENERAL PROVISIONS

Section 310 Temporary Uses and Structures

Delete the existing section and replace with the following language:

"A building permit shall be required for any temporary structure or temporary use **that would otherwise require a building permit if such structure or use were permanent** . ~~Such permit may be issued by the Building Inspector and shall be subject to the provisions of the International Building Code and International Residential Code as it relates to temporary structures and uses.~~"

AMENDMENTS TO THE BUILDING CODE

Proposed Amendment #1.

CHAPTER NB-2.0 Administrative

Add a new Section NB-2.13 Temporary Permits and Uses

"A building permit shall be required for any temporary structure or temporary use **that would otherwise require a building permit if such structure or use were permanent** . ~~Such permit may be issued by the Building Inspector and shall be subject to the provisions of the International Building Code and International Residential Code as it relates to temporary structures and uses.~~"

Proposed Amendment #2.

CHAPTER NB-5.0: Sprinkler Systems for new One- and Two-Family Dwellings and Manufactured Homes.

Section NB-5.4 Design

Add a new section to read as follows:

"8. In addition to #7 above, all sprinkler systems installed in the Town of New Boston shall upon activation sound an alarm within the structure that will alert the occupants. This can be accomplished by connecting the sprinkler system to the household smoke detectors."

AMENDMENTS TO THE FLOODPLAIN DEVELOPMENT ORDINANCE

Proposed Amendment #1.

ITEM VII

Amend Section 1. by changing the reference in the second sentence from "Wetlands Board" to "Wetlands Bureau", so that it reads as follows:
"Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau."

12/31/08
NS/