



Town of Goffstown

TOWN OFFICES
16 MAIN STREET • GOFFSTOWN, NH 03045

Zoning Amendment Portion of Warrant Planning Board Approved 1/8/09

2. Shall the Town adopt Amendment # 1 as proposed by the Planning Board, amending Section 3 by inserting a new section between Sections 3.5 and 3.6, renumbering as appropriate, this new section to read:
 - 3.6 Workforce Housing**
 - 3.6.1** In the event that an applicant intends to qualify for workforce housing under RSA 674:60I, the Planning Board may require agreements so that the units so designated would remain as workforce housing.
 - 3.6.2** In order to evaluate the cost of complying with the conditions and restrictions and the effect on economic viability, under RSA 674:40II, the Planning Board would expect that the applicant's submission would include, but not be limited to, square-foot size of dwelling units, number of bedrooms, property cost, site development cost, cost of off-site improvements, unit construction cost per square foot, architectural and engineering cost, legal cost, construction financing cost, developer's profit, cost of conditions and restrictions.
3. Shall the Town adopt Amendment #3 as proposed by the Planning Board, amending Section 4.3, Table of Dimensional Regulations, so that the footnote "Less setback or more building footprint by Planning Board Conditional Use Permit." will also apply to the Residential Density-2 district.
4. Shall the Town adopt Amendment #4 as proposed by the Planning Board, amending Section 5.21, Residential Small Business Office-1, by adding a new Section 5.21.7 to read: The issuance of a demolition permit shall require a conditional use permit, with the Planning Board finding, in addition to Section 15.4.1 Conditional Use Standards, that there has been a fire, natural disaster or other casualty loss requiring building demolition, or that the proposed demolition will not be materially harmful to the stated intent of this district.
5. Shall the Town adopt Amendment #5 as proposed by the Planning Board, amending Section 5.23, Residential Wind Turbine in order to meet changes in State Statute, RSA 674:62 through 674:66, the full text of which is available at the Town Office.
6. Shall the Town adopt Amendment # 6 as proposed by the Planning Board, amending Section 6.4.2, adding a new sentence reading: Signs, for which sign content is changed electronically, shall require a Conditional Use Permit.



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7. Shall the Town adopt Amendment # 7 as proposed by the Planning Board, amending Section 13.3 Wetland and Surface Water Conservation (WSWC) District by removing language relating to process which is more appropriately contained within the Planning Board's Development Regulations, the full text of which is available at the Town Office.
8. Shall the Town adopt Amendment # 10 as proposed by the Planning Board, amending Section 15.3.1.1.2 to read: Granting the variance would not be contrary to the public interest.
9. Shall the Town adopt Amendment # 11 as proposed by the Planning Board, to specifically include fencing as one of the items that would be reviewed in an Historic District, by amending Section 3.4.4: adding "fence" after the word structure in the first sentence and adding "or the erection, alteration or removal of any fence" at the end of this Section's last sentence.



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Full Text of Warrant Articles # 5 and #7 Planning Board Approved 1/8/09

FULL TEXT OF ARTICLE #5:

5. Shall the Town adopt Amendment #5 as proposed by the Planning Board, amending Section 5.23, Residential Wind Turbine, to read:

5.23 Residential Wind Turbine

5.23.1 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.

5.23.2 Definitions:

5.23.2.1 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 are to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

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

5.23.2.3 System height: The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

5.23.2.4 Tower: The monopole, guyed monopole or lattice structure that supports a wind generator.

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

5.23.3 Procedure for Review:

5.23.3.1 Building Permit: Small wind energy systems and met towers are an accessory use permitted in the Agriculture (A) district and the Conservation Open Space (CO) district. Meteorological towers that receive a building permit shall be permitted on a temporary basis not to exceed 3 years from the date the building permit was issued.

5.23.3.2 Abutter and Regional Notification: In accordance with RSA 674:66, the building inspector shall notify all abutters by certified mail upon application for a building permit to construct a small wind energy system. The public will be afforded 30 days to submit comments to the building inspector prior to the issuance of the building permit. The building inspector shall review the application for regional impacts per



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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.

5.23.4 Standards:

5.23.4.1 Setbacks: The tower shall be setback 150% of the system height from property lines and above ground utility lines.

5.23.4.1 Tower Height: The maximum tower height shall be restricted to 35 feet above the tree canopy within 300 feet of the tower, but not more than 100 feet.

5.23.4.2 Sound Level: Noise of a normally operating small wind energy system shall be certified by the manufacture to not exceed 55 decibels at the property line, excepting short-term events such as severe wind storms and utility outages.

5.23.4.3 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 owner 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.

5.23.4.4 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.

2.23.4.5 Code Compliance: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.

5.23.4.6 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.

5.33.4.7 Approved Wind Generators: The manufacturer and model of the wind generator 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.

5.33.4.8 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.

5.23.5 Abandonment:

5.23.5.1 The owner shall provide a bond or other surety in an amount determined by the Public Works director to equal the estimated cost of removing the small wind energy system and site restoration in the event of its abandonment or discontinuance.



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5.23.5.2 At such time that a small wind energy system is scheduled to be abandoned or discontinued, the owner will notify the building inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. 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. "Physically remove" shall include, but not be limited to removal of the wind generator and tower and related above-grade structures. 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 its same condition at initiation of abandonment.

5.23.5.3 In the event that an owner 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 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 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 shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

5.23.5.4 If the owner fails to respond to the Notice of Abandonment or if, after review by the building inspector, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator 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 may utilize the applicant's surety, and/or pursue legal action to have the small wind energy system removed at the owner's expense.

FULL TEXT OF ARTICLE #7:

7. Shall the Town adopt Amendment #7 as proposed by the Planning Board, amending Section 13.3 Wetland and Surface Water Conservation (WSWC) District as follows:
1. Delete the following language from Section 13.3.2: Within the WSWC District, the Planning Board is authorized to administer and grant conditional use permits in accordance with Section 15.4.1, Conditional Use Permits.
 2. Delete the following language from Section 13.3.3: The limits of the WSWC District shall be identified on the property with pink and black flags spaced a maximum of 50 feet apart. The flags shall be sequentially numbered for each distinct wetland line. All plans submitted to the Planning Board shall identify each distinct wetland line and the location of each flag with its unique sequential identification number. The plan

PLANNING AND ECONOMIC DEVELOPMENT

(603) 497-8990 - Ext 117

FAX (603) 497-8993

sgriffin@ci.goffstown.nh.us



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shall also indicate the date that the field flagging was performed. Field flagging must have been performed within two years of submission of the plans to the Planning Board.

3. Amend Section 13.3.3.3 to read in total: The WSWC District also includes those contiguous wetlands, any part of which lie within the Town of Goffstown, that are two thousand (2,000) square feet or larger, as well as any land within one hundred (100) feet of those wetlands, of any lots that were created on or after March 11, 2008.
4. Amend Section 13.3.3.5, so that the first sentence reads: The provisions of this section do not apply to commercial or industrial development on lots that are in the C, I, RSBO-2, CIFZ or VC zoning districts, and in the table following Section 13.3.3.5, delete reference to all surface waters and insert a second table, as follows:

REQUIRED SURFACE WATER SETBACKS

Any defined surface water	100 feet
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5. Amend Section 13.3.4 to read: Relief from the outer 50 feet of the wetland or surface water buffer may be granted by the Planning Board after submission of a report from a certified wetland scientist, retained by the applicant, to the Planning Board, and after allowing the Conservation Commission a minimum of 45 days to review the report and make comment to the Planning Board. In granting relief, the Planning Board shall make a finding that the functions, values, and condition of the wetland resources will not be compromised as a result of the proposed project.
6. Section 13.3.7.2 to read: The Planning Board may require performance surety to ensure that all construction is carried out in accordance with the approved plan.
7. Section 13.3.7.3 to read: The Planning Board may require the applicant to submit an environmental impact assessment or any other investigations that the Board deems necessary in order to evaluate the application. The Planning Board will allow the Conservation Commission a minimum of 45 days to review and provide comment to the Planning Board on any reports submitted under this section.
8. Section 13.3.8 to read: The Planning Board may require protective measures to be taken to ensure that any construction activities occurring within the WSWC District will not cause siltation into, or degradation of wetlands.
9. Delete Sections 13.3.8.1 and 13.3.8.2.
10. Delete definitions, Sections 13.3.10.2, 13.3.10.3, 13.3.10.4, 13.3.10.5, 13.3.10.6 and 13.3.10.9, retaining the definitions for Certified Wetland Scientist, Surface Water and Wetlands.