

Town of Whitefield

Planning Board

Final Public Hearing Notice

Pursuant to RSA 675:3 and RSA 675:7, the Whitefield Planning Board will hold a public hearing on:

**Monday, February 4, 2019 at 6:30 PM**

**Whitefield Town Office – 56 Littleton Road, Whitefield NH**

To review proposed amendments to the Whitefield Development Code as follows: Amend Article IV – Administration and Permits by adding provisions regarding Recreational Vehicle Permits; Renumbering of Sections and Corresponding Amendments to Table of Contents; Amend Article IX – Zoning Board of Adjustment special exceptions; Amend XIV – Activity: Commercial by adding Campgrounds to sections 7.1 and 7.2(e) 6; Amend Article XVIII – Section 12 – Accessory Dwelling Unit – Section 12.5 (e); Amend Appendix I – Definitions: add Campground and revise Recreational Vehicle (RV); Addition of provisions regarding Solar Energy Systems.

A full draft of amendments can be picked up at the Town Office, 56 Littleton Road and online at [Whitefieldnh.org](http://Whitefieldnh.org).

Whitefield Planning Board

(As of 1/23/19 – Page 1)

Amend **Article IV – Administration and Permits** by adding the following **Section 2**:

**Section 2 – Recreational Vehicle Permits:**

2.1 RV Occupancy Permits. No recreational vehicle may be used as a primary dwelling, domicile, or residence for any length of time. Recreational vehicles may only be occupied on a temporary basis as set forth in this section. An RV occupancy permit must be obtained from the Board of Selectmen or its designee for any recreational vehicle placed on a lot and used for living quarters for more than 7 days; provided, however, that recreational vehicles may be used as living quarters only on a temporary basis and not on a lot which already contains any other dwelling, and no recreational vehicle may be occupied with an RV occupancy permit for more than 180 days in any one calendar year. RV occupancy permits shall be valid for one year and may be renewed by application to the Board of Selectmen or its designee prior to the expiration date. Each original or renewal application must be signed by the landowner and the owner of the recreational vehicle, and shall demonstrate to the satisfaction of the Board of Selectmen or its designee that adequate provisions have been made for sanitary disposal of sewage, waste and refuse, either in an existing residence or through a self-contained unit. Such use shall conform to the requirements of the State of New Hampshire Department of Environmental Services related to sanitation facilities. Normal setback requirements as found in Article XIII (Absolute Criteria for All Development), Section 6.29 (Setbacks) shall apply. No more than two recreational vehicles will be permitted on one lot. The RV occupancy permit must be prominently displayed on such recreational vehicle.

2.2 Registration of Recreational Vehicles. All recreational vehicles must be registered in accordance with the motor vehicle laws of the State of New Hampshire. Any recreational vehicle which does not have a valid motor vehicle registration and current number plate shall be assessed by the Town of Whitefield as taxable real estate pursuant to RSA 72:7-d.

2.3 Special Event RV Permit. A special event RV permit is required for the placement of more than two recreational vehicles on a lot. Upon application, special event RV permits may be issued by the Board of Selectmen or its designee and may be valid for a period of up to seven days. The landowner shall demonstrate to the satisfaction of the Board of Selectmen or its designee that adequate provisions have been made for sanitary disposal of sewage, waste and refuse, either in an existing residence or through a self-contained unit. Normal setback requirements as found in Article XIII (Absolute Criteria for All Development), Section 6.29 (Setbacks) shall apply.

2.4 The use of recreational vehicles in campgrounds shall constitute a commercial use under Article XIV of this Code.

Amend **Article IX – Zoning Board of Adjustment** by deleting the last sentence of the existing article and replacing it with the following:

(As of 1/23/19 – Page 2)

Pursuant to RSA 674:33, IV, the Board of Adjustment may grant a special exception where authorized under a specific provision of this Code if the applicant meets all of the following criteria:

- (1) The proposed detached ADU will be harmonious with the general purpose and intent of this Code.
- (2) The character of the area will not be adversely affected.
- (3) No hazard or nuisance will be created.
- (4) The capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
- (5) Granting the special exception will not result in undue municipal expense.
- (6) The general welfare of the Town will be protected.

Amend **Article XIV – Activity: Commercial, Section 7.1** to read as follows:

**7.1 Definition:**

Retail trade and service activities, vehicle service stations and sales, greenhouses and nurseries, grocery and convenience stores, offices, business services, hotels/motels, campgrounds, health and recreation clubs, restaurant bars, shopping centers, theaters, retail laundry centers, mortuaries, veterinary clinics, medical clinics, childcare centers as primary activities utilizing over 75% of project floor space, and other uses which are of the same general character that involve commercial activity.

Amend **Article XIV – Activity: Commercial** to add a new **Section 7.2(e)(6)** as follows:

6. campground = 500 square feet/campsite

Amend **Article XVIII, Section 12 – Accessory Dwelling Unit, Section 12.5(e)** to read as follows:

12.5(e) Detached ADUs are only allowed by special exception, provided, however, that no recreational vehicle shall be approved as a detached ADU. Applicants seeking to construct a detached ADU must seek approval from the Zoning Board of Adjustment.

Amend **APPENDIX I – DEFINITIONS** by adding the following:

**CAMPGROUND** – A recreational camping park on which 10 or more tents, or recreational vehicles (as defined in this Code) are used as temporary living quarters for recreational use, and a fee is charged for such land use.

**RECREATIONAL VEHICLE (RV)** – Any of the following vehicles:

- (a) Motorhome or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- (b) Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

(As of 1/23/19 – Page 3)

- (c) Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.
- (d) Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation and vacation purposes.

- These solar collection system rules are enacted in accordance with RSA 674:17(l)(j) and the purposes outlined in RSA 672:1-III-a as amended. The purpose of these rules 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 NH RSA 374-G and 362-F that include national security and economic and environmental sustainability.

Definitions:

- **Rated Nameplate Capacity** – Maximum rated alternating current (“AC”) output of solar collection system based on the design output of the solar system.
- **Solar Land Coverage** – is defined exclusively for the purposes of calculating the footprint of the land area occupied by 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 this code.
- **Solar Collection System** - Includes all equipment required to harvest solar 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.
- **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 if the system is made up of both roof and ground mounted systems, the roof mounted portions shall also be excluded.
- **Ground Mount** – A solar collection system and associated mounting hardware that is affixed to or placed upon (such as ballasted systems) the ground including but not limited to fixed, passive or active tracking racking systems.
- **Carport Mount** – Any solar collection system of any size that is installed on the roof structure of a carport over a parking area.

**Use definitions:**

( 1/23/19 Page 2)

- **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 12 kW AC or less and that is less than 500 square feet solar land coverage.
- **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 AC and that is less than 1 acre of solar land coverage.
- **Accessory Agriculture Solar:** Any ground mounted or roof mounted solar collection system designed to primarily reduce on-site consumption of utility power and without a limit to the rated nameplate capacity or solar land coverage provided the existing agricultural use is preserved at the time of installation.
- **Primary Agriculture Solar:** Any ground mounted solar collection system that is partially used to reduce on-site consumption of utility power and with a rated nameplate capacity up to 1 MW AC in size or has a solar land coverage in excess of 5 acres provided the existing agricultural use is preserved at the time of installation.
- **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 AC and that is less than 5 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 AC and 5 MW AC that is between 5 and 25 acres in solar land coverage.
- **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.
- **Utility Solar:** A use of land that consists of one or more free-standing, ground mounted solar collection systems that is over 50 acres in solar land coverage and less than 30 MW AC in rated nameplate capacity.

- **Solar Power Generation Station:** Any solar collection system that is over 30 MW AC in nameplate capacity. In no case shall a Solar Power Generation Station exceed 150 acres.
- **Permitted Locations:** Solar systems are evaluated on a case by case basis for their compatibility with surrounding uses. As such, the Planning Board may prohibit installation of a solar system that conflicts with the character of a particular neighborhood or area.

**Specific Solar System Requirements and Exemptions:**

- All solar systems, regardless of size or purpose, require an approved development permit prior to installation.
- A ground-mounted Residential Solar system over 15 feet in height at any point shall be located in a rear yard between the primary structure and rear lot line. All other ground mounted systems located in the front yard shall be reasonably screened from abutting residential properties.
- Municipal Systems: All solar collection systems for municipal use are exempt from land use regulations pursuant to NH RSA 674:54.

**Additional Provisions Regarding Solar Collection Systems:**

- **Building Height:** Roof mounted solar collection systems must comply with building height limitations.
- **Lot Coverage:** Ground-mounted solar collection systems shall not be considered as part of the maximum required lot coverage limitations and shall not be considered impervious surface. Impervious surface limitations as related to stormwater management for solar collection systems shall be addressed in accordance with this ordinance.

**Additional Permitted Sites:**

Although governmental land uses are usually exempt, the siting of privately owned or operated solar collection systems under a lease arrangement with the Town of Whitefield may be permitted on Town-owned land with prior approval of the Planning Board and at the discretion of the Board of Selectmen.

**Conditional Use Permit:**

**Requirements for Approving a Solar Installation Development Permit:**

- The development in its proposed location will comply with all applicable requirements of the Code not otherwise covered in this section, including but not limited to the Absolute Criteria in Article VIII, as well as specific conditions established by the Planning Board. In granting a permit pursuant to this section, the Planning Board may impose any reasonable conditions or restrictions deemed necessary to carry out the intended purpose of the Code. The Applicant shall provide the Planning Board with sufficient information regarding all requirements in this section for the Board to evaluate compliance with such requirements.
- The use will not materially endanger the public health or safety.
- Required screening shall be maintained during the operative lifetime of the Solar Collection System.
- System Layout Requirements
  - A detailed sketch or plan showing the installation area of the site.
  - A detailed sketch of any land clearing or grading required for the installation and operation of the system.
  - 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.
  - All equipment locations, except for utility connections, shall comply with required setbacks.
  - All proposed utility pole installations including type and height.
- Emergency Response Requirements
  - Access to the site for emergency response shall be provided and detailed on the plan.
  - A narrative or manual for municipal Fire Department detailing response guidance and disconnection locations necessary for fire response.
  - 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.
  - Except residential systems, 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.
- Natural Resource Impacts and Buffers Requirements



- Solar collection systems shall be visually screened through the preservation of existing vegetation or through a landscaped buffer in accordance with the following.
  - 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.
  - 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 viewsheds, contours of the land and abutting land uses.
  - Areas that are within the viewshed 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.
  
- Fencing shall be installed, if required, by the electric code or the utility. Additional security or fencing may be required if the location of the system presents a safety concern for abutting land uses.
  
- Primary Agriculture Solar should minimize impacts to farmland activities and Prime Farmland Soils (as defined and delineated by soil survey and definition of NH NRCS). Dual use arrangements (solar and farming activities) are encouraged where practical.
  
- Land Clearing Requirements
  - 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 by the Planning Board.

- Additional Requirements for Large Commercial, Industrial and Utility (LC/I/U) Solar:
  - 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.
  - LC/I/U systems 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.
  - Efforts and practices that can provide for a dual use of the site should be explored if feasible and encouraged where appropriate.
  - The applicant shall demonstrate effective stormwater infiltration along with erosion control measures and soil stabilization.
- Electrical Requirements. Grid-tied systems shall file a copy of a final approved interconnection shall be filed with the municipality prior to operation of the system.
- Glare Requirements
  - 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.
  - 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.
  - Mitigation through anti-reflective coatings shall have an index of refraction equal to or less than 1.30.
- Noise Requirements
  - Estimates of any equipment noise on the site based on equipment specification materials (such as inverters).
  - Noise levels at the property line shall be in accordance with the municipal noise ordinance or at reasonable levels given the location of the facility with due consideration to the surrounding land uses.
- Setback Requirements
  - 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.

- Stormwater Requirements
  - 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.
    - 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 Code.
    - No further local review of stormwater and erosion control shall be required where a project is required to secure the NH DES AoT Permit
  - Ground mounted systems not requiring NH DES AoT Permit. Where a ground mounted system does not require an AoT permit the following shall apply:
    - 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.
    - Ground mounted systems where the solar land coverage area is larger than 1 acre and located on slopes of greater than 5% shall include a management plan for stormwater.
  - The stormwater management plan shall include the following.
    - The stormwater study shall take into account the nature of the solar panel installation and how the spacing, slope and row separation can enhance infiltration of stormwater. Percolation tests or site specific soil information may be provided to demonstrate recharge can be achieved without engineered solutions.
    - Additional information, if required by the Planning Board, 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).
  - Required for all systems:
    - All ground mounted systems shall be constructed in accordance with Best Management Practices for erosion and sedimentation control during the pre-construction, construction and post-construction restoration period.

- Post construction: For purposes of enhancing natural stormwater management, site conditions and plantings post-construction shall insure that areas of soil compaction have been restored to more natural conditions. Plantings shall be native species and are recommended to be beneficial habitat to song birds, pollinators and/or foraging species in order to maintain a healthy surface and subsurface habitat that can attenuate stormwater on the site.
- Lighting Requirements
  - On site lighting shall be minimal and limited to access and safety requirements only. All lighting shall be downcast and shielded from abutting properties.
- Buffer Plan Requirements
  - All applications shall include 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.
- Abandonment and Decommissioning Requirements
  - Solar Collection Systems 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). The owner shall inform the Town in writing of any discontinuance of use within one month of such discontinuance. The owner of an abandoned system shall remove the system and restore the site within 6 months of the site being declared abandoned by the Town.