

ZONING ORDINANCE
Town of Groton, New Hampshire

Table of Contents

Article 1: Purpose

Article 2: Title

Article 3: Administrations

Article 4: Zoning Districts and District Regulations

Article 5: General Provisions

Article 6: Floodplain Management Ordinance (Passed 3/2000, rev 2/2007, integrated as Article 7)

Article 7: Large Wind Energy Systems (LWES) (Passed in 2015, integrated as Article 8)

Article 8: Board of Adjustment

Article 9: Definitions

Appendix A: Groton Zoning Map

Article 1: Purpose

The Zoning Ordinance of the Town of Groton, New Hampshire is designed to take into account the impacts of land uses and to encourage the most appropriate use of land to help Groton manage growth responsibly and sustain a tax base adequate for the Town's needs. This Ordinance is meant to promote the health, safety, and general welfare of all residents and visitors to Groton as set forth in Chapter 674, Sections 16 to 23, New Hampshire Planning and Land Use Regulations, as amended.

1. The Town of Groton shall be designated a Residential Development Town, with the exception of District C. Renewable Energy/Other Businesses, Forestry/Agricultural, Conservation Cluster and Recreation.
2. The purpose of this Town shall be to provide rural and residential housing as well as agriculture and timber management.
3. All residential uses and all uses accessory to residential uses shall be permitted. Additionally, all uses associated with home use, such as a home occupation, agriculture and the buildings and structures accessory to such uses shall be permitted.
4. All other uses, specifically business uses, commercial uses, industrial uses and uses of land that are primarily non-residential in nature shall be evaluated for inclusion in District C.

Article 2: Title

This ordinance shall be known and hereafter may be cited as "The Town of Groton Zoning Ordinance", hereinafter referred to as "this Ordinance."

Article 3: Administration**A. Enforcement and Penalties**

1. Authority. It shall be the duty of the Board of Selectmen, and they are hereby empowered to administer and enforce the provisions of this Ordinance.
2. Penalties. Penalties shall be as set forth in RSA 676:15-18, as amended.
3. The Board of Selectmen shall be authorized to seek enforcement, conviction and injunction in the appropriate court and the violator shall, in addition to the fines, be liable for the Town's expenses in seeking said conviction and/or injunction.

B. Validity

1. Separability: If any section, subsection, paragraph, sentence, clause, provision, word or phrase of this Ordinance is held to be invalid or unconstitutional by any court or any competent authority, such holding shall not effect, impair or invalidate any other section, subsection, paragraph, sentence, clause, provision, word or phrase of this Ordinance.
2. Existing Ordinances: Nothing contained in this Ordinance shall be construed as repealing or modifying any other ordinance or regulation of this Town, except as may be specifically repealed or modified by enactment of this Ordinance.
 - a. Nor shall anything in this Ordinance be construed as repealing or modifying any private restrictions placed upon property by covenant, deed or other private agreement, or restrictive covenants running with the land, but shall be in addition thereto.

- b. Whenever the provisions of this Ordinance differ from those prescribed by any statutes, other ordinance or other regulation or restriction, that provision which imposes greater restriction or the higher standard shall apply.
3. To the extent that the provisions of this Ordinance are the same in substance as the previously adopted provisions that they replace in the Town's 2009 Zoning Ordinance, they are to be continuations and not as new enactments unless otherwise specifically provided.
In particular:
 - Under the 2007, rev. & ratified 2009 Zoning Ordinance, the stated purpose of this Town shall continue to be to provide residential housing as well as agriculture and timber management.
 - Under the 2015 adopted LWES Ordinance, the stated purpose shall continue to be 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.
 - Under the adopted 2000, rev. 2007 Floodplain Development Regulation a permit and review procedure for development activities in the designated flood hazard area of Groton is established. The purpose is for Groton to be a participating community in the National Flood Insurance Program, enabling reimbursement for flood damage.
4. Amendments: This Ordinance may be amended in the manner provided in New Hampshire Planning and Land Use Regulations, Chapter 674, as amended.
5. Effective Date: The voters of the Town of Groton, New Hampshire, by official Ballot on March 8, 2022, voted affirmative to enact this Ordinance. The Ordinance takes effect immediately.

Article 4: Zoning Districts and District Regulations

The Town of Groton shall be composed of the following districts and overlay districts:

- A. Residential and Forestry/Agricultural
- B. Rural Residential, Forestry/Agricultural
- C. Renewable Energy/Other Businesses, Forestry/Agricultural, Conservation Cluster and Recreation

The districts are shown in Appendix A, "Maps of the Town of Groton" which are part of this Ordinance. The Town of Groton Planning Board ("Planning Board") has set the location of such boundaries subject to review of the Town's Tax Maps and the intent of this ordinance. Any determination of the boundaries of the Floodplain Ordinance is consistent with the Floodplain Management Ordinance together with the current Flood Insurance Rate Map (FIRM) and any revised/amended MAPs published by the U.S. Federal Emergency Management Agency (FEMA).

A. Residential and Forestry/Agricultural

I. Purpose Statement

The purpose of the Residential District is to direct the majority of Groton's future development activity to the portions of the community that are most appropriate for development. This District is currently where the largest numbers of structures presently are located, with access to existing town and state roads. The district also has the least constraints to development. Development here will be the most visible to residents and visitors alike, and in some areas may have high flood and erosion possibilities. This requires careful siting, with tree/shrub privacy screens or fencing where possible to protect Groton's rural character and precious natural resources.

II. Permitted Uses (as defined in Article 11)

- Single Family Residential Dwelling and one Accessory Dwelling Unit (ADU)
- Outbuildings
- Home Occupation and Home Business
- Forestry
- Agriculture
- Conservation

III. Dimensional Requirements

- Minimum Lot Size: 2 acres
- Frontage on State & Town Roads, and Private roads is 150 feet

B. Rural Residential, Forestry/Agricultural

I. Purpose Statement

The purpose of the Rural Residential, Forestry/Agricultural District is to encourage large tracts of working forests, agricultural engagement, protect wildlife habitat and corridors, and water quality, while requiring a very low density of development. Access to these areas are currently challenging with few existing roads. The majority of the land is heavily constrained due to the presence of steep slopes, wetlands and other critical natural resources.

II. Permitted Uses (as defined in Article 11)

- Single Family Residential Dwelling and one Accessory Dwelling Unit (ADU)
- Outbuildings
- Home Occupation and Home Business
- Forestry
- Agriculture
- Conservation

III. Dimensional Requirements

- Minimum Lot Size: 25 acres
- Frontage on State & Town Roads, and Private roads is 200 feet

C. Renewable Energy/Other Businesses, Forestry/Agricultural, Conservation Cluster and Recreation

I. Purpose Statement

The purpose of the District is to provide a location for the establishment of commercial wind and solar installation in a portion of the community that has the least number of residents yet reasonable access to Route 25 and a system of currently existing private roads that will support the designated district use. This portion of the community is currently the location of a large commercial wind operation and its location near businesses of neighboring towns should support other business potential while still sustaining Forestry/Agricultural potential and possible Housing and Recreation potential.

II. Permitted Uses (as defined in Article 11)

- Commercial Wind, Solar Energy Facilities and Wood Processing Facilities including Sawmills
- Other suitable Businesses
- Forestry
- Agriculture
- Conservation
- Conservation Cluster including Single Family Residential, Recreational Campgrounds and Camping Parks (includes Tiny House and RV's)

III. Dimensional Requirements

- Minimum Lot Size: 25 acres
- Frontage on State & Town Roads, and Private roads is 200 feet

Article 5: General Provisions**A. Non-Conforming Parcels or Usage**

1. Non-Conforming Uses. Any existing non-conforming use may continue uninterrupted, however, the use shall not be changed to a different non-conforming use or expanded.
2. Non-Conforming Lots. A non-conforming lot of record as of the effective date of this ordinance, or amendment thereto, may be built upon without the need for a variance, provided that all provisions of this Ordinance except lot size and/or frontage can be met, and a building permit is otherwise lawfully issued.

B. Residential Dwelling Limit

1. Within the Town of Groton, only one single family residential dwelling and one Accessory Dwelling Unit (ADU) shall be allowed per each buildable lot. The ADU is subject to Article 5, Section C directly below.

C. Accessory Dwelling Units

1. An "accessory dwelling unit" (or "ADU"), as defined in Article 9, may be physically within or attached to the primary structure, or may be constructed as a standalone detached unit.
2. An accessory dwelling unit shall be permitted by right, requiring only a building permit. in all districts that permit single family dwellings.
3. A building permit shall be issued if all of the following criteria is met:
 - a. Only one (1) ADU shall be permitted for each single-family dwelling.
 - b. The ADU shall have an independent means of ingress and egress, or shall have ingress and egress through a common space such as a shared hallway to an exterior door.
 - c. Either the ADU or the principal dwelling unit shall be the principal residence and legal domicile of the owner of the property.
 - d. The ADU shall not be smaller than 750 square feet in habitable floor area.
 - e. The ADU shall be provided a minimum of two (2) off-street parking spaces.
 - f. The ADU shall have provision for adequate water supply and sewage disposal service in compliance with RSA 485-A:38, as amended, regulations adopted by the New Hampshire Department of Environmental Services and any other state or local legal requirement.
 - g. All ADUs must meet lot area requirements required for the principal dwelling unit. This includes frontage.
 - h. ADU's must be constructed to perpetuate the "look and feel" of a single family house and the surrounding neighborhood. The ADU cannot be a Tiny House, manufactured house or a town-house style unit.
 - i. Title to the ADU must be in the property owner/residence name and cannot be sold as a condominium or separate housing unit.

D. Home Occupation and Home Business Standards

1. Purpose: Home-based opportunities are important to the Town in order to provide tax diversity, employment prospects and to support the variety of service needs

characteristic of small towns. At the same time, the ordinance intends to ensure the Town and neighborhood character is not changed, property values are protected, class VI/private roads/easements are maintained and plowed equitably among neighbors, the Town's natural resources and environment are protected and the quiet, rural and scenic features of Groton are preserved.

2. Home Occupation
 - a. A home occupation, as defined in Article 9, is permitted as an accessory use to the principal residential use in any district that permits single-family residential use.
 - b. The home occupation must be conducted on-site, within the dwelling or an accessory structure to the dwelling, only by a member (or members) of the domiciled family that resides in the dwelling as its primary residence. The use must be incidental and secondary to the use of the dwelling as a residence.
3. Home Business
 - a. A home business, as defined in Article 9, requires the filing of a Site Plan Review Application with the Planning Board, but not a variance from the Zoning Board of Adjustment. This provision is intended to allow residents to engage in business functions from their home. It is the only exception to the zoned requirement of directing businesses to District C.
4. The Home Occupation or Home Business use must comply with the following requirements/prohibitions:
 - a. One non-obstructive, non-glaring outside light (directed down and away from neighbors) and one sign, non-flashing, not to exceed nine (9) square feet.
 - b. There shall be no significant generation of traffic not normally associated with a residence. If the Home Occupation or Home Business is located on a class VI, private road or right-of-way easement, that access shall be maintained and plowed to maintain safety. The domiciled family must contribute a equitable share of the maintenance and plowing/sanding expenses or must demonstrate an alternative arrangement agreed upon by the property owners on the class VI road, private road, or right-of-way easement.
 - c. There shall be no on-street parking.
 - d. All septic and water systems must comply with state and local requirements of design, capacity and maintenance for the number of domiciled individuals and any full-time or full-time equivalent employees.
 - e. The Home Business or Home Occupation must comply with all applicable local, state, and federal laws and permits.
 - f. The Home Business or Home Occupation must comply with reasonable requests by local, state, and federal officials to inspect the property, dwelling and accessory structures.

Article 6: Floodplain Management Ordinance – (Passed 3/2000, Revd. 2/2007, integrated here

Article 7: Large Wind Energy Systems (LWES) – (Passed in 2015, integrated here

Article 8: Zoning Board of Adjustment

- A. Groton's Zoning Board of Adjustment shall consist of five (5) members conforming in duties to the provisions of Chapter 674:33 of the New Hampshire Planning and Land Use Regulations. In addition to the general powers granted said Board of Adjustment by said Chapter 674, it may, in harmony with its general purposes and intent, grant a variance from the terms of the ordinance if the Board finds:
1. The variance will not be contrary to the public interest;
 2. The spirit of the ordinance is observed;
 3. Substantial justice is done;
 4. The values of surrounding properties are not diminished; and
 5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
- B. "Unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
1. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 2. The proposed use is a reasonable one.
- C. If the criteria in subparagraph (B) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.
1. The definition of "unnecessary hardship" set forth in subparagraphs (B) and (C) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.
- D. Any variance approving a use, which use has not commenced within one year from the granting of said variance, shall lapse and be invalid.

Article 9: Definitions

Accessory Dwelling Units ("ADU"): A residential living unit that is within, attached to a single-family dwelling or detached, on a permanent foundation, that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

Accessory Structure: a structure which is: 1) detached from and clearly incidental and subordinate to the principal use or structure on a lot, 2) located on the same lot as the principal structure or use, 3) clearly and customarily related to the principal structure or use, and 4) only used for Home Occupation or Home Business, vehicle parking, storage, or primarily building access. Examples include, but are not limited to, garages, garden and tool sheds, cordwood storage and Home Occupations or Home Business.

Adverse noise impacts: any 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.

Agriculture: the growing, production, processing, marketing and other activities associated with any agricultural product.

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.

Automatic Obstruction Lighting System: a lighting system that provides continuous 360-degree surveillance of the airspace around an LWES 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-weighted decibels (dBA): The unit of measurement 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.

Background Sound Pressure Level: the sound pressure level without any wind turbines operating and when other man-made and natural intrusive sounds are at a minimum. This excludes 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.

Base Flood or 1 Percent Annual Chance Flood: means the flood having a one-percent possibility of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): means the elevation of the base (one-percent annual chance) flood referenced to a specified vertical datum (National Geodetic Vertical Datum of 1929 or North American Vertical Datum of 1988).

Basement: means any area of a structure having its floor subgrade (below ground-level) on all sides.

Blade Glint: the intermittent reflection of the sun off the surface of the blades of a single wind turbine or multiple turbines.

Building: A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.

Conditional Letter of Map Revision (CLOMR): means FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing floodway, base flood elevation, or the Floodplain Overlay District. CLOMRs do not revise an effective FIRM since they do not reflect as-built conditions.

Conservation: The management of natural resources to prevent waste, destruction, or degradation.

Conservation Easement: A legal agreement between a landowner and the easement holder that restrict future activities on the land to protect the land's conservation values.

Debris Hazard: any hazard from the possibility that the parts of a LWES, or any material (ice or other debris) accumulated on its rotating elements, could be dislodged and fall or be thrown some distance.

Development: any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

Dwelling Unit: A building or structure or portion thereof, on a permanent foundation, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one family for residential purposes as a single unit.

Elevation Certificate: means a form developed by FEMA to collect surveyed elevations and other information about a building, which can be used for the purposes of compliance with a community's floodplain regulations, flood insurance rating, and Letters of Map Amendment applications.

Enclosed Area: means an area created by a crawlspace or solid walls that fully enclose an area below an elevated building.

FAA: means the Federal Aviation Administration.

FEMA: means the Federal Emergency Management Agency.

Flood or Flooding: means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters, or
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM): means the official map on which FEMA has delineated the Regulatory floodway. This map should not be used to determine the correct flood hazard zone or base flood elevation. The FIRM will be used to make determinations of flood hazard zones and base flood elevations.

Flood Damage-Resistant Materials: means any building product (material, component or system) capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. See FEMA “Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.”

Flood Insurance Rate Map (FIRM): means the official map incorporated with this Ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the community. The FIRM is a graphic representation of the data contained in the accompanying Flood Insurance Study.

Flood Insurance Study (FIS): means a compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community. The FIS report contains detailed flood elevation data in flood profiles and data tables.

Flood Opening: means an opening in a foundation or enclosure wall that allows automatic entry and exit of floodwaters. See FEMA “Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures.”

Floodplain or Flood-prone Area: means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

Floodplain Administrator: means a person responsible for administering and implementing the community’s local floodplain ordinance and ensuring that the community is complying with minimum NFIP standards and enforcing any locally imposed higher standards.

Floodproofed or Floodproofing: means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

Floodproofing Certificate for Non-Residential Structures: means the form developed by FEMA for use in the certification of non-residential dry floodproofing designs.

Floodproofing, Dry: means making a structure watertight below the level that needs flood protection to prevent floodwaters from entering.

Floodproofing, Wet: means permanent or contingent measures applied to a structure and/or its contents that prevent or provide resistance to damage from flooding by allowing flood waters to enter the structure.

Floodway: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Forestry: The management of forest and timberlands when practiced in accordance with sound forest management practices through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any existing, proposed, or future land development.

Frontage: The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. The street with frontage shall be a street conforming to RSA 674:41, as amended. All sides of a lot that abuts a street shall be considered frontage.

Hazardous Conditions: Conditions that are likely to cause death or serious personal injury to persons exposed.

Health: a state of complete physical, mental and social well-being, not merely the absence of disease or infirmity.

Highest Adjacent Grade: means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure: means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior; or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

Home Business: A business which is conducted on-site, transacted within the dwelling or an accessory structure to the dwelling, or fully or in some part off-site with storage of materials, vehicles, or other property of the business at a dwelling, by at least one member of the domiciled family with up to four employees unrelated to the domiciled family and who are not domiciled at the dwelling.

Home Occupation: An occupation conducted on-site, within the dwelling or an accessory structure to the dwelling, by a member or members of the domiciled family.

Impact(s): any effect on the environment, including but not limited to sound and visual impacts such as changes in sound pressure, noise and light.

Impervious Surface: a surface that limits or does not allow water or other liquids to pass through. Examples include, but are not limited to, buildings, rooftops, decks, patios, and asphalt, concrete, and compacted gravel driveways, parking areas, and walkways.

Infrasound: sound energy below 20 Hz.

Large Wind Energy System (LWES): an electricity-generating facility with a generating capacity of over 100 kilowatts, including but not limited to one or more wind turbines, any substations, meteorological towers, cables/wires, and/or other buildings accessory to such facility.

Legal Domicile: The place where a person has his/her permanent principal home to which he/she returns or intends to return.

Leq: the equivalent continuous sound pressure level that has the same acoustic energy for a constant sound pressure level as a fluctuating or intermittent level in the same period of time.

Letter of Map Change: means an official document issued by FEMA that revises or amends the flood hazard information shown on the FIRM without requiring the FIRM to be physically revised and/or re-published. Letters of Map Change can include Letters of Map Amendment, Letters of Map Revision, and Letters of Map Revision Based on Fill.

Letter of Map Revision (LOMR): means FEMA's modification to an effective FIRM, usually as a result of physical changes to the flooding source and floodplain that result in the modification of the existing Regulatory floodway, base flood elevations, or special flood hazard area. LOMRs are a cost effective way to keep FIRMs up to date without republishing an entire map panel or panels. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM and/or FIS report.

Lot Coverage: percentage of the area of the lot covered by an impervious surface.

Lowest Floor: means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is built in compliance with the applicable non-elevation design requirements in this Ordinance.

Manufactured Home: means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

Manufactured Home Park or Subdivision: means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: means the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other vertical datum to which base flood elevations shown on a community's FIRMs are referenced.

Met tower: any meteorological tower used for the measurement of wind speed.

Natural environment: any navigable waters, ocean waters, and any other surface water, groundwater, drinking-water supply, land surface or subsurface strata, ambient air within the United States or under the jurisdiction of the United States, wildlife, ecosystems, and habitat, and historical, cultural, recreational and archeological resources.

National Flood Insurance Program (NFIP) means the program created by the Congress of the United States in 1968 through the National Flood Insurance Act of 1968 (P.L. 90-448). The program enables property owners in participating communities to purchase insurance protection, administered by the government, against losses from flooding.

Natural Grade: means the grade unaffected by construction techniques such as fill, landscaping or berming.

Neighboring area: Town of Groton and abutting towns.

New Construction means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Noise: any unwanted sound or any sound that is not part of the natural environment.

Non-conforming Use: A permitted use of a building, structure or land which in whole or in part does not conform to the regulations of the district in which it exists, but which is legally existing at the time of the adoption of this Ordinance, or which is allowed to exist pursuant to a special exception or variance of the Board of Adjustment. **Outbuilding:** A separate accessory building or structure not physically connected to the principal building.

Non-participating landowner: any landowner who is not a participating landowner as defined.

Octave band: a band of sound covering a range of frequencies such that the highest frequency is twice the lowest frequency, as defined in ANSI Standard S1.11.

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 frequency, as defined in ANSI Standard S1.11.

Participating landowner: any landowner on whose property all or a portion of a LWES is located pursuant to an agreement with the applicant, or any landowner who has waived his or her rights for protection under this Ordinance.

Permit to construct: a permit to construct a project issued by the Groton Board of Selectmen after the application has been reviewed, approved and the site plan is authorized by the Planning Board.

Permit to operate: a written approval issued by the Groton Board of Selectmen to operate a LWES once such project has been approved and authorized by the Planning Board.

Project boundary: a continuous line that encompasses all wind turbines and related equipment for a Large Wind Energy System.

Prosperity: a state that often encompasses wealth but also includes other factors which can be independent of wealth to varying degrees, such as happiness and health.

Public infrastructure: any roadways, culverts, and bridges maintained by the Town of Groton or State of New Hampshire.

Recreational Vehicle: means a vehicle:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. designed to be self-propelled or permanently towable by a light duty truck; and
- d. designed primarily **not** for use as a permanent dwelling but as temporary living quarters (less than 180 consecutive days) for recreational, camping, travel or seasonal use.

Refraction: the bending of sound waves in the atmosphere due to changes in air temperature or wind gradient.

Residential Dwelling: A building regularly used by its occupants as a permanent place of abode, is made one's home as opposed to one's place of business, and has housekeeping, sleeping, sanitation, and cooking facilities for its occupants.

Setback: The minimum distance by which any building or structure must be located from a legal boundary (right-of-way, lot line, or property line), measured from the legal boundary to any part of the structure, including decks and roofs, as measured from the drip line.

Setback for purposes of LWES: the distance a LWES tower base is located from abutting property lines, structures, or other features.

Shadow flicker: the visual effect that occurs 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.

Single-Family Residential Dwelling: A Residential Dwelling that is occupied or intended to be occupied as the home or residence of one family.

Solar Installation: A device or combination of devices that use direct sunlight as a source of energy for generating electricity.

Sound power level (L_w): 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).

Start of Construction: includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

State Building Code: means the current codes adopted by the state of New Hampshire.

State NFIP Coordinating Agency: means the agency of the state government (or other office designated by the Governor of the state or by state statute) that, at the request of the Federal Insurance Administrator, assists in the implementation of the National Flood Insurance Program (NFIP) in that state.

Steep Slope: A naturally existing, continuous area of land with a contiguous area of 0.25 acre or more which has an average slope of 20% or greater.

Structure: any walled and/or roofed construction, decks, stairs, gas or liquid storage tanks, manufactured homes and travel trailers, or other erected objects, which requires location on the ground or attached to something having location on the ground.

Substantial Damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The market value of the structure should equal the appraised value of the structure prior to the damage occurring.

Substantial Improvement: means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation as a “historic structure”.

Surface Water: Any river, stream, pond, lake, and/or wetland larger than 0.25 acre.

Surface Water Buffer: A vegetated area containing various species of native trees, shrubs, and ground covers.

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 period of time in the existence of an LWES or individual wind turbine(s) before the point when no electricity is generated for a continuous period of twelve (12) months.

Visual clutter: any accumulation of diverse, built elements on a site, especially elements that contrast with their surroundings in form, color, texture, or pattern.

Welfare: a state of well-being.

Well-being: a good or satisfactory condition of existence; a state characterized by health, happiness, and prosperity.

Wetlands: An area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wind shear: the difference in atmospheric wind speed and direction occurring over relatively small increases in altitude.

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

Violation: the failure of a structure or other development to be fully compliant with the ordinances of the Town of Groton.