

**OFFICIAL BALLOT  
ANNUAL TOWN ELECTION  
LEE, NEW HAMPSHIRE  
MARCH 8, 2011**

*Synda B. Reinhold*  
TOWN CLERK

**INSTRUCTIONS TO VOTERS**

- A. TO VOTE, completely fill in the OVAL to the RIGHT of your choice(s) like this: ●  
 B. Follow directions as to the number of candidates to be marked for each office.  
 C. To vote for a person whose name is not printed on the ballot, write the candidate's name on the line provided and completely fill in the OVAL.

<p align="center"><b>MODERATOR</b></p> <p align="center">VOTE FOR NO For One Year MORE THAN ONE</p> <p>JANICE NEILL 640 ○                  _____ 7 ○                  (Write-in)</p>	<p align="center"><b>TRUSTEE OF THE TRUST FUNDS</b></p> <p align="center">VOTE FOR NO For Three Years MORE THAN ONE</p> <p>SCOTT BUGBEE 587 ○                  _____ 8 ○                  (Write-in)</p>	<p align="center"><b>CEMETERY TRUSTEE</b></p> <p align="center">VOTE FOR NO For Three Years MORE THAN ONE</p> <p>SCOTT TURNBULL 203 ○                  MARIANNE E. BANKS 432 ○                  _____ 2 ○                  (Write-in)</p>
<p align="center"><b>SELECTMEN</b></p> <p align="center">VOTE FOR NO For Three Years MORE THAN ONE</p> <p>JOHN R. LACOURSE 372 ○                  SCOTT BUGBEE 275 ○                  _____ 9 ○                  (Write-in)</p>	<p align="center"><b>TRUSTEE OF THE TRUST FUNDS</b></p> <p align="center">VOTE FOR NO For Two Years MORE THAN ONE</p> <p>JOHN TAPPAN 604 ○                  _____ 4 ○                  (Write-in)</p>	<p align="center"><b>ADVISORY BUDGET COMMITTEE</b></p> <p align="center">VOTE FOR NO For Three Years MORE THAN ONE</p> <p>ALICE MACKINNON 578 ○                  _____ 12 ○                  (Write-in)</p>
<p align="center"><b>TOWN CLERK / TAX COLLECTOR</b></p> <p align="center">VOTE FOR NO For Three Years MORE THAN ONE</p> <p>LINDA R. REINHOLD 633 ○                  _____ 7 ○                  (Write-in)</p>	<p align="center"><b>LIBRARY TRUSTEE</b></p> <p align="center">VOTE FOR NO For Three Years MORE THAN TWO</p> <p>BRUCE L. LARSON 477 ○                  MARGARET DOLAN 557 ○                  _____ 4 ○                  (Write-in)                  _____ (Write-in)</p>	<p align="center"><b>ADVISORY BUDGET COMMITTEE</b></p> <p align="center">VOTE FOR NO For One Year MORE THAN ONE</p> <p>WILLIAM HENZE 594 ○                  _____ 4 ○                  (Write-in)</p>

**ARTICLES**

**ARTICLE II**

**Question 1.** Are you in favor of the adoption of Article II, as proposed by the Lee Planning Board to the 2011 Lee Zoning Ordinance as follows:

Items underlined and **bold** are to be deleted and the new text is in *Italics*.

To Change/Amend Article II; Definitions, item-Agriculture, Farm, Farming; to amend only the following from the definition, with no other changes proposed to the rest of the definition; \*Note: The intent of this change is to clear up a conflict with Article V, of the Zoning Ordinance in that only one residential structure is allowed per lot.

Agriculture, Farm, Farming; The word "farm" means any land, buildings or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land.  
 Replace with: *of the owner(s) located*

(The Planning Board supports this change.)

69 Blank  
608 YES ●  
105 NO ○

**TURN BALLOT OVER AND CONTINUE VOTING**

## QUESTIONS CONTINUED

**Question 2.** Are you in favor to Change/Amend Article III; General Provisions: Section – D only, the rest of Article III remains as is.

**D. AGRICULTURE: Normal agricultural practices shall be permitted in all zones (See the definition in Article II herein) according to the following standards:**

1. Animals shall be housed in structures not less than one hundred (100) feet from adjacent property lines.
2. A piggery or poultry farm (defined as more than four (4) animal or bird units by the U.S. Department of Agriculture) shall require a Site Approval and Special Exception under the terms of this ordinance. (An animal unit equals 2 ½ adult pigs or 32 adult birds.
3. Agricultural practices as defined by Article II. Temporary structures for seasonal farm stands must be removed upon conclusion of the seasonal activity. The roadside farm stand is required to be registered with the Town of Lee.

Replace with the following:

**D. *AGRICULTURE: Normal agricultural practices shall be permitted in all zones according to the following standards:***

*Agriculture, Farm, Farming: The word "farm" means any land, buildings or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence of the owner(s) located on such land. Structures shall include all farm outbuildings used in the care of livestock, in the production and storage of fruit, vegetables, or nursery stock, in the production of maple syrup, the production of annual or perennial plants, and any other structures used in the agricultural operations.*

- 1.) *The words "agriculture" and "farming" shall mean all operations of the farm, but shall not be limited to:*
  - a.) *The cultivation, conservation and tillage of the soil.*
  - b.) *The storage, use, and application of fertilizers, manures and other soil amendments.*
  - c.) *The storage, use, and application of agricultural crop protection materials.*
  - d.) *The raising and sale of livestock, including but not limited to; Dairy cows and the production of milk and other dairy products, beef animals, swine, sheep, goats, domesticated strains of buffalo, bison, llamas, alpacas, emu, ostriches, yaks, elk, fallow deer, red deer, and reindeer.*
  - e.) *The breeding, boarding, raising, training, riding instruction, and selling of equines.*
  - f.) *The commercial raising, harvesting, and sale of fish or other aquaculture products.*
  - g.) *The raising, breeding and sale of poultry or game birds.*
  - h.) *The raising of bees and the production of honey products.*
  - i.) *The raising, breeding and sale of domesticated strains of fur-bearing animals.*
  - j.) *The production and sale of greenhouse crops.*
  - k.) *The production, cultivation, growing, harvesting, and sale of any other agricultural, floricultural, forestry, or horticultural crops including, but not limited to, berries, herbs, maple syrup, fruit, vegetables, tree fruit and nuts, flowers, seeds, grasses, nursery stock, sod, trees, and tree products, including Christmas trees, trees grown for short rotation fiber, or any other plant that can be legally grown and harvested for sale or subsistence.*
  - l.) *Any other practice or activity on the farm incident to, or in conjunction with such farming operations, including but not restricted to:*
    1. *Preparation for market, delivery to storage, markets or other distribution points, of any products or materials from the farm.*
    2. *The transportation to the farm of supplies and materials.*
    3. *The transportation of farm workers.*
    4. *Forestry or lumbering operations.*
    5. *The irrigation of growing crops, from private, public and/or other riparian water supplies where not prohibited by regulation.*
    6. *The marketing or selling at wholesale or retail, or in any other manner on-site and off-site, any products from the farm, and any other related supplies or materials that do not exceed in average yearly dollar volume the value of the products from the farm.*
    7. *A roadside farm stand or farm market, as defined below, shall be considered part of an agriculture or farming operation and not considered commercial provided that at least 50% of the average gross sales yearly dollar value is attributable to products produced on the farm or farming operation by the stand or market operator.*
- 2.) *Temporary structures for seasonal farm stands must be removed upon conclusion of the seasonal activity. The roadside farm stand is required to be registered with the Town of Lee.*

**Farm Market:**

*The purpose of the farm market is to provide opportunities for agricultural producers to retail their products directly to consumers and enhance income through value-added products, services and activities. Permitted activities include but are not limited to; the marketing of agricultural products, products that are agriculture-related, including specialty foods, gift items, mass produced items that reflect the history and culture of agriculture and rural America, crafts, agricultural tourism, pick-your-own operations, community supported agriculture, farm vacations. If the Farm Market includes any permanent structures/buildings, they are subject to the current Zoning Regulations in the Town of Lee and subject to site review by the Town of Lee's Planning Board.*

**QUESTION 2 CONTINUED ON NEXT BALLOT**

**GO TO NEXT BALLOT AND CONTINUE VOTING**

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*Fayda B. Ginn*  
TOWN CLERK

QUESTIONS CONTINUED

QUESTION 2 CONTINUED

Roadside Farm Stand:

The purpose of a temporary roadside farm stand is to allow farmers, who are actively farming, low cost entrance into direct marketing their farm products. It is characterized as a direct marketing operation, is seasonal in nature and features on-farm produce as well as locally produced agricultural products, enhanced agricultural products and handmade crafts. Permitted activities include, but are not limited to; the marketing of agricultural products, products that are agriculture-related, including specialty foods, gift items, mass produced items that reflect the history and culture of agriculture and rural America, crafts, pick-your-own fruits, vegetable and nuts, community supported agriculture (CSA), agricultural tourism. The roadside farm stand is required to be registered with the Town of Lee. Any temporary buildings/structures are exempt from the definition of building/structures as defined in Article V, Residential Zone of the 2006 Town of Lee Zoning Ordinance as amended – (example if future changes are done to the Articles it may change the numbering and/or year of ordinance) and Article XV, Wet soils Conservation Zone and they are exempt from the Setback provisions from Article V, Residential Zone and Article XV, Wet Soils Conservation Zone.

Agricultural Tourism:

The purpose of Agricultural Tourism is to attract people to farms, promote the sale of agricultural products using agriculture related tours, events and activities, as well as non-agricultural related activities. These tours, events, and other activities are intended to supplement farm income. Activities include, but are not limited to petting farms, farm animal attraction, school tours, outdoor trails, crop mazes, hayrides, pony rides, livestock and or equine events, group picnics, on-and- off site food catering services, craft shows, outdoor recreation, and educational activities. If a fee is charged, in order to be a permitted use, the farm must be actively producing agricultural products for sale. Farms where the seller is not actively producing agricultural products for sale will require a Special Exception.

635  
YES   
NO   
100  
Blank 49

(The Planning Board supports this change.)

Question 3. Are you in favor to Change/amend Article V; Residential Zone (Zone A), Section D; Special Exception to amend the following sections;

Second paragraph:  
Special exception shall be required for any use requiring expanded parking facilities, a sign over four (4) square feet in area, outside storage of materials, or agents or employees other than the owner and his spouse and children. A special exception shall be obtained from the Zoning Board of Adjustment according to the criteria set forth in **Article XXI** (replace with: *this ordinance*) herein and New Hampshire **RSA 674:33** (replace with: *RSA Chapter 673; Local Land Use Boards*). Site approval must be obtained from the Planning Board unless waived. If a building is to be erected, a Building Permit must also be obtained from the Building Inspector.

Also to amend the last section of Article V; Residential Zone (Zone A), Section D; Special Exception as follows;

In addition, any use under Special Exception must conform to the following criteria:

- 1. A landscaped buffer zone must be maintained between the Special Exception and any residential lot line.
- 2. Signs must conform to the requirements of Article XVII of this ordinance.
- 3. Only one (1) residential structure and/or one (1) business, shall be permitted for that use on each lot.
- 4. **Each site will be permitted only one (1) access from the public right-of-way. (Number-4, to be deleted. Planning Board covers access under site review, more of a house-keeping measure.)**

569  
YES   
NO   
152  
Blank 63

(The Planning Board supports this change.)

Question 4. Are you in favor to Change/amend Article XXII; Zoning Board of Adjustment;

Amend only the First paragraph;  
Pursuant to New Hampshire **RSA 674:3** (replace with; *RSA Chapter 673; Local Land Use Boards*), the Zoning Board of Adjustment shall consist of five (5) members and three (3) alternates appointed by the Board of Selectmen to serve for three (3) year terms. The Zoning Board of Adjustment shall have the following powers: (no other changes/amendments to the rest of Article, the present RSA listed is incorrect.)

595  
YES   
NO   
103  
Blanks 86

(The Planning Board supports this change.)

TURN BALLOT OVER AND CONTINUE VOTING

## QUESTIONS CONTINUED

**Question 5.** Are you in favor of adding this New Article as we currently have no Small Wind Energy System Ordinances.

### Article XXI:A Small Wind Energy Systems

#### A. 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 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.*

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

**Modification.** Any change to the small wind energy system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.

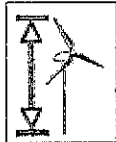
**Net metering.** The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period.

**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 blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

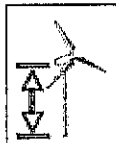
**Small wind energy system.** A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.

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



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

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



**Wind generator.** 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.

#### C. Procedure for Review:

1. **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. Met 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.

QUESTION 5 CONTINUED ON NEXT BALLOT

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*Synda B. Bunker*  
TOWN CLERK

**QUESTIONS CONTINUED**

**QUESTION 5 CONTINUED**

2. *Application: Applications submitted to the building inspector shall contain a site plan with the following information:*
- i) *Property lines and physical dimensions of the applicant's property.*
  - ii) *Location, dimensions, and types of existing major structures on the property.*
  - iii) *Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.*
  - iv) *Tower foundation blueprints or drawings.*
  - v) *Tower blueprints or drawings.*
  - vi) *Setback requirements as outlined in this ordinance.*
  - vii) *The right-of-way of any public road that is contiguous with the property.*
  - viii) *Any overhead utility lines.*
  - ix) *Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.*
  - x) *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.*
  - xi) *Sound level analysis prepared by the wind generator manufacturer or qualified engineer.*
  - xii) *Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.*
  - xiii) *Evidence of compliance or non-applicability with Federal Aviation Administration requirements.*
  - xiv) *List of abutters to the applicant's property.*
3. *Abutter and Regional Notification: In accordance with RSA 674:66, the building inspector shall notify all abutters and the local governing body 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 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. Standards:**

- 1. *The building inspector shall evaluate the application for compliance with the following standards;*
  - a. *Setbacks: The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the tower 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 Buildings on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

**QUESTION 5 CONTINUED ON BACK**

**TURN BALLOT OVER AND CONTINUE VOTING**

## QUESTIONS CONTINUED

- i) *Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.*
- ii) *Guy wires used to support the tower are exempt from the small wind energy system setback requirements.*
- b. *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.*
- c. *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.*
- d. *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.*
- e. *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.*
- f. *Code Compliance: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.*
- g. *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.*
- h. *Visual Impacts: It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access 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.*
  - i) *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, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.*
  - ii) *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.*
  - iii) *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.*
- i) *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.*
- j) *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.*
- k) *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.*
- l) *Clearing: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.*

### E. Abandonment:

- 1. *At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the building inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.*

QUESTION 5 CONTINUED ON NEXT BALLOT

**GO TO NEXT BALLOT AND CONTINUE VOTING**

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*Synda B. Spinholz*  
TOWN CLERK

QUESTIONS CONTINUED

QUESTION 5 CONTINUED

- 2. 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:
  - a. Removal of the wind generator 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 its same condition at initiation of abandonment.
- 3. 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 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.
- 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 pursue legal action to have the small wind energy system removed at the owner's expense.

F. 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.

G. 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 676:17.

(The Planning Board supports this change.)

\*\*\*Note: No other changes are proposed to the Lee Zoning Ordinance, this will change the Lee Zoning Ordinance, if passed, from the 2009 to the 2011 Town of Lee Zoning Ordinance.

578  
YES   
NO   
142  
Blank 62

ARTICLE III

Shall we the Town of Lee voters adopt the provisions of RSA 40:13 (known as SB2) to allow official ballot voting on all issues before the legislative body on the second Tuesday of March?

*3/5 majority vote required. 3/5 = 452 votes required*

473  
YES   
NO   
280

Blank 29

YOU HAVE NOW COMPLETED VOTING