

*Introduced: 10/19/98*

*Second Reading: 10/19/98*  
*Adopted: Indefinitely Postponed*

*Ordinance 98-3*  
*AN AMENDMENT TO THE ZONING ORDINANCE*  
*RELATING TO ENERGY GENERATING FACILITIES*

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*WHEREAS* the Londonderry Town Clerk, on August 26, 1998, did receive a citizens' petition proposing an amendment to the Londonderry Zoning Ordinance which petition, pursuant to the Londonderry Town Charter Section 7.1, was reviewed by the Supervisors of the Checklist and Town Clerk and found to contain the requisite number of signatures (293 or a minimum of 1% of registered voters); and,

*WHEREAS* the Londonderry Town Council is vested with the power to adopt amendments to the Zoning Ordinance and,

*WHEREAS* the Londonderry Town Council, at its meeting of September 14, 1998 determined that there was just cause to question the legality of the petition as presented and voted unanimously to forward said petition to Town Counsel for review and opinion as provided in the Londonderry Town Charter, Section 7.1.C; and,

*WHEREAS* Town Counsel has rendered an opinion that the ability of municipalities to take actions that could compromise the comprehensive procedures set forth in RSA 162-H are preempted by said statute; that the term "private power generation plants" as used by the petitioners is included in the definition of "energy facility" set forth in RSA 162-H:2 VII; and further, that because of the provisions of RSA 162-H, adoption of the Zoning Ordinance amendment proposed by the petitioners would have no impact on the application by AES Londonderry to build an energy facility in Londonderry, which application is currently pending before the Energy Facility Site Evaluation Committee: and,

*WHEREAS* Town Counsel has taken no position on the merits of the amendment proposed by the petitioners as it may affect the installation and operation of private and public emergency energy generating equipment and facilities;

*NOW THEREFORE BE IT ORDAINED* by the Town Council of the Town of Londonderry amending Section 303 of the Londonderry Zoning Ordinance by adding the following:

"L.Commercial, industrial and private power generation plants used in the production of electricity, using any type of fuel or combination of fuels, shall not be permitted in any district."

Arthur E. Rugg  
Chairman - Londonderry Town Council

*A TRUE COPY ATTEST:*

POSTPONED      Joan M. Savina  
Town Clerk