

Appendix B to Article X Solar Ordinance

477:51 Statutory Form of Solar Skyspace Easement. – A recorded instrument in the following form shall be sufficient to create a solar skyspace easement. The authorization of this form shall not preclude the use of other forms for the creation of a solar skyspace easement.

(Form for solar skyspace easement)

_____, of _____ county, state of _____, _____ for consideration paid, hereby conveys, grants and warrants to _____, _____ of _____ county, state of _____, a negative easement to restrict, in accordance with the following terms, the future use and development of the real property of grantor recorded in _____ registry of deeds, vol. _____, page _____. The solar energy collector for which solar skyspace is to be protected is on the real property of grantee, which is recorded in registry of deeds, vol. _____, page _____, at the following locations:

The boundaries of the solar skyspace for the solar collector of grantee are as follows:

(Description of boundaries with reference to applicable survey map, if any.)

(Alternative A)

No structure, vegetation, activity, or land use of grantor except utility lines, antennas, wires, and poles shall cast a shadow on a solar energy collector of grantee during the times specified unless such structure, vegetation, activity, or land use exists on the effective date of this easement and is not required to be removed or is excepted by the terms of this instrument. A shadow shall not be cast from 3 hours before noon to 3 hours after noon from September 22 through March 21 and from 4 hours before noon to 4 hours after noon from March 22 to September 21, all times being eastern standard time.

(or)

(Alternative B)

No structure, vegetation, activity, or land use other than those which exist on the effective date of this easement and which are not required to be removed or are excepted by the terms of this instrument shall penetrate the airspace at a height greater than over the real property of grantor.

Burdens and benefits of this easement are transferable and run with the land to subsequent grantees of the grantor and the grantee. This solar skyspace easement shall remain in effect until use of the solar energy collector is abandoned, provided it shall remain in effect for a period of at

least 10 years, or until the grantee and grantor or their successors in interest terminate it. The solar energy terms used in this instrument are defined in RSA 477:49. The survey map depicting the affected properties and the boundaries of the protected areas of solar skyspace is incorporated by reference as part of this instrument.

Witness _____ hand this _____ day of _____, 20 _____ Witness:

(Here add acknowledgement)