

**STATE OF NEW HAMPSHIRE  
TOWN WARRANT  
LYNDEBOROUGH, NEW HAMPSHIRE**

To the Inhabitants of the Town of Lyndeborough, in the County of Hillsborough in said state qualified to vote in Town affairs; You are hereby notified to meet at Center Hall, 1131 Center Road in said Lyndeborough on Tuesday, the thirteenth (13<sup>th</sup>) day of March 2012 at ten of the clock in the forenoon until seven of the clock in the evening, for ballot Voting of Town Officers and all other matters requiring ballot vote; and, to meet at Citizens' Hall, 9 Citizens' Hall Road in said Lyndeborough, on Saturday, the seventeenth(17<sup>th</sup>) day of March 2012 at ten of the clock in the morning, to act upon Articles 3 through 23:

**Article 1**

To choose all necessary Town officers for the year ensuing.

**Article 2**

Are you in favor of the adoption of an amendment to Section 1200, "Home Businesses" of the Town Zoning Ordinance? This amendment will replace the entire section 1200, as proposed by the Planning Board. (This amendment is recommended by the Planning Board and clearly sets guidelines for "Home Businesses" and does **not** require site plan review. (Majority vote required).

**1200.00 HOME BUSINESSES**

Home Businesses shall be permitted within the Town in the Village district and the Rural Lands One, Two and Three districts in compliance with the provisions of the section and are not subject to Site Plan Review and approval by the Planning Board.

- a. The home business shall be incidental and secondary to the use of the dwelling unit as a residence.
- b. The home business shall be operated in the residence or in an accessory structure.
- c. The home business shall occupy a maximum of one third (1/3) of the floor area in the residence, not including the basement. The one third (1/3) shall not apply to the accessory structure.
- d. Home businesses shall be carried on by the resident owner, resident members of the owner's family, a resident tenant, or resident members of the tenant's family and two non-resident employees are permitted on the premises at one time.
- e. No additions or changes shall be made to the residence that would make it impractical to revert the building to purely residential use.
- f. Noise, vibration, dust, smoke, electrical disturbances, odors, heat, glare, visual disharmony or other offensive emissions beyond normal residential use shall not be produced.
- g. Exterior display of materials and equipment is secured from public view.
- h. Traffic generated by the home business shall not create safety hazards.
- i. Sufficient off-street parking shall be provided for any non-residential employees, customers and suppliers who may normally be expected to need parking spaces at one

time. Where additional parking is required, the spaces shall not be located in the front yard or within the side or rear setbacks. On-street parking is prohibited.

- j. Home occupation sign regulation shall be replaced by Town sign ordinance.
- k. When a business outgrows the standards established for a home business, it must be relocated into the appropriate zoning district and be subject to Site Plan Review.
- l. Any hazardous materials used on site shall be handled in conformance with all state and federal regulations.
- m. Internet businesses are to be encouraged.
- n. Adult entertainment operated as a home business shall require an affirmative vote of the town before being approved.
- o. The Home Business applicant or its legal representative must appear before the Planning Board in person and present the proposed plan. This gives the Board the opportunity to ask direct questions pertaining to the application and avoids any confusion as to intent, purpose or procedures of the proposed business.

### **Article 3**

Shall the Town vote to modify an Exemption for the Elderly under the provisions of RSA 72:39-a from property tax in the Town of Lyndeborough, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, (\$20,000); for a person 75 years of age up to 80 years (\$30,000); for a person 80 years of age or older (\$60,000). To qualify, the person must have been a New Hampshire resident for at least three consecutive years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married for at least five consecutive years. In addition, the taxpayer must have a net income of not more than (\$25,000) or, if married, a combined net income of less than (\$35,000); and own assets not in excess of (\$60,000), excluding the value of the person's residence?

***Article 3-Explanation: When this exemption was updated in 2010 the net income limit should have been adjusted from \$20,000 to \$25,000 and the asset limit of \$52,000 was to be \$60,000. This article corrects those limits.***

### **Article 4**

Shall the Town vote to modify an Exemption for the Disabled under the provisions of RSA 72:37-b as follows: the exemption from assessed value for qualified taxpayers shall be (\$30,000)? To qualify, the person must be eligible under Title II or Title XV of the Federal Social Security Act, must have been a New Hampshire resident for at least five years, must occupy the property as his principal place of abode, must own the property individually or jointly, or if owned by a spouse, they must have been married for at least five consecutive years, had in the calendar year preceding April 1 a net income from all sources; of not more than (\$25,000) if single and (\$35,000) if married, and own net assets not in excess of (\$60,000), excluding the value of the actual residence and up to 2 acres or the minimum single-family residential lot size specified in the local Zoning ordinance?

***Article 4-Explanation: The disabled exemption incorrectly says one cannot have assets less than certain dollar amounts when it should say they cannot have more than those amounts.***

### **Article 5**

To see if the Town will vote to change the purpose of the existing Gulf Road Bridge Capital Reserve Fund to the "Bridge Repair/Replacement" Capital Reserve Fund.

*(a 2/3 vote required)*

***Article 5-Explanation: The last major bridge replacement was on Gulf Road. There will be repairs and replacements needed in the future (see Article 21). By renaming this account and making it for any replacement or major bridge expense, it saves the Trustees of Trust Funds from having to close and then open a new account each time.***

### **Article 6**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of one million five hundred sixty-five thousand five hundred seven dollars (\$1,565,507), representing the operating budget for fiscal year 2012 as prepared by the Budget Committee. Said sum is exclusive of all special or individual articles addressed; or take any other action relating thereto. *The Selectmen and Budget Committee recommend this appropriation (Majority vote required.)*

***Article 6-Explanation: The operating budget funds the recurring expenses of all town departments for salaries and benefits, vehicle upkeep, general supplies, maintenance expenses, and the like. Expenses of size that are not recurring are placed on individual warrant articles for approval.***

### **Article 7**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to purchase a gravel pit (Map 206-014-000) from the Society For the Protection of New Hampshire Forests. *The Selectmen and Budget Committee recommend this appropriation (Majority vote required.)*

***Article 7-Explanation: This small plot of land is next to Schoolhouse Road and consists of an abandoned sand pit. It is estimated there is \$60,000 or more worth of sand on the lot. The plan is to excavate the sand for Town use and then reclaim the excavated area.***

### **Article 8**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of fifteen thousand dollars (\$15,000) to rebuild the pump on Engine 5; or take any other action relating thereto. *The Selectmen and Budget Committee recommend this appropriation (Majority vote required.)*

***Article 8-Explanation: The pump on Engine 5 needs to be rebuilt. The current Capital Improvement Plan calls for \$23,000 to go into a capital reserve fund for the replacement of this truck. This year, due to this repair, the \$23,000 is being reduced to \$8,000 (See Article 12) keeping the total spent on Engine 5 to \$23,000.***

### **Article 9**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of ten thousand dollars (\$10,000) to install supplemental roof supports for Center Hall; or take any other action relating thereto. *The Selectmen and Budget Committee recommend this appropriation (Majority vote required.)*

***Article 9-Explanation: Center Hall actually has two roofs. The one we see today was built in the late 1800s. Though it has held up well, its construction has placed a strain on various structural members. This repair will take place in the attic area and will ensure the structural integrity of the building.***

#### **Article 10**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of six thousand dollars (\$6,000) for repairs to a garage on the right-hand side as you start up Center Road from Route 31 (Map 232 Lot 019), a property taken by tax deed by the Town for use as a storage facility for various emergency services. Three thousand dollars (\$3,000) will come from the general fund and three thousand dollars (\$3,000) is to be raised by taxation; or take any action relating thereto. *The Selectmen and Budget Committee recommend this appropriation (Majority vote required.)*

***Article 10-Explanation: The small house on this property is in poor condition and will be burned by the Fire Department this spring in a training exercise. The garage, however, is in good condition but needs siding, a cement floor and some other minor repairs. Three thousand dollars (\$3,000) in funds previously raised to obtain an Emergency Management storage trailer will be combined with this appropriation to cover the costs for the building improvements. Storage space is a real issue for the Town and the consensus was that this option would offer more flexibility and space than a metal container.***

#### **Article 11**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of fifteen thousand dollars (\$15,000) to be added to the 1984 Fire Department Tanker Capital Reserve Fund previously established; or take any action relating thereto. *The Selectmen and Budget Committee recommend this appropriation (Majority vote required.)*

***Article 11-Explanation: The tanker is getting ever closer to its normal lifespan of 30 years. This CRF ensures the funds will be there when the decision is made to replace it.***

#### **Article 12**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of eight thousand dollars (\$8,000) to be added to the 1994 Fire Department Pumper Capital Reserve Fund previously established; or take any action relating thereto. *The Selectmen and Budget Committee recommend this appropriation (Majority vote required.)*

***Article 12-Explanation: The capital plan calls for \$23,000 to be going into this CRF but this year Engine 5 needs a rebuilt pump for \$15,000 so only the difference (\$8,000) is being asked for.***

#### **Article 13**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of thirteen thousand dollars (\$13,000) to be added to the 2002 Fire Department Rescue Truck Capital Reserve Fund previously established; or take any action relating thereto. *The Selectmen and Budget Committee recommend this appropriation (Majority vote required.)*

***Article 13-Explanation: The original plan was to replace the truck body about this point in the rescue truck's life. This is our first such vehicle so we are learning. It now appears that is not***

*necessary and we will wait until the truck is 15 years old and replace both the chassis and the body at that time.*

#### **Article 14**

To see if the Town of Lyndeborough will vote to authorize the Selectmen to enter into a five-year lease agreement for eighty-four thousand four hundred twenty dollars (\$84,420) to purchase fourteen air pack units for the Fire Department and to raise and appropriate the initial payment of eighteen thousand seven hundred and thirty dollars (\$18,730) from the general fund. This lease agreement contains an escape clause. *The Selectmen and Budget Committee recommend this appropriation (Majority vote required.)*

***Article 14-Explanation: The Fire Department Air Packs (the unit firefighters use when entering a burning building) are at the end of their useful life. Due to constant technology changes, it is important for interchangeability that they all be purchased at once. A five year lease will spread out the cost and this year's first payment is being covered by some funds put aside back in 2010 so there is no tax impact for 2012. Future payments will be part of the Fire Department operating budget.***

#### **Article 15**

To see if the town will vote to raise and appropriate the sum of fourteen thousand dollars (\$14,000) to go toward the replacement of the 2009 4WD Police vehicle. This will be a non-lapsing appropriation per RSA 32:7 VI and will not lapse until the vehicle is replaced or 2014, whichever is sooner. *The Selectmen and Budget Committee recommend this appropriation (Majority vote required.)*

***Article 15-Explanation: The police use two Ford Explorer-size vehicles. They each travel about 25,000 miles per year. The plan calls for them to be replaced around the 100,000 mile mark or every four years. The vehicles are two years apart in age. The capital plan has us funding each vehicle over a two-year period. That is too short a time frame to bother with a CRF. Instead, the first year warrant has a clause allowing the money to be held over for a year or two when the remainder of the funds will be raised and the vehicle purchased.***

#### **Article 16**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of twenty-three thousand dollars (\$23,000) to be added to the 2002 Mack Dump Truck Capital Reserve Fund previously established; or take any action relating thereto. *The Selectmen and Budget Committee recommend this appropriation (Majority vote required.)*

***Article 16-Explanation: Continues the funding for the eventual replacement of the 2002 Mack.***

#### **Article 17**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of twenty-five thousand dollars (\$25,000) to be added to the 2002 Grader Capital Reserve Fund previously established; or take any action relating thereto. *The Selectmen and Budget Committee recommend this appropriation (Majority vote required.)*

***Article 17-Explanation: We are just about half way through the funding for the grader.***

### **Article 18**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of thirteen thousand five hundred dollars (\$13,500) to be added to the 2007 One-ton Dump Truck Capital Reserve Fund previously established; or take any action relating thereto. *The Selectmen and Budget Committee recommend this appropriation (Majority vote required.)*

***Article 18-Explanation: This will be the second installment for the 2007 one ton.***

### **Article 19**

To see if the town will vote to establish a Capital Reserve Fund under the provisions of RSA Ch. 35:1 to repair and replace the 2009 one-ton dump truck and to raise and appropriate twelve thousand (\$12,000) to be placed in this fund; or take any other action relating thereto. *The Selectmen and Budget Committee recommend this appropriation (Majority vote required.)*

***Article 19-Explanation: The 2009 one ton has not had any money put away for its eventual replacement thus this article asks to establish a CRF and then place money in it.***

### **Article 20**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of twenty thousand five hundred dollars (\$20,500) to be added to the 2007 Backhoe/Loader Capital Reserve Fund previously established; or take any action relating thereto. *The Selectmen and Budget Committee recommend this appropriation (Majority vote required.)*

***Article 20-Explanation: The 2007 backhoe/loader was bought used. This CRF will fund the replacement in 2019.***

### **Article 21**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of fifty thousand dollars (\$50,000) to be added to the Bridge Repair/Replacement Capital Reserve Fund previously established; or take any action relating thereto. *The Selectmen and Budget Committee recommend this appropriation (Majority vote required.)*

***Article 21-Explanation: A rather large infusion of funds is being requested this year and next to cover the 25% share of a \$500,000 FEMA Hazard Mitigation Grant we have applied for to replace the culvert on Johnson Corner Road with a small bridge. An announcement is expected this fall. Under the grant rules the Town will have two years in which to build it.***

### **Article 22**

To see if the Town of Lyndeborough will vote to discontinue the Police Vehicles Replacement Fund. Said funds, with accumulated interest to date of withdrawal, are to be transferred to the Town of Lyndeborough's General Fund. *The Selectmen and Budget Committee recommend this action (Majority vote required.)*

***Article 22-Explanation: There is about \$205 left in the old police vehicle CRF. As noted previously, a CRF is no longer going to be used to fund police vehicle replacements so this fund will be closed and the money placed in the general fund as revenue to reduce taxes.***

**Article 23**

To see if the Town of Lyndeborough will vote to authorize the Selectmen to accept the reports of auditors and committees as printed in the 2011 Town Report; or to take any other action relating thereto (*Majority vote required.*)

**Article 24**

To transact any other business that may legally come before said meeting.

Given unto our hands and seal, this 15<sup>th</sup> day of February, 2012.

BOARD OF SELECTMEN

\_\_\_\_\_  
Arnold A. Byam, III

\_\_\_\_\_  
Donald R. Sawin

\_\_\_\_\_  
Kevin J. Boette

A True Copy of Warrant – Attest:

\_\_\_\_\_  
Arnold A. Byam, III

\_\_\_\_\_  
Donald R. Sawin

\_\_\_\_\_  
Kevin J. Boette