

**TOWN OF LYNDEBOROUGH**  
**Planning Board Notice of Public Hearing and Agenda**  
**January 18, 2024**  
**Citizens' Hall at 7:00 p.m.**

**7:00 PM      Call to Order & Roll Call**

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

**NEW BUSINESS**

**Case 2024-01: Home Business Application, Tax Map 225 Lot 8, 1003 Center Road** *(Noticed)*  
RNH Motors LLC owner Ralph Porter proposes to change a home business previously approved for on and off site/mobile repairs to automotive vehicles, diesels, trailers, welding, and custom fabrication to also become a State Inspection Station. Rural Lands 1 District.

**Potential Zoning Amendments for 2024 Town meeting: Public Hearing.**

**Amendment 6**

Amend Section 400 – GENERAL PROVISIONS to create a new Section 412.00 to authorize the use of a Conditional Use Permit (CUP) to allow the Planning Board to approve uses as defined within this ordinance and amend Section 302 (Table of Permitted Uses) and sections 503.00, 603.00, 703.00, 803.00, 1303.00 to replace the term “Special Exception” with the term “Conditional Use Permit.”

**Amendment 8**

Amend Section 1400.00 to include an alternate member and to include Equitable Waivers under 185 the allowable actions for the Zoning Board of Adjustment.

**OTHER BUSINESS**

- Master Plan Updates if any

**MINUTES:**

- December 7, 2023
- December 21, 2023

**CORRESPONDENCE & PERMITS TO REVIEW**

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

**ADJOURNMENT**

***This agenda is subject to change prior to the meeting date. Please check the website***

**PUBLIC NOTICE  
TOWN OF LYNDEBOROUGH**

**The Lyndeborough Planning Board will hold a  
Public Hearing to consider the following Proposed Zoning Amendment Warrant  
Articles for the 2024 Town Meeting**

**Thursday, January 18, 2023 at 7:00 p.m.  
at Citizens' Hall**

**Amendment 6**

**Amend Section 400 – GENERAL PROVISIONS to create a new Section 412.00 to authorize the use of a Conditional Use Permit (CUP) to allow the Planning Board to approve uses as defined within this ordinance and amend Section 302 (Table of Permitted Uses) and sections 503.00, 603.00, 703.00, 803.00, 1303.00 to replace the term “Special Exception” with the term “Conditional Use Permit”.**

**New Subsection 412.00 to read as follows:**

**Section 4:12 Conditional Use Permits**

**A. General**

1. Conditional Use Permits (CUP) as herein provided for shall be deemed to be permitted uses in their respective zoning districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements and standards of this ordinance.
2. Wherever a conditional use is authorized by this ordinance, the authority to administer or grant Conditional Use Permits shall be vested in the Planning Board.

**B. Standards applicable to all Conditional Use Permits**

**1. Conditions of Application**

Before the Planning Board considers the approval of an application for a Conditional Use Permit, the applicant shall prove to the satisfaction of the Board that all of the following conditions have been met:

- a. That the property in question is in conformance with the dimensional requirements of the zoning district it's in or has received a variance of that requirement from the Zoning Board of Adjustment.
- b. That the proposal meets the purpose of the ordinance under which it's written.

- c. That there be no significant adverse impacts resulting from the proposed use upon the public health, safety, and general welfare of the neighborhood or the Town of Lyndeborough.
  - d. That the proposed use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or inappropriate lighting than any use of the property permitted under the existing zoning district.
  - e. The proposed use will not adversely affect the groundwater resources of the Town of Lyndeborough or nearby Towns.
2. Conditions of Approval
- a. The Planning Board may attach such conditions to its approval as are reasonable, necessary, and appropriate.
  - b. All Conditional Use Permit uses are hereby declared to have special characteristics that shall be considered on a case-by-case basis
3. Limits on a Conditional Use Permit
- a. When required by zoning, the applicant shall file for a Site Plan application with the Lyndeborough Planning Board.
  - b. A building permit for a Conditional Use Permit use shall not be issued by the Building Inspector or the Board of Selectmen until a Conditional Use Permit has been issued by the Planning Board.
  - c. If required, a Compliance Hearing shall be held by the Planning Board prior to a Certificate of Occupancy being issued.

**Amendment 8**

Amend Section 1400.00 to include an alternate member and to include Equitable Waivers under 185 the allowable actions for the Zoning Board of Adjustment.

**Existing Section 1400.00 reads as follows:**

***1400.00 BOARD OF ADJUSTMENT***

The Zoning Board of Adjustment shall consist of five (5) elected members, whose duties shall conform to the provisions of Chapters 672-677 NH RSA. Members shall be elected for three (3) year terms as terms expire or vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

The ZBA may act upon appeals from administrative decisions, special exceptions to the Zoning Ordinance and variances from the Zoning Ordinance.

**Amend Section 200.29 to reads as follows** (language to be added shown in *bold italics*):

**1400.00 BOARD OF ADJUSTMENT**

The Zoning Board of Adjustment shall consist of five (5) elected members ***and one (1) alternate member***, whose duties shall conform to the provisions of Chapters 672-677 NH RSA. Members shall be elected for three (3) year terms as terms expire or vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

The ZBA may act upon appeals from administrative decisions, ***equitable waiver of dimensional requirements, and*** special exceptions to the Zoning Ordinance and variances from the Zoning Ordinance.

All interested parties are invited to attend and provide comments. A draft will be available for review at Citizens' Hall, 9 Citizens' Hall Road during regular business hours or by contacting Jay Minkarah at [jaym@nashuarpc.org](mailto:jaym@nashuarpc.org).

*The Lyndeborough Planning Board*