

**STATE OF NEW HAMPSHIRE  
2019 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 Citizens' Hall, 9 Citizens' Hall Road, in said Lyndeborough on Tuesday, the twelfth (12<sup>th</sup>) day of March 2019, at ten o'clock in the morning until seven o'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 sixteenth (16<sup>th</sup>) day of March 2019, at ten o'clock in the morning, to act upon Articles 4 through Article 19:

**Article 1: Selection of Officers and Other Matters**

Voting of Town Officers and all other matters requiring ballot vote.

**Article 2: (Question 1)**

**To see if the Town will vote to accept the following zoning articles, with minor changes, to replace the corresponding existing articles.**

**200.02 Accessory Dwelling Unit.** Recodify as voted on March 2018 to a new Section at the Planning Board's discretion

**200.05 Automobile Graveyard**

Any lot or portion of a lot which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, dismantled or abandoned motor vehicles or motor vehicle parts. (3/9/99)

**404.00 Exclusive Optional Method of Developing Large Tracts of Land (3/18/00)**

As an exclusive optional method of development, not a required process of subdivision, any lot of record may be subdivided in accordance with the following criteria: (3/18/00)

- a. The average size of the subdivision lots shall not be less than 25 acres with a minimum size of 10 acres.;
- b. The lots shall be accessed by a private road constructed to meet the minimum standards established in the *Town of Lyndeborough Street and Road Standards*.

- c. No further subdivisions would be permitted using roads existing as of January 1, 1997 to meet zoning frontage requirements. Further subdivision will require adequate frontage on a Class V or better highway constructed after January 1, 1997, as required by the zoning ordinance in force at the time of any further resubdivision. (3/18/00)

#### **408.00 Soil-Based Zoning Requirements (Overlay District) (3/18/00)**

All lots in the Rural Lands One (RL1) or Light Industrial zoning districts with less than 5 acres shall require a minimum of 2 contiguous acres of “slight” and/or “moderate” limitations rated soils for septic tank absorption fields, as determined by the USDA Natural Resource Conservation Service criteria and published in Table 11 of the “Soil Survey of Hillsborough County, New Hampshire”, issued October 1985. A Site specific soil survey conducted by a NH Certified Professional Soil Scientist may be required by the Planning Board to ensure that the requirements of this section are met. Contiguous shall mean any area undivided by wetland, ponding (seasonal or perennial) or seasonal or perennial drainage ways. Lots of record shall not be affected by this soil-based zoning for residential usage.

All lots in the Rural Lands One (RL1) or Light Industrial zoning districts with less than 500 foot frontage shall require a minimum of 2 contiguous acres of “slight” and or “moderate” limitations rated soils for septic tank absorption fields, as determined by the USDA Natural Resource Conservation Service criteria and published in Table 11 of the “Soil Survey of Hillsborough county, New Hampshire”, issued October 1985. A Site specific soil survey conducted by a NH Certified Professional Soil Scientist may be required by the Planning Board to ensure that the requirements of this section are met. Contiguous shall mean any area undivided by wetland, ponding (seasonal or perennial) or seasonal or perennial drainageways. Lots of record shall not be affected by this soil-based zoning for residential usage. (3/18/00)

[Note of Clarification: This section 408.00 does not apply to the Village District, section 500.00; Rural Lands 2, section 800.00; Rural Lands 3, section 900.00; or the Large Tracts of Land, section 404.00.]

#### **601.00 Permitted Uses.**

The following uses and their associated accessory uses are permitted in the Light Industrial District subject to all other applicable provisions of this Ordinance and Site Plan Review and approval by the Lyndeborough Planning Board.

- Light manufacturing;
- Research and/or testing facilities;

- Offices;
- Newspaper and printing facilities;
- Warehouses;
- Retail stores;
- Banks;
- Personal service businesses including but not limited to service or repair of jewelry, appliances or other personal or household items, photography studios, beauty/barber shops and tailors.
- Utility structures less than 200 square feet in area.

**1001.00 Permitted Uses.**

Any of the following uses that require a permit by NH DES are also permitted by this Ordinance.

- a. Forestry operations and management in accordance with best management practices;
- b. Agriculture in accordance with agricultural best management practices;
- c. Water impoundments and wells;
- d. Drainage ways - streams, ditches or other paths of normal water runoff;
- e. Wildlife refuges;
- f. Parks and recreation uses consistent with the purpose and intent of this Ordinance;
- g. Conservation areas and nature trails; and
- h. Open space as permitted by the Subdivision Regulations and other sections of this Ordinance.

### **Article 3: (Question 2)**

**To see if the Town will vote to amend the existing Zoning Articles to the following:**

#### **1101.00 Purpose:**

To provide an alternative pattern of land development for single-family homes in the Village District (V) and along a corridor 1000 feet either side of State Route 31 in the Rural Lands One- (RL1) district.

It is intended to encourage the preservation of open space and, at the same time, provide for a greater variety of housing types and affordability, with similar densities and more inclusive building permits than permitted elsewhere in the Zoning Ordinance, without causing an increase to Town maintained roads.

It is planned that in a PRD, the setbacks for dwelling units in a PRD in the Village District shall be the same as required in Section 502.03 of the Lyndeborough Zoning Ordinance. The setbacks for dwelling units in a PRD in Rural Lands One District (RL1) shall be the same as required in Section 702.03 of the Lyndeborough Zoning Ordinance except that no dwelling unit shall be less than 300 feet from Route 31 nor more than 1000 feet from Route 31.

The dwelling units shall be constructed in clusters that are in harmony with neighborhood developments and housing and with the natural surroundings. These clusters shall not detract from the ecological and visual qualities of the environment, or from the value of the neighborhood or Town. Every PRD unit shall be occupied by an owner occupant who is at least 55 years of age or older and should add to the variety of housing types in Lyndeborough to accommodate the Master Plan purposes. The overall site design and amenities should enhance the quality of living for the residents of the development and, in general, the neighborhood and Town. The Planning Board shall determine whether the proposed PRD, namely the site plan or layout, number, type and design of the proposed housing is suitable to the neighborhood within which it is located and is consistent with the Master Plan and reasonable growth objectives.

#### **1102.00 Conditions:**

An applicant for approval of a proposed PRD\* shall make application to the Planning Board in the same fashion as specified in the Subdivision regulations. In the course of review of the proposal, the Board shall hear evidence presented by the applicant and all those requiring notice and determine whether, in its judgment, the proposal meets the objectives and purpose set forth above, in which event the Planning Board may grant approval to the proposal, subject to reasonable conditions and limitations as it shall deem appropriate.

**1102.01 Minimum Net Tract Area.** Planned Residential Developments may be permitted on single or adjacent tracts of land, under one owner, or to be brought under one owner, which have a net tract area\* of no less than twenty (20) buildable acres. Irrespective of the net tract area size, the PRD shall not contain more than twenty (20) dwelling units. Net tract area shall mean the total area of the tract, or tracts, less the area of wetlands, identified flood plains and areas of slope equal to or greater than 20%. To maintain comparable densities, as calculated using existing Lyndeborough zoning regulations, (as determined by the soil based zoning section 408.00 of the zoning ordinance), PRD septic systems are to be of the “shared- type, located in the Open Space on soils that are rated “slight to moderate” as spelled out in the Hillsborough County West published soils survey.

#### **Article 4: Town Operating Budget**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of, **Two Million, One Hundred and Forty Thousand, Nine Hundred and Eighty Six Dollars (\$2,140,986)**, representing the Operating Budget for fiscal year 2019, as prepared by the Budget Committee. Said sum is exclusive of all special or individual articles addressed; or to take any other action relative thereto.

*The Board of Selectmen and Budget Committee Recommend this Article.  
(Majority Vote Required)*

#### **Article 5: 1994 Fire Department Pumper Capital Reserve Fund**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **Thirty Five Thousand Dollars (\$35,000)** to be added to the **Repair and Replacement of the 1994 Fire Department Pumper Capital Reserve Fund** previously established for that purpose; or to take any other action relative thereto.

*The Board of Selectmen and Budget Committee Recommend this Article.  
(Majority Vote Required)*

#### **Article 6: Purchase a Fire Department Rescue Cutting Tool**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **Seven Thousand Five Hundred Dollars (\$7,500)** to purchase a Fire Department Rescue Cutting Tool and other associated equipment including, but not limited to, set up costs. Further, to authorize the withdrawal of up to **Seven Thousand Five Hundred Dollars (\$7,500)** from the **Repair and Replacement of Lyndeborough Fire Department Equipment Capital Reserve Fund**, previously set up for this purpose. This will be a non-lapsing appropriation per RSA 32:7 VI and will not lapse until the equipment is purchased or December 31, 2020, whichever is sooner; or to take any other action relative thereto.

*The Board of Selectmen and Budget Committee Recommend this Article. (Majority Vote Required)*

#### **Article 7: Purchase a Fire Department Cardiac Monitor / Defibrillator**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **Twenty Five Thousand Dollars (\$25,000)** to purchase a Fire Department Cardiac Monitor / Defibrillator and other associated equipment including, but not limited to, set up costs. Further, to authorize the withdrawal of up to **Twenty Five Thousand Dollars (\$25,000)** from the **Repair and Replacement of Lyndeborough Fire Department Equipment Capital Reserve Fund**, previously set up for this purpose. This will be a non-lapsing appropriation per RSA 32:7 VI and will not lapse until the equipment is purchased or December 31, 2020, whichever is sooner; or to take any other action relative thereto.

*The Board of Selectmen and Budget Committee Recommend this Article. (Majority Vote Required)*

#### **Article 8: Lyndeborough Fire Department Equipment Capital Reserve Fund**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **Ten Thousand Dollars (\$10,000)** to be added to the **Repair and Replacement of Lyndeborough Fire Department Equipment Capital Reserve Fund**, previously established for that purpose; or to take any other action relative thereto.

*The Board of Selectmen and Budget Committee Recommend this Article. (Majority Vote Required)*

#### **Article 9: Police Vehicle**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **Twenty Three Thousand Dollars (\$23,000)** to partially defray the cost of the replacement of the 2016 AWD Ford Police Vehicle. This will be a non-lapsing appropriation per RSA 32:7 VI and will not lapse until the vehicle is replaced or December 31, 2021, whichever is sooner; or take any other action relative thereto.

*The Board of Selectmen and Budget Committee Recommend this Article. (Majority Vote Required)*

#### **Article 10: 2008 Volvo Dump Truck Capital Reserve Fund**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **Twenty Thousand Dollars (\$20,000)** to be added to the **Repair and Replacement of the 2008 Volvo Dump Truck Capital Reserve Fund** previously established for that purpose; or take any other action relative thereto.

*The Board of Selectmen and Budget Committee Recommend this Article. (Majority Vote Required.)*

#### **Article 11: 2008 Backhoe Capital Reserve Fund**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **Eight Thousand (\$8,000)** to be added to the **Repair and Replacement of the 2008 Backhoe Capital Reserve Fund** previously established for that purpose; or take any other action relative thereto.

*The Board of Selectmen and Budget Committee Recommend this Article. (Majority Vote Required.)*

#### **Article 12: 2016 Highway Department One-Ton Truck Capital Reserve Fund**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **Five Thousand Dollars (\$5,000)** to be added to the **Repair and Replacement of the 2016 Highway Department One-Ton Truck Capital Reserve Fund** previously established for that purpose; or take any other action relative thereto.

*The Board of Selectmen and Budget Committee Recommend this Article. (Majority Vote Required)*

#### **Article 13: 2016 Mid-Size Dump Truck Capital Reserve Fund**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **Eleven Thousand Dollars (\$11,000)** to be added to the **Repair and Replacement of the 2016 Mid-Size Dump Truck Capital Reserve Fund** previously established for that purpose; or take any other action relative thereto.

*The Board of Selectmen and Budget Committee Recommend this Article. (Majority Vote Required.)*

#### **Article 14: Purchase a Highway Department Backhoe / Loader**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **One Hundred and Fifty Thousand Dollars (\$150,000)** to purchase a Highway Department Backhoe / Loader and other associated equipment including, but not limited to, set up costs. Further, to authorize the withdrawal of up to **One Hundred and Fifty Thousand Dollars (\$150,000)** from the **Repair and Replacement of the 2007 Backhoe / Loader Capital Reserve Fund**, previously set up for this purpose and to further authorize the Board of Selectmen to take any steps to facilitate said sale including, but not limited to, the right to convey title of any vehicle(s) being provided in sale or trade. This will be a non-lapsing appropriation per RSA 32:7 VI and will not lapse until the vehicle is purchased or December 31, 2020, whichever is sooner; or to take any other action relative thereto.

*The Board of Selectmen and Budget Committee Recommend this Article.  
(Majority Vote Required.)*

### **Article 15: Capital Reserve Fund Change of Purpose**

To see if the Town of Lyndeborough will vote, pursuant to RSA 35:16, to change the purpose of the existing **Repair and Replacement of the 2007 Backhoe / Loader Capital Reserve Fund** to the **Repair and Replacement of the Backhoe / Loader Capital Reserve Fund**; or to take any other action relative thereto. This article is contingent on passage of Article 14, failing which; it shall be null and void.

*The Board of Selectmen and Budget Committee Recommend this Article.  
(2/3 Vote Required.)*

### **Article 16: Street Light Replacement Project**

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **Seven Thousand Four Hundred Dollars (\$7,400)** to implement the recommendations of the Street Lighting Committee, which shall include but not limited to; the elimination, replacement and /or additions of street lights as directed by the Board of Selectmen. This will be a non-lapsing appropriation per RSA 32:7 VI and will not lapse until the project is complete or December 31, 2020, whichever is sooner; or to take any other action relative thereto.

*The Board of Selectmen and Budget Committee Recommend this appropriation (Majority vote required)*

### **Article 17: Lyndeborough Town Forest Conservation Easement**

To see if the Town of Lyndeborough will vote to authorize the Board of Selectmen to transfer or convey such property rights in the below described parcel of town owned land as may be necessary so that the same shall be subject to a conservation easement, in perpetuity, the particular terms of the easement to be determined by the Board of Selectmen, with the concurrence of the Conservation Commission, said authorization to include the authority to execute any and all deeds, documents or other instruments in the name of the Town that may be necessary to accomplish the foregoing. It is understood that the intent of this article is to cause the conservation easement to be held by a “qualified organization,” as defined in section 170(h)(3) of the Internal Revenue Code of 1986, existing for the purchase of, or holding of, property interests, or facilitating transactions relative thereto when such purchase carries out the purpose of RSA 36-A, said organization as determined by the Board of Selectmen with the concurrence of the Conservation Commission. The property to which this authorization, if approved, will apply is land known as Tax Map 216 Lot 4 located off Scout Road, which was designated in 2016 as a Town Forest. The authority contained in this warrant article shall expire if the Board of Selectmen has not exercised the authority within two years of the date of the passage of this article; or take any other action relative thereto.

*Conservation Committee and the Board of Selectmen Recommend this Article (Majority vote required)*



**Article 18: Other Business**

To transact any other business that may legally come before said me

Given unto our hands and seal, this 13<sup>th</sup> day of February, 2019.

BOARD OF SELECTMEN:

\_\_\_\_\_  
Frederick G. Douglas, Jr., Chairman

\_\_\_\_\_  
Mark A. Chamberlain, Selectman

\_\_\_\_\_  
Richard L. McQuade, Selectman

**Signed copy available  
for review at Citizens'  
Hall during normal  
business hours, Monday  
through Thursday, 8:00  
am to 4:00 pm**

**A True Copy of Warrant – Attached**

\_\_\_\_\_  
Frederick G. Douglas, Jr., Chairman

\_\_\_\_\_  
Mark A. Chamberlain