

LYNDEBOROUGH BOARD OF SELECTMEN MEETING MINUTES

January 17, 2018

Final

I. Call to Order:

Chairman Douglas called the meeting to order at 6:04 pm and conducted the pledge of allegiance.

II. Introduction of Members Present:

Chairman Douglas, Selectman Schultz, and Selectman Chamberlain
Town Administrator and Recorder Russ Boland

Public Present: none

Media Present: none

III. Appointments:

There were no appointments.

IV. Community Forum and Public Comment:

There were no community forums or public comments.

V. Decision Making Actions:

a. Consent Agenda:

January 17, 2018 Consent Agenda	Item Date	Approved
AP Warrants – January 10, 2018 & January 17, 2018	1/17/18	yes
Payroll Warrant – January 14, 2018 & January 28, 2018	1/17/18	yes
Request to Approve Property Tax Overpayment Refund - \$31.13 (Map-Lot 208-002)	1/17/18	yes
Request to Approve Property Tax Overpayment Refund - \$37.67 (Map-Lot 231-021)	1/17/18	yes
Request to Approve Property Tax Overpayment Refund – (New Spartan, Map-Lot 238-023 (\$1,313.49) and 245-001 (\$1,147.89))	1/17/18	yes
Request to Approve Issuance of Timber Yield Tax Levy & Warrant (17-279-13T, Map/Lot 211-001, 211-002, 211-004, 206-004) – Accessed Via Richardson/Mountain Road	1/17/18	yes
Request to Approve Total Notice Registry Research/Mortgage Notification Agreement, 2018	1/17/18	yes
Board of Selectmen’s Public Meeting Minutes – January 3, 2018	1/17/18	no

VOTE: Selectman Chamberlain made a motion, Selectman Schultz seconded to accept the consent agenda items, excluding the January 3, 2018 Selectmen’s minutes, which need to be corrected, and contingent on signing them all. Motion passed 3-0.

b. Old/Tabled Business:

There was no old business presented at the meeting.

b. New Business:

– **2018 Warrant Articles**

T/A Boland presented the Board with the proposed 2018 Warrant Articles (see below). The Board reviewed Articles 1 - 14. Article 1 and article 14 do not require the Selectmen to take a position. Selectman Schultz felt strongly the Board should support Articles 2 and 3, as presented by the Planning Board. Selectman Chamberlain and Chairman Douglas agreed.

**STATE OF NEW HAMPSHIRE
2018 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 thirteenth (13th) day of March 2018 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 seventeenth (17th) day of March 2018 at ten o'clock in the morning, to act upon Articles 4 through Article 14:

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 amend the following section of the Town of Lyndeborough Zoning Ordinance which refer to Section 200.02 Accessory Dwelling Unit Ordinance to read as follows:

(Explanation: This will bring Section 200.02 in compliance with State Statute.)

200.02 Accessory Dwelling Unit means a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

Delete Sections 503.00 d, 703.00 b, 803.00 b, from Special Exception to new additions to Section 200.02 above as follows;

200.02 I. An Accessory Dwelling Unit shall be allowed as a matter of right by the Building Inspector pursuant to RSA 674:21 in all zoning districts that permit single family dwellings. One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage,

space limitations, or other controls beyond what would be required for a single family dwelling without an accessory dwelling unit.

Not more than one accessory dwelling unit for any single family shall be allowed.

II. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but shall not be required to remain unlocked.

III. Regulations applicable to single family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development. Adequate parking to accommodate an accessory dwelling unit shall be provided.

IV. The applicant for a building permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485A:38, but separate systems shall not be required for the principal and accessory dwelling units.

V. The owner must demonstrate that one of the units is his or her principal place of residence.

VI. A familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit shall not be required.

VII. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying the town's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.

(Recommended by the Planning Board) (Majority vote required)

Article 3: (Question 2)

To see if the Town will vote to replace section 1200.00 of the Town of Lyndeborough Zoning Ordinance to read as follows:

(Explanation: This Section, 1200.00, differentiates Home Occupation from Home Business.)

1200 Home Occupation and Home Business

A. General Requirements

1. Home Occupations and Home Businesses shall be conducted in accordance with all town, state and federal laws, regulations and licensing requirements.

2. The business activity shall take place within a residence or an accessory building and must be incidental and secondary to the residential use of the dwelling unit.

3. The business activity will not change the character of the surrounding neighborhood, nor will it provide window displays or other characteristics associated with retail or commercial use.
4. Signs may not exceed four square feet in surface area, may not be internally lit, and may not be placed within the town or state highway right of way.
5. No noise, vibration, dust, smoke, electrical disturbances, odors, heat or glare shall be produced by a Home Occupation or a Home Business, nor shall there be any discharge of hazardous material into the air, ground or surface water.
6. Motor vehicles and equipment used for the Home Occupation or Home Business shall be parked or placed as inconspicuously as possible.
7. Sufficient off-street parking shall be provided for any non-resident 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. Parking spaces shall be a minimum of 9 by 18 feet. On-street parking is prohibited.
8. Traffic generated by the home business shall not create safety hazards or be substantially greater in volume than would normally be expected in the neighborhood.
9. Whenever a Home Occupation or Home Business exceeds any requirement of this Ordinance, it must relocate into an appropriate zoning district and will be subject to Site Plan Review by the Planning Board.
10. A Home Occupation or Home Business legally operating under the provisions of Section 1200 as amended in 2017 of the Zoning Ordinance on the date of the enactment of this Ordinance may continue unless and until the following:
 - a. The occupation or business expands in size, scope or purpose.
 - b. The ownership of the property is transferred

B. Home Occupation

1. A Home Occupation shall be permitted in all districts of the town as a matter of right. No Site Plan Review or Special Exception by the Zoning Board of Adjustment is required for a Home Occupation.
2. The business activity shall occupy less than one-fourth of the floor area of the residence or an equivalent area in an accessory building.

3. The business shall be carried on by the resident owner, the resident owner's family, a resident tenant, or a member of a resident tenant's family.
4. The business may have no more than one non-resident employee.
5. Exterior storage of materials and equipment is prohibited.

C. Home Business

1. A Home Business shall be permitted in all districts of the town and is subject to Site Plan Review by the Planning Board. A formal application is required.
2. The business activity shall occupy less than one-third of the floor area of the residence or an equivalent area in an accessory building
3. The business shall be carried on by the resident owner, the resident owner's family, a resident tenant or a member of the resident tenant's family.
4. The business may have no more than two non-resident employees.
5. Exterior storage of materials and equipment must be screened from view from any public road or abutting property.

D. Exclusion: Food articles produced within a residence or on the surrounding property such as vegetables, fruit, maple syrup, etc. may be sold seasonally from roadside stands and are excluded from the requirements of this Ordinance.

(Recommended by the Planning Board) (Majority vote required)

Article 4: Town Operating Budget

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of, **Two Million Forty One Thousand Sixty Three Dollars (\$2,041,063)**, representing the Operating Budget for fiscal year 2018 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.

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 **Nineteen Thousand Dollars (\$19,000)** 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.

Article 6: 1984 Fire Department Tanker Capital Reserve Fund

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **Forty Thousand Dollars (\$40,000)** to be added to the Repair and Replacement of the 1984 Tanker Capital Reserve Fund previously established for that purpose; or to take any other action relative thereto.

Article 7: Police Vehicle Purchase

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **Twenty One Thousand Dollars (\$21,000)** to be combined with the **Twenty Thousand Dollars (\$20,000)** raised in a 2016 non-lapsing warrant article #6 for a total of **Forty One Thousand Dollars(\$41,000)** for the purchase of a new police vehicle, associated equipment and set up costs 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 RSA32:7 VI and will not lapse until the vehicle is replaced or December 31, 2019, whichever is sooner; or take any other action relative thereto.

Article 8: Purchase a Highway Department Dump Truck

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **Two Hundred and Twenty Thousand Dollars (\$220,000)** to purchase a Highway Department dump truck, sanding unit, plow set up, other associated equipment including, but not limited to, set up costs. Further, to authorize the withdrawal of up to **One Hundred and Seventy One Thousand Dollars (\$171,000)** from the Repair and Replacement of the 2002 Mack Truck Capital Reserve Fund, previously set up for this purpose, **the remaining Forty Nine Thousand Dollars (\$49,000) will be raised from general taxation** 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, 2019, whichever is sooner; or to take any other action relative thereto.

Article 9: Capital Reserve Fund Change of Purpose

To see if the Town of Lyndeborough will vote, pursuant RSA 35:16, to change the purpose of the existing Repair and Replacement of the 2002 Mack Truck Capital Reserve Fund to Repair and Replacement of the 2018 Dump Truck Capital Reserve Fund; or to take any other action relative thereto.

Article 10: Ambulance and Medical Equipment Capital Reserve Fund

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **Fourteen Thousand Dollars (\$14,000)** to be added to the Repair and Replacement of Ambulance and Medical Equipment Capital Reserve Fund previously established for that purpose; or to take any other action relative thereto.

Article 11: Paving of Citizens Hall Parking Lot

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **Twenty Five Thousand Dollars (\$25,000)** for the purpose of paving the primary/eastern side Citizens Hall Parking Lot with a 2 inch depth of asphalt (currently gravel) and to apply a final coat of asphalt, 1.5 inches in depth, to the handicap/western side parking lot at Citizens Hall; or to take any other action relative thereto.

Article 12: Paving of the J.A. Tarbell Library Parking Lot

To see if the Town of Lyndeborough will vote to raise and appropriate the sum of **Seven Thousand Five Hundred Dollars (\$7,500)** for the purpose of paving the J.A. Tarbell Library Parking Lot with a 2 inch depth of asphalt (currently gravel); or to take any other action relative thereto.

Article 13: Street Light Study Committee

To see if the Town of Lyndeborough will vote to authorize the Board of Selectmen to appoint a committee to study the public street lighting, including but not limited to, replacing the existing fixtures with efficient LEDs, and recommending potential alterations to the location or number of lights, taking into consideration cost, character of the area, environmental factors, and any other considerations deemed relevant by the Board of Selectmen that are within the scope of this study. Said committee shall consist of not less than five (5) nor more than seven (7) members, who shall be registered Lyndeborough voters. The Fire Chief, Police Chief, Road Agent and Town Administrator, or their designee, will serve as ex-officio members of said committee. Said committee shall present a report to the voters at the next Town Meeting; or to take any other action relative thereto.

Article 14: Other Business

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

Given unto our hands and seal, this **26th day of February, 2018.**

BOARD OF SELECTMEN:

Frederick G. Douglas, Jr., Chairman

Mark P. Schultz, Selectman

Mark A. Chamberlain, Selectman

A True Copy of Warrant – Attest:

Frederick G. Douglas, Jr., Chairman

Mark P. Schultz

Mark A. Chamberlain

The Warrant Articles are scheduled to be presented to the Budget Committee on January 23, 2018. Before the final vote the costs in the warrant articles may change, as firmer estimates are obtained and the Budget Committee makes their adjustments.

Vote: Motion by Selectman Chamberlain, seconded by Selectman Schultz to recommend the 2018 Warrant Articles 2 - 13, as presented. Passed 3-0.

VI. Town Administrator Report

– **Wilton & Lyndeborough Joint Board of Selectmen’s Meeting**

T/A Boland advised the Board the joint meeting between the Wilton and Lyndeborough Selectmen has been postponed until Monday January 22, 2018, at 7:00 pm, at the Wilton Fire Station.

– **Wilton & Lyndeborough Joint Budget Committee Meeting**

T/A Boland advised the Board the Joint Budget Committee meeting between Wilton and Lyndeborough has been postponed until Thursday January 25, 2018, at 7:00 pm, at the Wilton Fire Station. The Budget Committee has been made aware of the change.

– **Emergency Operation Garage Potential Application for Zoning Variance**

T/A Boland inquired if the Board wished staff to proceed with applying for a variance with the Zoning Board of Adjustment, regarding the Emergency Operation Garage located at 1645 Center Road, relative to adding a shed at that location. The Board directed T/A Boland to proceed with the application.

– **Building Inspector Retirement**

T/A Boland advised the Board he has received the retirement notification from Building Inspector Ed Hunter. The effective date of retirement is April 15, 2018.

Vote: Motion by Selectman Chamberlain seconded by Selectman Schultz to accept Ed Hunter’s retirement notification with regret. Passed 3-0.

Chairman Douglas and T/A Boland stated Ed Hunter’s work as the Building Inspector/Code Enforcement Officer was outstanding and has brought the Building Department to the next level. T/A Boland added often residents make appointments with Ed to consult on a building project while in the planning stage. This is an example of Ed’s willingness to help residents and his approachability. The Board concurred.

VII. Selectmen's Reports

a. MACC Base Action & Agenda

T/A Boland attended the meeting held in Mont Vernon on January 15, 2018. The Board of Governors is currently working on the articles of agreement.

b. Transportation Committee

Selectman Chamberlain is continuing to attend the TTAC meetings.

c. Planning Board

Chairman Douglas reported there is Planning Board meeting tomorrow night January 18, 2017.

d. Heritage Commission

No items to discuss.

e. Safety Complex and Other Options Committee

Selectman Chamberlain has been attending the committee meetings and advised the committee has developed a report for the 2018 Town Meeting.

VIII. Information Items Requiring No Discussion

Chairman Douglas advised the Board of pending legislation that if enacted, would have a cost impact on smaller communities such as Lyndeborough. House Bill 561, to limit the hours a New Hampshire Retirement System retiree can work in a NH Retirement System covered position is moving through the legislative process. This legislation limits the hours a retiree can work thus reducing the coverage small towns enjoy by hiring retirees part time. This will leave the communities with the choice of hiring additional fulltime personnel or having reduced services.

IX. Non-Public Session RSA 91-A:3II (a & e)

VOTE: Selectman Chamberlain made a motion, Selectman Schultz seconded, to enter non-public session in accordance with RSA 91-A:3II (a & e). Roll call vote: Selectman Chamberlain, yes; Selectman Schultz, yes; Chairman Douglas, yes. The Board entered non-public session at 6:35 pm.

VOTE: Selectman Schultz made a motion, Selectman Chamberlain seconded, to reenter public session. Roll call vote: Selectman Chamberlain, yes; Selectman Schultz, yes; Chairman Douglas, yes. The Board reentered public session at 7:33 pm.

X. Adjournment:

VOTE: There being no other business before them, Selectman Schultz made a motion, Selectman Chamberlain seconded, to adjourn at 7:33 pm. Motion passed 3-0.

Next regular meeting: January 31, 2018, at Citizens' Hall, at 6:00 pm.

The signatures below are for the January 17, 2018, Selectman's meeting:

Chairman Frederick Douglas

Selectman Mark Schultz

Selectman Mark Chamberlain