

TOWN OF LYME
TOWN MEETING MARCH 10, 1998

Town Meeting was called to order at 7:00 A.M. by the Moderator, David Washburn, at the Lyme School Community Gymnasium. This portion of the meeting was for voting purposes only. Town Meeting was recessed at 7:00 P.M. until Saturday March 14, 1998.

March 14, 1998

Town Meeting was reconvened for business discussion purposes by Moderator David Washburn at 9:00 A.M. at the Lyme School Community Gymnasium.

ARTICLE 1. To vote by non-partisan ballot for the following Town Officers:

Moderator (2 years)	Bill Waste
Selectmen (3 years)	Richard Jones
Selectmen (1 year)	Stephen J. Maddock
Treasurer (3 years)	Luane Cole
Tax Collector (3 years)	Joanne Coburn
Road Agent (1 year)	Fred O. Stearns III
Supervisor of the Checklist (6 years)	Albert W. Pushee
Overseer of Public Welfare (1 year)	Kenneth Elder
Sexton (1 year)	William H. LaBombard
Planning Board Member (3 years)	John North
	William Ploog
Budget Committee Member (3 years)	Manton Copeland
	Ben Kilham
	Stuart V. Smith Jr.
Budget Committee Member (2 years)	Joanne Coburn
Trustee of Trust Funds (3 years)	Carl O. Larson
Cemetery Commission Member (3 years)	Jean A. Smith
Library Trustees (3 years)	Margaret Caldwell
	Andrea Colgan
	Louise Wickware
Library Trustee (1 year)	B. Wayne Tullar Jr.
Recreation Committee (3 years)	Dina Cutting
	Tom Schlenker
	Leon H. Webb

ARTICLE 2. Are you in favor of the adoption of Amendment #1 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend Article II, Definitions, by adding a definition of agriculture as follows:

AGRICULTURE. Agriculture shall mean all operations of a farm such as the cultivation, conserving, and tillage of the soil, dairying, greenhouse operations, the production, cultivation, growing and harvesting of any agricultural, floricultural, sod or horticultural commodities, the raising of livestock, bees, fur-bearing animals, fresh water fish or poultry, or any practices on the farm as an incident to or in conjunction with such farming operations including, but not necessarily restricted to, the following: preparation for market, delivery to storage or to market, or to carriers for transportation to market, of any products or materials from the farm; the transportation to the farm of supplies and materials; the transportation of farm workers; and forestry or lumbering operations.

(Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 360

NO 50

ARTICLE 3. Are you in favor of the adoption of Amendment #2 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend Section 4.53, Wildlife Habitat, by adding a new second sentence, amending the existing second and third sentences, and adding a final sentence as follows:

This section pertains to habitat important to deer, bear and State and federally designated rare, threatened or endangered species. Some of the locations of deeryards, other wildlife habitat and wildlife crossings is shown in Appendix E-1 and Appendix E-2. Where reasonably practicable, buildings, structures and other improvements shall be located so as not to interfere with deer yards, other wildlife habitat and wildlife crossings. A change in vegetative cover in such an area shall not alter its status as habitat or how restrictions on the placement of buildings, structures or other improvements apply to proposed development in wildlife habitat areas.

(Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 331

NO 84

ARTICLE 4. Are you in favor of the adoption of Amendment #3 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend Article II, Definitions to include a definition of accessory structure, as follows:

ACCESSORY BUILDING, STRUCTURE OR USE. A building, **structure** or use subordinate and customarily incidental to the principle building on, or principal use of, the same lot.

Amend the introductory paragraph of Section 8.22, by adding "or accessory structures" after the words "accessory buildings".

Amend Subsection 8.22A, by adding "or accessory structure" after the words "accessory building".

Amend Subsection 8.22B, by adding "or accessory structures" after the words "accessory building".

Amend the heading of Section 8.23 the introductory paragraph and Subsections 8.23B and 8.23C, by adding "or accessory structures" after the words "accessory buildings".

Amend Subsection 8.23A, by adding "or accessory structure" after the words "accessory building".

Amend the heading of Section 8.24 and the introductory paragraph, by adding "or accessory structures" after the words "accessory buildings".

Amend the heading of Section 8.25, the introductory paragraph and Subsection 8.25C, by adding "or accessory structures" after the words "accessory buildings".

Amend Subsection 8.25A, by adding the words "or accessory structure" after the words "accessory building".

(Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT
YES 327 NO 80

ARTICLE 5. Are you in favor of the adoption of Amendment #4 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend Section 10.18 Powers, by adding a new Subsection G. Equitable Waivers, as follows:

The Zoning Board of Adjustment can provide relief when a lot or other division of land, or a structure, is discovered to be in violation of a physical layout or dimensional requirement that is imposed under the Zoning Ordinance.

and

Add a new Section 10.65 EQUITABLE WAIVER as follows:

When a lot or other division of land, or a structure, is discovered to be in violation of a physical layout or dimensional requirement that is imposed under the Zoning Ordinance, the owner may apply to the Zoning Board of Adjustment for an equitable waiver of the requirement, which the Board shall grant if each of the following facts exists:

- a) that the violation was not discovered by any owner, owner's agent or municipal officer until after any structure that is in violation was substantially completed or until after a lot or other division of land in violation had been sold to an innocent buyer;
- b) that the violation was caused by either
 - 1) a good faith error in measurement or calculation made by an owner or owner's agent, or
 - 2) by an error in applying the ordinance made by a municipal official who issued a permit that should not have been issued;
- c) that the physical or dimensional violation does not constitute a public or private nuisance, does not diminish the value of other property in the area, and does not interfere with any present or permissible future uses of other property; and
- d) that due to the investment made in ignorance of the violation, the cost of correcting it so far outweighs any public benefit to be gained that it would be inequitable to require the violation to be corrected.

Notwithstanding, in lieu of the findings required in a) through d) above, the equitable waiver shall be granted if the owner demonstrates to the satisfaction of the Board that:

- a) the violation has existed for ten years or more, and
- b) no enforcement action, including a written notice of violation, has been commenced against the violation by the municipality or by any person directly affected.

(Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT
YES 338 NO 61

ARTICLE 6. Are you in favor of the adoption of Amendment #5 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend Section 10.30, Hearing Requirements, third sentence, by adding the following after the word "abutters":

easement holders and every engineer, architect, land surveyor, soil scientist, or other professional whose name appears on any information submitted with the application.

(Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 312

NO 77

ARTICLE 7. Are you in favor of the adoption of Amendment #6 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend the introductory paragraph of Section 10.50 by adding the following to the end of the paragraph:

Any proposed development which depends on a Special Exception to be granted for a particular element of the proposal, then becomes subject to Special Exception review of every aspect of the proposal.

(Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 265

NO 96

ARTICLE 8. Are you in favor of the adoption of Amendment #7 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend Item 10.50 A. 4. to read as follows:

The use will be compatible with neighboring **developed and open space** land uses present and prospective.

and

Amend Article 2, Definitions, by adding a definition for open space, as follows:

OPEN SPACE. An undeveloped area of land used for farming, forestry, wildlife habitat or recreation which may include improvements related to those uses such as fences and trails.

(Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT
YES 297 **NO 68**

ARTICLE 9. Are you in favor of the adoption of Amendment #8 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend Item 10.50 A. 5. to read as follows:

The use will not adversely affect the character **(including developed and open spaces)** of the area or the character **(including developed and open spaces)** or value of the neighboring properties.

(Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT
YES 285 **NO 81**

ARTICLE 10. Are you in favor of the adoption of Amendment #9 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend item 10.50 A. 7. to read as follows:

The use will not be hazardous or disturbing to existing or future neighboring **developed or open space** uses.

(Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT
YES 287 **NO 77**

ARTICLE 11. Are you in favor of the adoption of Amendment #10 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend Item 10.50 A. 12. by deleting the words "or otherwise".

(Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT
YES 282 **NO 61**

ARTICLE 12. Are you in favor of the adoption of Amendment #11 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend Item 10.50 B. 9. by adding the words "or building envelopes" after the words "Conservation easements".

(Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 273

NO 74

ARTICLE 13. Are you in favor of the adoption of Amendment #12 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Delete Sections 12.20 and 12.30.

(Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 271

NO 64

ARTICLE 14. Joan Goldburgh moved that the Town vote to raise and appropriate the following sums as follows: The funds to come from the "Land Use Change Tax Escrow" account held by the Treasurer under provisions of NH RSA 36-A:5, III. After appropriations these funds shall be transferred to the General Fund Budget for the current fiscal year and appear as an offsetting transaction, with no effect on the tax rate.

Land Use Change Tax Escrow Account

Balance as of 12/31/97:	\$19,005.65
Proposed Withdrawals:	
1. Firefighting Water Supply Tank for Academy Building & Lyme Center:	\$5,000.00
2. Computer Network Upgrade:	\$12,500.00
3. Library Foundation Repairs (partial cost):	<u>\$1,500.00</u>
Total Withdrawals	\$19,000.00
To be returned to the General Fund to reduce taxes:	\$5.65

(These appropriations are included in the Total Appropriations of the budget approved by the Budget Committee. Additional monies for the library foundation repair are included in Article 21.)

(Majority vote required.) (Recommended by the Budget Committee.) (Recommended by the Selectmen.)

SECONDED

MOTION VOTED IN THE AFFIRMATIVE BY VOICE VOTE

ARTICLE 15. Vicki Smith moved that the Town vote to create an expendable general fund trust fund under the provisions of RSA 31-19-a, to be known as the Trout Pond Management Area Trust Fund, for the purpose of the operation, maintenance and improvement of the Trout Pond Management Area and to raise and appropriate from

surplus the sum of Five Thousand Dollars (\$5,000) to be placed in this fund. Furthermore, the town will vote to appoint the Conservation Commission as the agents to expend such funds for said purpose.

(These appropriations are not included in the Total Appropriations of the budget approved by the Budget Committee.)

(Majority vote required.) (Recommended by the Budget Committee.) (Recommended by the Selectmen.)

SECONDED

MOTION VOTED IN THE AFFIRMATIVE BY VOICE VOTE

ARTICLE 16. Sue Ryan moved to pass over this article.

SECONDED

MOTION VOTED IN THE AFFIRMATIVE BY VOICE VOTE

ARTICLE 17. Fred Phillips moved that the Town vote to raise and appropriate the sum of One Thousand Five Hundred Fifty-one Dollars (\$1551). (\$1 per capita per community) to pay for certain studies of electric load profiles within the Town and other related research in furtherance of the possible aggregation of the Town's and/or its residents' and business' electric loads in the NHMA Pooled Energy Plan in preparation for deregulation of the electric industry in New Hampshire.

(These appropriations are not included in the Total Appropriations of the budget approved by the Budget Committee.)

(Majority vote required.) (Recommended by the Budget Committee.) (Recommended by the Selectmen.)

SECONDED

MOTION VOTED IN THE AFFIRMATIVE BY VOICE VOTE

ARTICLE 18. Tony Ryan made the motion that the Town vote to raise and appropriate funds and make payment to the following Capital Reserve and Trust Funds previously established for the purposes set forth in the Budget as submitted by the Budget Committee as follows:

Emergency Major Equipment Rebuilding Trust Fund	\$5,000
Lyme Center Academy Building Renovation Capital Reserve Fund	\$2,000
Bridge Capital Reserve Fund	\$1,000
Equipment Capital Reserve Fund - Vehicle	\$41,000
Equipment Capital Reserve Fund - Heavy	\$18,000
Property Reappraisal Capital Reserve Fund	\$5,000
Public Works Facility Capital Reserve Fund	\$10,000

Emergency Highway Repair Capital Reserve Fund	\$20,000
(Total:	\$102,000)

(These appropriations are included in the Total Appropriations of the budget approved by the Budget Committee.)

(Majority vote required.) (Recommended by the Budget Committee.) (Recommended by the Selectmen.)

SECONDED

MOTION VOTED IN THE AFFIRMATIVE BY VOICE VOTE

ARTICLE 19. Alfred Balch made the motion that the Town vote to raise and appropriate funds and authorize the Selectmen, as agents for the Town, to withdraw and expend such funds from the Capital Reserve and Trust Funds for the purposes set forth in the budget as submitted by the Budget Committee as follows:

Emergency Major Equipment Rebuilding Trust Fund	\$13,113
Bessie M. Hall Fund (Fire Equipment)	\$11,984
Lyme Center Academy Building Renovation Capital Reserve Fund	\$2,000
Emergency Highway Repair Capital Reserve Fund	\$26,566
Equipment Capital Reserve Fund - Vehicle	\$70,000
Equipment Capital Reserve Fund - Heavy	\$60,000
Public Works Facility Capital Reserve Fund	\$10,000
Property Appraisal Revaluation - Second Phase	\$10,000
(Total:	\$203,663)

(These appropriations are included in the Total Appropriations of the budget approved by the Budget Committee.)

(Majority vote required.) (Recommended by the Budget Committee.) (Recommended by the Selectmen.)

SECONDED

An **AMENDMENT** was made by Dan Bailey and **SECONDED** to reduce item Equipment Capital Reserve Fund-Vehicle from \$70,000.00 to \$40,000.00.

AMENDMENT VOTED IN THE NEGATIVE BY VOICE VOTE

An **AMENDMENT** was made by Dan Bailey and **SECONDED** to reduce item Equipment Capital Reserve Fund-Heavy from \$60,000.00 to \$45,000.00.

AMENDMENT VOTED IN THE NEGATIVE BY VOICE VOTE

An **AMENDMENT** was made by Tony Ryan and **SECONDED** to remove item Public Works Facility Capital Reserve Fund in the amount of \$10,000.00.

AMENDMENT WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE

MOTION AS AMENDED VOTED IN THE AFFIRMATIVE BY VOICE VOTE

ARTICLE 20. Bill Waste made the motion that the Town vote to raise and appropriate the sum of Two Thousand Five hundred Dollars (\$2,500) to hire an attorney to review the use of the cy pres doctrine in order to release funds to the “Surplus Perpetual Care Account” so the funds can be used for general cemetery maintenance.

(This appropriation is included in the Total Appropriations of the budget approved by the Budget Committee.)

(Majority vote required.) (Recommended by the Budget Committee.) (Not Recommended by the Selectmen.)

ARTICLE 21. Nancy Grandine made the motion that the Town vote to raise and appropriate the sum of Six Thousand Dollars (\$6,000) to fix the library foundation. This will be a non-lapsing account per RSA 32:3, VI, and will not lapse until the foundation is completed or in three years, whichever is less.

(This is a "special warrant article" An additional \$1,500 for foundation repairs comes from the Land Use Change Tax Escrow Account in Article 14. This appropriation is included in the Total Appropriations of the budget approved by the Budget Committee.)

(Majority vote required.) (Recommended by the Budget Committee.) (Recommended by the Selectmen.)

SECONDED
VOTED IN THE AFFIRMATIVE BY VOICE VOTE

ARTICLE 22. Mike Smith made the motion that the Town vote to raise and appropriate the sum of One Million Three Hundred Sixteen Thousand Seven Hundred Nine Dollars and no cents (\$1,316,709.00) which represents the total appropriations as recommended in the Budget by the Budget Committee

[This sum includes warrant Articles 14, 15, 16, 17, 18, 19, 20 and 21.]

(Majority vote required.) (Recommended by the Selectmen.)

SECONDED
MOTION VOTED IN THE AFFIRMATIVE BY VOICE VOTE

ARTICLE 23. Josh Kilham made the motion to hear reports of Agents, Auditors, or Committees or other officers heretofore chosen, and to pass any vote relating thereto.

(Majority vote required.)

SECONDED

MOTION VOTED IN THE AFFIRMATIVE BY VOICE VOTE

Richard Jones pointed out that the Conservation Fund Treasurer's Summary found on page 43 of the 1997 Town Report is in fact the 1996 report and that the correct report for 1997 could be obtained at Town Meeting or through the Selectmen's office.

Barbara Roby spoke on behalf of the Lyme Center Academy Building Project, with appreciation and acknowledgment for everyone's generosity and interest.

ARTICLE 24. To transact any other business that may be legally brought before this Town Meeting.

The Board of Selectmen, on behalf of the entire Town offered appreciation and best wishes to retiring Moderator David Washburn for his many years of service. He was presented with an engraved gavel as a parting gift.

Judy Brotman thanked Freda Swan for generously stepping in to fill the term left vacant on the Board of Selectmen due to the untimely death of Don Cutter.

David Washburn recognized and welcomed all the newly elected officials.

It was the general feeling of the people that the Saturday Town Meeting was a very positive experience and that we would use this schedule again next year.

This meeting was adjourned at 11:20 A.M.

Respectfully Submitted,
Patricia G. Jenks, Town Clerk