

**TOWN OF LYME  
MINUTES OF TOWN MEETING MARCH 9, 1999**

Town Meeting was called to order at 7:00 A.M. by Assistant Moderator, Nancy Elizabeth Grandine 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 13, 1999.

**March 13, 1999**

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

**ARTICLE 1.** To vote by nonpartisan ballot for the following Town Officers:

Selectmen (3 years)	Stephen Maddock
Road Agent (1 year)	Fred O. Stearns III
Overseer of Public Welfare (1 year)	Kenneth Elder
Sexton (1 year)	William H. LaBombard
Planning Board Member (3 years)	Jeanie McIntyre
Budget Committee Members (3 years)	Gibbons G. Cornwell III
	Earl F. Strout
	B. Wayne Tullar
Trustee of Trust Funds (3 years)	Ellen Barrett
Cemetery Commission Member (3 years)	Beverly K. Strout
Library Trustees (3 years)	B. Wayne Tullar
	Norm Wakely
	Tish Smith
Library Trustee (1 Year)	Beverly K. Strout
Recreation Committee Members (3 years)	Janet Kent
	Marci O'Keefe
	open

**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:

1a. Amend the first sentence of 4.54 Driveways by adding **“agricultural soils”** to the list of conservation districts.

and

1b. Amend Section 4.64 B Agricultural Soils Conservation District, Special Exceptions, by adding a new special exception:

**7. Access ways which meet the conditions of Section 4.54, roads which meet the standards for new roads set forth in the Lyme Subdivision Regulations, and rights of way for overhead power and telephone lines.**

(Majority nonpartisan official ballot required.) (Recommended by the Planning Board.)

**VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT**

**YES 176**

**NO 68**

**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 4.64 a 7 Agricultural Soils Conservation District, Permitted Uses, as follows:

**7. Underground utility lines, wells and waterlines.**

(Majority nonpartisan official ballot required.) (Recommended by the Planning Board.)

**VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT**

**YES 201**

**NO 41**

**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:

3a. Amend Section 4.64 B Agricultural Soils Conservation District, Special Exceptions, by adding a new special exception:

**8. Agricultural structures with a building footprint over 10,000 square feet to be located off agricultural soils as much as practicable.**

and

3b. Amend the second footnote of Table 5.1 to read:

2The maximum building footprint shall be a percentage of lot size, or as follows:

- a) shall not exceed 4,500 square feet in Lyme Center and Lyme Common, except for the Lyme Public School;
- b) shall not exceed 7,000 square feet in the other districts, **other than buildings in the Commercial District and those used in conjunction with Skiing Facilities in the Skiway District; and**

- c) **agricultural structures in the Rural, East Lyme and Mountain & Forest Districts shall not exceed 10,000 square feet except as otherwise permitted as a special exception (Section 10.50) and in connection with Section 4.64 B, and**
- d) except as otherwise permitted by special exception in connection with cluster subdivision (Section 4.46) and planned development (Section 4.50).

(Majority nonpartisan official ballot required.) (Recommended by the Planning Board.)

**VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT**

**YES 187**

**NO 57**

**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:

4a. Footnote the 14,000 in the Commercial District column in Table 5.1 to say **“per economically feasible lot (as defined in Article II),**

and

4b. Add a new definition to Article II, as follows:

**Lot, economically feasible. A lot created by a conventional subdivision of property meeting all of the requirements of the Lyme Subdivision Regulations and the Lyme Zoning Ordinance.**

(Majority nonpartisan official ballot required.) (Recommended by the Planning Board.)

**VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT**

**YES 167**

**NO 65**

**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 the third footnote of Table 5.1 to read:

3The maximum lot coverage will be a percentage of lot size, or as follows:

- a) shall not exceed 6,000 square feet in Lyme Center and Lyme Common, except for the Lyme Public School;

- b) **shall not exceed 26,000 square feet per economically feasible lot in the Commercial District;**
- c) shall not exceed 26,000 square feet in the other districts except as otherwise permitted by special exception in connection with cluster subdivision (Section 4.46) and planned development (Section 4.50). Driveways do not apply in calculating lot coverage in the Rural, East Lyme and Mountain & Forest Districts; **and**
- d) **lot coverage limitations shall not apply to Skiing Facilities Use in the Skiway District.**

(Majority nonpartisan official ballot required.) (Recommended by the Planning Board.)

**VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT**

**YES 161**

**NO 69**

**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 first paragraph of Section 8.22 by deleting the word “replacements” and adding the word **“modifications”** in its place, and amend Section 8.22A by deleting the word “replacement” and adding the word **“modification”** in its place.

(Majority nonpartisan official ballot required.) (Recommended by the Planning Board.)

**VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT**

**YES 173**

**NO 50**

**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 Sections 4.61 B, Wetlands Conservation District Special Exception, 4.62B, Steep Slopes Conservation District, 4.65 B Flood Prone Conservation District, and 4.66 B Ridgeline and Hillside Conservation District, by adding a new special exception, as follows:

**Noncommercial development within areas specifically reserved for that purpose, which were created as the result of conservation easements executed prior to the adoption of this Zoning Ordinance on March 14, 1989.**

(Majority nonpartisan official ballot required.) (Recommended by the Planning Board.)

**VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT**  
**YES 171 NO 51**

**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:

Add the following footnote to Table 5.1:

**In the Skiway District for Skiing Facilities use, all buildings shall be set back a minimum of 40 feet from the centerline of the Grafton Turnpike. There is no front setback for Skiing Facilities Use because of the topographic limitations in the Skiway District. Special exception standards contained in Section 4.55 regulate Skiing Facilities Uses.**

(Majority nonpartisan official ballot required.) (Recommended by the Planning Board.)

**VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT**  
**YES 176 NO 41**

**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:

Add the following footnote to Table 5.1:

**Only the principal building in Skiing Facilities Use shall be subject to a maximum gross floor area limitation of 18,000 square feet. For all other uses in the Skiway District, the maximum gross floor area shall be 14,000 square feet.**

(Majority nonpartisan official ballot required.) (Recommended by the Planning Board.)

**VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT**  
**YES 164 NO 50**

**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 Section 8.22 Setbacks for Existing Non-conforming Structures by adding, “(except as under Section 8.27)” after the words “replacement of that structure”, so that the first paragraph reads:

Where an existing structure is non-conforming with respect to the front, side or rear setback requirements, additions to, or replacements of that structure (**except under Section 8.27**) and the construction of accessory structures may be permitted in the setback area as a special exception subject to the provisions of Section 10.50 and to the following requirements:

(Majority nonpartisan official ballot required.) (Recommended by the Planning Board.)

**VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT**

**YES 162**

**NO 47**

**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 Article II, Definitions, by adding the definition for “Governmental Use”, as follows:

**Governmental Use means a use, construction or development of land owned or occupied, or proposed to be owned or occupied by the state, university system, or by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature.**

and add a new section 4.57 as follows:

**4.57 Governmental Use.** The state, county, town, city, school district, or village district shall give written notification as set forth in RSA 674:54 to the governing body and planning board of any proposed governmental use of property within its jurisdiction, which constitutes a substantial change in use or a substantial new use. Either the governing body or the planning board of the Town may conduct a public hearing relative to the proposed governmental use. Any use, construction, or development of land occurring on governmentally owned or occupied land, but which is not a governmental use as defined, shall be fully subject to local land use regulations. This section shall not apply to:

(a) the layout or construction of public highways of any class or to the distribution line or transmission apparatus of governmental utilities, provided that the erection of a highway or utility easement across a parcel of land, shall not in and of itself, be deemed to subdivide the remaining land into two or more lots or sites for conveyance for development purposes in the absence of subdivision approval. For the purposes of this subparagraph, transmission apparatus shall not include wireless communication facilities.

(b) the erection, installation or maintenance of poles, structures, conduits and cables, or wire in, under, or across any public highways under RSA 231, or licenses or lease for telecommunication facilities in, under, or across rail road rights of way. For purposes of this subparagraph, “structures” shall not include wireless communication facilities.

In the event of exigent circumstances, where the delay entailed by compliance with this section would endanger public health or safety, the governor may declare a governmental use for the requirements of this section.

(Majority nonpartisan official ballot required.) (Recommended by the Planning Board.)

**VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT**

**YES 170**

**NO 43**

**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:

Amend Section 10.18 Powers, by adding a new paragraph to sub-section B and a new section 10.66, as follows:

The zoning board of adjustment may grant a variance from the terms of this zoning ordinance without finding hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises provided that the zoning board of adjustment finds the conditions set forth in Section 10.66 are satisfied.

**10.66 Variance to Accommodate Disability.** the zoning board of adjustment may grant a variance from the terms of this zoning ordinance without finding hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises provided that:

(a) any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance; and

**(b) in granting any variance to this paragraph, the zoning board of adjustment may provide in a finding included in the variance that the variance shall survive only so long as the particular person has a continuing need to use the premises.**

(Majority nonpartisan official ballot required.) (Recommended by the Planning Board.)

**VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT**

**YES 193**

**NO 35**

**ARTICLE 14.** Albert Pushee made the motion 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 12/31/98:	\$11,681.55
Proposed Withdrawals:	
1. Lyme Center Academy Building Sprinkler System	2,695.74
2. Library Parking Lot & Retaining Wall Repairs:	<u>8,985.81</u>
Total Withdrawals	\$11,681.55
Balance to be returned to the General Fund to reduce taxes:	\$0.00

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

**SECONDED**

**VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

**ARTICLE 15.** Alfred Balch 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:

**Machinery, Vehicles & Equipment:**

Equipment Capital Reserve Fund-Vehicle	\$ 43,000.00
Equipment Capital Reserve Fund-Heavy	\$ 18,000.00
Emergency major Equipment Rebuilding Trust Fund	\$ 5,000.00



**Buildings:**

Lyme Center Academy Building Renovation	
Capital Reserve Fund	\$ 2,000.00

**Improvements Other Than Buildings:**

Property Reappraisal Capital Reserve Fund	\$ 5,000.00
Public Works Facility capital Reserve Fund	\$ 10,000.00
Bridge Capital Reserve Fund	\$ 1,000.00
Emergency Highway Repair Capital Reserve Fund	\$ 20,000.00
<b>TOTAL</b>	<b>\$104,000.00</b>

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

**SECONDED****VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

**ARTICLE 16.** Tony Ryan made the motion 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:

**Machinery, Vehicles & Equipment:**

Emergency Major Equipment Rebuilding Trust Fund	\$ 14,163.07
Equipment Capital Reserve Fund-Vehicle	\$ 10,472.00
Bessie M. Hall Fund (Fire Equipment)	\$ 15,071.58

**Buildings:**

Lyme Ctr. Academy Bldg. Renovation Capital Res. Fund	\$ 2,000.00
Lyme Ctr. Academy Bldg. Gifts & Donations Fund	\$ 162.76*

\*(250.00 included in budget. This withdrawal will close out this account.)

**Improvements Other Than Buildings:**

Emergency Highway repair Capital Reserve Fund	\$ 47,097.90
Property Appraisal Revaluation-Third Phase	\$ 12,700.00
<b>Total:</b>	<b>\$101,667.31</b>

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

**SECONDED**

Upon recommendation by the Selectmen, and in what the Moderator deemed “**a friendly amendment**”; it was agreed to change the Lyme Center Academy Building Gifts & Donations Fund from \$162.76 to \$250.00 to close this account. This amendment changes the bottom line for this article to \$101,754.55.

## **MOTION AS AMENDED VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

**ARTICLE 17.** Earl Strout made the motion that the Town vote to raise and appropriate the sum of One Million Two Hundred Forty-Three Thousand Nine Hundred Fifty-six Dollars and no cents (\$1,243,956.00) which represents the total appropriations as recommended in the budget by the Budget Committee.

## **SECONDED**

Peter Dayton moved to amend this article by adding \$1,000.00 for planning purposes for a new town hall, and adding \$1,000.00 for planning purposes for a new high school. There being NO SECOND to this motion, it was not brought to the floor for vote.

An **AMENDMENT** was made by Don Elder and **SECONDED** to increase Article #17 by \$17,003.00 for the hiring of an additional Police Officer. This addition would bring the line item Sub-Total for Police to \$ 74,969.00.

## **AMENDMENT WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE.**

An **AMENDMENT** was made to Article #17 by Joanne Coburn and **SECONDED** to amend lines 127 & 128 (Police Chief Salary & Part-time Officer wages) by decreasing line 127 by \$2,845.00 and decreasing line 128 by \$1,500.00 so that the total decrease equals \$4,345.00.

## **AMENDMENT WAS VOTED IN THE NEGATIVE BY VOICE VOTE**

An **AMENDMENT** was made by Kevin Peterson and **SECONDED** to reduce line 128 (Part-time Officer wages) from \$3,000.00 to \$1,500.00.

## **AMENDMENT VOTED IN THE AFFIRMATIVE BY A SHOW OF HANDS**

Amended Article 17 now reads as One Million Two Hundred Fifty Nine Thousand Four Hundred Fifty-nine Dollars and no cents (\$1,259,459.00)

## **ARTICLE AS AMENDED VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

**ARTICLE 18.** Steve Maddock made the motion to see if the Town will vote to adopt the “Town of Lyme Solid Waste Management Ordinance” set forth as follows:

**Town of Lyme**  
**Solid Waste Management Ordinance**

1. This ordinance is promulgated under the authority of New Hampshire Revised Statutes 149-M:17 et seq. and governs the operations and use of the Town's Solid Waste Transfer Station.
2. The Board of Selectmen shall establish the hours of operation of the transfer station and these shall be posted at the transfer station. No dumping or depositing of any refuse or recyclable materials shall be permitted at any other times.
3. The following rules shall apply:
  - (a) Only trash and recyclables generated within the Town of Lyme shall be accepted.
  - (b) All vehicles using the facility shall display a current Lyme transfer sticker. (the cost of a sticker shall be set by the Board of Selectmen. The sticker shall be effective for a period of one year.)
  - (c) Recycling is mandatory. The Board of Selectmen shall designate materials to be recycled and provide suitable containers for their collection. Persons using the transfer station shall deposit all recyclable materials in the designated containers.
  - (d) The Board of Selectmen may set reasonable fees for the accepting of designated items; such as but not limited to mattresses, tires and white goods, for which extra disposal costs accrue to the Town.
  - (e) No hazardous waste shall be accepted at any time. (The Board of Selectmen shall arrange for a periodic household hazardous waste collection at a designated time and place on an annual basis in cooperation with other communities as provided for in the annual Town budget.)
4. Violators of this ordinance are subject to a civil penalty of up to \$3,000.00.

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

**SECONDED**

An **AMENDMENT** was made by Tony Roisman and **SECONDED** to amend Article 18, paragraph 3b. to eliminate the following: "The cost of a sticker shall be set forth by the Board of Selectmen."

**AMENDMENT WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

An **AMENDMENT** was made and **WITHDRAWN** by Judy Brotman regarding the wording in paragraph 3b.

An **AMENDMENT** was made by O. Ross McIntyre and **SECONDED** to delete item 3d from Article 18.

**AMENDMENT WAS VOTED IN THE NEGATIVE BY SHOW OF HANDS**

## **MOTION AS AMENDED VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

**ARTICLE 19.** Chris Brown made the motion to see if the Town will vote to urge the General Court of New Hampshire, US Congress, and the President of the United States to support and pass meaningful laws reforming electoral campaign financing. Meaningful reform will:

- Return the political process to the will of the people;
- Encourage participation by qualified candidates with limited means;
- Reduce the influence of moneyed special interests on elections and lawmaking; and
- Restore the principal of “one person, one vote” to elections. **(BY PETITION)**

(Majority vote required)

## **SECONDED**

## **MOTION PASSED IN THE AFFIRMATIVE BY VOICE VOTE**

**ARTICLE 20.** Joan Goldburgh made the motion to see if the Town will vote to call upon the US Government and governments of all nuclear weapons states to secure on an urgent basis a nuclear weapons abolition treaty. The treaty must include an early timetable for the elimination of nuclear weapons in a manner that is mutual and verifiable among all nations. We further urge our state senators and representatives to introduce a resolution to this effect and send it on to the New Hampshire Congressional delegation for immediate action. **(BY PETITION.)**

(Majority vote required.)

## **SECONDED**

## **MOTION PASSED IN THE AFFIRMATIVE BY VOICE VOTE**

**ARTICLE 21.** To hear the reports of Agents, Auditors, or Committees or other officers heretofore chosen, and to pass any vote relating thereto.

(Majority vote required.)

Moderator Waste, for clarification purposes, pointed out an error of omission in the 1998 Town Meeting Minutes. **Article 20 should read that the Motion was made and seconded and voted in the affirmative by voice vote.**

## **SECONDED**

## **MOTION VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

**ARTICLE 22.** To transact any other business that may legally brought before this Town Meeting.

Michael Woodard, Chairman of the Lyme Foundation recognized and honored Dorcas Chaffee as the first recipient of the Rachael Miller Annual Citizenship Award. Miss Miller, a former Lyme resident, through a bequest to the Lyme Foundation wanted to honor those citizens who have rendered outstanding service to the Town of Lyme. Dorcas, while unable to attend this Town Meeting received a hearty standing ovation by all those in attendance.

There was a brief discussion and informal vote as to the structure of future Town Meeting schedules ie: whether or not to continue splitting the Meeting into two days as have been for the past two years, or to revert to traditional meetings held on Tuesday only. It was the feeling of those present to continue voting on Tuesday and meeting on Saturday.

This meeting was adjourned at 12:03 P.M.

Respectfully Submitted,

Patricia G. Jenks, Town Clerk