

**TOWN OF LYME
TOWN MEETING MARCH 14, 2000**

The Moderator, William Waste called Town Meeting to order at 7:00 A.M., at the Lyme School Community Gymnasium. This portion of the meeting was for voting by ballot on Articles 1 to 13 purposes only. Town Meeting was recessed at 7:00 P.M. until Saturday March 18, 2000.

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

Selectman (3 years)	Judith Lee Shelnutt Brotman
Town Clerk (3 years)	Patricia G. Jenks
Moderator (2 years)	Bill Waste
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)	Ben Kilham
Budget Committee Member (3 years)	Joanne Coburn
	Jeff Lehmann
	George H. Palmer
Trustee of Trust Funds (3 years)	Daniel T. Lynch
Cemetery Commission (3 years)	Michael Hinsley
Library Trustee (3 years)	Alida Ciampa
	Steve Ligett
	Beverly K. Strout
Recreation Committee (3 years)	Dan Freihofer
	J.J. Pippin
	Hank Flickenger
Recreation Committee (2 years)	Donald Cutting
Recreation Committee (1 year)	James C. Mayers
Supervisor of the Checklist (6 years)	Bernard Tullar

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:

1. Replace the definition of wetlands in Article II and Section 3.251 to mean wetlands as defined in the 1987 Army Corps of Engineers Manuel which calls for delineation of wetlands according to three parameters: hydric soils, hydrophytic vegetation and wetland hydrology. Hydric soils are further determined in accordance with the 1998 Field Indicators for Identifying Hydric Soils in New England prepared by the New England Interstate Water Pollution Control Commission. the 100 foot buffer zone around the wetlands will continue to be included as a part of the wetlands conservation district.
Replace the first paragraph and items A-E of 3.251 with the following:

The Wetlands Conservation District is hereby defined as any area that is inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal conditions does support, a predominance of vegetation typically adapted for life in saturated soil conditions, together with a 100 foot buffer zone around such areas. Wetlands include but are not limited to swamps, marshes, bogs, and similar areas. Wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers "Wetlands Delineation Manual, Technical Report Y-87-1" (January 1987). Hydric soil delineations shall be determined based on the manual "Field Indicators for Identifying Hydric Soils in New England" (May 1, 1995), published by the New England Interstate Water Pollution Control Commission. One hundred percent (100%) of such wetland areas and 80% of the 100-foot buffer zone

shall be excluded in the calculation of lot size. Wetlands less than 2500 square feet in size are excluded from the provisions of the Wetlands Conservation District.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 129 NO 48

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 4.46C by adding: In laying out a conventional subdivision for the purposes of showing an economically feasible subdivision and establishing density for an open space development or lot averaged subdivision, the conventional lots shall not rely on special exceptions for the lot dimensions, or septic and house locations.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 110 NO 71

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 Section 4.47 by renaming the Section: Conversions. Create Subsection 4.47A to contain the Multi-Family and Office/Studio/Restaurant Conversions text currently in the Zoning Ordinance. Assign numerical labels to conditions A-E. Create Subsection 4.47B to contain: Conversion from Commercial to Residential Use. Conversion of any part of a commercial structure to residential use in the Lyme Common and Commercial Districts creates a planned development and is governed by the standards contained in Section 4.50. In all other districts, residential uses may be developed as an accessory use in conjunction with commercial uses as a special exception, if the Zoning Board of Adjustment finds that the proposal

- 1) conforms to the standards contained in Section 10.50;
- 2) that the lot has a driveway that conforms with the standards contained in Section 4.54;
- 3) that the commercial and residential uses have adequate off-street parking and loading meeting the standards set forth in Article VII; and
- 4) that the residence is served by a septic system that meets both local and state standards.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 128 NO 53

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 8.24 by adding a new requirement:

G. Such expansion or construction will be made in the manner that is least intrusive to the conservation protection district.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 235

NO 50

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 8.22 by adding a new requirement:

- c. the proposed modification, addition or accessory building or accessory structures shall conform to the standards for lot coverage and building footprint set forth in Table 5.1.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 214

NO 66

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 Section 1.35 by adding:

Modifications of subdivision conditions, including but not limited to building envelopes, may be made by the Planning Board only.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 199

NO 76

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 Section 8.25 to clarify that the limit of intrusion into the setback area shall not be larger than 500 square feet in the Lyme Common and Lyme Center Districts or 1000 square feet in the other districts.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 212

NO 63

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 Section 9.12 to solely reference State Statute relative to fines and penalties rather than stating the dollar amount of the fines and penalties.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 196

NO 52

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 Section 9.22, first paragraph, by adding:

The application for a zoning permit shall require submission of all subdivision approvals and conditions specified by the Planning Board at the time the lot was created or subdivided.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 198

NO 54

ARTICLE 11. To see if the Town will vote to amend Article 14 of the Town Meeting of March 11, 1997, to modify the elderly exemptions from property tax in the Town of Lyme, based on assessed value, for qualified taxpayers, to be as follows:

for a person 65 years of age up to 75 years,	\$40,000;
for a person 75 years of age up to 80 years,	\$80,000;
for a person 80 years of age or older,	\$140,000.

To qualify, the person must have been a New Hampshire resident for at least five years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married for at least five years. In addition, the taxpayer must have a net income of not more than \$20,000 or, if married, a combined net income of not more than \$30,000; and own net assets not in excess of \$75,000, excluding the value of the person's residence.

Note: The Town of Lyme experienced a town-wide revaluation during the 1999 tax year. For some people who qualified for the elderly exemption, the increase in their assessments outstretched the amount of their exemptions. Consequently, the Board of Selectmen proposes three significant changes to the previously adopted elderly exemption.

NH RSA 72:39-a allows a town to set the following above a certain floor:

- *Qualifying Net Income*
- *Qualifying level of Assets*
- *Exemption amount*

Maximum Level of Net Income: Originally, the applicant was allowed a maximum level of net income of not more than \$10,000 or, if married, a combined net income of less than \$12,000. The 1996 revision to the State Law increased the lowest maximum level of net income allowed to \$13,400, if single, and to \$20,400, if married. The prior statute excluded the applicant's social security payments in calculating net income. The 1996 revised statute included social security payments in calculating an applicant's net income.

In 1997, the Town modified the maximum taxable income level to \$17,000, if single, and \$24,000 if married. This year the Selectmen compared Lyme's exemption to other towns in the state and based on their research believe that the town's elderly population would benefit from increasing the maximum taxable income level to \$24,000 if single and to \$35,000, if married.

Maximum Level of All Assets, Excluding Residence: According to the 1996 revised State Law, the Town could choose a maximum level of all assets, excluding residence. However, the level of assets chosen could not be less than \$35,000. The Town's former maximum value of all assets allowed to an applicant, excluding the applicant's residence, was \$50,000. In 1997 the Town increased the maximum level of assets, excluding residence, to \$65,000. [The applicant's "residence" includes the applicant's principal housing unit and related structures such as unattached garage or woodshed (all of which is considered to be the applicant's principal home) and the land upon which the house is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. "Residence" does not include attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.]

Amount of Exemption: The town-wide revaluation increased the level of assessment between 10 and 13% overall. The proposed increase in the amount of the exemption is 17%. The present exemption levels are:

for a person 65 years of age up to 75 years, \$30,000;
for a person 75 years of age up to 80 years, \$60,000;
for a person 80 years of age or older, \$120,000.

(Majority nonpartisan official ballot required.) (Recommended by the Selectmen.)
(Recommended by the Budget Committee.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 285 NO 13

ARTICLE 12. To see if the Town will vote to amend Article 15 of the Town Meeting of March 11, 1997, to modify the exemption for the disabled by increasing the amount of the exemption for the totally and permanently disabled from \$30,000 to \$40,000. The exemption, based on assessed value, for qualified taxpayers, shall be \$40,000.

To qualify, the person must have been a New Hampshire resident for at least five years and own and occupy the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married for at least five years. In addition, the taxpayer must have a net income of not more than \$20,000 or, if married, a combined net income of less than \$30,000; and own assets not in excess of \$75,000, excluding the value of the person's residence.

Note: The Social Security Administration determines whether the applicant is eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled and, therefore, is disabled for purposes of this exemption. See the preceding Article 11 for our explanation of what assets are included.

(Majority nonpartisan official ballot required.) (Recommended by the Selectmen.)

(Recommended by the Budget Committee.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 282 NO 13

ARTICLE 13. To see if the Town will vote pursuant to RSA 72:37 to amend Article 2 of the Town Meeting of March 11, 1986, to increase the exemption for the blind from the assessed value of residential real estate for property tax from \$30,000 to \$40,000 as the town has determined is appropriate to address the significant increases in property values in accordance with procedures in RSA 72-36-b. The exemption, based on assessed value, for qualified taxpayers, shall be \$40,000.

The term “residential real estate” as used shall mean real estate which the person qualified for an exemption occupies as his principal place of abode together with any land or buildings appurtenant thereto and shall include manufactured housing if used for said purpose. All applications made under this section shall be subject to the provisions of RSA 72:33 and RSA 72:34.

Note: The Blind Services Program, Bureau of Vocational Rehabilitation, Department of Education determines whether the applicant is blind for purposes of this exemption.

(Majority nonpartisan official ballot required.) (Recommended by the Selectmen.)
(Recommended by the Budget Committee.)

VOTED IN THE AFFIRMATIVE BY NONPARTISAN BALLOT

YES 276

NO 20

MARCH 18, 2000

Town Meeting was reconvened at 9:10 A.M. with Moderator William Waste presiding. A moment of silence and prayer was offered in remembrance of Lyme residents and officials no longer with us, by Rev. Rebecca Maccini.

The Board of Selectmen introduced Interim Police Administrator, Bob Babineau, who is helping to sort out various Police issues following the death of Chief Pomeroy. Mr. Babineau acknowledged and introduced Police Officer, William Burguess.

ARTICLE 14. Ross McIntyre 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 12/31/99:	\$30,038.75
Proposed Withdrawals:	
1. Lyme Center Academy Building Handicapped Access	\$3,000.00
Railings & Fixtures:	
2. Highland Cemetery Maintenance Building:	\$10,000.00
Total Withdrawals	\$13,000.00
Balance to be returned to the General Fund to reduce taxes:	\$17,038.75

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

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

SECONDED

MOTION VOTED IN THE AFFIRMATIVE BY VOICE VOTE

ARTICLE 15. Marya Klee made the motion that the Town vote to raise and appropriate funds and make payment in the sum of \$17,038.75 to the “Public Land Acquisition Capital Reserve Fund” previously established. These funds are to come from the 12/31/1999 unreserved fund balance.

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

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

SECONDED

MOTION VOTED IN THE AFFIRMATIVE BY VOICE VOTE

ARTICLE 16. Margo Maddock made the motion that the Town vote to establish a Capital Reserve Fund named the “Computer System Upgrade Capital Reserve Fund” under the provisions of RSA 35:1 for the purpose of upgrading the town offices’ computer system and to raise and appropriate the sum of six thousand dollars (\$6,000) to be placed in this fund.

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

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

SECONDED

MOTION VOTED IN THE AFFIRMATIVE BY VOICE VOTE

ARTICLE 17. Dorothy Sears 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	\$25,000.00
Emergency Major Equipment Rebuilding Trust Fund	\$5,000.00

Buildings:

Lyme Center Academy Building Renovation Capital Reserve Fund	\$2,000.00
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Improvements Other Than Buildings:

Property Reappraisal Capital Reserve Fund	\$5,000.00
Trout Pond Management Area Trust Fund	\$9,388.00
Public Works Facility Capital Reserve Fund	\$10,000.00
Bridge Capital Reserve Fund	\$1,000.00
Emergency Highway Repair Capital Reserve Fund	\$15,000.00

Total: \$115,388.00

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

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

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 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	\$9,300.00
Equipment Capital Reserve Fund - Vehicle	\$66,620.00
Bessie M. Hall Fund (Fire Equipment)	\$4,750.00

Buildings:

Lyme Center Academy Building Renovation Capital Reserve Fund	\$2,000.00
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Improvements Other Than Buildings:

Emergency Highway Repair Capital Reserve Fund	\$67,000.00
Total:	\$149,670.00

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

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

Selectman, Judith Brotman pointed out that the amount designated for the Bessie Hall Fund should be adjusted from \$4,750.00 to \$6,482.00, thereby increasing the bottom line of this article to \$151,402.00. There being no objection to this FRIENDLY AMENDMENT, the figures were adjusted accordingly.

SECONDED

MOTION VOTED IN THE AFFIRMATIVE BY VOICE VOTE

ARTICLE 19. Fred Phillips made the motion that the Town vote to amend Article 21 of the Town Meeting of March 12, 1996, so as to place 100% instead of 50% of the revenues collected pursuant to RSA Chapter 79 (Land Use Change Tax) in the Conservation Fund pursuant to NH RSA 79:25. **(BY PETITION.)**

(Majority vote required.) (Not recommended by the Board of Selectmen.) (Not recommended by the Budget Committee.)

The Conservation Fund was established in Article 7 at the March 7, 1989, Town Meeting. Fifty percent (50%) of the revenues from Land Use Change Tax went into the Conservation Fund. The remainder of the revenues went into the general fund. Article 18 of the March 9, 1993, Town Meeting, adopted RSA 79-A:25-a - putting the other 50% of revenues received from Land Use Change Tax into a fund separate from the general fund and then appropriating those monies at the following Town Meeting. If the town did not appropriate the separate monies, then the monies went back into the general fund to be used to reduce taxes. The Conservation Fund continued to receive the other 50% of the Land Use Change Tax monies. Article 21 of the March 14, 1995, Town Meeting, voted to amend Article 7 of the Town Meeting of March 7, 1989, to reduce the amount of all Land Use Change Tax monies being placed in the Conservation Fund from 50% to 25%. Article 21 of the March 12, 1996, Town Meeting voted to amend Article 21 of the

March 14, 1995, Town Meeting to restore the amount of Land Use Change Tax monies from 25% to 50%. Since that time 50% of the Land Use Change Tax goes into the Conservation Fund. 50% is kept in a separate fund and then appropriated at the following town meeting with any un-appropriated remainder being used to reduce taxes.

There was considerable explanation and discussion regarding this article. A **MOTION** was made **to vote by paper ballot**, signed by five registered petitioners.

SECONDED

MOTION WAS VOTED IN THE AFFIRMATIVE BY PAPER BALLOT

YES 72

NO 56

ARTICLE 20. Mike Smith made the motion that the Town vote to raise and appropriate the sum of One Million Four Hundred Fifty-nine Thousand Eight Hundred Fifty Three Dollars and Fifty Eight cents (\$1,459,831.00) which represents the total appropriations as recommended in the budget by the Budget Committee.

[This sum includes amounts included in all other warrant articles.]

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

SECONDED

Mike Smith confirmed a correction to the numbers printed in the advertised Article 20.

The numerical figure is correct. The written figure should read **One Million Four Hundred Fifty nine Thousand Eight Hundred Thirty one dollars and no cents.**

AN AMENDMENT was made by Judy Brotman to increase line #11, page 32 of the Town Report by \$5000.00 (advertising & incidental expenses for new Police Chief search procedures) and line #137, page 36 of the Town Report by \$5000.00 (upgrade computers & communication equipment for Police Office).

Mike Smith **MODIFIED THE AMENDMENT**, further increasing the total to be voted on by including the additional funds appropriated for the Bessie Hall Fund (Article 18).

The total increase for this amendment is \$11,732.00, bringing the total line item being voted on to \$1,471,563.00.

MOTION AS AMENDED WAS SECONDED

MOTION WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE

ARTICLE 21. Barbara Roby made the motion that the Town vote to approve Phase III of the Lyme Center Academy Building project. This phase includes an addition to the north side of the existing building. The addition will provide handicapped access (lift and stairway) to return the upstairs (Academy Hall) to regular use by local groups for social and artistic gatherings.

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

SECONDED

MOTION WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE

ARTICLE 22. Lee Larson made the motion that the Town vote to send the following resolution to the New Hampshire General Court: Resolved, New Hampshire's natural, cultural and historic resources in this town and throughout the state are worthy of protection and, therefore, the State of New Hampshire should establish and fund a permanent public/private partnership for the voluntary conservation of these important resources.

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

SECONDED

MOTION VOTED IN THE AFFIRMATIVE BY VOICE VOTE

ARTICLE 23. Kathy Larson made the motion that the Town vote to recommend to the Board of Selectmen that the Board lay out and accept as a Class V road pursuant to RSA 231 Post Pond Lane: 2,920+or- feet from North Thetford Road to Michael O'Donnell's (Map 407, Lot 15).

(Advisory Vote Only.)

See note below article 25.

SECONDED

After several questions, comments and explanations there was a Motion to Call the Vote, ending debate on this Article. This Motion was Seconded and it was voted in the Affirmative to proceed to vote

MOTION VOTED IN THE NEGATIVE BY VOICE VOTE

ARTICLE 24. Putnam Blodgett made the motion that the Town vote to recommend to the Board of Selectmen that the Board lay out and accept as a Class V road pursuant to RSA 231 Trout Pond Lane: 2,160 +or- feet from the Hardscrabble/Pony Hill Lane corner to the log landing in Town's Trout Pond Management Area (Map 415, Lot 3).

(Advisory Vote Only.)

See note below article 25.

After much discussion there was a Motion to Call the Vote. This motion was Seconded and it was Voted in the Affirmative to proceed to vote.

MOTION VOTED IN THE NEGATIVE BY VOICE VOTE

ARTICLE 25. Alfred Balch made the motion that the Town vote to recommend to the Board of Selectmen that the Board lay out and accept as a Class V road pursuant to RSA 231 Smith Mountain Road: 2,250 +or- feet from Flint Hill Road to Alfred Balch's gate (Map 414, Lot 15).

(Advisory Vote Only.)

SECONDED

After discussion, a show of hands for vote was unable to accurately determine result of the vote. Moderator William Waste instructed registered voters wishing to vote

on this article to divide into sections on each side of the Community Room to distinguish yes or no vote.

MOTION VOTED IN THE NEGATIVE BY SHOW OF HOUSE VOTE

YES 50

NO 52

Note: The Board of Selectmen are requesting Town Meeting input as to whether the roads listed in the above Articles 23, 24, and 25 should be accepted as town maintained highways (Class V roads). It is the Board of Selectmen's intent not to lay out and accept any of these roads if the vote at this town meeting is against any or all of the above articles. If the town meeting votes in the affirmative, the Board of Selectmen will commence the formal layout procedure which may or may not result in the roads becoming town highways (Class V). Layouts of the public highways must be for the public good. Considerations for laying out the road must weigh the public need for the road where the road exists against the burden the road would impose upon the town. Public highways can be laid out only where public convenience and necessity require them.

The Town has been maintaining Post Pond Lane as far as Michael O'Donnell's for at least the last twenty-five years. At one time the landowners reimbursed the town for the cost of this maintenance of the private road, however, the Board of Selectmen has not billed the landowners for many years. Post Pond Lane serves many developed properties.

Trout Pond Lane now serves several developed properties and the Town's Trout Pond Management Area. The current status of this road is unclear. It may be a private road or a Class VI road.

Smith Mountain Road is a Class VI road currently serving several developed properties. The Board of Selectmen has received a number of requests from residents for town assistance in maintaining this road.

ARTICLE 26. Peter Dayton made the motion that the town vote to amend Article 9 of the Town Meeting of March 6, 1973, under New Hampshire RSA 231:157 to **rescind** the designation of Washburn Hill Road as a scenic road "...from the land of the Trustees of the Congregational Church southerly to the land of William and Kathleen Waste." **(BY PETITION.)**

SECONDED

Moderator William Waste removed himself and Assistant Moderator Nancy Grandine from presiding over Article 26 to eliminate any question of conflict of interest. Judge George Palmer was appointed as Moderator Pro-tem.

After some discussion a motion was made and seconded to Call The Vote, ending debate on this article. It was voted in the Affirmative to proceed to vote on Article 26.

A **MOTION** was made **to vote by paper ballot**, signed by five registered petitioners.

SECONDED

THIS MOTION WAS VOTED IN THE NEGATIVE BY PAPER BALLOT VOTE

YES 25

NO 113

Note: Washburn Hill Road starts at the end of Market Street where the road crosses Grant Brook and runs south to the intersection with Preston Road and then runs west to

Dartmouth College Highway. Abutters to Washburn Hill Road were notified within ten days of the Town's receipt of the petition in accordance with RSA 231:157 that this issue would come before the 2000 annual Town Meeting as a warrant article. Washburn Hill Road was designated a "scenic road" by the vote of Town Meeting on March 6, 1973. Passage of this article would rescind the designation for a portion of the road.

What does a scenic road designation for a road mean? RSA 231:158 explains the effect of the designation of Washburn Hill Road as a "Scenic Road." For purposes of this statute, "tree" is defined as any woody plant which has a circumference of 15 inches or more at a point four feet from the ground.

*Once a road is designated as a scenic road, any repairs, maintenance, reconstruction, or paving work done on the road by the state or town, or any action taken by any utility or other person acting to erect, install or maintain poles, conduits, cables, wires, pipes or other structures **shall not involve** the cutting, damage or removal of trees, or the tearing down or destruction of stone walls, or portions of stonewalls, **except** with the prior written consent of the planning board, after a public hearing. However, the road agent or his designee may, without a public hearing, but only with the written permission of the selectmen, remove trees or portions of trees which have been declared a public nuisance when such trees pose an imminent threat to safety or property. Also, a public utility when involved in the emergency restoration of service may without such hearing or permission of the selectmen perform such work as is necessary for the prompt restoration of utility service which has been interrupted by facility damage and when requested, shall thereafter inform the selectmen of the nature of the emergency and the work performed, in such manner as the selectmen may require. Designation of the road as a scenic road does not affect the rights of any landowner with respect to work on his own property, except to the extent that trees have been acquired by the municipality as shade or ornamental trees pursuant to RSA 231:139-156, and except that RSA 472:6 limits the removal or alteration of boundary markers including stone walls.*

(Majority vote required.) (Not Recommended by the Planning Board.)

(Not Recommended by the Board of Selectmen.)

ARTICLE 27. Fred Phillips 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

Selectman Richard Jones pointed out various handouts available for explaining errors and/or omissions in the Town Report.

Alfred Balch spoke about the Federal Grant monies received for ice storm damage.

ARTICLE 28. To transact any other business that may be legally brought before this Town Meeting.

The Moderator thanked everyone for their attendance and patience for the considerable length of this meeting.

This meeting was adjourned at 12:45 P.M.

Respectfully Submitted,

Patricia G. Jenks, Town Clerk

Lyme, New Hampshire