

2010 WARRANT



TOWN OF NEW BOSTON

To the inhabitants of the Town of New Boston, in the county of Hillsborough, qualified to vote in town affairs:

You are hereby notified to meet at the New Boston Central School in said New Boston on Tuesday, the ninth of March next. Polls will be open at 7 o'clock in the forenoon to take up Articles 1 – 35. Polls will close at 7 o'clock in the evening.

Article 1. To choose all necessary officers for the ensuing year.

Selectman for 3 years: (One seat)

Cemetery Trustee for 3 years: (One seat)

Fire Ward for 3 years: (Two seats)

Library Trustee for 3 years: (Three seats)

Town Moderator for 2 years:

Supervisor of the Checklist for 5 years: (One seat)

Supervisor of the Checklist for 6 years: (One seat)

Trustee of the Trust Funds for 3 years: (One seat)

Article 2. Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

ARTICLE II: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Add a new Section 204.10 Workforce and Multi-Family Housing Overlay District

Objective and Characteristics

The purpose of this district is to provide reasonable and realistic opportunities for the development of workforce housing within New Boston in accordance with RSA 674:59 and the housing goals of the Master Plan. The overlay district provides standards and safeguards to ensure that a percentage of the residential housing developed meets the criteria for workforce housing as defined in RSA 674:58. Areas that would typically be appropriate for workforce housing under this overlay district include those with good road access, slopes less than 15 percent on a majority of the parcel, and soil conditions suitable for the level of development proposed.

Uses

Permitted Uses

1. One family dwelling
2. Two family dwelling
3. Multi-family dwelling*
4. Accessory building or use

Area and Dimensions

<u>Minimum Lot Size</u>	<u>Area</u>	<u>Frontage</u>		<u>Minimum Yard Dimensions</u>	
		<u>Width</u>	<u>Front</u>	<u>Each Side</u>	<u>Rear</u>
One & Two-family**	1.5 ac.	150'	50'	20'	20'
Multi-family	2.5 ac.***	200'	50'	50'	50'

* Home Business shall not be permitted to occur in multi-family dwellings. Home occupations, as defined in the Open Space Development standards (Article IV, Section 401.2,F), shall be permitted in multi-family dwellings.

** Two-family dwellings in the workforce and multi-family housing overlay district may be permitted on a lot the same size as that for a One-family dwelling with the limitation of six (6) bedrooms for the Two-family dwelling.

*** 2.5 acres for the first three (3) units, plus 0.5 acres for each additional dwelling unit up to a maximum of twelve (12) dwelling units.

Notes: All lots shall accommodate a square, equal to the width of its minimum frontage requirement, at the 50' setback line and parallel to the road.

All lots shall meet all other local, state or federal requirements, including those of the NH DES Subsurface System Bureau.

Standards for Workforce Housing

1. The Workforce and Multi-Family Housing Overlay District shall apply only as an overlay in the Residential-One (R-1) and Residential-Agricultural (R-A) Districts.
2. At least 50 percent of the residential units created as part of a development under the workforce and multi-family housing overlay district shall meet the affordability criteria as defined in RSA 674:58 with the minimum number of workforce housing units being one.
3. The architecture shall be consistent with the rural character of the Town.
4. Workforce Housing Units for Sale
 - i. The minimum living space per Workforce Housing Unit for sale shall be 850 square feet.
 - ii. The living space of Workforce Housing Units for sale shall not be increased by more than 20 percent in any 10 year period.
 - iii. All Workforce Housing Units for sale shall be sold with deed restrictions to remain in effect for at least 15 years. The deed restrictions shall limit the resale value of the units to not more than the purchase price or that price which would qualify the dwelling units under RSA 674:58-61, as may be amended, and applied at the time of resale whichever is greater. Any sale not meeting this standard may be enjoined.
5. An applicant who applies to the Planning Board for approval of a workforce housing development using the Workforce and Multi-Family Housing Overlay District shall notify the Planning Board in writing of the intention to provide workforce housing as required by RSA 674:60. Notification shall occur within 30 days of application for subdivision and shall be submitted with the application.
6. The applicant shall provide evidence to the Planning Board that the subject parcel has good road access.
7. The applicant shall provide evidence to the Planning Board that the subject parcel has slopes less than 15 percent on at least 50 percent of the parcel.
8. The applicant shall provide evidence to the Planning Board that the subject parcel contains soil conditions suitable for the level of development proposed.
9. The applicant shall provide a feasibility study and assessment by a NHHFA-approved vendor to verify that the proposed development can support the construction of workforce housing units at the current market affordability criteria.
10. The applicant shall disclose the intention to apply for third party subsidy(-ies).
11. Upon approval of a development under the Workforce and Multi-Family Housing Overlay District, the applicant shall have 30 days from the date of approval to review the conditions of approval. One 30-day extension may be granted by the Planning Board at the Board's discretion upon written request by the applicant.
12. The procedure shall then follow RSA 674:60,III,a-d.

Waiver of Specific and General Conditions for a "Workforce Housing" Project

Overlay District to address recent legislative changes requiring towns to provide reasonable and realistic opportunities for this type of housing. The article also proposes adding a definition of multi-family housing for the purposes of workforce housing, also to meet statutory requirements.

Article 3. Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

ARTICLE IV SPECIAL PROVISIONS

Section 404 Accessory Dwelling Units

Section 404.1 Authority and Purpose

Delete the words "by special exception granted by the Board of Adjustment" from the second sentence so that the sentence reads as follows: "...For the purposes of providing expanded affordable housing opportunities, including rental potential, and providing flexibility in household arrangements, accessory dwelling units shall be permitted ~~by special exception granted by the Board of Adjustment~~ in the Residential-Agricultural district in conformance with these regulations."

Section 404.3 Requirements/Limitations

Amend Section 404.3,5, by deleting the words indicated in strikethrough and adding the words indicated in bold underlined italics, so that the section reads as follows: "~~In granting a special exception, the Board of Adjustment must find that the~~ ***The*** secondary dwelling unit is ***shall be*** developed in a manner which does not alter the character or appearance of the principal dwelling unit as a single-family residence."

YES [] NO []

Explanation for Article 3: This article by the Planning Board proposes to remove the requirement that a Special Exception be received for an Accessory Dwelling Unit.

Article 4. Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

ARTICLE IV SPECIAL PROVISIONS

Section 404 Accessory Dwelling Units

Section 404.2 Definition

Amend this section by adding a new second paragraph to read as follows: "***In the event that an existing dwelling unit on a lot meets the requirements and limitations of an accessory dwelling unit, a second dwelling of any size, meeting all other zoning and building code requirements, may be built on the same lot to be considered thereafter the principal dwelling unit.***"

YES [] NO []

Explanation for Article 4: This article proposed by the Planning Board based on input from the Building Inspector would clarify when an existing dwelling unit may be converted to an accessory dwelling unit at such time as a second dwelling unit is proposed that would become the primary dwelling unit on a lot.

Article 5. Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

ARTICLE IV SPECIAL PROVISIONS

Section 404 Accessory Dwelling Units

Section 404.3 Requirements/Limitations

Amend Section 404.3,9, by replacing the term "living space" with the term "conditioned space", so that the section reads as follows: "An accessory dwelling unit shall have ~~living~~ **conditioned** space of no less than 300 square feet and no greater than 1,000 square feet."

YES [] NO []

Explanation for Article 5: This article by the Planning Board based on input from the Building Inspector would change wording in this section from "living space" to "conditioned space". The square footage remains unchanged.

Article 6. Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

ARTICLE III GENERAL PROVISIONS

Section 307 Yards on Corner Lots

Delete the existing section and replace with the following language: "**A corner lot shall be required to have one front yard for the purpose of these regulations.**"

YES [] NO []

Explanation for Article 6: This article by the Planning Board based on input from the Workforce and Multi-Family Housing Committee would remove the requirement for a corner lot to have two front setbacks.

Article 7. Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

ARTICLE III GENERAL PROVISIONS

Section 314 Off-Street Parking

Amend this section by adding the words indicated in bold underlined italics, so that the second sentence of the section reads as follows: "...All parking areas shall be prohibited within the

entire required minimum front yard area and within the side and rear first 50% of the required minimum yard areas for any district, with the exception of one or two-family dwellings that do not have any non-residential uses occurring therein. ..."

YES [] NO []

Explanation for Article 7: This article by the Planning Board based on input from the Small Scale Planned Commercial District Committee would prohibit parking within the entire front setback on a lot and allow it within half of the side and rear setbacks on a lot.

Article 8. Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

ARTICLE IV SPECIAL PROVISIONS

Section 404 Accessory Dwelling Units

Section 404.3 Requirements/Limitations

Amend Section 404.3, 1, by deleting the words "except in Open Space Developments", so that the section reads as follows: "Accessory dwelling units are permitted in the Residential-Agricultural "R-A" District ~~except in Open Space Developments.~~"

YES [] NO []

Explanation for Article 8: This article by the Planning Board based on input from the Workforce and Multi-Family Housing Committee would allow accessory dwelling units in open space subdivisions.

Article 9. Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

ARTICLE IV SPECIAL PROVISIONS

Section 403 Personal Wireless Service Facilities

Amend Section 403.12, Timing of Operation, by deleting the words indicated in strikethrough and adding the words indicated in bold underlined italics, as follows: "Operation of a personal wireless service facility shall commence no later than ~~nine (9)~~ ***twelve (12)*** months from the date the application was approved. If the personal wireless service facility is not operating and providing the citizens of the Town with personal wireless services, as defined, within this time period, ***the applicant shall report to the Planning Board in writing stating the reasons why the personal wireless service facility is not operating. The applicant may request an extension to the deadline for operation and*** the Planning Board ***may consider same or,*** at its discretion, may revoke its ***the*** approval."

YES [] NO []

Explanation for Article 9: This article proposed by the Planning Board would extend the time frame for a cell tower to become operational and would require a written explanation should the cell tower not be operational within that time frame.

Article 10. Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

ARTICLE VI DEFINITIONS

Section 602 Term Definitions

Amend the definition of Building to read as follows:

Building: A constructed unit ***having a roof and*** forming a shelter for persons, animals or property ~~and having a roof and being permanently located on the ground~~. Where the context allows, the word "building" shall be construed as followed by the words "or part thereof".

Amend the definition of Structure to read as follows:

Structure: Anything constructed or erected ~~with a fixed~~ ***which requires a*** location on the ground, or ~~attached~~ ***an attachment*** to something having a ~~fixed~~ location on the ground. Structure includes, but is not limited to a building, swimming pool and associated barrier/fence, manufactured home, billboard, or poster panel. It shall not include a minor installation such as a fence six feet or less in height, mail box, flagpole or accessory building of 100 square feet or less. (Amended March 13, 2001 and March 13, 2007.)

YES [] NO []

Explanation for Article 10: This article by the Planning Board based on input from the Building Inspector would update the definitions of Building and Structure by removing reference to fixed locations on the ground thus allowing oversight of buildings and structures that do not have fixed locations on the ground.

Article 11. Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

ARTICLE II: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 204.6 Wetlands Conservation and Stream Corridor District

Amend Section 204.6, C, 4, c, 1, by adding the words indicated in bold underlined italics, to read as follows:

1. A natural woodland or vegetative buffer means a forested or vegetated area consisting of various species of indigenous trees, saplings, shrubs, and ground covers in any combination and at any stage of growth. For the purposes of this section, "maintained" shall mean the avoidance of clear cutting or complete removal or replacement with a lawn; however, clearing of some undergrowth, limited non-lethal limbing of trees to clear a view, the creation of foot paths to the water, the replacement of some shrubs with other native species of groundcover, ***the removal of trees or limbs that present an imminent threat to safety or property***, and the removal of diseased or dangerously damaged trees shall be permitted so long as such actions preserve the natural root systems of the trees and an understory vegetated by native species of shrubs and groundcovers."

YES [] NO []

Explanation for Article 11: This article by the Planning Board based on input from the Conservation Commission would allow a property owner to remove trees or limbs that present an imminent danger to safety or property but which are located in the wetland buffer which ordinarily must remain undisturbed.

Article 12. Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

ARTICLE II: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 204.1 "IND" Industrial

Replace Permitted Use #3 "Newspaper and Printing" with two separate uses: "#3 Newspaper" and "#4 Printing/Copying", and renumber the remaining Permitted Uses in the Table.

Replace Special Exception Use #1 "Vehicular Sales and Repair Facility" with two separate uses: "#1 Vehicular Sales Facility" and "#2 Vehicular Repair Facility", and renumber the remaining Special Exception Uses in the Table.

Replace Special Exception Use #5 "Research and/or testing laboratory" with "Research & Development Facility".

YES [] NO []

Explanation for Article 12: For consistency's sake, this housekeeping article by the Planning Board would replace various Permitted and Special Exception Uses in the Industrial District with the wording for those uses that was approved during the update of the Commercial District in 2009.

Article 13. Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

ARTICLE II: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 204.2 "COM" Commercial

Change the title of the district from "'COM" Commercial" to "Small Scale Planned Commercial District".

YES [] NO []

Explanation for Article 13: This article by the Planning Board would change the title of the Commercial District to Small Scale Planned Commercial District, a change that was inadvertently missed in 2009.

Article 14. Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

ARTICLE II: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 204.3 "R-1" Residential-One

Add a Permitted Use #6: "Open Space Development in accordance with the provisions of Article IV."

YES [] NO []

Explanation for Article 14: This housekeeping article by the Planning Board would add the open space subdivision use to the list of Permitted Uses in this district; something that was inadvertently missed during the Open Space Development update of 2007.

Article 15. Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

ARTICLE II: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 204.4 "R-A" Residential-Agricultural

Amend the Objectives and Characteristics paragraph by deleting the words "...some land having slopes over 15%,..." in the second sentence, so that the sentence reads as follows: "Types of factors limiting development are the remoteness from the town center, ~~some land having slopes of over 15%~~, poor town roads often difficult to travel on during the spring, and large areas not suitable for on-site sewage disposal."

Change Permitted Use #6 "Cluster Residential Development..." to "Open Space Development...".

Change the note that reads: "Home business shall not be permitted to occur in cluster residential developments." to read "Home business as defined in this ordinance shall not be permitted to occur in Open Space Developments. However, Home Occupations are permitted as defined in Article IV, Section 401, Open Space Development Standards."

ARTICLE VI DEFINITIONS

Section 602 Term Definitions

Add a new definition for Home Occupation to read as follows:

"Home Occupation: Home Occupation shall be as defined in Section 401.2, F, of this Ordinance."

YES [] NO []

Explanation for Article 15: This housekeeping article proposed by the Planning Board would delete language from the purpose section of the R-A District rendered inapplicable by adoption of the Steep Slopes Ordinance; would update the wording of Cluster Residential Development to

A. Authority and Purpose

Pursuant to the authority granted under RSA 674:21, as amended, the Town of New Boston hereby adopts the following regulations. The purpose of these regulations is, in the interest of public health, safety and general welfare, to protect, preserve and maintain existing and potential groundwater supply **areas and to protect surface waters that are fed by groundwater** and groundwater recharge areas within known aquifers from adverse development, land use practices or depletion.

This is to be accomplished by regulating land uses which would contribute polluted water and pollutants to designated **wells and/or** aquifers identified as being needed for present and future public and private water supply.

B. District Defined

The Groundwater Resource Conservation District shall encompass those areas which have been designated as having high and medium potential to yield groundwater as shown on the Town of New Boston Groundwater Conservation District map which is on file with the Planning Board. The basis for said map is the map titled "Availability of Ground Water in Lower Merrimaek River Basin, Southern New Hampshire", which was prepared by the U.S. Geological Survey in cooperation with the New Hampshire Water Resources Board and dated 1977 which is on file with the U.S. Geological Survey office in Concord **are identified on the map entitled "Town of New Boston Aquifer Transmissivity Levels", dated June 2009, as prepared by the Southern New Hampshire Planning Commission. This map is based upon the stratified drift aquifer data available on NH GRANIT. This transmissivity data was automated from maps generated as part of a larger study of groundwater resources in the State and is based on a study conducted under a cooperative agreement between the U.S. Geological Survey, Pembroke, NH and the NH Department of Environmental Services, Water Resources Division. From time to time, this data may be amended or superseded by the U.S. Geological Survey and the NH Department of Environmental Services, or by the Planning Board as provided herein.**

The Groundwater Resource Conservation District shall also include all the Wellhead Protection Areas for public water supply wells as defined under Section J of this ordinance.

The Town of New Boston Groundwater Conservation District map **Aquifer Transmissivity Levels Map** is hereby adopted by reference as a zoning overlay district within which additional standards apply to the underlying zoning classification. In all cases where the standards for this district conflict with those of the underlying district, the more restrictive requirement shall apply.

C. Incorrectly Designated Zones

When the actual boundary of the Groundwater Resource Conservation District is disputed by any owner or abutter affected by said boundary, the Planning Board, at the owner/abutter's expense and request, may engage the services of a professional geologist or hydrologist to determine more accurately the precise boundary of said District. The Planning Board shall have the authority to make the final determination as to the location of a disputed boundary.

D. Prohibited Uses

The following uses shall not be permitted within the Groundwater Resource Conservation District:

1. **The development or operation of a hazardous waste disposal facility as defined by RSA 147-A.**
2. **The development or operation of a solid waste landfill or the d**Disposal of solid waste other than brush or stumps. (Brush and stump dumps require state permits.)
3. **The development or operation of a petroleum bulk plant or terminal or the s**Subsurface storage of petroleum and refined petroleum products and chemicals.
4. **The development or operation of a wastewater or septage lagoon or the d**Disposal of liquid or leachable wastes, except from residential, commercial or industrial systems which discharge human sanitary wastes only.
5. Industrial uses which discharge contact type process waters on site. Non-contact cooling water discharge is permitted.
6. Outdoor unenclosed or uncovered storage of road salt **or other deicing chemicals in bulk.**
7. **The development or operation of a snow dump or the d**Dumping of snow containing de-icing chemicals if the snow is brought in from outside the Groundwater Resource Conservation District.
8. Commercial animal feedlots.
9. Excavation of sand or gravel, except where conducted in accordance with a permit issued pursuant to RSA 155-E and the Town of New Boston ~~Sand and Gravel Ordinance~~ **Earth Removal Regulations, a Conditional Use Permit issued by the Planning Board,** or except when incidental to a permitted use.
10. Disposal, processing or recycling of hazardous or toxic materials.
11. Automotive service or repair shops.
12. Junk and salvage yards, **unless such facility is certified by the NH DES as a Green Yard under the Phase II: Compliance Assurance and Certification component of the NH DES Green Yards Program.**
13. Bulk storage of toxic materials for resale or distribution.

E. Permitted Uses

Any use permitted in the underlying district shall be permitted within the Groundwater Resource Conservation District, **including uses allowed by Special Exception or Conditional Use,** except those which are expressly prohibited in Section D, ~~above~~ **of this Ordinance. All Permitted Uses,**

Conditional Uses, and uses Permitted by Special Exception must comply with the Performance Standards of Section I of this Ordinance as well as, ~~with~~ the following additional limitations:

- ~~1.~~ No more than 30 percent of any lot shall be rendered impervious by building and pavement.
- ~~2.~~ Petroleum products, chemicals, road salt, and other materials which have the potential for contaminating groundwater shall be stored within a fully enclosed structure designed to contain any spill within the structure.
- ~~3.~~ ~~In the case of any sand or gravel excavation permitted in accordance with RSA 155-E and the Town of New Boston Sand and Gravel Ordinance, or with respect to any earth removal allowed as being incidental to any permitted use, such excavation or removal shall not be carried out within four (4) vertical feet of the seasonal high water table.~~
4. 3. Storm drainage facilities shall be designed so that normal infiltration to groundwater is retained.

F. Special Exceptions

In the case of any use which may be allowed by special exception in the underlying zoning district, it must be found by the Zoning Board of Adjustment, in written findings of fact, that all of the following are true:

1. The proposed use will not have a detrimental effect on the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants;
2. The proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer, or in the storage capacity of the aquifer;
3. The proposed use will discharge no wastewater on site other than that which is permitted under the provisions of this Article; and,
4. The proposed use complies with all other applicable sections of this Article.

The Zoning Board of Adjustment may require that the applicant for a special exception provide data or reports prepared by a professional engineer or qualified groundwater consultant to assess any potential damage to the aquifer that may result from the proposed use. The Zoning Board of Adjustment may engage such professional assistance as it requires to adequately evaluate such reports and to evaluate, in general, the proposed use in light of the above-mentioned criteria. Cost for any of the above-mentioned services shall be paid by the applicant.

Prior to rendering a decision on an application for a special exception, the Zoning Board of Adjustment shall request from the Planning Board and the Conservation Commission opinions as to whether the proposed use is consistent with the purpose of this Article.

G. Conditional Uses

A Conditional Use Permit is required for the following uses. In granting such permit, the Planning Board must first determine that the proposed use is not a prohibited use and such use shall be in compliance with the additional limitations for Permitted Uses in Section E, including the Performance Standards of Section I of this Ordinance.

1. Construction of ponds subject to site plan review.
2. The siting or operation of Green Yards as certified by the NH DES under the Phase II: Compliance Assurance and Certification component of the NH DES Green Yards Program.
3. The siting or operation of a commercial composting facility.
4. The siting or operation of a commercial car wash. The facility must be designed and operated as a closed-loop system.
5. Any sand or gravel excavation permitted in accordance with RSA 155-E and the Town of New Boston Earth Removal Regulations, or with respect to any earth removal allowed as being incidental to any permitted use, such earth excavation or removal shall not be carried out within four (4) vertical feet of the seasonal high water table.

H. Exemptions

The following uses and activities are exempt from the specified provisions of this Ordinance as long as they are in compliance with all applicable local, state and federal requirements.

1. Single and two-family residential development and accessory dwelling units.
2. Activities designed for conservation of soil, water, plants and wildlife.
3. Outdoor recreation, nature study, boating, fishing and hunting and other activities directly associated with the conservation of wildlife.
4. Normal operation and maintenance of existing water bodies and dams, splash boards and other water control, supply and conservation devices.
5. Foot, bicycle, horse paths, ski and snowmobile trails and bridges.
6. Maintenance, repair of any existing structure, providing there is no increase in impervious surface above the limit established by this Ordinance.
7. Farming, gardening, nursery, forestry, harvesting and grazing provided that fertilizers, herbicides, pesticides, manure and other leachables are used appropriately at levels that will not cause groundwater contamination. Materials will be stored under shelter.

I. Performance Standards

The following Performance Standards shall apply to all uses in the Groundwater Resource Conservation District unless Exempt under Section H of this Ordinance. The Planning Board

may, at its discretion, require a performance guarantee or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facility required for compliance with the Performance Standards.

1. Any use requiring the storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time, are required to have in place an adequate plan to prevent, contain, and minimize releases from catastrophic events such as spills or fires which may cause large releases of regulated substances.
2. For any use that will render impervious more than 15% or more than 2,500 square feet of any lot, whichever is greater, a stormwater management plan shall be prepared which the Planning Board determines is consistent with the New Hampshire Stormwater Manual, New Hampshire Department of Environmental Services, Volumes 1 - 3, December 2008, as amended; Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, Rockingham County Conservation District, August 1992; Best Management Practices for Urban Stormwater Runoff, NH Department of Environmental Services, January 1996; and, the Town of New Boston, Subdivision Regulations, Section V-V, Stormwater Management and Erosion and Sediment Control Regulations.

G.J. Definitions

For the purpose of this Article, the following terms shall have the meaning given herein:

Animal Feedlots: A commercial agricultural establishment consisting of confined feeding areas and related structures used for the raising of livestock.

Aquifer: ~~Aquifer means a geologic formation, group of formations, or part of a formation that is capable of yielding quantities of groundwater usable for municipal or private water supply.~~ A geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

Groundwater: ~~Water in the subsurface zone at or below the water table.~~ Subsurface water that occurs beneath the water table in soils and geologic formations.

Hazardous or Toxic Materials and Waste: Waste material which may pose a present or potential hazard to human health or the environment when improperly stored, transported or disposed of or otherwise managed. Examples of hazardous waste include: toxic (poisonous) wastes; flammable wastes (paint, varnish removers, solvents and oils); reactive wastes; and corrosive wastes (acids).

Impervious: Not readily permitting the infiltration of water.

Impervious Surface: A surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Asphalt, earthen, wooden or gravel surfaces; or other surfaces which could react with or dissolve when in contact with the substances stored on them are not considered impervious surfaces.

Junkyard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk (e.g. scrap metal, used appliances), or for the

maintenance or operation of an automotive recycling yard, and includes garbage dumps and sanitary landfills. The word does not include any motor vehicle dealers registered with the Director of Motor Vehicles under RSA 261:104 and controlled under RSA 236:126.

Leachable Wastes: Waste materials including solid wastes, sludge, and agricultural wastes that are capable of releasing contaminants to the surrounding environment.

Outdoor Storage: Storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.

Public Water System: A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year [New Hampshire Administrative Rule Env-Ws 302.02 (bg) and RSA 485:I-a,XV].

Regulated Substance: Petroleum, petroleum products and substances listed under 40 CFR 302.4, 7-1-90 Edition, or current edition [US Code of Federal Regulations], excluding the following substances: ammonia, sodium hypochlorite, sodium hydroxide, acetic acid, sulfuric acid, potassium hydroxide, potassium permanganate and propane and other liquefied fuels which exist as gases at normal atmospheric temperature and pressure. Copies of 40 CFR 302.4, 7-1-90 Edition, or current edition, are available online at the Environmental Protection Agency (EPA) website or in the Planning Board Office.

Sanitary Protective Radius: The area around a well that must be maintained in its natural state as required by Env-Ws 378 or 379 (for community water systems) and Env-Ws 372.13 (for other public water systems).

Secondary Containment: A structure such as a berm or dike with an impervious surface which is adequate to hold at least 110 percent of the volume of the largest regulated-substances container that will be stored there.

Snow Dump: For the purposes of this Ordinance, a location where snow which is cleared from roadways and/or motor vehicle parking areas is placed for disposal.

Sludge: Residual materials produced by water and sewage treatment processes and domestic septic tanks.

Solid Wastes: Any discarded or abandoned material including refuse, putrescible material, septage, or sludge as defined by New Hampshire Solid Waste Rules He-P 1901.03. Solid waste includes solid, liquid, semi-solid, or certain gaseous waste material resulting from residential, industrial, commercial, mining, and agricultural operations and from community activities.

Stratified Drift-Aquifer: A geologic formation of predominantly well sorted sediment deposited by or in bodies of glacial melt water, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.

Surface Waters: Streams, lakes, ponds, and tidal waters, including marshes, water courses, and other bodies of water, natural or artificial.

Wellhead Protection Areas: The surface and subsurface area surrounding a water well or well field supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field. [RSA 485-C:2, Definitions.]

HK. Non-conforming Uses

Any non-conforming use may continue and may be maintained, repaired and improved, unless such use is determined to be an imminent hazard to public health and safety by the Selectmen, Health Officer or Building Inspector. No non-conforming use may be expanded, changed to another non-conforming use, or renewed after it has been discontinued for a period of twelve (12) months or more.

HL. Site Plan Review

All development proposals, other than single family and two family construction, shall be subject to review in accordance with the provisions of the Non-Residential Site Plan Review Regulations administered by the Planning Board.

M. Inspections

All Permitted Uses under Section E, Conditional Uses granted under Section G and Special Exceptions granted under Section F of this Ordinance may be subject to annual inspections by the Building Inspector/Code Enforcement Officer or another agent, that agent must be approved by both the Board of Selectmen and the Planning Board.

1. Inspections may be required to verify compliance with Performance Standards, Section I, and the additional standards of Section E of this Ordinance. Such inspections shall be performed by the Building Inspector/Code Enforcement Officer at reasonable times with prior notice to the landowner.
2. All properties within the Groundwater Resource Conservation District known to the Building Inspector/Code Enforcement Officer as using or storing regulated substances in containers with a capacity of 10 gallons or more except for facilities where all regulated substances stored are exempt from this Ordinance under Section H, shall be subject to inspections under this Section.
3. The Planning Board may require a fee for compliance inspections. The fee shall be paid by the property owner. A fee schedule shall be established by the Planning Board as provided for in RSA 41-9:a.

N. Enforcement Procedures and Penalties

Any violation of the requirements of this Ordinance shall be subject to the enforcement procedures and penalties detailed in RSA 676.

O. Savings Clause

If any provision of this Ordinance is found to be unenforceable, such provision shall be considered separable and shall not be construed to invalidate the remainder of the Ordinance.

YES [] NO []

Explanation for Article 18: This article proposed by the Planning Board based on input from the Southern New Hampshire Planning Commission would update the Town's Groundwater Resource Conservation District to be in accordance with state requirements, to refer to up-to-date aquifer maps and to add a conditional use permit process to be administered by the Planning Board for uses that may have an adverse impact on groundwater resources.

Article 19. Are you in favor of the adoption of the following amendment to the existing Town Building Code as proposed by the Planning Board?

CHAPTER NB-1.5 Adoption

Amend Section NB-1.5.1, as follows: "The Town, by this Ordinance, shall adopt the ~~International Residential Code, 2000, as published by the International Code Council, and as amended~~ **New Hampshire Building Code, as defined in RSA 155-A:1,IV. In addition, amendments to the referenced codes adopted by the State building code review board shall apply.** (Section added March 9, 2004.)"

YES [] NO []

Explanation for Article 19: This article by the Planning Board based on input from the Building Inspector would refer to the New Hampshire Building Code rather than referring to the International Residential Code.

Article 20. Are you in favor of the adoption of the following amendment to the existing Town Building Code as proposed by the Planning Board?

CHAPTER NB-2.0 Administrative

Section NB-2.8 Plans

Amend this section by adding the word "wetlands" after the words "property lines" in the second sentence, to read as follows: "...Plans shall show a plot plan drawn to scale showing the location of easements, drainage facilities, adjacent grades, property lines, **wetlands**, the proposed building and of every existing building on the property."

YES [] NO []

Explanation for Article 20: This article by the Planning Board based on input from the Building Inspector would add a requirement for wetlands to be shown on the plans submitted with a building permit application.

Article 21. To see if the Town will vote to approve the following resolution to be forwarded to

our State Representative(s), or State Senator, the Speaker of the House, and the Senate President. Resolved: The citizens of New Hampshire should be allowed to vote on an amendment to the New Hampshire Constitution that defines “marriage”. By Petition

YES [] NO []

Explanation for Article 21: The petitioners believe residents of the state should have the right to determine this question rather than our representatives in the Legislature.

Article 22. To see if the Town will vote to create an Ambulance Service Revolving Fund in accordance with RSA 31:95-h and to name the Fire Wards as agents of said fund. All revenues received for ambulance related services are to be deposited into the fund, and the money in the fund shall be allowed to accumulate from year to year and shall not be considered part of the town’s general fund. The town treasurer shall have custody of all monies in the fund, and shall pay out the same only upon order of the Fire Wards and no further approval is required by the legislative body to expend. Such funds may be expended only for the purpose for which the fund was created.

(Majority Vote Required) (Selectmen and Finance Recommend, 7-0)

YES [] NO []

Explanation for Article 22: This warrant article is being presented to the voters of New Boston to establish a revolving account dedicated to help offset the costs of providing emergency medical services. Revenues collected from ambulance billing will be put in this account to partially pay for EMS equipment, supplies and advanced training. The Fire Department has taken great pride in the quality of emergency services provided without billing, however due to ever increasing costs of providing EMS services it has become apparent this money is needed to help partially defray the cost of services to the residents.

Article 23. Shall the Town raise and appropriate as an **operating budget** not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling **four million, eighteen thousand, sixty three dollars (\$4,018,063)**. Should this article be defeated, the default budget shall be three million, nine hundred forty-three thousand, one hundred and forty-two dollars (\$3,943,142) which is the same as last year, with certain adjustments required by previous action of the Town of New Boston or by law or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

(Majority Vote Required) (Selectmen and Finance Recommend, 7-0)

YES [] NO []

Explanation for Article 23: The operating budget includes routine, and for the most part, recurring expenses related to staffing (including salaries and benefits), supplies, utilities, vehicles, maintenance, repairs, and the like required for the day-to-day operation of the town departments.

Article 24. To see if the Town will vote to raise and appropriate six hundred ten thousand dollars (\$610,000), for the **renovation of the Town Hall** funded by one hundred seventy-five thousand

dollars **(\$175,000)**, from the **Town Hall Renovation Capital Reserve Fund** established for this purpose, plus four hundred thousand **(\$400,000)**, for energy related improvements **funded by a grant** from the New Hampshire Office of Energy and Planning. The remaining thirty-five thousand **(\$35,000)**, to come from **taxation**. Failure to attain the grant will result in the total project being cancelled. Should only partial grant funding be received, energy improvements will be made up to the award allowed by the grant dollars. (Majority Vote Required) (Selectmen and Finance Recommend, 7-0)

YES [] NO []

Explanation for Article 24: Based on a 2001 Space Needs Committee recommendation to renovate the Town Hall for town offices rather than build a new facility, a Capital Reserve Fund was begun to pay for the improvements needed, a portion of which were energy efficiency related. The plan was to bring this concept forward several years from now. However, Federal stimulus money grants for energy related improvements to municipal buildings became available in January to be awarded in March for projects that are ready to go now. With the assistance of some of our local architects and builders, a town hall upgrade plan has been developed to combine the more general renovations with the energy improvements at a cost that uses money already set aside in Capital Reserve Funds, the Grant and \$35,000 in tax dollars.

Article 25. To see if the Town will vote to raise and appropriate fifteen thousand dollars **(\$15,000)**, for **asbestos abatement in the Town Hall basement**, all the **funds to be withdrawn from the Town Hall Renovations Capital Reserve Fund** established for this purpose. **There will be no 2010 tax rate impact.** (Majority Vote Required) (Selectmen and Finance Recommend, 7-0)

Explanation for Article 25: There will be no 2010 tax rate impact; funds already put aside in a Capital Reserve Fund will cover the cost. Like many old buildings the Town Hall boiler pipes were once insulated with an asbestos-based product and the old boiler insulation itself was made from asbestos. Given the potential health concerns related to asbestos exposure, it has been recommended we undertake to remove it. Funds already put aside in a Capital Reserve Fund will cover the cost.

Article 26. To see if the Town will vote to raise and appropriate thirty-five thousand dollars **(\$35,000)**, for the **renovation of the Historical Building for Town Offices**. (Majority Vote Required) (Selectmen and Finance Recommend, 6-1)

YES [] NO []

Explanation for Article 26: In 2010 the library will move to their new building. The Historical Society needs more space for their collection and wishes to move to the current library location. They have the funds to perform the necessary renovation. To accommodate the Town functions now housed in the Town Hall (and keep them all on the first floor), it is necessary to move some offices to the current Historical Building. For instance, this project would allow the Recreation Department office to move from the 2nd floor of the Town Hall. Examples of needed renovations include replacing an aging electric heat system, renovating the bathrooms to code, new flooring, some new partitions, security and energy efficient windows.

Article 27. To see if the Town will vote to raise and appropriate ten thousand dollars (**\$10,000**) to go toward the **costs related to the 2011 revaluation** of the community. (Majority Vote Required) (Selectmen and Finance Recommend, 7-0)

YES [] NO []

Explanation for Article 27: Every five years the Town, by law, must perform a town-wide revaluation. Our last one was in 2006. The 2011 revaluation process is currently underway and must be completed by April 1, 2011. A capital reserve fund was established at the \$40,000/year level beginning in 2007 to cover the cost. The bid for “measuring and listing” each property was less than expected allowing for a reduced request in 2010.

Article 28. To see if the Town will vote to raise and appropriate one hundred and four thousand dollars (**\$104,000**), to go **toward the building and equipping of the new library**, all of the **funds to be withdrawn from the Library Capital Reserve Fund** created for that purpose. **There will be no 2010 tax rate impact.** (Majority Vote Required) (Selectmen and Finance Recommend, 7-0)

YES [] NO []

Explanation for Article 28: There is no tax rate effect as these are funds previously appropriated and paid for. These funds were placed in this Capital Reserve Fund over several years to help fund a new library. The Library Trustees are asking that all the money in the fund be released to supplement the amount they have raised through private donations.

Article 29. To see if the Town will vote to raise and appropriate fifty-two thousand dollars (**\$52,000**), to go **toward the building and equipping of the new library with these funds (up to fifty-two thousand dollars (\$52,000))**, to be **withdrawn from the savings accounts** overseen by the library trustees created for that purpose. **There will be no 2010 tax rate impact.** (Majority Vote Required) (Selectmen and Finance Recommend, 7-0)

YES [] NO []

Explanation for Article 29: There is no tax impact. Over several decades the Library Trustees have collected funds to support library projects and activities. In November 2009, the Trustees voted to apply \$52,000 of these funds towards the new library building and equipment. However, State law requires a Warrant Article be placed on the ballot to obtain approval to use these funds for this capital project.

Article 30. To see if the Town will vote to raise and appropriate ninety thousand dollars (**\$90,000**), to be placed in the existing **Capital Reserve Fund for Fire Department Vehicles.** (Majority Vote Required) (Selectmen and Finance Recommend, 7-0)

YES [] NO []

Explanation for Article 30: Over the long term it has been determined that to have the money needed to buy fire trucks when they are scheduled for replacement and/or to do mid-life

refurbishments, \$90,000 must be allotted each year. The department has 6 trucks that have a life expectancy of between 25 – 30 years and 1 ambulance.

Article 31. To see if the Town will vote to raise and appropriate two hundred and twenty-six thousand dollars (\$226,000) to **purchase a replacement grader** for the Highway Department and authorize the withdrawal of one hundred seventy-one thousand dollars (**\$171,000**) **from the Capital Reserve Fund** created for that purpose. Forty-five thousand dollars (**\$45,000**), to be allowed on the **trade-in** and the balance of ten thousand dollars (**\$10,000**) to be **from the State Highway Block Grant**. **There will be no 2010 tax rate impact.**

(Majority Vote Required) (Selectmen and Finance Recommend, 7-0)

YES [] NO []

Explanation for Article 31: No funds from taxation are being requested. This article is to fund the purchase of a replacement for the 1998 grader. Money has been set-aside in a Highway Heavy Equipment Capital Reserve Fund to go toward the purchase. The gross cost will be reduced by the trade-in value of the current grader. That will be established at the time of the transaction. Should it be necessary, up to \$10,000 will be spent from the Highway Block Grant monies provided by the State.

Article 32. To see if the Town will vote to raise and appropriate sixty-five thousand dollars (**\$65,000**) to **partially fund the replacement of the salt shed** at the Highway Department. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the building is completed or by December 2012.

(Majority Vote Required) (Selectmen and Finance Recommend, 6-1)

YES [] NO []

Explanation for Article 32: The plan is to replace the current wood salt shed with a larger and more environmentally friendly structure situated to the rear of the property where any future expansion will be easily accommodated. A good many miles of road have been added since the original shed was built in the early 1980's. A larger one will allow more salt to be stored and more easily processed. Total cost is expected to be \$130,000 with part funded in 2010 and the remainder in 2011.

Article 33. To see if the Town will vote to raise and appropriate sixty thousand dollars (**\$60,000**) to be placed in the existing **Capital Reserve Fund for Highway Department Trucks**.

(Majority Vote Required) (Selectmen and Finance Recommend, 7-0)

YES [] NO []

Explanation for Article 33: The Highway Truck Capital Reserve Fund will cover future 1-tons plus the four dump trucks. The one-ton sees front line use for about 10yrs and the dump trucks for 15 yrs. Both are kept another several years or better as plow trucks and general backup.

Article 34. To see if the Town will vote to raise and appropriate eighty-five thousand dollars **(\$85,000) to replace a culvert and make other improvements to Old Coach Road.**

(Majority Vote Required) (Selectmen and Finance Recommend, 7-0)

YES [] NO []

Explanation for Article 34: This year's road improvement warrant article is for Old Coach Road. The plan is to replace a culvert by the brick home (where road flooding has occurred just after Town Farm Rd), and to begin making some other road improvements to the long hill as you start up Old Coach Road from Route 13. The Selectmen anticipate requesting additional funds in future years for further Old Coach Road improvements.

Article 35. To see if the Town will vote to raise and appropriate nine hundred fifty-five thousand dollars (\$955,000), covering the **cost to build, install, engineer and prepare the site for the 2010 replacement of the single lane bridge on Lyndeboro Road nearest the 2nd NH Turnpike.** Replacement is being **funded under the state bridge aid program** with an **80/20 state/town cost share. All the town funds are either in place already or are coming from State Highway Block Grant Aid so there is no 2010 tax rate impact.** This will be a non-lapsing appropriation under RSA 32:7 VI and will not lapse until the project is complete or until 2012.

(Majority Vote Required) (Selectmen and Finance Recommend, 7-0)

YES [] NO []

Explanation for Article 35: Lyndeboro Road Bridge is scheduled for replacement under the state bridge aid program in 2010. The bid to do the work is \$955,000. The town share comes to \$191,000 (20%), with \$45,000 coming from money previously set aside for the project, \$79,000 from the 2009 State Highway Block Grant and \$67,000 from the 2010 State Highway Block Grant. There are no funds needed from taxation.

Given under our hand and seal this 25th day of January in the year of our Lord two thousand and ten.

David Woodbury, Chairman

Christine Quirk

Rodney Towne



A true copy of Warrant – Attest

David Woodbury, Chairman

Christine Quirk

Rodney Towne

New Boston Board of Selectmen