

**2012 TOWN WARRANT**  
**For the TOWN OF LEE, NEW HAMPSHIRE**

**FIRST SESSION:** To the inhabitants of the Town of Lee, County of Strafford, State of New Hampshire, qualified to vote in Town Affairs, you are hereby notified to meet at the Mast Way School located on Mast Road, Lee at 9:00 am on the 4<sup>th</sup> of February, 2012. This session shall consist of explanation, discussion and deliberation of the Warrant Articles numbered 1 through 22. Warrant Articles may be amended subject to the following limitations: (a) Warrant Articles whose wording is prescribed by law shall not be amended, and (b) Warrant Articles that are amended shall be placed on the official ballot for a final vote on the main motion as amended.

**SECOND SESSION:** To the inhabitants of the Town of Lee, County of Strafford, State of New Hampshire, qualified to vote in Town Affairs, you are hereby notified to meet at the Public Safety Complex located on George Bennett Road, Lee on the 13<sup>th</sup> of March, 2012. The Polls will be open from 7:00 am to 7:00 pm.

**ARTICLE 1.**

To choose all necessary Town Officers for the ensuing year.

**ARTICLE 2.**

Are you in favor of the adoption/amendment of the zoning ordinance, as proposed by the Lee Planning Board to the 2012 Lee Zoning Ordinance as follows:

Note: **Changes are Bold Italics** and Deletions are underlined.

The 2011 Lee Zoning Ordinance, if amendments/changes/additions are passed by Town vote this March, this will change to the 2012 Lee Zoning Ordinance. The proposed changes are as follows;

Article IV. For the purpose of this ordinance, the Town of Lee is divided into three (3) **four (4)** zones: the Residential Zone (Zone A), the Commercial Zone (Zone C), ***the Light Commercial Zone (Zone LC)*** and the Wet Soils Conservation Zone and Aquifer Conservation District, as shown on the Official Map dated March 11, 1969 and amended March 2, 1976; March 8, 1977; September 14, 1982; March 12, 1985; March 12, 1986, March 14, 1989, ***June 1, 2012*** and filed with the Town Clerk. Said Official Map is a part of this ordinance and is incorporated herein by reference.

**Residential Zone (Zone A):** Shall comprise of the entire town with the exception of Zone C and Zone LC.

**Commercial Zone (Zone C):** Shall comprise that area north and south of Route 4 as outlined below, and as shown on the Official Zoning Map. Starting at the Junction of Routes 4 and 125, running east for one thousand (1,000) feet along Route 4, and then North parallel to Route 125 to the Lee-Barrington Town Line. Thence running South along the Lee/Barrington Town Line to five hundred (500) feet South of the Route 4 right-of-way. Thence running East parallel to Route 4 to a point one thousand (1,000) feet East of the Lee Traffic Circle. Also running south of the junction of Route 4 and Route 125 five hundred (500) feet East and West of the Route 125 right-of-way to the junction of Route 125 and Steppingstone Road.

*Light Commercial Zone (Zone LC): Shall comprise the land known as Lee Tax Map #25-03-000, a single parcel of 91.35 (+/-) acres.*

*Wet Soils Conservation Zone: As defined in Article XV herein.*

*Aquifer Conservation District: Shall be superimposed over all other zones and is defined in Article XIII herein.*

*New Article: VI-a, Light Commercial Zone (Zone LC)*

#### *Article VI-a*

*Light Commercial Zone (Zone LC)*

*A. The following uses shall be permitted:*

- 1. Business offices providing the following services:*
  - a. Financial*
  - b. Insurance*
  - c. Real Estate*
  - d. Engineering/Architecture/Computer design of all types*
  - e. Publishing and data processing*
  - f. Legal*
  - g. Social services*
  - h. Health services*
  - i. Educational services*
  - j. Research and development*
  - k. Medical, such as doctors, dentist, optometrist, occupational therapy, physical therapy, or other specialized medical office uses, service laboratories and offices accessory to these.*
- 2. Light Industry/Commercial Uses:*
  - a. Processing, assembling, mixing, packaging, finishing, decorating, or repair products conducted in spaces and/or building(s) but excluding basic industrial processing such as casting and forging.*
  - b. Warehousing.*
  - c. Counter sales/mercantile; an occupancy used for the display and sale of merchandise in support of the processing (a. above) or warehousing (b. above).*
  - d. The growing, production and wholesale of agricultural crops in a building or other enclosed structure.*
  - e. The commercial raising, harvesting, and wholesale of fish or other aquacultural products in a building or other enclosed structure.*
  - f. The raising of bees and the production of honey.*

*B. Special Provisions*

- 1. No residential uses shall be allowed in Zone LC.*
- 2. No commercial excavation of gravel/rock or other natural material shall be allowed in Zone LC.*
- 3. The land comprising Zone LC shall not be subdivided except to the extent that the entire site is developed as and held in the condominium form of ownership.*
- 4. No use shall be allowed in Zone LC that emits a regulated toxic air pollutant, as defined in NH RSA 125-I:4, into the ambient air except air emissions resulting from the combustion of virgin petroleum products, natural gas, propane, and biodiesel as defined in NH Env-A 1402.02(a)(4), by mobile and stationary sources.*
- 5. There shall be no storage outside of the primary building.*

### *C. Setbacks/Buffers*

- 1. A minimum 125 foot perimeter buffer of the site shall be left in its natural state, undisturbed with the exception of (i) walking trails approved by the Lee Planning Board and (ii) site access. If a septic location requires an encroachment into the perimeter buffer it shall be permitted with approval by the Lee Planning Board.*
- 2. No building or parking area shall be within 25 feet of the perimeter buffer.*
- 3. Only utility service may be permitted within the perimeter buffer with Planning Board approval.*
- 4. A setback of 25 feet shall be maintained along and from the easement line of the pond on site for all building/structures. Walking trails may be permitted along with resting/picnic area(s) within the easement and perimeter buffer if permitted by the easement and approved by the Planning Board.*
- 5. Buildings on site shall be a minimum of 50 feet apart. Access around each building shall be permitted if required for fire protection. Parking and access shall be permitted within the 50 foot separation area.*

*D. Aquifer Ordinance: The provisions of Article XIII A and E, (or applicable article for aquifers) of this ordinance shall override any provisions set forth herein. The impervious coverage requirements, specified in Article XIII shall not apply to Zone LC.*

*E. Wet Soils Ordinance: The provisions of Article XV, (or applicable article for wet soils) of this ordinance shall override any provisions set forth herein.*

*F. Site Plan Review Regulations: Site Plan review regulations for the Town of Lee shall apply to all activities located in Zone LC.*

*G. Building Regulations: The Building Regulations for the Town of Lee shall apply to any construction within Zone LC.*

### *H. Signage:*

- 1. Entrance Sign. There shall be a single entrance sign permitted for purposes of identifying the site. The entrance sign shall have one name only such as "Noble Farm Business Park", "Lee Business Park" or such other name that has been approved by the Planning Board. The location of the entrance sign shall be approved by the Planning Board as part of site plan review taking into account site access and overall site development. It shall be constructed of natural materials such as wood, masonry, or granite. The aggregate square feet of the entrance sign shall not exceed 32 square feet. The top of such sign shall not be greater than 6 feet in height, measured from the crown of the road. The sign shall be illuminated by down lighting.*
- 2. Internal Signs. One commercial sign shall be permitted for each business use. The sign shall not exceed 16 square feet, shall be free-standing, and shall be in close proximity to the entrance of the business use. The sign shall be made of natural materials. The top of the sign shall not be greater than 4 feet in height, measured from the crown of the internal access road. The sign shall be illuminated by down lighting.*
- 3. No other signage shall be permitted in Zone LC except signage related to traffic and safety.*
- 4. All signage for Zone LC shall be subject to approval by the Planning Board.*

### **PETITION WARRANT ARTICLE**

**ARTICLE 3.** To see if the town will vote to authorize the expenditure of the sum of up to five hundred and fourteen thousand dollars (\$514,000) to complete the Multiuse Artificial Turf Field at Little River Park. a) To authorize the withdrawal of two hundred and sixty-four thousand dollars (\$264,000) from the town's fund balance. b) Fifty thousand dollars (\$50,000) from a private donor. c) Two hundred thousand dollars (\$200,000) from outside of town funding sources, such as US Soccer or other outside funding sources. (The Selectmen do not recommend this appropriation by a vote of 3-0) Majority vote required.

### **PETITION WARRANT ARTICLE**

**ARTICLE 4.** To see if the Town will vote to authorize the Selectmen to place the land currently owned by the Town of Lee and known as Noble Farm, Tax Map 25-03-0000, a single parcel consisting of approximately 91.35 acres on North River Road, into a conservation easement and authorize the expenditure of up to fifteen thousand dollars (\$15,000) for transaction costs to be withdrawn from the Land Use Tax Change Fund. (The Selectmen do not recommend this appropriation by a vote of 3-0) Majority vote required.

### **PETITION WARRANT ARTICLE**

**ARTICLE 5.** To see if the Town will vote to approve the following: Shall we rescind the provisions of RSA 40:13 (known as SB 2), as adopted by the Town of Lee on March 8, 2011, so that the official ballot will no longer be used for voting on all questions, but only for the election of officers and certain other questions for which the official ballot is required by state law?" (The Selectmen recommend this article by a vote of 3-0) 3/5 Majority vote required.

### **PETITION WARRANT ARTICLE**

**ARTICLE 6.** To see if the town will vote to create a revolving fund pursuant to RSA 31:95-h, for the purpose of providing cable access for public, educational, or governmental use on the Lee Public Access Television. All revenues received by the town from Comcast (less administrative fees) will be deposited into the fund and shall be allowed to accumulate from year to year and shall not be considered part of the town's general surplus. The town treasurer shall have custody of all monies in the fund and shall pay out the same only upon order of the Board of Selectmen and no further approval of the town meeting shall be required. Such funds may be expended only for the purpose of hiring a sub-contractor responsible for the creation of content and administration (including purchase and maintenance of equipment) of Lee Public Access Television (Channel 13). (The Selectman do not recommend this article by a vote of 3-0) Majority vote required.

**ARTICLE 7.** To see if the Town will vote to amend Section 21A of the Racetrack Ordinance to add the following language: Sound levels resulting from any activities at the racetrack operation shall not exceed the established level using the A scale (dBA) and Fast Response setting. Sound levels shall be measured at any racetrack property line. Measurements shall be taken using a properly calibrated sound meter which is mounted 36 inches above the ground on a tripod and pointed directly towards the racing track surface. Any sound measurement that exceeds the established level, regardless of the duration, shall be a violation. (The Selectmen recommend this change by a vote of 3-0) Majority vote required.

**ARTICLE 8.** Shall the Town of Lee 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 \$3,453,593.00. Should this article be defeated, the default budget shall be \$3,567,768.00, which is the same as last year, with certain adjustments required by previous action of the Board of Selectmen 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. (The Selectman recommend this article by a vote of 3-0) Majority vote required.

**ARTICLE 9.** To see if the Town will vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000) to deposit into the Lee Library/Community Center Capital Reserve Fund. (The Selectmen recommend this appropriation by a vote of 3-0) Majority vote required.

**ARTICLE 10.** To see if the Town will vote to raise and appropriate the sum of sixty thousand dollars (\$60,000) to deposit into the Highway Department Road and Bridge Improvement Plan Capital Reserve Fund. (The Selectmen recommend this appropriation by a vote of 3-0) Majority vote required.

**ARTICLE 11.** To see if the Town will vote to raise and appropriate the sum of fifty thousand dollars (\$50,000) to deposit into the Highway Equipment Capital Reserve Fund. (The Selectmen recommend this appropriation by a vote of 3-0) Majority vote required.

**ARTICLE 12.** To see if the Town will vote to raise and appropriate the sum of forty thousand dollars (\$40,000) to deposit into the Fire Truck/Equipment Capital Reserve Fund. (The Selectmen recommend the appropriation by a vote of 3-0) Majority vote required.

**ARTICLE 13.** To see if the Town will vote to raise and appropriate the sum of thirty-five thousand dollars (\$35,000) to deposit into the Town Building/New Building Capital Reserve Fund. (The Selectmen recommend this appropriation by a vote of 3-0) Majority vote required.

**ARTICLE 14.** To see if the Town will vote to raise and appropriate the sum of twenty-nine thousand dollars (\$29,000) for the purchase of a new police cruiser and changeover of radios and safety equipment. (The Selectmen recommend this appropriation by a vote of 3-0) Majority vote required.

**ARTICLE 15.** To see if the Town will vote to raise and appropriate the sum of twenty-five thousand dollars (\$25,000) to deposit into the Recreation Facilities Capital Reserve Fund. (The Selectmen recommend this appropriation by a vote of 3-0) Majority vote required.

**ARTICLE 16.** To see if the Town will vote to raise and appropriate the sum of twenty thousand dollars (\$20,000) to be deposited into the Transfer Station Equipment Capital Reserve Fund. (The Selectmen recommend this appropriation by a vote of 3-0) Majority vote required.

**ARTICLE 17.** To see if the Town will vote to raise and appropriate the sum of eighteen thousand dollars (\$18,000.00) for the purchase of a new Code Enforcement Officer vehicle. (The Selectmen recommend this appropriation by a vote of 3-0) Majority vote required.

**ARTICLE 18.** To see if the Town will vote to raise and appropriate the sum of sixteen thousand, six hundred and forty dollars (\$16,640) for the purchase and installation of playground equipment, Phase III of the Recreation Commission three part phase at Little River Park and to authorize the withdrawal of that sum from the Recreation Facilities Capital Reserve Fund. (The Selectmen recommend this appropriation by a vote of 3-0) Majority vote required.

**ARTICLE 19.** To see if the Town will vote to raise and appropriate the sum of fifteen thousand dollars (\$15,000) to be deposited into the Fire Pond/Cisterns Capital Reserve Fund. (The Selectmen recommend this appropriation by a vote of 3-0) Majority vote required.

**ARTICLE 20.** To see if the Town will vote to raise and appropriate the sum of six thousand five hundred dollars (\$6,500.00) for the purchase and installation of an electronic circulation system

for the Library and to authorize the withdrawal of that sum from the Library Capital Reserve Fund. (The Selectmen recommend this appropriation by a vote of 3-0) Majority vote required.

**ARTICLE 21.** To see if the Town will vote to raise and appropriate the sum of six thousand dollars (\$6,000.00) for the purchase of seven (7) Tasers with holsters and cartridges for the Police Department (The Selectman recommend this appropriation by a vote of 3-0) Majority vote required.

**ARTICLE 22.** To transact any other business which may legally come before this meeting.

**GIVEN UNDER OUR HANDS AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_**

\_\_\_\_\_  
**John R. LaCourse, Ph.D., Chairman**

\_\_\_\_\_  
**W. James Griswold**

\_\_\_\_\_  
**Frank J. DeRocchi**

**Board of Selectmen for the Town of Lee**

**State of New Hampshire, County of Strafford, Town of Lee** Date: \_\_\_\_\_

We hereby certify that true attested copies of this Warrant were posted at the Town Clerk's Office, Public Library and Lee Town Hall, being three public places in the Town of Lee, on \_\_\_\_\_ in compliance with RSA 39:5.

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**John R. LaCourse, Ph.D., Chairman**

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**W. James Griswold**

\_\_\_\_\_  
**Frank J. DeRocchi**

**Board of Selectmen for the Town of Lee**

Personally appeared, John R. LaCourse, Ph.D., W. James Griswold and Frank J. DeRocchi who subscribed to the foregoing instrument before me,  
\_\_\_\_\_, Dawn Hayes, Notary Public