

**TOWN OF NOTTINGHAM
STATE OF NEW HAMPSHIRE
2009**

To the inhabitants of the Town of Nottingham in the County of Rockingham in said State,
qualified to vote in Town Affairs:

**YOU ARE HEREBY NOTIFIED TO MEET AT THE NOTTINGHAM COMMUNITY
CENTER IN SAID NOTTINGHAM ON TUESDAY THE 10TH DAY OF MARCH 2009
NEXT AT 8:00 O' CLOCK IN THE FORENOON TO ACT UPON THE
FOLLOWING SUBJECTS;**

Article # 1 through # 12 will be acted upon on Tuesday March 10, 2009 at the Nottingham Community Center from 8:00AM to 7:00PM.

Articles #13 through #29 will be acted upon on Saturday March 14, 2009 at the Nottingham Elementary School at 9:00AM.

Article # 1: To choose by ballot all necessary Town Officers for the ensuing year.

Article # 2: Are you in favor of amending Article XV- Definitions, as proposed by the Planning Board, for the Nottingham Zoning Ordinance as follows:

Removal of the definition “Buildable Area” which currently reads:

BUILDABLE AREA - An area of specified dimensions (for example 200 x 200 foot square, 60,000 contiguous square feet, etc.) depicted on the Subdivision Plat, Building Permit Application, or Site Plan, in which a building and septic system can be placed (1) that will meet all existing setback ordinances and all State of New Hampshire Water Supply and Pollution Control requirements for setbacks from wetlands and (2) that consist of upland soils classified by High Intensity Soil Survey (HISS) as Class I through IV. Contiguous areas shall also be of adequate width and/or depth so as not to create an hourglass effect of less than fifty (50') feet at the narrowest point.

Replace the definition of “Buildable Area” with “Lot Envelope”

LOT ENVELOPE - A two-hundred by two-hundred (200' x 200') foot square or a minimum of thirty thousand (30,000') contiguous square foot upland buildable soil area, depicted on a plat or building permit, which is being designated as a suitable area that can meet all local and State requirements. The thirty thousand (30,000') contiguous square foot area shall also be of adequate width and/or depth so as not to create an hourglass effect of less than fifty (50') feet at the narrowest point. The lot envelope shall not include either areas unfit for building and their appropriate setbacks or building setbacks.

Recommended by Nottingham Planning Board

Article # 3: Are you in favor of amending Article XV- Definitions, as proposed by the Planning Board, for the Nottingham Zoning Ordinance as follows:

“Fit for Building,” which currently reads:

FIT FOR BUILDING - any land which is not classified as floodplain, wetland, watershed protection area and does not have slopes of 25% or more and where soil tests indicate suitability.

Change to read:

FIT FOR BUILDING - Any land, which is *not* classified as floodplain, wetland, watershed protection area, drainage way, and does not have slopes of twenty-five (25%) percent or more and where soil tests indicate suitability.

Recommended by Nottingham Planning Board

Article # 4: Are you in favor of amending Article XV- Definitions, as proposed by the Planning Board, for the Nottingham Zoning Ordinance as follows:

“Frontage” which currently reads:

FRONTAGE - the length of the lot bordering on public right-of-way.

Change to read:

FRONTAGE - The length of the lot bordering on a Class V road or better.

Recommended by Nottingham Planning Board

Article # 5: Are you in favor of amending Article XV- Definitions, as proposed by the Planning Board, for the Nottingham Zoning Ordinance as follows:

“Structure”, which currently reads:

STRUCTURE - anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground.

Change to read:

STRUCTURE - That which is built or constructed with a fixed location on the ground or attached to something having a fixed location on the ground, whether installed on, above or below the surface of land.

- Structure includes but is not limited to a building, barn, swimming pool, manufactured home, mobile home, septic system, well, gas or liquid storage tank (as specified by *NH Building code*), deck, porch, balcony, breezeway, carport garage.
- Structure shall not include boundary wall, fence, driveway, and in-kind, replacement septic system.

Recommended by Nottingham Planning Board

Article # 6: Are you in favor of amending Article XV- Definitions, as proposed by the Planning Board, for the Nottingham Zoning Ordinance as follows:

“Unfit for Building” which currently reads:

UNFIT FOR BUILDING - any land which is classified as floodplain, wetland (by soil type), watershed protection area, excessive slope of 25% or more, or where soil tests indicated unsuitability for subsurface waste disposal.

Change to read:

UNFIT FOR BUILDING - Any land, which is classified as: a floodplain; wetland (by soil type); watershed protection area; excessive slope of twenty-five (25%) percent or more; drainage ways; or where soil tests indicate unsuitability for subsurface waste disposal.

Recommended by Nottingham Planning Board

Article #7: Are you in favor of amending Article VI-Dwelling Unit Requirements, as proposed by the Planning Board, for the Nottingham Zoning Ordinance as follows:

SECTION A - Dwelling Unit Requirements and Setbacks:

No lot shall be less than two (2) acres in area, with a minimum contiguous frontage of two hundred (200') feet, including curb cut for approved access, except to the extent with regard to frontage of back lots approved in accordance with Part I of this Article VI. Each single parcel of land is required to contain a driveway (curb cut) within the required minimum frontage. The required driveway may be either a single or common/shared driveway. Each lot must contain a 200 X 200 foot square fit for building or a sixty thousand (60,000') square foot contiguous area fit for building in which a house and septic system can be placed to meet all existing setback ordinances, consisting of upland soils classified by High Intensity Soil Survey (HISS) as Class I through IV. However, a nonconforming lot, which does not abut other property under the same ownership, shall be exempt from these provisions, provided it was legal under the provisions in effect immediately prior to the passage of this Ordinance or subsequent amendments thereto, where approval can be granted without substantial detriment to the public interest and without substantially detracting from or nullifying the provisions and purpose of this Ordinance.

Change to read:

SECTION A - Dwelling Unit Requirements and Setbacks:

1. No lot shall be less than two (2) acres in area;
 - A. Each lot shall have a minimum contiguous frontage of two hundred (200') feet, including a curb cut for approved access, except to the extent with regard to frontage of back lots approved in accordance with Part I or this Article VI;
 - B. Each single parcel of land is required to contain a driveway (curb cut) within the required minimum frontage. The required driveway may be either a single or common/shared driveway serving no more than two residences;
 1. Shared driveways will be kept to the common boundary.
 2. Shared driveways will be put in each owner's deed of record.

C .Each lot must contain a 200' x 200' square fit for building or a thirty thousand (30,000') square foot contiguous area lot envelope in which a house and septic system shall be placed to meet all existing setbacks ordinances, consisting of upland soils. However, a nonconforming lot which does not abut other property under the same ownership, shall be exempt from these provisions, provided it was legal under the provisions in effect immediately prior to the passage of this Ordinance or substantial amendments thereto, where approval can be granted without substantial detriment to the public interest and without substantially detracting from or nullifying the provisions and purpose of this Ordinance.

Recommended by Nottingham Planning Board

Article# 8: Are you in favor of amending Article VI-Dwelling Unit Requirements, as proposed by the Planning Board, for the Nottingham Zoning Ordinance as follows:

SECTION G - Multifamily Development:

4. Regulations:

- b. Land Area Multifamily Development - the minimum land area for a multifamily development complex shall be six (6) acres of two (2) acres per unit dwelling. The site shall contain a minimum of 60,000 square feet of contiguous upland buildable soils per unit dwelling; and be of sufficient size as to meet all setback requirements; and meet all State of New Hampshire Water Supply and Pollution Control requirements for setbacks from wetlands.

Change to read:

- b. Land Area Multifamily Development - the minimum land area for a multifamily development complex shall be six (6) acres of two (2) acres per unit dwelling. The site shall contain a minimum of thirty thousand (30,000') square feet of contiguous upland buildable soils per unit dwelling; and be of sufficient size as to meet all setback requirements; and meet all State of New Hampshire Water Supply and Pollution Control requirements for setbacks from wetlands

Recommended by Nottingham Planning Board

Article # 9: Are you in favor of amending Article VII-Building Permits, as proposed by the Planning Board, for the Nottingham Zoning Ordinance as follows:

A. SECTION A - Requirements -

- 5. *Erection of non-habitable structures of one hundred forty five (145') square feet in area or greater.*

Change to read:

5. Erection of an auxiliary structure greater than one hundred twenty (120') square feet footprint.

Recommended by Nottingham Planning Board

Article # 10: Are you in favor of amending Article VII-Building Permits, as proposed by the Planning Board, for the Nottingham Zoning Ordinance as follows:

SECTION B - Application and Issuance:

2. Remove the following sentences:

- “An applicant may not receive a total of more than five (5) building permits per year.” and;
- “The number of building permits issued by the Building Inspector shall be posted at the Town Hall by the tenth day of each month indicating the number of building permits issued during the preceding month.”

Recommended by Nottingham Planning Board

Article # 11: Are you in favor of amending Article VII-Building Permits, as proposed by the Planning Board, for the Nottingham Zoning Ordinance as follows:

SECTION D – PROHIBITION OF TRANSFER AND EXPIRATION OF PERMIT

1. *Work proposed shall commence within six months of the date of issuance and shall be completed within two years. Failure to commence construction in a timely fashion shall result in the expiration of said permit. One renewal, prior to expiration, is allowed per building permit. Extension of the two year period by special exception for health or financial reasons for owner occupied dwellings is permitted.*

Change to read:

1. Work proposed shall commence within six months of the date of issuance and shall be completed within one year. Failure to commence construction in a timely fashion shall result in the expiration of said permit. One renewal, prior to expiration, is allowed per building permit. Extension of the one year period by special exception for health or financial reasons for owner occupied dwellings is permitted.

Recommended by Nottingham Planning Board

Article # 12: Are you in favor of eliminating the board of assessors as elected officers?
(Majority Vote Required) (By Petition)

Article #13 : To see if the Town will vote to raise and appropriate the sum of Two Hundred Thousand Dollars (**\$200,000.00**) payable over a term of 10 years, to fund the construction and related construction engineering services for a new Highway Department Salt Storage Facility at the Town Gravel Pit off Smoke Street. Two Hundred Thousand Dollars (\$200,000.00) of such sum to be raised through the issuance of bonds or notes and in compliance with the Municipal Finance Act, RSA 33:1 et seq., as amended; to authorize the Selectmen to apply for, obtain and accept federal, state, or other aid, if any which may be available for said project and to comply with all laws applicable to said project; to authorize the Selectmen to issue, negotiate, sell and deliver said bonds or notes and to determine the rate of interest thereon and the maturity and terms thereof; and to authorize the Selectmen to take any other action or to pass any other vote relative thereto and to appropriate the sum of **\$28,300.00** for the first year's payment. This is a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the work is complete or not later than one year after the end of fiscal year 2010, whichever occurs earlier. **The Board of Selectmen & the Budget Committee recommend this appropriation.** (2/3 Ballot Vote Required)

Article # 14: To see if the Town will vote to raise and appropriate the sum of Three Hundred Sixty Thousand Dollars (**\$360,000.00**) to purchase a new fire engine for the Fire/Rescue Department and to authorize the withdrawal of \$106,000.00 from the Fire Department Vehicle Capital Reserve Fund. Two Hundred Fifty Four Thousand dollars (\$254,000.00) of such sum payable over a term of 5 years to be raised through the issuance of bonds or notes and in compliance with the Municipal Finance Act, RSA 33:1 et seq., as amended; to authorize the Selectmen to issue, negotiate, sell and deliver said bonds or notes and to determine the rate of interest thereon and the maturity and terms thereof; or to allow the Board of Selectmen to enter a lease/purchase agreement if in the best interest of the Town; and to authorize the Selectmen to take any other action or to pass any other vote relative thereto and to raise and appropriate the sum of **\$59,945.00** for the first year's payment. **The Board of Selectmen & the Budget Committee recommend this appropriation.** (2/3 Ballot Vote Required)

Article # 15: To see if the Town will vote to enter into a lease / purchase agreement in the amount of **\$134,000.00** for the purchase of a Loader for the Highway Department payable over a term of 5 years and to raise and appropriate the sum of **\$29,830.00** for the first year's payment. The lease agreement contains a non-appropriation clause. **The Board of Selectmen & the Budget Committee recommends this appropriation.** (Majority vote required.)

Article # 16: To see if the Town will vote to raise and appropriate the sum of **\$ 3,104,959.00**, which is the Budget Committee's recommended amount for the 2009-operating budget. The Board of Selectmen recommends **\$ 3,104,959.00**. This article does not include appropriations voted in other warrant articles. (Majority Vote Required)

Article # 17: To see if the Town will vote to raise and appropriate the sum of \$ **192,690.00** for highway construction and reconstruction of Deerfield Road or other roads in Nottingham if an emergency arises. This is a non-lapsing appropriation per RSA 32:7,VI and will not lapse until the work is complete or not later than one year after the end of fiscal year 2009, whichever occurs earlier. **The Board of Selectmen & the Budget Committee recommend this appropriation.** (Majority Vote Required)

Article # 18: To see if the Town will vote to raise and appropriate the sum of \$ **171,000.00** to fund the construction and related construction-engineering services for the replacement of the bridge over Back Creek, located on Deerfield Road. This is a Town-owned bridge, which has been washed out numerous times in the last twenty years. This amount along with the \$56,250.00 already appropriated in FY2008 and expended or encumbered for engineering and design services of the project will bring the total cost of the project to \$227,250.00. The Town will receive \$85,500.00 from FEMA before construction begins and upon completion of the construction, will be reimbursed for the balance of the project cost (up to \$85,500.00) from FEMA through the Hazard Mitigation Grant Program. This will be a non-lapsing appropriation per RSA 32:7,VI and will not lapse until the work is complete or not later than one year after the end of fiscal year 2009, which ever occurs earlier. **The Board of Selectmen & the Budget Committee recommend this appropriation.** (Majority vote required.)

Article # 19: To see if the Town will vote to raise and appropriate the sum of \$ **489,432.00** to fund the construction and related construction engineering services for the replacement of the Mill Pond Bridge over Little River, a Town-owned bridge which was destroyed by the Nottingham Lake Dam breach in 2007. This appropriation will be offset by \$68,687.47 from FEMA upon completion of the construction, and 80% of the remaining cost by the New Hampshire Department of Transportation (NHDOT) through the NHDOT Municipal Managed Bridge Aid Program. This will be a non-lapsing appropriation per RSA 32:7,VI and will not lapse until the work is complete or not later than the end of fiscal year 2010, which ever occurs earlier. **The Board of Selectmen & the Budget Committee recommend this appropriation.** (Majority vote required.)

Article # 20: To see if the Town will vote to raise and appropriate the sum of \$ **5,000.00** to be added to the Capital Reserve Fund previously established for the purpose of purchasing trucks for the Highway Department. **The Board of Selectmen & the Budget Committee recommend this appropriation.** (Majority vote required.)

Article # 21: To see if the Town will vote to raise and appropriate the sum of Eleven Thousand One Hundred Twenty Five dollars (**\$11,125.00**) for the purpose of purchasing the necessary fuel, supplies, equipment, and maintenance to run the ambulance for 2009; and to authorize the withdrawal of Eleven Thousand One Hundred Twenty Five dollars (**\$11,125.00**) from the Special Revenue Fund created for this purpose. **The Board of Selectmen & the Budget Committee recommend this appropriation.** (Majority vote required.)

Article # 22: To see if the Town will vote to raise and appropriate the sum of \$ **5,000.00** to be added to the Capital Reserve Fund for the purpose of purchasing Fire/Rescue vehicles. **The Board of Selectmen & the Budget Committee recommend this appropriation.** (Majority vote required.)

Article # 23: To see if the Town will vote to raise and appropriate the sum of **\$44,000.00** for the purchase and installation of a Standby Power System for the Nottingham Community Center and Police Department. (Majority Vote Required).

Article # 24: To see if the Town will vote to raise and appropriate the sum of **\$20,604.00** in support of the following Social Service Agencies:

Rockingham Community Action	\$4,926.00
Rochester/Rural District VNA & Hospice	\$4,438.00
Lamprey Health Care	\$3,300.00
Richie McFarland Children’s Center	\$2,000.00
Area Home Care & Family Services	\$1,100.00
Child & Family Services	\$800.00
Child Advocacy Center	No Request
Seacoast Mental Health	\$800.00
Seacoast Big Brothers Big Sisters	No Request
Seacoast Hospice	\$600.00
Aids Response Seacoast	\$575.00
Sexual Assault & Support Services	\$550.00
A Safe Place	\$600.00
American Red Cross	\$350.00
Victims, Inc.	No Request
Rockingham Nutrition & Meals on Wheels Program	\$465.00
Retired & Senior Volunteer Program	\$100.00
TOTAL	\$20,604.00

(Majority vote required.)

Article # 25: To see if the Town will vote to raise and appropriate the sum of **\$ 4,000.00** for the purpose of conducting courtesy inspections of boats using the State Boat Launch at the Fundy Boat Ramp and the Pawtuckaway State Park Boat Ramps on Pawtuckaway Lake to remove fragments of exotic invasive aquatic species and to educate the public on how to prevent the spread of exotic species from water body to water body. This article was submitted by the Pawtuckaway Lake Improvement Association, by a majority vote. (Majority Vote Required)

Article # 26: To see if the Town will vote to raise and appropriate the sum of **\$10,000.00** for the stabilization of the river bank of the North River that is adjacent to the ball fields at the Community Center. (Majority Vote Required)

Article # 27: To see if the Town will vote to raise and appropriate the sum of **\$ 13,000.00** for the purpose of contracting a professional Planning Consultant with the expertise in the area of impact fees to perform an impact fee study. **The Budget Committee recommends this appropriation. (Majority Vote Required) (By Petition)**

Article # 28: (Per RSA 32:5 V-a) To see if the Town will vote to require that all votes by, a town budget committee, and the governing body relative to budget items or warrant articles shall be recorded votes and the numerical tally of such votes be printed in the town warrant next to the affected warrant article. (Majority Vote Required)

Article # 29: To transact any other business, which may legally come before this meeting.

Given under our hands and seal this *Sixth day of February* in the Year of Our Lord Two Thousand and Nine.

A True Copy Attest:

William P. Netishen

William P. Netishen

Mary L. Bonser

Mary L. Bonser

Peter M. Bock

Peter M. Bock