

**ABSENTEE  
OFFICIAL BALLOT  
ANNUAL TOWN ELECTION  
ATKINSON, NEW HAMPSHIRE  
MARCH 8, 2005**

BALLOT 1 OF 8

TOWN CLERK

**INSTRUCTIONS TO VOTERS**

- A. TO VOTE, completely fill in the OVAL to the RIGHT of your choice (s) like this: ●
- B. Follow directions as to the number of candidates to be marked for each office.
- C. To vote for a person whose name is not printed on the ballot, write the candidate's name on the line provided and completely fill in the OVAL.

<p style="text-align: center;"><b>SELECTMAN</b></p> <p style="text-align: center;">Vote for not Three Years more than One</p> <p><b>BRIAN J. BOYLE</b> <input type="radio"/></p> <p><b>JOHN "JACK" SAPIA</b> <input type="radio"/></p> <p>_____ (Write-in) <input type="radio"/></p>	<p style="text-align: center;"><b>TRUSTEE OF THE TRUST FUND</b></p> <p style="text-align: center;">Vote for not Three Years more than One</p> <p><b>JOHN H. TAFT</b> <input type="radio"/></p> <p>_____ (Write-in) <input type="radio"/></p>	<p style="text-align: center;"><b>LIBRARY TRUSTEE</b></p> <p style="text-align: center;">Vote for not One Year more than One</p> <p><b>JOANNE TSAI</b> <input type="radio"/></p> <p>_____ (Write-in) <input type="radio"/></p>
<p style="text-align: center;"><b>MODERATOR</b></p> <p style="text-align: center;">Vote for not Two Years more than One</p> <p><b>FRANCIS G. POLITO</b> <input type="radio"/></p> <p>_____ (Write-in) <input type="radio"/></p>	<p style="text-align: center;"><b>CEMETERY TRUSTEE</b></p> <p style="text-align: center;">Vote for not Three Years more than One</p> <p><b>DONALD L. MURPHY, JR.</b> <input type="radio"/></p> <p>_____ (Write-in) <input type="radio"/></p>	<p style="text-align: center;"><b>CODE OF ETHICS COMMITTEE</b></p> <p style="text-align: center;">Vote for not Three Years more than Two</p> <p>_____ (Write-in) <input type="radio"/></p> <p>_____ (Write-in) <input type="radio"/></p>
<p style="text-align: center;"><b>ROAD AGENT</b></p> <p style="text-align: center;">Vote for not Two Years more than One</p> <p><b>EDWARD A. STEWART</b> <input type="radio"/></p> <p><b>RICHARD B. WOOD, SR.</b> <input type="radio"/></p> <p>_____ (Write-in) <input type="radio"/></p>	<p style="text-align: center;"><b>LIBRARY TRUSTEE</b></p> <p style="text-align: center;">Vote for not Three Years more than One</p> <p><b>JOAN GOFF</b> <input type="radio"/></p> <p>_____ (Write-in) <input type="radio"/></p>	<p style="text-align: center;"><b>MUNICIPAL BUDGET COMMITTEE</b></p> <p style="text-align: center;">Vote for not Three Years more than Two</p> <p><b>JAMES C. BLACKADAR</b> <input type="radio"/></p> <p><b>PAUL TRACY</b> <input type="radio"/></p> <p>_____ (Write-in) <input type="radio"/></p> <p>_____ (Write-in) <input type="radio"/></p>
<p style="text-align: center;"><b>TRUSTEE OF THE TRUST FUND</b></p> <p style="text-align: center;">Vote for not Two Years more than One</p> <p><b>EVIE TAFT</b> <input type="radio"/></p> <p>_____ (Write-in) <input type="radio"/></p>		

**ARTICLES**

**Article 2005-02 Zoning Article - Wetlands Conservation District Zoning**

**PROPOSED WETLANDS ZONING ARTICLE**

Are you in favor of the adoption of the amendment proposed by the Atkinson Planning Board for the Town Zoning Ordinance which would repeal the present wetlands ordinance (Section 410. WETLANDS ZONING) and replace it with a new ordinance. The technical revisions are as follows:

- a) to delete Section 410. WETLANDS ZONING in its entirety; and
- b) to replace with the following language:

**Section 410. WETLANDS CONSERVATION DISTRICT ZONING  
410:1 Purpose and Intent**

The purpose of the Wetlands Conservation District is to protect the public health, safety and general welfare of the community by controlling and guiding the use of land areas defined as wetland resources and buffer areas around those resources. It is intended that this Section shall:

- a. Prevent the development of structures and land uses on and around naturally occurring wetland resources which will contribute to pollution of surface and groundwater by wastewater or regulated substances or sedimentation;
- b. Prevent the destruction of, or significant changes to, natural wetland resources which provide flood protection, provide filtration of water flowing into ponds and streams, augment stream flow during dry periods and are connected to the ground or surface water supply;

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**TURN BALLOT OVER AND CONTINUE VOTING**

## ARTICLES CONTINUED

### Article 2005-02 CONTINUED....

- c. Protect wildlife habitats, maintain ecological values and support other public purposes such as those cited in RSA 482-A:1;
- d. Protect potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas, as noted in the *Town of Atkinson Water Resource Management and Protection Plan*, prepared in 1991 by the Rockingham Planning Commission;
- e. Prevent unnecessary or excessive expense to the Town for the purpose of providing and/or maintaining essential services and utilities which might be required as a result of development in and/or around wetland resources;
- f. Prevent damage to structures and properties caused by inappropriate development in wetland resources.

### 410:2 Non-local Permits

Notwithstanding the provisions of this Section or local approval of proposed uses, any permits required by the Water Division of the New Hampshire Department of Environmental Services under RSAs 482-A, 483-B, and 485-A, the U.S. Environmental Protection Agency under the NPDES Phase II Storm Water Regulations, or the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act shall be obtained prior to the use or alteration of wetland resources, or wetland buffers (where applicable). Separate local approval of regulated uses in and around wetland resources shall be required irrespective of obtaining non-local permits.

### 410:3 Overlay Zoning

The Wetlands Conservation District is an overlay district. In all cases where the Wetlands Conservation District is superimposed over another zoning district in the Town of Atkinson, that district whose regulations are the more restrictive shall apply.

### 410:4 Area of Jurisdiction

- a. District Composition: The Wetlands Conservation District comprises:
  - 1) The Ecologically Significant Wetlands listed in the table in Subsection 410:10 and the land within 150 feet of the edge of said wetlands.
  - 2) Surface waters (such as lakes, ponds, and streams) and the land within 100 feet of the mean high water level of said surface waters.
  - 3) Wetland resource areas contiguous to or containing surface waters and the land within 100 feet of the edge of said resources.
  - 4) All other wetland resources and land within 50 feet of the edge of said resources.
- b. Delineation Requirements: When the precise location of a wetland resource boundary in any particular case is required to be known, it shall be determined by on-site inspection of soils, vegetation, and hydrology by a New Hampshire Certified wetland scientist. Said inspections shall conform to the applicable standards set forth in:
  - 1) *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1*, Environmental Laboratory, Department of the Army (January 1987)
  - 2) *Field Indicators for Identifying Hydric Soils in New England* (Version 3, April 2004), published by the New England Interstate Water Pollution Control Commission, as may be superseded and amended.
  - 3) Chapters Wt 100-800 of the *New Hampshire Wetlands Bureau Code of Administrative Rules*, as amended.
- c. Boundary Appeals: If, while exercising their duties in the enforcement of this ordinance, an applicable Town official or Board questions the validity of the boundaries of a wetland resource area on a specific parcel of land, that official or Board may call upon the services of a scientist qualified to delineate wetland resources in accordance with the standards and criteria specified in Subsection 410:4b in order to examine said area and report the findings to the Planning Board for a site specific determination of the boundary. Testing procedures that are necessary to resolve boundary appeals shall be conducted at the expense of the landowner.

### 410:5 Permitted Uses in Wetland Resources

The following uses shall be permitted in wetland resources within the Wetlands Conservation District provided that the proposed use will not cause any reduction of value of a wetland resource that would result in the significant net loss of any of the functional values set forth in RSA 482-A:1 and in the *New Hampshire Code of Administrative Rules* Chapter Wt 700 Prime Wetlands:

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**ARTICLES CONTINUED**

**Article 2005-02 CONTINUED....**

- a. Wildlife habitat development and management.
- b. Conservation areas and nature trails.
- c. Recreational uses consistent with the purpose and intent of this Section as stated in Subsection 410:1.
- d. The construction of fences, footbridges, and catwalks only, provided: (1) said structures are constructed on posts or pilings so as to permit unobstructed flow of water, (2) the natural contour of the wetland resource is preserved; and (3) the Conservation Commission has reviewed and not objected to the proposed construction.
- e. Forestry and tree farming to include the construction of access roads for said purpose. All work shall be in compliance with the provisions of RSA 227-J, and with procedures currently cited in *Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire*, published by the NH Dept. of Resources & Economic Development's (DRED) Division of Forests and Lands.
- f. Water impoundments constructed for the enhancement of a wetland resource area and/or the construction of well water supplies, in compliance with permits required by the New Hampshire Department of Environmental Services (DES) Water Resources Division and Water Supply and Pollution Control.
- g. Agricultural uses, provided that such use is shown not to cause significant increases in surface or ground water contamination by pesticides or other toxic or hazardous substances and that such use will not cause or contribute to soil erosion. Best management practices as defined by the NH Department of Agriculture shall be followed.
- h. Any use otherwise permitted by this ordinance that is compatible with the purposes stated in Subsection 410:1 and that does not involve the erection of a structure or that does not alter the surface configuration of the land by the addition of fill or by dredging.

**410:6 Wetland Buffer Provisions**

The following provisions define restrictions on land uses and activities allowed within wetland buffers within the Wetlands Conservation District:

- a. Vegetative Buffers: In order to protect the integrity and functionality of the adjacent wetland resources, a vegetative buffer, consisting of a healthy, well-distributed stand of trees, saplings, shrubs and/or ground cover shall be maintained as follows:

Wetland Resource	Size of Vegetative Buffer
Ecologically Significant Wetlands	50 Feet
Surface waters and wetland resource areas contiguous to or containing surface waters	25 Feet
All other wetland resources	0 Feet

- b. Pesticide and fertilizer use: The use of pesticides and manufactured fertilizers shall be prohibited within the required vegetative buffer.
- c. Accessory structures: No structures shall be constructed within or encroach upon any wetland buffer, except that the erection of accessory structures shall be permitted, provided such structures:
  - 1) are outside the required vegetative buffer
  - 2) are free standing from the principal building on the site
  - 3) are constructed in accordance with the local building code
  - 4) are uninhabited
  - 5) do not discharge animal or human waste
  - 6) taken together, cover no more than five (5) percent of the total surface area of the wetland buffer contained on the lot.
- d. Constructed site improvements: Constructed site improvements (as defined in Section 300) shall be permitted within the wetland buffer area provided that:
  - 1) the required vegetative buffer is maintained
  - 2) the improvements are carried out in a manner which is consistent with the purpose and intent of this Section as stated in Subsection 410:1.

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**ARTICLES CONTINUED**

**Article 2005-02 CONTINUED....**

- e. Subsurface wastewater disposal systems:
  - 1) For Surface Waters and Ecologically Significant Wetlands: No subsurface wastewater disposal system shall be constructed within 100 feet of the edge of these resources.
  - 2) For all other wetland resources: No subsurface wastewater disposal system shall be constructed within 75 feet of the edge of any Type A (very poorly drained) Hydric Soil or 50 feet of any Type B (poorly drained) Hydric Soil as per Chapter Env-Ws 1000 of the *NH Code of Administrative Rules*, as amended.
- f. Erosion Control: All construction, forestry, and agricultural activities within the wetland buffer shall be undertaken with special care to avoid soil erosion and siltation of wetland resources. The Planning Board, pursuant to its subdivision and site plan review authority, may require an erosion control plan approved by the Rockingham County Conservation District for any project undertaken upgradient of a wetland resource.

**410:7 Conditional Uses in the Wetlands Conservation District**

a. Conditional Wetland Resource Use and/or Alteration:

In wetland resources other than Ecologically Significant Wetlands, a conditional permit may be obtained as part of subdivision and/or site plan approval or, if not applicable, a special exception may be obtained from the Zoning Board of Adjustment for the following uses or alterations, subject to the conditions in Subsection 410:7b below:

- 1) Construction of roads and other access ways and for pipelines, power lines, and other transmission lines,
- 2) Drainage ways to include streams, creeks, or other paths of normal runoff water and common agricultural land drainage.

b. Conditions for Wetland Resource Use and/or Alteration:

- 1) The proposed construction is essential to the productive use of land not within the Wetlands Conservation District.
- 2) Design and construction methods will be such as to minimize impact upon the wetland resource and will include restoration of the site consistent with the permitted use.
- 3) Drainage work shall be in accordance with best management practices and specifications stated in the 1992 publication entitled *Stormwater Management and Erosion and Sedimentation Control for Urban and Developing Areas in New Hampshire*, NH DES and RCCD.
- 4) There is no feasible alternative route on land controlled by the applicant that does not cross the Wetlands Conservation District nor has less detrimental impact on the wetland resource. Nothing in this Section shall limit the applicant from exploring alternatives with abutting property owners.
- 5) Economic advantage is not the sole reason for the proposed location of the construction.

c. Wetland Buffer Reduction By Special Exception:

A special exception may be granted by the Zoning Board of Adjustment for the following uses or alterations in the Wetlands Conservation District of lots and/or structures lawfully existing at the time of adoption of this Section, subject to the conditions in Subsection 410:7d below:

- 1) Expansion of existing structures to within no less than 50 feet of any wetland resource.
- 2) Construction of a new structure permitted to within 100 feet of any Ecologically Significant Wetland.
- 3) Construction of a new structure permitted to within 50 feet of any other wetland resource.

d. Conditions for Wetland Buffer Reduction:

- 1) The structure or expansion for which the exception is sought cannot feasibly, after consideration of all reasonable alternatives, be constructed on a portion or portions of the lot which lie outside the Wetlands Conservation district; -or- the application of the Wetlands Conservation district eliminates greater than 50 per cent of the buildable area located on the lot.

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**ARTICLES CONTINUED**

**Article 2005-02 CONTINUED....**

- 2) The maximum building coverage in the wetland buffer shall be no greater than 25 percent of the total surface area of the wetland buffer contained on the lot.
  - 3) Design and construction methods must be such as to ensure the structure's drainage will not adversely impact any wetland resources and will be consistent with the purpose and intent of this Section.
- e. Dredge and Fill Permits:
- 1) Prior to filing an application for a New Hampshire Department of Environmental Services (DES) dredge and fill permit, the applicant is strongly encouraged to meet with the Conservation Commission to ensure that the proposed dredge and fill is consistent with the intent of the ordinance.
  - 2) An approved New Hampshire DES dredge and fill permit, once acted upon, may change the Wetlands Conservation District Boundary, which will be applied from the new edge of wetland.

**410:8 Lot Size Determinations**

- a. Areas designated as wetland resources under this ordinance may not be used to satisfy minimum lot size requirements or other density limitations required by the zoning ordinance and subdivision regulations except in the following cases:
- 1) Where soil-based lot size determination is specifically allowed for minimum lot sizing (See Section 610:3).
  - 2) Areas defined as poorly drained soils may be used provided that a non-wetland resource area of not less than 30,000 square feet of contiguous buildable area is contained and identified on the lot. This buildable area must be configured to adequately accommodate all required structures and utilities such as wastewater disposal and water supply (including primary and auxiliary leach field locations).
- b. No surface waters may be used to satisfy minimum lot size.

**410:9 Remedy for Violations**

Any person or persons who violate the provisions of this Section shall be liable for administrative fines and/or remediation or restoration of the resource(s) affected as provided for in New Hampshire State Statutes and Administrative Rules.

**410:10 Ecologically Significant Wetlands**

Wetland Name	Description
Hall Farm Pond	10+/- acre wetland located south of NH Rte. 111 and north of Hall Farm Road, primarily on Tax Map 16, Lot 9.
Hog Hill Brook	17.5+/- acre wetland which extends southeast of Island Pond Road, located primarily on Tax Map 20, Lot 7 and extending onto Tax Map 16, Lot 64 and Tax Map 21, Lot 1.
Stewart Farm Pond	21+/- acre wetland located due west of Stewart Farm Road and northeast of Village Drive, primarily on Tax Map 12, Lot 1.
West Sawmill Swamp	121+/- acre wetland extending across the northern Atkinson border with Hampstead and located directly west of upper Maple Avenue, on Tax Map 18.
East Sawmill Swamp	58+/- acre wetland located directly east of upper Maple Avenue, on Tax Map 19.
Wright Farm Pond	46+/- acre wetland bordered by Sawmill Road, Summit Drive, Walker Road, Merrill Drive, Meeting Rock Drive, and Bittersweet Lane, primarily on Tax Map 13, Lot 96.
Bryant Brook	69+/- acre wetland located on the southern border between Atkinson and Plaistow, primarily on Tax Map 10, Lot 7, and extending onto Tax Map 9, Lot 62-22 and Tax Map 5, Lot 48.

Note: The wetlands listed here were evaluated by procedures described in Method for the Comparative Evaluation of Non-Tidal Wetlands in New Hampshire, published by the New Hampshire Department of Environmental Services (1991). Details of the analysis may be found in Town of Atkinson Prime Wetland Study, prepared by Natural Resource Consulting Services, dated December 2002 and on file in the office of the Atkinson Planning Board. **CONTINUES ON BACK OF BALLOT**

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**ARTICLES CONTINUED**

**Article 2005-02 CONTINUED....**

**SECTION 300: DEFINITIONS**

- 1) Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions (as per NH RSA 482-A:2).
- 2) Wetland resources: Includes most wetlands, surface waters, and intermittent streams. However, wetland conditions resulting from the following are specifically excluded from this definition: constructed drainage structures including, but not limited to: swales, ditches, and basins; actively-maintained man-made ponds; and septage lagoons.
- 3) Intermittent streams: streams that flow for sufficient time to develop and maintain a defined channel, but which might not flow during dry portions of the year.
- 4) Surface waters: Areas which have standing or flowing water at or on the surface of the ground. This includes but is not limited to rivers, streams, lakes, and ponds.
- 5) Ecologically Significant Wetlands: Ecologically significant wetlands are wetlands of significant value that are designated by the Town of Atkinson as worthy of extra protection because of their functional values, uniqueness, fragility and/or unspoiled character.
- 6) Wetland Buffer: Wetland buffer refers to the upland areas adjacent to wetland resources in the Wetlands Conservation District. Wetland buffers are applied irrespective of lot lines and municipal boundaries, except that buffers are not applied to properties directly across the right of way of a Town Class V or better roadway, or a State or Federal highway, existing at the time of acceptance of Section 410.
- 7) Constructed Site Improvement: Any modification of the topography or soil of a site which alters the surface configuration of the land, including but not limited to, the construction of roads, driveways, parking lots, patios, swimming pools, drainage ways and impoundments, and embankment retaining walls.

**Recommended by the Planning Board**

YES

NO

**Article 2005-03 - Zoning Article - Section 620, 500:9, 510:1, 600:1, 600:5, 600:7 & 600:8**

Are you in favor of the adoption of the amendment proposed by the Planning Board to Amend Zoning Section 620 in its entirety and to make adjustments to Zoning Sections by adding 500:9 (definition), Amend 510:1 (Permitted Use Chart), Amend 530 (Table of Area, Yard, Coverage, Height etc). Amend Rural Cluster Ordinance 600:1(add Paragraph c.), 600:5, (add paragraph 1 to specify 400 foot setback). Amend 600:7 (add paragraph "a" to allow more then 8 units per acre in the SCR subdistrict) and amend 600:8 (add paragraph "c" to adjust setbacks.) Include recodification as necessary.

The purpose of the proposed changes is to continue to ensure a range of housing opportunities for senior (age 55 and over) residents while preserving open space. The proposed changes will allow "Alternative Design Residential Buildings" in the RR2 /SCR Subdistrict to be up to 55 feet in height, with up to 40 units per building, with a setback of 400 feet from property lines and town roads. Overall density in the sub district will be reduced where single bedroom units are constructed.

**Section 620. GOLF AND SPORTS COMPLEX/RESIDENTIAL SUB-DISTRICT ("SCR Subdistrict").**

- a. Within the existing RR-2 District in the southwestern corner of the Town there is created a Subdistrict known as a Sports complex/Residential Sub-district (SCR). Except as otherwise provided herein, all other restrictions and requirements applicable to the RR-2 District shall apply to all uses and structures within the SCR Subdistrict.
- b. Except as to "RRRCD Developments" (defined below), all land lying within the SCR Subdistrict shall continue to have all of the benefits and be subject to all of the restrictions of and for the RR-2 District.
- c. The SCR Subdistrict is composed of all the land bounded as follows: Beginning on the southwest side of North Broadway at the Haverhill, Massachusetts State Line; thence running
  - 1) Northwesterly by the southerly line of North Broadway and Providence Hill Road to a point one hundred and twenty-five (125) feet easterly of the Salem Town Line; thence
  - 2) Southwesterly by a line one hundred twenty-five (125) feet easterly of the Salem Town Line to the easterly line of Shannon Road; thence
  - 3) Southerly by the easterly side of Shannon Road to a point on hundred twenty-five (125) northerly of the Salem Town Line; thence
  - 4) Easterly southerly and easterly again, by a line one hundred twenty-five (125) northerly, and easterly of the Salem Town Line; and the Haverhill, Massachusetts State Line, to the southwestern side of Jericho Road; thence
  - 5) Southeasterly by the southwestern side of Jericho Road to the Haverhill, Massachusetts State Line; thence
  - 6) Easterly by the Haverhill, Massachusetts State Line to the point of beginning.

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**NEED SEAL**

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**ARTICLES CONTINUED**

**Article 2005-03 CONTINUED....**

- 620:1** Recreational/sports amenities and other public and common facilities that cannot otherwise be provided under conventional land development procedures and together with limited non-residential uses to support the same and the neighborhood shall be permitted in rural residential cluster developments located with the SCR Subdistrict. Such developments are hereinafter referred to as "Rural Residential and Recreational Cluster Developments" (RRRCD) and are subject to the following:
- a. such developments must contain a minimum of 250 acres,
  - b. such developments are included as part of a rural residential cluster development application, and
  - c. such developments also meet the requirements contained in this Ordinance.
- 620:2** Tracts for non-residential use with a RRRCD, shall be delineated and legally described by metes and bounds and shall be shown on a site plan to be recorded in the Rockingham County Registry of Deeds upon approval by the Planning Board.
- 620:3** Non-residential uses within the RRRCD shall be limited to the following privately owned or publicly owned uses designed to serve the community at large with the following amenities:
- a. Sports facilities such as golf courses, health clubs and recreational and related facilities, (including a "Country club" banquet facility for not more than 650 people) but specifically excluding activities designed as spectator sports; the area of a RRRCD occupied by an outdoor sports facility, such as a golf course, may be used to fulfill certain minimum open space requirements of this ordinance.
  - b. Food service facilities;
  - c. Bank (branch);
  - d. One neighborhood convenience store (2,000 sq. ft. total area);
  - e. Professional buildings;
  - f. Small retail shops not exceeding 6,000 sq. ft. in total area;
  - g. Such non-residential accessory uses as may be permitted by this Ordinance.
- 620:4** **Open Space**
- a. All designated open space areas which are submitted by the applicant as part of, or in conjunction with, a RRRCD development shall be included in calculations for meeting the requirements for open space, buffers, and dwelling unit density as specified in Section Z600.
  - b. Non-residential tracts within the RRRCD shall be exempted from the requirements of Sections Z600:17 unless such tracts are transferred by legal title to parties described in Section 620:8a (1) and (2) below.
- 620:5** Within the SCR Subdistrict, and within a RRRCD whose occupancy is limited by covenants to elderly, as defined hereinbelow, multi-family Alternative Design Residential Buildings, as defined below, shall be permitted subject to the following:
- a. No such Alternative Design Residential Buildings shall exceed fifty-five (55) feet in height as calculated under Sections 501 and 503 of the International Building Code.
  - b. Any Alternative Design Residential Buildings that exceed thirty-five (35) feet in height or that exceed four units per building shall be set back a minimum of four hundred (400) feet from the abutting property line and/or town roads.
  - c. The term "Alternative Design Residential Buildings" means any residential housing structures which meet a zoning district's density and use requirements, but which do not necessarily meet requirements for size, height, minimum yard, or number of units per structure contained elsewhere in this Ordinance.
- 620:6**
- a. "Elderly" shall mean appropriately covenanted dwelling units which legally restrict, under the provisions of the Federal Fair Housing Act, and this ordinance occupancy to residents all of whom are fifty five (55) years of age or older. To ensure the occupancy of elderly dwelling units by the elderly, the following covenants will be recorded on each Deed to a dwelling unit:"
    - *This covenant shall be enforced by the Homeowner's Association and may be enforced by the Selectmen of the Town of Atkinson;*
    - *This covenant shall run with the title to the dwelling unit and be binding on all successors-in-interest; and*
    - *This dwelling unit has been approved by the Atkinson Planning Board, on the basis that it shall be occupied as the residence for and by persons all of whom are fifty-five (55) years of age or older and as such, it shall be so occupied.*

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## ARTICLES CONTINUED

### Article 2005-03 CONTINUED....

- b. To this end, dwelling units shall only be sold to buyers who execute an affidavit that:
  - 1) The dwelling unit is to be occupied as the residence of persons all of whom are fifty five (55) years or older;
  - 2) Such buyers will not acquire the dwelling unit for purposes of or with the intent to resell or lease such dwelling unit so that the dwelling unit will be occupied by persons under the age of fifty-five (55) years, and;
  - 3) All occupants are or will be at the time of closing, fifty-five (55) years of age or older.
- c. This covenant shall run for the benefit of the Town of Atkinson, a municipal corporation, situated in the State of New Hampshire, and may be enforced by the Selectmen of the Town of Atkinson and further shall be enforced by the Homeowner's Association.

### 620:7 Residential Density

- a. Residential dwelling unit density shall conform to the requirements of the RR-2 District. However, in order to provide for private, non-subsidized elderly housing alternatives, and where public or community water systems, and municipal, public or community sewage treatments plants and services are available, the residential density within a RRRCD shall be calculated on the basis of four (4) bedrooms per one (1) acre lot.
- b. Any Alternative Design Residential Building that is greater than four (4) dwelling units per building and which contains one (1) bedroom dwelling units shall have those one (1) bedroom dwelling units counted as if they were two (2) bedroom dwelling units for purposes of calculating the residential density.
- c. Such Alternative Design Residential Buildings shall be allowed to exceed four (4) units per building, but not exceed more than forty (40) units per building.

### 620:8 All open space, outdoor recreational areas, including golf courses, and enclosed recreational and sports facilities which are part of a RRRCD shall be held by the owners of the RRRCD and shall be subject to the following conditions:

- a. All open space areas shall be held by the developer unless and/or until ownership and obligatory management of a designated tract, or any defined increment of it, is transferred by legal title and held by one or more of the following entities:
  - 1) In common, by all property owners within the tract, or portion of it to be transferred, in accordance with tenancy-in-common requirements set forth in Section Z600:17 of this Ordinance.
  - 2) In common, by all lot or unit owners which comprise the RRRCD in accordance with Section Z600:17 of this Ordinance.
  - 3) By a non-profit organization whose members undertake the cost of maintaining or operating the outdoor recreational area or enclosed facility.
  - 4) By a privately-held or publicly-held organization whose performance is guaranteed by recorded covenants running with the land to ensure operation and maintenance of the outdoor recreational areas and indoor facilities in accordance with the site plan. Such recorded covenants shall be enforceable by the Town of Atkinson.
- b. Land designated as non-residential open space and/or non-residential outdoor recreational area shall meet the following requirements:
  - 1) It shall be covenanted in perpetuity as open space.
  - 2) It shall be held by the owner(s) or successors in interest of the enterprises(s) for which said land use is used.
  - 3) It shall be permanently maintained for purposes of public or private recreation, conservation, park or public easements, water and sewerage systems and/or agriculture.
  - 4) It shall be integrated with the residential segments(s) of the RRRCD although residential units or lots need not front directly on such land.
- c. All agreements, deed restrictions, and methods of management of the land shall be approved by the Planning Board of ensure their compliance with the requirements of this Section.

### 620:9 Site requirements shall include, but not be limited to the following:

- a. In order to limit the impact of the non-residential facilities within a RRRCD, no more than seven percent (7%) of the RRRCD shall be allotted to the siting of the non-residential buildings, and no more than twenty-five percent (25%) thereof (i.e., twenty-five (25%) of said seven percent (7%) shall be occupied by the foundation footprints of the non-residential buildings themselves.
- b. Non-residential buildings shall be architecturally compatible with residential structures within the RRRCD.

CONTINUES ON NEXT BALLOT

**GO TO NEXT BALLOT AND CONTINUE VOTING**

**ABSENTEE  
OFFICIAL BALLOT  
ANNUAL TOWN ELECTION  
ATKINSON, NEW HAMPSHIRE  
MARCH 8, 2005**

BALLOT 5 OF 8

TOWN CLERK

**ARTICLES CONTINUED**

**Article 2005-03 CONTINUED....**

- c. Non-residential uses shall have access from an interior road in the developments, shall be separated from residential areas by adequate visual screening and landscaping buffers, and shall be set back as follows:
  - 1) Front: No structure or parking area shall be closer than 30 feet from an internal roadway.
  - 2) Side and rear: No structure or parking area shall be closer than 100 feet from residential structures.
- d. Each non-residential use may have a maximum of one indirectly lighted sign not to exceed a 16 square-foot area. No sign shall be so illuminated as to cause a disturbance to neighboring residential units.

**620:10** Approval for each non-residential use shall run with the use initially permitted. Any changes in such use shall require Site Plan Review by the Planning Board for that building or use proposed to be changed.

**620:11** Except as otherwise provided herein, and except to the extent such would be in conflict with the provisions of this Section 620, residential and non-residential uses shall be subject to all other applicable sections of this Ordinance as well as to all subdivision regulations, site plan development regulations, and other regulations and ordinances of the Town.

**Amend Section 500 as follows:**

(This Amendment adds a definition for the Subdistrict to go along with the other District definitions.)

**500:2.1 (RR2/SCR) Sports Complex/Residential Subdistrict.** This area in town for Recreational/Sports amenities and other public and common facilities that cannot otherwise be provided under conventional land development procedures, together with limited non-residential uses to support the same and the neighborhood. Such development must contain a minimum of 250 acres and be part of a rural residential cluster development, provided such development also meets the requirements contained in the RR-2 District. Such developments are hereinafter referred to as "Rural Residential and Recreational Cluster Developments" (RRRCD) and may contain alternative design housing.

**Amend Section 510:1 (table of Permitted Uses) as follows:**

(This amendment includes the SCR Subdistrict and the uses permitted in the Subdistrict in the Permitted Uses table and adds Alternative Design Residential Buildings as a permitted use.)

Add a column for an SCR Zone in the table of PERMITTED USES in Section 510.1 and list under the Permitted Uses a new Section:

"mm. Rural Cluster (conventional and alternative design housing)"

and amend table as follows:

PERMITTED USES	ZONES	
	RR2/SCR	
a	Agricultural and forest uses	Y
b	Single family conventional housing	Y
c	Private outdoor recreation	Y
d	Public outdoor recreation	Y
e	Wildlife refuge	Y
f	Cemetery	Y
g	Accessory use or building	Y
h	guest house	Y
i	Rural cluster (conventional housing)	Y[4]
j	Rural cluster (manufactured housing)	Y[4]
k	rural cluster (manufactured housing park)	Y[4]
l	Public school	Y
m	Retail enterprise	Y
n	Professional office	Y
o	Personal service establishment	Y
p	Religious institution	Y
q	Community center	Y
r	Private club	Y

CONTINUES ON BACK OF BALLOT

**TURN BALLOT OVER AND CONTINUE VOTING**

**ARTICLES CONTINUED**

**Article 2005-03 CONTINUED....**

s	Mortuary/funeral home	N
t	Enclosed storage (4/97)	Y
u	Parking (commercial: for a fee)	N
v	Manufacturing and storage	N
w	Non-profit use (public and civic)	N
x	Private school	Y[2]
y	Tearoom/coffee shop	Y
z	General/convenience store	Y
aa	Family Day Care Home	N
bb	Interior warehouse storage	N
cc	Light Manufacturing	N
dd	Small scale wholesale enterprises	N
ee	Deleted 1993	
ff	Research and development facilities that meet Performance Standards in Section 685 of Site Plan	N
ff	Self-Service Storage Facility (4/97)	N
hh	Refuse and garbage (not town generated) incineration, storage or disposal (1999)	N
ii	Junk yards; asphalt plants, meat rendering plants; sand, gravel, cement or stone processing plants; piggeries; oil refining (1999)	N
jj	Wrecking and salvage yards; auto dismantling (1999)	N
kk	Manufacturing of explosive materials and/or biological toxins (1999)	N
ll	Repair Garage & Auto Body Repair (1999)	N
mm	Rural cluster (conventional and alternative design housing)	Y[4]

**Amend Section 530, Area, Yard, Coverages, Height and General Requirements as follows:**

(This amendment adds the new height and setback restrictions for Alternative Design Residential Building to the table of Area, Yard, Coverages, Height and General Requirements.)

In Section 530, the table of Area, Yard, Coverages, Height and General Requirements, under the ZONES column, RR2, add footnote number "9" and add the footnote as follows:

[9] In RR2, the SCR Subdistrict permits alternative design residential buildings that shall be no more than 55 feet in height. Alternative design building in excess of 35 feet in height shall have a setback of 400 feet from the building to the property line and/ or town roads.

**Amend Section 600:1 Permitted Uses by adding paragraph "c" as follows:**

(This amendment allows the general RR2 zone requirements and restrictions to apply to the SCR Subdistrict except when such requirement and restrictions are in conflict with the provisions governing the Subdistrict.)

- c. Rural Residential Recreational Cluster Development within the SCR Subdistrict, as permitted in Section 620, with dimensions, height restrictions, and setbacks as provided therein, are subject to the conditions, which follow, except where such provisions are in conflict with Section 620, in which case those provisions of Section 620 shall prevail.

**Amend Section 600:5 by adding a new paragraph "1)" as follows and renumber original paragraphs as "2)" and "3)" respectively:**

(This amendment specifies the 400 foot setback that Alternative Design Residential Buildings are required to have from existing town roads.)

- a. distant from the existing town road as follows:
  - 1) Alternative Design Residential Buildings as permitted in the SCR Subdistrict under section 620 shall be 400' distant from the perimeter boundary and/or town roads.

**Amend Section 600:7 Development Density by adding paragraph "a" as follows:**

(This amendment excludes buildings in the SCR Subdistrict from the requirement that building in the RR2 zone are not to exceed eight (8) dwelling units per any single acre.)

- a. Townhouse developments shall not exceed eight (8) dwelling units per any single acre within the area being developed, except for Alternative Design Residential Buildings in the SCR Subdistrict.

**CONTINUES ON NEXT BALLOT**

**GO TO NEXT BALLOT AND CONTINUE VOTING**

**ABSENTEE  
OFFICIAL BALLOT  
ANNUAL TOWN ELECTION  
ATKINSON, NEW HAMPSHIRE  
MARCH 8, 2005**

BALLOT 6 OF 8

TOWN CLERK

**ARTICLES CONTINUED**

**Article 2005-03 CONTINUED....**

**Amend Section 600:8 Dimensional requirements by adding paragraph "c" as follows:**

(This amendment requires that any Alternative Design Residential Buildings that exceeds 35 feet to have a 400 foot perimeter setback.)

- c. Alternative Design Residential Buildings in excess of 35 feet in height shall have a perimeter setback of 400' to the property boundary line and/or town roads.

**Amend Section 600:9 adding paragraph "e" as follows:**

(This amendment adds Rural Residential Recreational Cluster Development to the types of Rural Residential Cluster Developments listed in the Ordinance.)

- e. development of Rural Residential Recreational Cluster Developments on parcels of 250 acres or more situated in the RR2/SCR District.

**Recommended by the Planning Board**

YES

NO

**Article 2005-04 Petition Zoning Article**

**Petition to the Board of Selectmen for the Town of Atkinson**

We, the undersigned, being at least twenty five (25) registered voters of the Town of Atkinson, hereby submit this Petition to include the following Warrant Article for inclusion in the Town Warrant for the March, 2005 town meeting.

**Proposed Article for the Town Warrant**

Proposed Amendments to Zoning Ordinance, Section 620. Golf and Sports Complex/Residential Sub-District (SCR Subdistrict), related sections and charts which would allow buildings within the SCR sub-district to have more than four (4) units but not more than forty (40) units in a building so long as those building did not exceed fifty five (55) feet in height per the International Building Code and were set back four hundred (400) feet from the property line and/or town roads. This proposal would not increase the allowable density, and would correct omissions, typographical errors and recodification of the sections if necessary.

**Topical Discussion:** Subsequent to this petition both the petitioner and signatories of the petition have submitted another petition to withdraw this warrant article from consideration. The submission deadline for all petitioned warrant articles is January 11th 2005. The petition for withdrawal of this warrant article was submitted on January 25th, 2005, therefore missing the deadline. RSA 39:3 proscribes that selectmen "shall insert in their warrant for such meeting the petitioned article" and the selectmen have done so.

[NOTE: All changes are indicated by either underlining new language in the provision or striking out language in the amended provision.]

Are you in favor of the adoption of Amendment No. 1 to the Zoning Ordinance as submitted by Petition of \_\_\_\_\_, et al, as follows?

Amend Section 620 a. as follows:

**(This amendment deletes the example of the 35 foot height restriction)**

**Section 620. GOLF AND SPORTS COMPLEX/RESIDENTIAL SUB-DISTRICT ("SCR Subdistrict).**

- a. Within the existing RR-2 District in the southwestern corner of the Town there is created a Subdistrict know as a Sports complex/Residential Sub-district (SCR). Except as otherwise provided herein, all other restrictions and requirements applicable to the RR-2 Districts, ~~such as building height being limited to 35 feet~~ shall apply to all uses and structures within the SCR Subdistrict).

**CONTINUES ON BACK OF BALLOT**

**TURN BALLOT OVER AND CONTINUE VOTING**

ARTICLES CONTINUED

Article 2005-04 CONTINUED....

Amend Section 620:3 a. as follows:

(This amendment corrects the provision so that it is clear that the underline language is included and not excluded.)

620:3 Non-residential uses within the RRRCD shall be limited to the following privately-owned or publicly-owned uses designed to serve the community at large with the following amenities:

- a. Sports facilities such as golf courses, health clubs and recreational and related facilities, (including a "Country club" banquet facility for not more than 650 people) but specifically excluding activities designed as spectator sports (including a "Country club" banquet facility for not more than 650 people;

Amend Section 620:4 as follows:

(This amendment changes the section referred to in the provision to the correct section reference.)

620:4 Non-residential tracts within the RRRCD shall be exempted from the requirements of Sections Z600:17 unless such tracts are transferred by legal title to parties described in Section 620:56a(1) and (2) below.

Amend Section 620:5 as follows:

(This amendment adds introductory language to the provision as well as allowing alternative design residential buildings within the SCR Subdistrict, subject to height limitations and perimeter setback requirements defined in subparagraph "a", density restrictions in subparagraph "c" and building unit capacity as defined in subparagraph "d". The Deed Restriction requirement is amended to require all residents in Elderly housing to be 55 years of age or older and provides for enforcement of these Deed Restrictions by the Selectmen.)

620:5 Within the SCR Subdistrict, in any RRRCD limited by covenants to occupants, all of whom must be fifty-five (55) years old or older, as defined hereinbelow, multi-family Alternative Design Residential Buildings, as defined below, shall be permitted as follows:

- a. No such alternative design residential building shall exceed fifty-five (55) feet in height as calculated under Sections 501 and 503 of the International Building Code. Any Alternative Design Residential Building that exceeds thirty-five (35) feet in height or that exceeds four units per building shall be set back a minimum of four hundred (400) feet from abutting property lines and/or town roads. "Alternative Design Residential Buildings" means any residential housing structures which meet a zoning district's density and use requirements, but which do not necessarily meet size, height, lot-setback, number of units per structure or side or rear set-back requirements.
ba. All designated open space areas which are submitted by the applicant as part of, or in conjunction with, a RRRCD development shall be included in calculations for meeting the requirements for open space, buffers, and dwelling unit density as specified in Section Z600
cb. Residential unit density shall comply with the requirements of the RR-2 District, provided, however, that in order to provide for private, non-subsidized elderly housing alternatives, and where public or community water systems, and municipal, public or community sewage treatments plants and services are available, the residential density within a RRRCD shall be calculated on the basis of a one acre lot per four bedrooms. One bedroom dwelling units contained within any Alternative Design Residential Building that contains more than four (4) units per building shall be counted as if each such one bedroom unit contained two (2) bedrooms for purposes of calculating the residential density.
d. Alternative Design Residential Buildings shall be allowed to exceed four (4) units per building, but not more than forty (40) units per building.

"Elderly" shall mean appropriately covenanted dwelling units which legally restrict, under the provisions of the Federal Fair Housing Act, occupancy to persons (or their spouses) residents all of whom are over the age of fifty five (55) years of age or older. To ensure the use of elderly units for such uses, the following covenants will be recorded on each Deed to a unit designated as "elderly:"

- This covenant shall be enforced by the Homeowner's Association, and may be enforced by the Selectmen of the Town of Atkinson;
- This covenant shall run with the unit/lot and be binding on all successors-in-interest;
- This unit/lot has been approved by the Atkinson Planning Board, on the basis that it shall be used as the primary residence for and by persons all of whom are over the age of fifty-five (55) years of age or older and their spouses, and as such, it shall so be used.

To this end, units shall only be sold to buyers (their spouses) who execute an affidavit that:

- 1) The unit is to be such buyers used as the residence of persons all of whom are fifty five (55) years or older, immediate permanent residence and;

CONTINUES ON NEXT BALLOT

GO TO NEXT BALLOT AND CONTINUE VOTING

**ABSENTEE  
OFFICIAL BALLOT  
ANNUAL TOWN ELECTION  
ATKINSON, NEW HAMPSHIRE  
MARCH 8, 2005**

BALLOT 7 OF 8

TOWN CLERK

**ARTICLES CONTINUED**

**Article 2005-04 CONTINUED....**

- 2) Such buyers are not acquiring the unit for purposes of or with the intent to resell or lease such unit to persons under the age of fifty-five (55) years and;
- 3) ~~At least one of the All resident buyers is occupants~~ are or will be at the time of closing, ~~in excess of~~ fifty-five (55) years of age or older.

This covenant shall run for the benefit of the Town of Atkinson, a municipal corporation, situated in the State of New Hampshire, and may be enforced by the Selectman of the Town of Atkinson and further shall be enforced by the Homeowner's Association. (1997)

Amend Section 620:7 a. as follows:  
(This amendment conforms the language in the Ordinance for the SCR Subdistrict to always refer to commercial property as non-residential instead of commercial.)

**620:7** Site requirements shall include, but not be limited to the following:

- a. In order to limit the impact of the ~~commercial non-residential~~ facilities within a RRRCD, no more than seven percent (7%) of the RRRCD shall be allotted to the siting of ~~the~~ non-residential buildings, and no more than twenty-five percent (25%) thereof (i.e., 25% of said seven percent (7%) shall be occupied by the foundation footprints of the non-residential buildings themselves.

**Add Section 500:9 as follows:**  
(This Amendment adds a definition for the Subdistrict to go along with the other District definitions.)

**500:9 (SCR)** Sports Complex/Residential Subdistrict. This area in town for Recreational/Sports amenities and other public and common facilities that cannot otherwise be provided under conventional land development procedures, together with limited non-residential uses to support the same and the neighborhood. Such development must contain a minimum of 250 acres and be part of a rural residential cluster development application, provided such development also meets the requirements contained in the RR-2 District. Such developments are hereinafter referred to as "Rural Residential and Recreational Cluster Developments" (RRRCD) and may contain Alternative Design Residential Buildings, as defined in Section 620.

**Amend Section 510:1 (table of Permitted Uses)as follows:**  
(This amendment includes the SCR Subdistrict and the uses permitted in the Subdistrict in the Permitted Uses table and adds alternative design residential buildings as a permitted use.)

**Add a column for an SCR Zone in table of PERMITTED USES in Section 510.1 and list under Permitted Uses a new Section:**  
"mm. Rural Cluster (conventional residential buildings and Alternative Design Residential Buildings.)"

and  
amend the table as follows:

PERMITTED USES	ZONES
	<u>SCR</u>
a Agricultural and forest uses	Y
b Single family conventional housing	Y
c Private outdoor recreation	Y
d Public outdoor recreation	Y
e Wildlife refuge	Y
f Cemetery	Y
g Accessory use or building	Y
h guest house	Y
i Rural cluster (conventional housing)	Y[4]
j Rural cluster (manufactured housing)	Y[4]
k rural cluster (manufactured housing park)	Y[4]
l Public school	Y
m Retail enterprise	Y
n Professional office	Y
o Personal service establishment	Y
p Religious institution	N

CONTINUES ON BACK OF BALLOT

**TURN BALLOT OVER AND CONTINUE VOTING**

**ARTICLES CONTINUED**

**Article 2005-04 CONTINUED....**

q	Community center	<u>N</u>
r	Private club	<u>Y</u>
s	Mortuary/funeral home	<u>N</u>
t	Enclosed storage (4/97)	<u>Y</u>
u	Parking (commercial: for a fee)	<u>N</u>
v	Manufacturing and storage	<u>N</u>
w	Non-profit use (public and civic)	<u>N</u>
x	Private school	<u>Y[2]</u>
y	Tearoom/coffee shop	<u>Y</u>
z	General/convenience store	<u>Y</u>
aa	Family Day Care Home	<u>Y[6]</u>
bb	Interior warehouse storage	<u>N</u>
cc	Light Manufacturing	<u>N</u>
dd	Small scale wholesale enterprises	<u>N</u>
ee	Deleted 1993	
ff	Research and development facilities that meet Performance Standards in Section 685 of Site Plan	<u>N</u>
ff	Self-Service Storage Facility (4/97)	<u>N</u>
hh	Refuse and garbage (not town generated) incineration, storage or disposal (1999)	<u>N</u>
ii	Junk yards; asphalt plants, meat rendering plants; sand, gravel, cement or stone processing plants; piggeries; oil refining (1999)	<u>N</u>
jj	Wrecking and salvage yards; auto dismantling (1999)	<u>N</u>
kk	Manufacturing of explosive materials and/or biological toxins (1999)	<u>N</u>
ll	Repair Garage & Auto Body Repair (1999)	<u>N</u>
<u>mm</u>	<u>Rural cluster (conventional residential buildings and alternative design residential buildings)</u>	<u>Y[4]</u>

**Amend Section 530, the table of Area, Yard, Coverages, Height and General Requirements as follows:  
(This amendment adds the new height and setback restrictions to the table of Area, Yard, Coverages, Height and General Requirements)**

**In Section 530, the table of Area, Yard, Coverages, Height and General Requirements, under the ZONES column RR2, add footnote number 9 and add the footnote as follows:**

9 In RR2, the SCR Subdistrict permits Alternative Design Residential Buildings that shall be no more than 55 feet in height, and any alternative design building in excess of 35 feet in height shall have a setback of 400 feet from the building to the property line and/or town roads.

**Amend Section 600:1 Permitted Uses by adding paragraph "c" as follows:**

**(This amendment allows the general RR2 zone requirements and restrictions to apply to the SCR Subdistrict except when such requirements and restrictions are in conflict with the provisions governing the Subdistrict.)**

c. Rural Residential Recreational Cluster Development within the SCR Subdistrict, as allowed in Section 620, with dimensions, height restrictions, and setbacks as provided therein, are subject to the conditions which follow, except where such provisions are in conflict with Section 620, in which case those provisions of Section 620 shall control.

**Amend Section 600:5 by adding new paragraph "1)" as follows and renumber original paragraphs as "2)" and "3)" respectively as follows:**

(This amendment specifies the four hundred (400) foot setback that Alternative Design Residential Buildings are required to have from town roads)

a. distant from the existing town road as follows:

1) Alternative Design Residential Buildings as permitted in the SCR Subdistrict under section 620 shall be 400' distant from the existing town roads.

**Amend Section 600:7 Development Density by adding paragraph "a" as follows:  
(This amendment excludes buildings in the SCR Subdistrict from the requirement that building in the RR2 zone are not to exceed eight (8) dwelling units per any single acre.)**

a. Townhouse developments shall not exceed eight (8) dwelling units per any single acre within the area being developed, except for Alternative Design Residential Buildings in the SCR Subdistrict.

CONTINUES ON NEXT BALLOT

**GO TO NEXT BALLOT AND CONTINUE VOTING**

**ABSENTEE  
OFFICIAL BALLOT  
ANNUAL TOWN ELECTION  
ATKINSON, NEW HAMPSHIRE  
MARCH 8, 2005**

BALLOT 8 OF 8

TOWN CLERK

**ARTICLES CONTINUED**

Article 2005-04 CONTINUED....

**Amend Section 600:8 Dimensional requirements adding paragraph "c" as follows:**

**(This amendment requires any Alternative Design Residential Buildings that exceeds 35 feet to have a 400' perimeter setback.)**

- c. Alternative Design Residential Buildings in excess of 35 feet in height shall have a perimeter setback of 400' to the property boundary line and/or town roads.

**Amend Section 600:9 by adding paragraph "e" as follows:**

**(This amendment adds Rural Residential Recreational Cluster Developments to the types of Rural Residential Cluster Developments listed in the Ordinance.)**

- e. development of Rural Residential Recreational Cluster Developments on parcels of 250 acres or more.

**Not Recommended by Planning Board**

**YES**

**NO**

**Article 2005-05 Operating Budget**

Shall the Town of Atkinson 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 Three Million Seven Hundred Fifty-Nine Thousand Five Hundred Eighty-five Dollars (\$3,759,585). Should this article be defeated, the operating budget shall be Three Million Five Hundred Sixteen Thousand Five Hundred Sixty-nine Dollars (\$3,516,569), which is the same as last year, with certain adjustments required by previous action of the Town of Atkinson 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. NOTE: This Warrants Article does not include appropriation in ANY other warrant article. (Majority vote required)

**YES**

**NO**

**Article 2005-06 Library Capital Reserve**

Shall the Town vote to raise and appropriate the sum of Two Hundred Thousand Dollars (\$200,000) to be added to the Library Capital Reserve Fund created under the provisions of RSA 35:1 for the purpose of designing, constructing and equipping a new Library? This article is in addition to Article No. 2005-05, the operating budget. (Majority vote required)

**YES**

**NO**

**Recommended by the Board of Selectmen  
Recommended by the Budget Committee**

**Article 2005-07 Town Hall Expansion**

Shall the Town vote to raise and appropriate the sum of Sixteen Thousand Dollars (\$16,000.00) to develop a space needs plan and prepare a preliminary design package, including an estimated construction cost for the expansion of the Town Hall. This warrant article will address the long-term (20 years) records storage, office, and cable studio space needs. This article is in addition to Warrant Article 2005-05, the operating budget. (Majority vote required.)

**YES**

**NO**

**Recommended by the Board of Selectmen  
Recommended by the Budget Committee**

**Article 2005-08 Cemetery Fence**

Shall the Town vote to raise and appropriate the sum of Twenty-Nine Thousand Dollars (\$29,000) and to authorize the Cemetery Trustees to seek bids and supervise the construction of said fence in accordance with the requirements of RSA 289:4. State statute RSA 289:4 requires "every municipality [to] raise and appropriate sufficient funds, by taxation or otherwise, to provide for the suitable care and maintenance of the municipal public cemeteries within its boundaries which are not otherwise provided for, and to provide and maintain around all such cemeteries a good and sufficient fence, and to supply the fence with necessary gates." This article is in addition to Warrant Article 2005-05, the operating budget. (Majority vote required.)

**YES**

**NO**

**Recommended by the Board of Selectmen  
Recommended by the Budget Committee**

**TURN BALLOT OVER AND CONTINUE VOTING**

**ARTICLES CONTINUED**

**Article 2005-09 Fire Department Capital Reserve Fund**

Shall the Town vote to raise and appropriate the sum of Sixty Thousand Dollars (\$60,000) to be added to the Fire Department Capital Reserve Fund previously established for the purpose of acquiring fire equipment and vehicles as determined by the Board of Engineers' Capital Improvement Plan. Current balance is \$3,925 as of December 31, 2004. This article is in addition to Warrant Article 2005-05, the operating budget. (Majority vote required.)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

**YES**   
**NO**

**Article 2005-10 Recreation Capital Reserve Fund**

Shall the Town vote to raise and appropriate the sum of Twenty-Five Thousand Dollars (\$25,000) to be added to the Recreation Capital Reserve Fund. The purpose of the fund is for the acquisition, design, renovations and development of recreation fields. This article is in addition to Article No. 2005-05, the operating budget. (Majority vote required.)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

**YES**   
**NO**

**Article 2005-11 Cable Television Capital Reserve**

Shall the Town vote to appropriate the sum of Twenty-Eight Thousand Seven Hundred Dollars (\$28,700) to be added to the Atkinson Community Television Capital Reserve Fund and funded from franchise fees paid to the Town under the Franchise Agreement of January 12th, 2004 for this purpose? This article is in addition to Article No. 2005-05, the operating budget. (Majority vote required.)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

**YES**   
**NO**

**Article 2005-12 Cable TV Equipment**

Shall the Town vote to appropriate the sum of Twenty-One Thousand Five Hundred Dollars (\$21,500.00) for the purchase of cable TV equipment including, new cameras and editing equipment to be funded from the Atkinson Community Television Capital Reserve Fund. Majority vote required.

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

**YES**   
**NO**

**Article 2005-13 Road Paving**

Shall the Town vote to raise and appropriate the sum of One Hundred Ten Thousand Dollars (\$110,000.00) to pave the following roads: Coventry Road, Kelly Lane, Treasure Way, Stickney Road and Pope Road, Section 1 (Westside Drive to Woodlock Park). All work will be done under the direction of the Road Agent. This article is in addition to Article No. 2005-05, the operating budget. (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

**YES**   
**NO**

**Article 2005-14 Town & Employee Retirement Participation**

Shall the Town vote to raise and appropriate the sum of Fifteen Thousand Six Hundred Forty Three Dollars (\$15,643) as the employer contribution to a Retirement Plan for the Town's full-time employees. The minimum employee contribution amount is \$13,412 and is made through payroll deduction. All full-time Atkinson Police Department employees are participants in a retirement plan. This article is in addition to Article No. 2005-05, the operating budget. (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

**YES**   
**NO**

**Article 2005-15 Vietnam Honor Roll**

Shall the Town vote to raise and appropriate the sum of One Dollar (\$1.00) to purchase two marble panels with foundations and inscribe the names of the Atkinson residents who served during the Vietnam War. The two panels will be placed on each side of the existing memorial located in front of the Town Offices. This article is in addition to Warrant Article 2005-05, the operating budget. (Majority vote required.)

**Recommended by the Board of Selectmen**  
**Not Recommended by the Budget Committee**

**YES**   
**NO**

**Article 2005-16 Petition Warrant Article  
Viet Nam Memorial**

Shall the Town vote to allow the Viet Nam Memorial area, between and including the flagpoles in front of the Town Hall, remain as donated to and accepted by the Town? This area was designed, funded and developed by private individuals, with prior consent of the Town.

**Recommended by the Board of Selectmen**

**YES**   
**NO**

**Article 2005-17 Whippoorwill Lane Road Acceptance**

Shall the Town will vote to accept Whippoorwill Lane as a Town road. (Majority vote required.)

**Recommended by the Board of Selectmen**

**YES**   
**NO**

**YOU HAVE NOW COMPLETED VOTING**