

**Town of Newington  
State of New Hampshire  
TOWN WARRANT  
2007**

**To the Inhabitants of the Town of Newington in the County of Rockingham and said  
State qualified to vote in Town Affairs:**

You are hereby notified to meet at the Newington Town Hall on Tuesday, March 13 to act on Articles 1 - 3. The Polls will open at 11:00 a.m. and close at 7:00 p.m.

The Business portion of the meeting to act on Articles 4 through 26 will resume on Saturday, March 17, 2007 at 1:30pm.

**ARTICLE 1.** To choose in the manner provided by law; one (1) **Selectman** for 3 years; one (1) **Treasurer** for 1 year; one (1) **Supervisor of Checklist** for 6 years; One (1) **Supervisor of Checklist** for 2 years; two (2) **Planning Board Members** for 3 years; one (1) **Cemetery Committee member** for 3 years; one (1) **Cemetery Committee member** for 2 years; one (1) **Board of Fire Engineers Member** for 3 years; one (1) **Police Commission Member** for 3 years; one (1) **Library Trustee** for 3 years; one (1) **Trustee of the Trust Funds** for 3 years; three (3) **Budget Committee Members** for 3 years; one (1) **Sewer Commission Member** for 3 years.

**ARTICLE 2.** To see if the Town will amend the Zoning Ordinance as proposed by the Planning Board, as follows:

**Amendment #1:** In Article V Section 1B of the Zoning Ordinance, remove section (4) “public and private schools” from the list of permitted uses in the Residential Zone, and re-number subsequent sections accordingly.

**Yes: 135    No: 111**

**Amendment #2:** Add the following Article XVII to the Zoning Ordinance, and re-number subsequent articles accordingly:

Article XVII - *Lighting & Illumination*

**SECTION 1 – Purpose:** This article is intended to eliminate problems of glare, minimize light trespass and obtrusive light created by improperly designed and installed outdoor lighting. Further purposes are to enhance and protect the quality of the New Hampshire night sky, Newington’s rural character, and conserve energy and resources. These concerns are balanced while maintaining safety, security and productivity by establishing limits for the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination in the Town of Newington.

**SECTION 2 – Prohibitions:** This section applies to all lighting within the Town of Newington on any site except for legal non-conforming uses and temporary or emergency lighting.

**A - Mercury Vapor Lamps Fixtures and Lamps.** The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.

**B - Laser Source Light.** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

**C - Searchlights.** The operation of searchlights for advertising purposes is prohibited.

**D - Neon or Tubular Gas.** Neon or tubular gas lighting shall be limited to signage use and must be located within the exterior dimension of the sign as approved under Article XI of this ordinance. Neon or tubular gas lighting as architectural accents is prohibited.

**E - Pulsating, flashing, rotating, oscillating, or attention getting lights.** Pulsating, flashing, rotating, oscillating, or other type of lighting intended as an attention getting device shall be prohibited. Oscillating lighting is lighting that changes intensity or color in less than 30 seconds.

**SECTION 3 - Residential Lighting:** These provisions are intended to prevent private and public nuisances and protect property values. This section applies to existing and proposed single-family and duplex residential uses.

**A - Spot lights, floodlights and other bright security lighting** shall be limited in such a fashion as to not direct light onto neighboring property.

**B - Accent lighting, low wattage seasonal lighting and other fixtures commonly associated with residential uses** are not intended to be prohibited by this ordinance.

**SECTION 4 - Non-residential:** These provisions are intended to provide for more comprehensive lighting regulations due to potential negative impact on a greater number of residents and the public from inappropriate lighting installation or fixtures. In addition, it is the intent of these restrictions to prevent lighting conflicts and competing lighting installations - particularly in the commercial, office and industrial districts of the Town of Newington. This section applies to non-residential uses. The Planning Board shall adopt regulations as part of the Site Plan Review Regulations that implement the purpose and intent of this ordinance.

**A - A Building Permit** shall be required prior to the installation of any new fixtures on existing non-residential uses. If the original Site Plan Approval granted by the Planning Board specified, in detail, the type and nature of lighting, any increase or change in lighting that may have an increased impact on the site shall be referred to the Planning Board for Site Plan Review. The Building Official shall approve a permit for other installations upon a finding that the fixtures comply with the following general lighting requirements.

**B - Spotlights, flood lights, and other bright security lighting** shall be limited in such a fashion as to not direct light onto neighboring property. Security lighting using motion

detection switches are encouraged, but continual lighting must be angled or shielded in such a fashion as to not produce glare onto neighboring property, particularly dwelling units

**C - General Lighting Requirements:**

- (1) All lighting in the Town of Newington is required to have full-cutoff shielding, except for that portion of lighting installation that is consistent with the Historic District.
- (2) The new installation of up-lighting, by any method, is limited to the use of upward landscape or flagpole lighting, provided the lighting does not interfere with the safe operation of aircraft or spill onto neighboring properties or public ways.
- (3) Non-cutoff wallpack type fixtures are prohibited.
- (4) Existing lighting sources that do not present a health and safety issue with respect to glare on public ways or nuisance as a result of off-site illumination shall be exempt from the provisions of this ordinance.

**D -** New fixtures accompanying establishment of new uses or change of use that requires Site Plan Review shall have lighting plans approved as part of the Site Plan Review process.

**SECTION 5 - Grandfathering of Non-conforming Lighting:** Any lighting that replaces a grandfathered lighting, or that is moved, must meet the standards of this ordinance. Non-conforming lighting for advertising signs or architectural accents is grandfathered only for a period of ten years and no later than January 1, 2017. Grandfathered lighting that directs light toward streets or parking lots that cause disability glare to motorists or cyclists shall be either shielded or re-directed within 90-days of notification so that the lighting does not cause a potential hazard to motorists or cyclists.

**SECTION 6 – Exceptions:** All temporary lighting required for construction projects, related to road construction and repair, installation of sewer and water facilities, and other public infrastructure, all temporary emergency lighting needed by the police and fire departments or other emergency services, as well as vehicular luminaries, all hazard warning lights required by Federal regulatory agencies, and seasonal and decorative lighting displays using multiple low wattage bulbs.

**Yes: 168      No: 88**

**ARTICLE 3:** To see if the Town will amend the Building Code, as proposed by the Planning Board, by adding a new section 11, as follows, and re-number subsequent sections accordingly:

**11 – Sprinklers:** All buildings that are used primarily for commercial, industrial or office use shall have an automatic sprinkler system. The following are exempted from this requirement:

A) Non-combustible construction used to store non-combustible material and that is separated from other structures by 50 feet or more; and

B) Structures that are occupied by less than 5 people per day *and* less than 4 hours per day.

**Yes: 197      No: 60**

**ARTICLE 4:** To see if the Town will vote to Amend Town Ordinance No. 86-08 "Alarm Users and Businesses" as follows:

**Page 2, subsection 6. "Operating System Without Permit: Penalty" last line to read:** ". . .shall be fined not less than one-hundred dollars (\$100.00) and not more than one-thousand dollars (\$1,000.00)."

**Page 2, subsection 7. "Operating System After Revocation; Penalty" last line to read:** "permit, shall be guilty of a violation and, upon conviction, shall be fined not less than one hundred dollars (\$100.00) and not more than one-thousand dollars (\$1,000.00)."

**Page 2, subsection 8. "False Alarms" paragraph (b) delete completely and rewrite as follows:**

(b) In any case where more than six (6) false alarms in a calendar year are received from an alarm system for which an alarm user permit has been obtained, a civil assessment shall be paid over to the Town of Newington, and such permit may be revoked subject to the provisions of this ordinance. Refusal to pay the civil assessment within thirty (30) days of the assessment shall be punishable as a violation and may be cause for revocation of the alarm user's permit. Each false alarm received in excess of the limits stated in this subsection shall be subject to a civil penalty set by the Newington Police Commission for burglar/hold-up alarm systems and the Newington Board of Fire Engineers for fire/medical alarm systems."

**Page 2, subsection 9. "Revocation Procedure:" line 4:** change the word "shall" to "may".

**Page 3, subsection 11 "Alarm User Permit Fee:"** delete subsections (a), (b), and (c) and rewrite as follows:

(a) There shall be an initial permit fee payable upon application for an alarm user's permit:

(1) said fee to be set by the Newington Police Commission for burglar/hold up alarm systems

(2) said fee to be set by the Newington Board of Fire Engineers for medical/fire alarm systems

(b) There shall be an annual renewal fee for each alarm user's permit:

(1) said fee to be set by the Newington Police Commission for burglar/hold up alarm systems

(2) said fee to be set by the Newington Board of Fire Engineers for medical/fire alarm systems

(c) There shall be a fee for the re-issuance of an alarm user's permit following any revocation of said permit:

(1) said fee to be set by the Newington Police Commission for burglar/hold up alarm systems

(2) said fee to be set by the Newington Board of Fire Engineers for medical/fire alarm systems

**Approved**

**ARTICLE 5:** To see if the Town will vote to Amend Town Ordinance No. 74-2 Motor Vehicle -Excessive Noise to read as follows:

Article 14

**Amendment: Add subparagraph d and to increase fine from not more than \$ 25.00 to 'not more than \$1,000.00'**

**Section 1.**

No person shall operate a motor vehicle, including motor cycles, motor scooters, and snowmobiles, on the public streets or any public place in the Town of Newington so that said vehicle makes unnecessary loud noise, including but not limited to such noises as:

- a). The squealing of tires by too rapid acceleration of the vehicle, commonly referred to as 'peeling out' or 'burning rubber';
- b). By use of horns or other warning devices;
- c). The defective or altered condition of the engine system and other moving parts;

d). Excessively loud car stereos, portable radios or any other music devices.

**Section 2.**

Whoever violates any provisions of the ordinance, shall, upon conviction thereof, pay a fine of not more than \$ 1,000.00

**Section 3.**

This Ordinance shall be made effective immediately upon passage.

**Yes: 16      No 46**

**ARTICLE 6:** To see if the Town will vote to raise and appropriate the sum of Five Hundred Twenty Five Thousand Dollars (\$525,000) for the acquisition of land on Little Bay Road known as map 23 lot 8 consisting of approximately 7.11 acres, and to authorize the issuance of not more than \$525,000 of Bonds and/or notes under and in compliance with the Municipal Finance Act, RSA 33:1 et seq., and to accept federal, state or other aid, if any, made available therefore, and to authorize the Board of Selectmen to issue, negotiate, and regulate such Bond and/or notes and to determine the rate of interest thereon, and the maturity and other terms thereof, and pass any vote relating thereto. (2/3 ballot vote required)

**THIS ARTICLE IS RECOMMENDED BY THE SELECTMEN**

**THIS ARTICLE IS NOT RECOMMENDED BY THE BUDGET COMMITTEE**

*The passage of this article may override the 10% limitation imposed on this appropriation due to the non recommendation of the Budget Committee.*

**Yes: 12      No: 76**

**ARTICLE 7:** To see what sum the municipality will vote to raise and appropriate for the operating budget. The Budget Committee recommends \$ **5,402,062**; the Board of Selectmen recommends \$ **5,452,956**. This article does not include appropriations voted in other warrant articles.

**Approved**

**ARTICLE 8:** To see if the Town will vote to change the purpose of the existing Fox Point Pavilion Capital Reserve Fund from reading ‘for the purpose of constructing a facility at Fox Point that provides a kitchenette and restrooms for social and recreational functions’ to now read ‘for the purpose of constructing or renovating a facility at Fox Point that includes kitchen facilities and restrooms for the social and recreational functions’. (2/3 vote required)

**Yes: 52      No: 9**

**ARTICLE 9:** To see if the Town will vote to raise and appropriate the sum of *Five Thousand Dollars (\$5,000)* to be placed in the existing Capital Reserve fund which was established to fund capital improvements for the Cemetery.

**THIS ARTICLE IS RECOMMENDED BY THE SELECTMEN  
THIS ARTICLE IS RECOMMENDED BY THE BUDGET COMMITTEE**

**Approved**

**ARTICLE 10:** To see if the Town will vote to raise and appropriate the sum of *Twenty Thousand Dollars (\$20,000)* for the purpose of demolition of the facility at Fox Point known as the Mott House. This appropriation is in addition to the operating budget.

**THIS ARTICLE IS RECOMMENDED BY THE SELECTMEN  
THIS ARTICLE IS RECOMMENDED BY THE BUDGET COMMITTEE**

**Approved**

**ARTICLE 11:** To see if the Town will vote to raise and appropriate the sum of *Fifty Thousand Dollars (\$50,000)* to be placed in the existing Conservation Fund established in accordance with RSA 36-A:5 to be used for expenses associated with the purchase of Conservation Land and open space, easements, wetlands, and other land management acquisitions.

**THIS ARTICLE IS RECOMMENDED BY THE SELECTMEN  
THIS ARTICLE IS RECOMMENDED BY THE BUDGET COMMITTEE**

**Approved**

**ARTICLE 12:** To see if the Town shall vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 to be known as the Highway Department Building Facility Fund for the purpose of construction or improvements to our Highway (Town Garage) Building and to raise and appropriate the amount of *Fifty Thousand Dollars (\$50,000)* to be placed in this fund and to appoint the Board of Selectmen as Agents. This appropriation is in addition to the operating budget. (Majority)

**THIS ARTICLE IS RECOMMENDED BY THE SELECTMEN  
THIS ARTICLE IS RECOMMENDED BY THE BUDGET COMMITTEE**

**Approved**

**ARTICLE 13:** To see if the Town of Newington will vote to raise and appropriate the sum of *Five Thousand Dollars (\$5,000)* to be added to our existing Capital Reserve Fund for the purpose of Replacement and/or Major Repairs of Vehicles and equipment operated by the Highway Department.

**THIS ARTICLE IS RECOMMENDED BY THE SELECTMEN  
THIS ARTICLE IS RECOMMENDED BY THE BUDGET COMMITTEE**

**Approved**

**ARTICLE 14:** To see if the Town will vote to raise and appropriate the sum of *Forty Thousand Dollars (\$40,000)* to be placed in the Capital Reserve Fund known as the Fire Department SCBA Fund for the replacement of the SCBAs now in use by the Fire Department. **THIS ARTICLE IS RECOMMENDED BY THE SELECTMEN**

**THIS ARTICLE IS RECOMMENDED BY THE BUDGET COMMITTEE**

**Approved**

**ARTICLE 15:** To see if the Town will vote to raise and appropriate the sum of *Fifteen Thousand Dollars (\$15,000)* to be placed in the existing Capital Reserve Fund for the Replacement and/or Repair of Vehicles Operated by the Fire Department.

**THIS ARTICLE IS RECOMMENDED BY THE SELECTMEN  
THIS ARTICLE IS RECOMMENDED BY THE BUDGET COMMITTEE**

**Approved**

**ARTICLE 16:** To see if the Town shall vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 to be known as the Major Road Work Fund for the purpose of major improvements needed for our roadways and to raise and appropriate the amount of *Twenty Five Thousand Dollars (\$25,000)* to be placed in this fund and to appoint the Board of Selectmen as Agents. This appropriation is in addition to the operating budget. (Majority)

**THIS ARTICLE IS RECOMMENDED BY THE SELECTMEN  
THIS ARTICLE IS RECOMMENDED BY THE BUDGET COMMITTEE**

**Approved**

**ARTICLE 17:** To see if the Town of Newington will vote to raise and appropriate the sum of *Ten Thousand Dollars (\$10,000)* to be added to the existing Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of maintenance, repair and improvements of Town Recreational Facilities and Equipment.

**THIS ARTICLE IS RECOMMENDED BY THE SELECTMEN  
THIS ARTICLE IS RECOMMENDED BY THE BUDGET COMMITTEE**

**Approved**

**ARTICLE 18:** To see if the Town will vote to raise and appropriate the sum of *Fourteen Thousand Dollars (\$14,000)* to be placed in the existing Capital Reserve Fund for the purpose of major Municipal Building Emergency Repairs.

**THIS ARTICLE IS RECOMMENDED BY THE SELECTMEN  
THIS ARTICLE IS RECOMMENDED BY THE BUDGET COMMITTEE**

**Approved**

**ARTICLE 19:** To see if the Town will vote to raise and appropriate the sum of *Fifteen Thousand Dollars (\$15,000)* to be placed in the existing Capital Reserve Fund for the purpose of payments of Severance to Town Employees in accordance with the Town's Personnel Policy.

**THIS ARTICLE IS RECOMMENDED BY THE SELECTMEN  
THIS ARTICLE IS RECOMMENDED BY THE BUDGET COMMITTEE**

**Approved**

**ARTICLE 20:** To see if the Town will vote to raise and appropriate the sum of *Fifteen Thousand Dollars (\$15,000)* to be placed in the existing Capital Reserve Fund for the Replacement of the Town Ambulance and any Major Medical Equipment.

**THIS ARTICLE IS RECOMMENDED BY THE SELECTMEN  
THIS ARTICLE IS RECOMMENDED BY THE BUDGET COMMITTEE**

**Yes: 40      No: 3**

**ARTICLE 21:** To see if the Town will vote to raise and appropriate the sum of *Twenty Five Thousand Dollars (\$25,000)* to be placed in the existing Capital Reserve Fund for the Fox Point Pavilion.

**THIS ARTICLE IS RECOMMENDED BY THE SELECTMEN  
THIS ARTICLE IS RECOMMENDED BY THE BUDGET COMMITTEE**

**Approved**

**ARTICLE 22:** To see if the Town shall vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 to be known as the Mott Pond Drainage Improvement Fund for the purpose of maintenance, repair and improvements to the drainage and roadway and to raise and appropriate the amount of *Ten Thousand Dollars (\$10,000)* to be placed in this fund and to appoint the Board of Selectmen as Agents. This appropriation is in addition to the operating budget. (Majority)

**THIS ARTICLE IS RECOMMENDED BY THE SELECTMEN  
THIS ARTICLE IS RECOMMENDED BY THE BUDGET COMMITTEE**

**Approved**

**ARTICLE 23:** To see if the Town will vote to raise and appropriate the sum of *Five Thousand Dollars (\$5,000)* to be placed in the existing Capital Reserve Fund for Fire Department Communications.

**THIS ARTICLE IS RECOMMENDED BY THE SELECTMEN  
THIS ARTICLE IS RECOMMENDED BY THE BUDGET COMMITTEE**

**Approved**

**ARTICLE 24:** To see if the Town will vote to raise and appropriate the sum of *Sixteen Thousand Eight Hundred Dollars (\$16,800)* for the purpose of mapping all wetlands in Newington, excluding the wildlife refuge and Pease, that are one half (1/2) acre or larger. This appropriation is in addition to the operating budget

**THIS ARTICLE IS NOT RECOMMENDED BY THE SELECTMEN  
THIS ARTICLE IS NOT RECOMMENDED BY THE BUDGET COMMITTEE**

**Yes: 9            No: 42**

**ARTICLE 25:** On petition from Margaret Lamson of 40 Little Bay Road and at least 24 other registered voters of the Town of Newington, to see if the town will go on record in support of effective actions by the President and the Congress to address the issue of climate change which is increasingly harmful to the environment and economy of New Hampshire and to the future well being of the people of Newington. These actions include the establishment of a national program requiring reductions of US greenhouse gas emissions while protecting the US economy and also include the creation of a major national research initiative to foster rapid development of sustainable energy technologies thereby stimulating new jobs and investment. In addition, the town of Newington encourages NH citizens to work for emission reductions within their communities, and we ask our Selectmen to consider the appointment of a voluntary energy committee to recommend local steps to save energy and reduce emissions.

**Failed**

**ARTICLE 26:** To hear the report of the Moderator on the election of officers.

Given under our hands and seal this 17<sup>TH</sup> day of February 2007.

We certify and attest that on this 17<sup>TH</sup> day of February 2007, we posted a true and attested copy of the within Warrant at the place of Meeting, and like copies at the South Newington Bulletin Board and the Meeting House, and delivered the original to the Town Clerk

**Approved**