TOWN WARRANT
2015
The State of New Hampshire

THE POLLS WILL BE OPENING FROM 8:00 A.M. TO 8:00 P.M.

To the inhabitants of the Town of Newton, N.H. in the County of Rockingham, in said State, qualified to vote in Town Affairs; you are hereby notified to meet for the first session of the annual meeting, which shall be for the explanation, discussion and debate of each warrant article and the transaction of all business other than voting by official ballot to be held at the **Newton Town Hall on Saturday, January 31, 2015 at 9:00 AM;** the **second session to be held at the Newton Town Hall**, in said Newton, **on Tuesday, the tenth day of March next, at eight o'clock in the forenoon, to choose all necessary Town officers** for the ensuing year by official ballot, and to vote on all issues before the Town of Newton on the official ballot; the polls to be open at eight o'clock in the forenoon and to close not earlier than eight o'clock in the evening.

1. To elect all necessary Town Officers for the ensuing year.

2. Are you in favor of the adoption of Amendment No.1 as proposed by the Planning Board for the Town of Newton Zoning Ordinance as follows?

Amend Section XXVIII Aquifer-Watershed Protection Ordinance. The revisions clarify the district boundaries of the Aquifer Protection District and the Watershed Protection District by providing an easier to understand mapping reference. The actual boundaries of the districts will not change.

The changes are in **BOLD** and ~~struck out~~ as follows:

3. DISTRICT BOUNDARIES

a. Location

1. The Aquifer Protection District is defined as the area shown on the map entitled, Town of Newton Stratified Drift Aquifers and Tax Parcels Map (part of the Rockingham Planning Commission Standard Map Set), located in the Planning Department Office. ~~"Aquifer Protection District", and is hereby adopted as part of the Town's Official Zoning Map. The Aquifer Protection District includes the area delineated by the groundwater mapping studies entitled, Lower Merrimack/Coastal Study as prepared by the U.S. Geological Survey in 1991 and found in the Newton Water Resource Management and Protection Program as Map 4. It is further described on Map titled Town of Newton Aquifer-Watershed Protection District and is hereby adopted as part of the Town's Official Zoning Map.~~ The Aquifer Protection District is an overlay district, which imposes additional requirements and restrictions to those of the underlying district. This district also delineates and protects recharge areas as well as the aquifers. In all cases, the more restrictive requirement(s) shall apply.

2. The Watershed Protection District is defined as the area which includes the Aquifer Protection District and a small portion of land in the extreme southern portion of the Town of Newton east of Route 108 and not located within the Aquifer Protection District and all areas within 250 feet of Neal Pond Brook. It is further described on Map titled **Town of Newton Stratified Drift Aquifers and Tax Parcels Map (part of the Rockingham Planning Commission Standard Map Set), located in the Planning Department Office.** ~~Town of Newton Aquifer-Watershed Protection District and is hereby adopted as part of the Town's Official Zoning Map.~~ The Watershed Protection District is an overlay district which imposes additional requirements and restrictions to those of the underlying district. This district also delineates and protects recharge areas as well as aquifers. In all cases, the more restrictive requirement(s) shall apply.

THE PLANNING BOARD DOES RECOMMEND THIS ARTICLE 6-0

3. Are you in favor of the adoption of Amendment No.2 as proposed by the Planning Board for the Town of Newton Zoning Ordinance as follows?

Amend Section XXXVII Personal Wireless Service Facilities. The revisions bring the language of the Town of Newton Zoning Ordinance into compliance with recent changes to federal and state laws regarding modifications to existing cell towers and co-location of cell tower facilities on an existing building or structure.

The changes are in **BOLD** and ~~struck out~~ as follows:

SECTION XXXVII PERSONAL WIRELESS SERVICE FACILITIES (Added March 2002)

I. AUTHORITY

This ordinance is adopted by the Town of Newton at the 2002 Town Meeting, in accordance with the authority as granted in New Hampshire Revised Statutes Annotated 674:16 and 674:21, procedurally under the guidance of 675:1, II and in accordance with RSA 12-K.

II. PURPOSE AND GOALS

This Ordinance is enacted in order to effectuate the following goals and standards in permitting the siting of Personal Wireless Services Facilities (PWSF) in accordance with federal and state law:

(a) To facilitate the review and approval of personal wireless services facilities by the Town's Planning Board in keeping with the Town's existing ordinances and established development patterns, including the size and spacing of structures and open spaces. This ordinance is intended to be applied in conjunction with other ordinances and regulations adopted by the Town, including historic district ordinances, site plan review regulations and other local ordinances designed to encourage appropriate land use, environmental protection, and provision of adequate infrastructure development.

(b) Preserve the authority of Newton to regulate and to provide for reasonable opportunity for the sitting of PWSF.

(c) Reduce adverse impacts such facilities may create, including, but not limited to; impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property, and prosperity through protection of property values. To minimize the visual and environmental impacts of personal wireless services facilities by avoiding the deployment of PWSF's that service substantially the same service area.

(d) **Encourage** ~~Require~~, where technically feasible, co-location and minimal impact sitting options through an assessment of technology, current location options, future available locations, innovative sitting techniques, and sitting possibilities beyond the political jurisdiction of the Town.

(e) Permit the construction of new PWSF only where all other reasonable opportunities for co-location have been exhausted.

(f) Require the configuration of PWSF in a way that minimizes the adverse visual impact of the facilities and antennas.

(g) Require cooperation and co-location, to the highest extent possible, between competitors in order to reduce cumulative negative impacts upon the Town of Newton.

(h) Provide constant maintenance and safety inspections for any and all facilities.

(i) Provide for the removal of abandoned facilities that are no longer inspected for safety concerns and code compliance. Provide a mechanism for the Town of Newton to remove these abandoned towers to protect the citizens from imminent harm and danger.

(j) Provide for the removal or upgrade of facilities that are technologically outdated.

(k) The regulation of personal wireless services facilities is consistent with the purpose of the Newton Master Plan to further the conservation and preservation of developed, natural and undeveloped areas, wildlife, flora and habitats for endangered species; the preservation and protection of the natural resources of Newton; balanced economic growth; the provision of adequate capital facilities; the coordination of the provision of adequate capital facilities with the achievement of other goals; and the preservation of historical, cultural, archaeological, architectural and recreational values.

III. APPLICABILITY

(a) Public Property

Antennas or towers located on property owned, leased, or otherwise controlled by the Town may be exempt from the requirements of this ordinance. This partial exemption shall be available if a license or lease authorizing such antenna or tower has been approved by the governing body and the governing body elects subject to state law and local ordinance, to seek the partial exemption from this Ordinance and provided that the facility will be at least partially available for public purpose.

(b) Amateur Radio; and/or Receive-Only Antennas

This ordinance shall not govern any tower, or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas. This ordinance adopts the provisions and limitations as referenced in RSA 674:16, IV.

Modification of existing amateur radio facilities for commercial use shall require full town review in accordance with this ordinance.

(c) Essential Services & Public Utilities

PWSF shall not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in the Town's ordinances and regulations. Sitting for PWSF is a use of land, and is addressed by this ordinance.

(d) This ordinance shall not apply to PWSF that fall under limitations of RSA 12-K.

IV. DEFINITIONS

(a) Above Ground Level (AGL): A measurement of height from the natural grade of a site to the highest point of a structure.

(b) Alternative tower structure: Innovative sitting techniques that shall mean man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

(c) Antenna: The surface from which wireless radio signals are sent and received by a personal wireless service facility.

(d) Average tree canopy height: Means the average height found by inventorying the height above ground level of all trees over a specified height within a specified radius.

(e) Carrier: Means a person that provides personal wireless services.

(f) Co-location: **The placement or installation of new PWSFs on existing towers or mounts, including electrical transmission towers and water towers, as well as existing buildings and other structures capable of structurally supporting the attachment of PWSFs in compliance with applicable codes. "Co-location" does not include a "substantial modification."** ~~The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.~~

(g) Elevation: The measurement of height above sea level.

(h) Environmental Assessment (EA): An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in certain designated areas.

(i) Equipment shelter: Means an enclosed structure, cabinet, shed vault, or box near the base of a mount within which are housed equipment for PWSFs, such as batteries and electrical equipment.

(j) FAA: An acronym that shall mean the Federal Aviation Administration.

(k) FCC: An acronym that shall mean the Federal Communications Commission.

(l) Fall Zone: The area on the ground within a prescribed radius from the base of a personal wireless service facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

(m) Functionally Equivalent Services: Cellular, Personal Communication Services (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging.

(n) Guyed Tower: A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

(o) Height: Shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

(p) Lattice Tower: A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

(q) Licensed Carrier: A company authorized by the FCC to construct and operate a commercial mobile radio services system.

(r) **Modification: The replacement or alteration of an existing PWSF within a previously approved equipment compound or upon a previously approved mount. Routine maintenance of an approved PWSF shall not be considered a modification.**

(s) Monopole: The type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

(t) Mount: **The structure or surface upon which antennas are mounted and includes roof-mounted, side-mounted, ground-mounted, and structure-mounted antennas on an existing building, as well as an electrical transmission tower and water tower, and excluding utility poles.** ~~Means the structure or surface upon which antennas are mounted and include roof-mounted, side-mounted, ground-mounted, and structure-mounted types.~~

(u) Omni directional (whip) antenna: A thin rod that beams and receives a signal in all directions.

(v) Panel Antenna: A flat surface antenna usually developed in multiples.

(w) Personal Wireless Service Facility or PWSF or facility: means any PWSF as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332(c)(7)(C)(ii), including facilities used or to be used by a licensed provider of personal wireless services.

(x) Personal Wireless Services: Means any wireless telecommunications services, and commercial mobile services including cellular telephone services, personal communications services, and mobile and radio paging services as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332 (c)(7)(C)(i).

(y) Planning Board or Board: Shall mean the Town of Newton Planning Board and the regulator of this ordinance.

(z) Preexisting towers and antennas: Shall mean any tower or antenna lawfully constructed or permitted prior to the adoption of this ordinance. Shall also mean any tower or antenna lawfully constructed in accordance with this ordinance that predates an application currently before the Board.

(aa) Radio frequency radiation: Means the emissions from personal wireless service facilities.

(bb) Security Barrier: A locked, impenetrable wall or fence that completely seals an area from unauthorized entry or trespass.

(cc) Separation: The distance between one carrier's array of antennas and another carrier's array.

(dd) Stealth Application: Means, for a PWSF, designed to look like a structure which may commonly be found in the area surrounding a proposed PWSF such as, but not limited to, flagpoles, light poles, traffic lights, or artificial tree poles. Also means, for a personal wireless service facility one that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure. (Stealth application is often referred to as "camouflaged" technology.)

(ee) **Substantial Modification: The mounting of a proposed PWSF on a tower or mount which, as a result of single or successive modification applications:**
1. Increases or results in the increase of the permitted vertical height of a tower, or the existing vertical height of a mount, by either more than 10 percent or the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; or
2. Involves adding an appurtenance to the body of a tower or mount that protrudes horizontally from the edge of the tower or mount more than 20 feet, or more than the width of the tower or mount at the level of the appurtenance, whichever is greater, except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower or mount via cable; or
3. Increases or results in the increase of the permitted square footage of the existing equipment compound by more than 2,500 square feet; or
4. Adds to or modifies a camouflaged PWSF in a way that would defeat the effect of the camouflage.

(ff) Telecommunications Facilities: Shall mean any structure, antenna, tower, or other device which provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), and personal communications service (PCS), and common carrier wireless exchange access services.

(gg) Tower: Shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

V. CONDITIONAL USE PERMITS

(a) All proposals considered for development under the Personal Wireless Facilities Ordinance shall obtain a Conditional Use Permit from the Planning Board, **unless exempt under RSA 12-K.** The conditional use permit shall clearly set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approved use. Everything shown or otherwise indicated on a plan or submittal that is listed on the conditional use permit shall be considered to be a condition of approval. Construction shall not deviate from the stated conditions without approval of the modification by the Planning Board.

(b) All applicable standards in this ordinance must be met and/or impacts mitigated to the satisfaction of the Planning Board prior to the granting of a Conditional Use Permit.

~~c) Decisions~~

(c) Possible decisions rendered by the Planning Board, include Approval, Approval with Conditions, or Denial. All decisions shall be rendered in writing, and a Denial shall be in writing and based upon substantial evidence contained in the written record.

VI. SITING STANDARDS

(a) Use Regulations

A personal wireless service facility shall require a conditional use permit, **unless exempt under RSA 12-K,** ~~in all cases~~ and may be permitted as follows:

~~1) A personal wireless service facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower, water tower, cupola or steeple. Such facilities may locate by Conditional Use Permit in all zoning districts within the Town.~~

1) A personal wireless service facility involving construction of one or more ground or building (roof or side) mounts shall require a Conditional Use Permit and may locate in all zoning districts within the Town.

2) A personal wireless service facility that exceeds the height restrictions of Section VI (d) may be permitted by Conditional Use Permit in a designated Wireless Service Overlay District as defined by Newton Zoning Map as areas designated as Commercial and Light Industrial/Commercial.

3) Principal or Secondary Use: An applicant who successfully obtains permission to site under this ordinance as a second and permitted use may construct PWSF in addition to the existing permitted use. PWSF may be considered either principal or secondary uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with local development regulations, including but not limited to set-back requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. PWSF that are constructed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure. Nor shall such facilities be deemed to be an "accessory use".

(b) Location

Applicants seeking approval for personal wireless services facilities shall comply with the following:

1) If feasible, personal wireless services facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those structures. In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for one or more personal wireless service facilities. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate.

2) The applicant proposing to build a new tower shall submit an agreement with the Town that maximizes allowance of co-location upon the new structure. Such statement shall become a condition to any approval. This statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs (prevailing rates) to other telecommunications providers. Failure to provide such an agreement is evidence that the applicant's proposed facility will not integrate with the overall telecommunications facility planning of Newton, and grounds for a Denial.

3) The applicant shall submit the engineering information detailing the size and coverage required for the facility location. The Planning Board may have this and any other information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations. Cost for this review shall be borne by the applicant in accordance with 676:4 I (g).

4) If the applicant demonstrates that it is not feasible to locate on an existing structure, personal wireless services facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: use of compatible building materials and colors, screening, landscaping and placement within trees.

5) The applicant shall submit documentation of the legal right to install and use the proposed facility mount at the time of application for a building permit and/or conditional use permit.

~~(c) Co-location~~

~~1) Licensed carriers shall share personal wireless services facilities and sites where feasible and appropriate, thereby reducing the number of personal wireless services facilities that are stand-alone facilities. All applicants for a Conditional Use Permit for a personal wireless service facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:~~
~~i A survey of all existing structures that may be feasible sites for co-locating personal wireless services facilities;~~
~~ii Contact with all the other licensed carriers for commercial mobile radio services operating in the County; and~~
~~iii Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.~~

~~2) In the event that co-location is found to be not feasible, a written statement of the reasons for the infeasibility shall be submitted to the Town. The Town may retain a technical expert in the field of RF engineering to verify co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant. The Town may deny a Conditional Use Permit to an applicant that has not demonstrated that co-location is not feasible.~~

~~3) If the applicant does intend to co-locate or to permit co-location, the Town shall request drawings and studies which show the ultimate appearance and operation of the personal wireless service facility at full build-out.~~

~~4) If the Planning Board approves co-location for a personal wireless service facility site, the Conditional Use Permit shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the Conditional Use Permit approval shall require no further zoning approval. However, the addition of any facilities not specified in the approved Conditional use permit shall require a new Conditional Use Permit.~~

(c) Height Requirements

1) Height, General: Regardless of the type of mount, personal wireless services facilities shall be no higher than ten feet above the average height of buildings or trees within 300 feet of the proposed facility. In addition, the height of a personal wireless service facility shall not exceed by more than ten feet the height limits of the zoning district in which the facility is proposed to be located, unless the facility is completely camouflaged such as within a flagpole, steeple, chimney, or similar structure. Personal wireless services facilities may locate on a building that is legally non-conforming with respect to height, provided that the facilities do not project above the existing building height.

2) Height, Ground-Mounted Facilities: Ground-mounted personal wireless services facilities shall not project higher than ten feet above the average building height or, if there are no buildings within 300 feet, these facilities shall not project higher than ten feet above the average tree canopy height, measured from average ground level (AGL). If there are no buildings within 300 feet of the proposed site of the facility, all ground-mounted personal wireless services facilities shall be surrounded by dense tree growth to screen views of the facility in all directions. These trees may be existing on the subject property or planted on site.

3) Height, Side- and Roof-Mounted Facilities: Side- and roof-mounted personal wireless services facilities shall not project more than ten feet above the height of an existing building nor project more than ten feet above the height limit of the zoning district within which the facility is located. Personal wireless services facilities may locate on a building that is legally non-conforming with respect to height, provided that the facilities do not project above the existing building height.

4) Height, Existing Structures: New antennas located on any of the following structures existing on the effective date of this ordinance shall be exempt from the height restrictions of this ordinance provided that there is no increase in height of the existing structure as a result of the installation of a personal wireless service facility: water towers, guyed towers, lattice towers, fire towers and monopoles.

5) Height, Existing Structures, (Utility): New antennas located on any of the following existing structures shall be exempt from the height restrictions of this ordinance provided that there is no more than a twenty foot (20') increase in the height of the existing structure as a result of the installation of a personal wireless service facility: electric transmission and distribution towers, telephone poles and similar existing utility structures. This exemption shall not apply in historic districts.

6) Height, Wireless Facility Overlay Districts: Where the town establishes Wireless Facility Overlay Districts (as designated on the town zoning map), personal wireless services facilities of up to 150 feet in height may be permitted by Conditional Use Permit. Monopoles are the preferred type of mount for such taller structures. Such structures shall comply with all setback and Conditional Use Permit regulations set forth in this Ordinance.

(d) Setbacks

1) All personal wireless services facilities and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located.

2) In order to ensure public safety, the minimum distance from the base of any ground-mounted personal wireless service facility to any property line, road, habitable dwelling, business or institutional use, or public recreational area shall be the height of the facility/mount, including any antennas or other appurtenances. This setback is considered a "fall zone."

3) In the event that an existing structure is proposed as a mount for a personal wireless service facility, a fall zone shall not be required, but the setback provisions of the zoning district shall apply. In the case of pre-existing non-conforming structures, personal wireless services facilities and their equipment shelters shall not increase any non-conformities.

4) Towers over 90 feet in height shall not be located within one-quarter mile of any existing tower that is over 90 feet in height.

5) In reviewing a Conditional Use Permit application for a personal wireless service facility, the Planning Board may reduce the required fall zone and/or setback distance of the zoning district, if it finds that a substantially better design will result from such reduction. In making such a finding, the Planning Board shall consider both the visual and safety impacts of the proposed use.

VII. DESIGN STANDARDS

Visibility/Camouflage: Personal wireless services facilities shall be camouflaged as follows:

(a) Camouflage by Existing Buildings or Structures

1) When a personal wireless service facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.

2) Personal wireless services facilities which are side mounted shall blend with the existing building's architecture and shall be painted or shielded with material which is consistent with the design features and materials of the building.

(b) Camouflage by Vegetation

If personal wireless services facilities are not camouflaged from public viewing areas by existing buildings or structures, they shall be surrounded by buffers of dense tree growth and under story vegetation in all directions to create an effective year-round visual buffer. Ground-mounted personal wireless services facilities shall provide a vegetated buffer of sufficient height and depth to effectively screen the facility. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. The Planning Board shall determine the types of trees and plant materials and depth of the needed buffer based on site conditions.

(c) Color

1) Personal wireless services facilities which are side-mounted on buildings shall be painted or constructed of materials to match the color of the building material directly attached thereto.

2) To the extent that any personal wireless services facilities extend above the height of the vegetation immediately surrounding it, they shall be painted in a color determined best to blend in with the natural surroundings and/or background.

(d) Equipment Shelters

1) Equipment shelters shall be located in underground vaults; or

2) Equipment shelters shall be designed consistent with architectural styles and materials per the town’s site plan review regulations.

3) Equipment shelters shall be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building, and/or wooden fence. The Planning Board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood.

(e) Lighting and Signage

1) Personal wireless services facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. There shall be total cutoff of all light at the property lines of the parcel to be developed.

2) Signs shall be limited to those needed to identify the property and the owner and warn of any danger. All signs shall comply with the requirements of the Town's sign regulations.

3) All ground mounted personal wireless services facilities shall be surrounded by a security barrier.

(f) Historic Buildings and Districts

1) Any personal wireless services facilities located on or within an historic structure, as designated by the town, shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.

2) Any alteration made to an historic structure to accommodate a personal wireless service facility shall be fully reversible.

3) Personal wireless services facilities within an historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.

(g) Scenic Landscapes and Vistas

1) Any personal wireless service facility that is located within 300 feet of a scenic vista, scenic landscape or scenic road, as designated by the town shall not exceed the height of vegetation at the proposed location. If the facility is located farther than 300 feet from the scenic vista, scenic landscape or scenic road, the height regulations described elsewhere in this ordinance will apply.

(h) Environmental Standards

1) Personal wireless services facilities shall not be located in wetlands. Locating of wireless facilities in wetland buffer areas shall be avoided whenever possible and disturbance to wetland buffer areas shall be minimized.

2) No hazardous waste shall be discharged on the site of any personal wireless service facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.

3) Ground-mounted equipment for personal wireless services facilities shall not generate noise in excess of 50 db at the property line.

4) Roof-mounted or side-mounted equipment for personal wireless services facilities shall not generate noise in excess of 50 db at ground level at the base of the building closest to the antenna.

5) Back-up power generation equipment may exceed the required decibel levels if necessary to maintain power to the PWSF during temporary power outages.

(i) Safety Standards

1) All equipment proposed for a personal wireless service facility shall be authorized per the FCC Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (FCC Guidelines).

2) Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.

3) To ensure the structural integrity of towers and antennas, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within 30 days, such action shall constitute an abandonment and grounds for the removal of the tower or antenna as abandoned, in accordance with Section XII at the owners expense through execution of the posted security.

(j) Modifications

A **substantial** modification**, as defined by RSA 12-K,** of a personal wireless service facility may be considered equivalent to an application for a new personal wireless service facility and will require a Conditional Use Permit when the following events apply:

a. The applicant and/or co-applicant wants to alter the terms of the Conditional Use Permit by changing the personal wireless service facility in one or more of the following ways:

1. Change in the number of facilities permitted on the site;
2. Change in technology used for the personal wireless service facility.

b. The applicant and/or co-applicant wants to add any equipment or additional height not specified in the original design filing.

(k) Reconstruction or Replacement of Existing Towers and Monopoles

Guyed towers, lattice towers, utility towers and monopoles in existence at the time of adoption of this Ordinance may be reconstructed, altered, extended or replaced on the same site by Conditional Use Permit, provided that the Planning Board finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the Town than the existing structure. In making such a determination, the Planning Board shall consider whether the proposed reconstruction, alteration, extension or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts. No reconstruction, alteration, extension or replacement shall exceed the height of the existing facility by more than twenty (20) feet.

THE PLANNING BOARD DOES RECOMMEND THIS ARTICLE 6-0

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4. "Shall the Town of Newton raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling **$3,141,939.00**? Should this article be defeated, the default budget shall be $3,142,415.00, which is the same as last year, with certain adjustments required by previous action of the Town of Newton or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only."

The budget increase from the 2014 ACTUAL budget to the 2015 PROPOSED budget represents a tax impact increase of $.34 per $1,000.00 of assessed value.

THE BOARD OF SELECTMEN DOES/DOES NOT RECOMMEND THIS ARTICLE 0-0

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5. To see if the Town will vote to establish a **Revolving Fund** pursuant to RSA 31:95-h **for the purpose of paying Inspector fees for permits.** Ninety Percent (90%) of permit fees from the Building Inspector, Plumbing Inspector and Electrical Inspector, and One Hundred Percent (100%) of permit fees from the Road Inspector and Health Inspector will be deposited into this fund. The money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the town's general fund balance. The Town Treasurer shall have custody of all moneys in the fund and shall pay out the same only upon the order of the governing body and no further approval is required by the legislative body to expend. Such funds may be expended only for the purpose for which the fund was created.

This article would result in no increase in the amount to be raised by taxes.

THE BOARD OF SELECTMEN DOES/DOES NOT RECOMMEND THIS ARTICLE 0-0

6. To see if the Town will vote to establish a **Revolving Fund** pursuant to RSA 31:95-h **for the purpose of Highway Construction.** All monies received from the Highway Block Grant will be deposited into this fund, and the money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the town's general surplus. The Town Treasurer shall have custody of all moneys in the fund and shall pay out the same only upon order of the governing body and no further approval is required by the legislative body to expend. Such funds may be expended only for the purpose for which the fund was created.

This article would result in no increase in the amount to be raised by taxes.

THE BOARD OF SELECTMEN DOES/DOES NOT RECOMMEND THIS ARTICLE 0-0

7. To see if the Town will vote to raise and appropriate **$90,549.00 for the repair and maintenance of town roads to be offset by the NH Highway Block Grant**. This is a non-lapsing appropriation and will not lapse until the completion of the project or until December 31, 2020, whichever is sooner.

This article would result in no increase in the amount to be raised by taxes.

THE BOARD OF SELECTMEN DOES/DOES NOT RECOMMEND THIS ARTICLE 0-0

8. To see if the Town will vote to establish a **Revolving Fund** pursuant to RSA 31:95-h **for the purpose of paying Emergency Management payroll, training and other expenses. A**ll monies received from the State of New Hampshire for Emergency Management purposes will be deposited into this fund. The Town Treasurer shall have custody of all moneys in the fund and shall pay out the same only upon the order of the governing body and no further approval is required by the legislative body to expend. Such funds may be expended only for the purpose for which the fund was created.
This article would result in no increase in the amount to be raised by taxes.

THE BOARD OF SELECTMEN DOES/DOES NOT RECOMMEND THIS ARTICLE 0-0

9. To see if the Town will vote to **establish a Capital Reserve Fund** under RSA 35:1 for the purpose of **Engineering and Renovation of the land and buildings located at 8 Merrimac Ro**ad, identified in the town's tax records as Map 12, Lot 6, Sub-lot 11, and to raise and appropriate the sum of **$5,700.00** from the unassigned fund balance for revenues generated from rental fees at this location, to be deposited into this fund, and to name the Board of Selectmen as agents to expend from this fund.
This article would result in no increase in the amount to be raised by taxes.

THE BOARD OF SELECTMEN DOES/DOES NOT RECOMMEND THIS ARTICLE 0-0

10. To see if the Town will vote to authorize the Selectmen to enter into a long term lease/purchase agreement to purchase a fully equipped **Tank Truck** for the Fire Department at a cost of $350,000.00 and further to raise and appropriate **$235,000.00** and authorize the withdrawal of **$235,000.00** from the Fire Apparatus & Equipment Capital Reserve Fund for a down payment, and shall include a manufacture discount of $10,606.00, to lower the agreement amount to $104,394.00 payable over a term of 7 years at a rate of $16,946.00 annually and further to raise and appropriate **$16,946.00** for the first year's payment. This agreement does not contain an escape clause. *(This new standard Tanker will be replacing the existing 1983 (32 year old) Tanker that has been out of service due to failing NFPA pump testing and other mechanical issues)* (3/5 majority vote required for passage)
This article would result in a $.03 increase per $1,000.00 of assessed value to be raised by taxes.

THE BOARD OF SELECTMEN DOES / DOES NOT RECOMMEND THIS ARTICLE

11. To see if the Town will vote to **change the position of the HIGHWAY FOREMAN** from a permanent part-time position to a full-time position effective April 1, 2015 and further to raise and appropriate **$14,191.00** for the additional costs in salary and benefits. If approved, this appropriation will be included in the operating budget in coming years.
This article would result in a $.03 increase per $1,000.00 of assessed value to be raised by taxes.

THE BOARD OF SELECTMEN DOES/DOES NOT RECOMMEND THIS ARTICLE 0-0

12. To see if the Town will vote, as proposed by the Board of Selectmen, to raise and appropriate the sum of **$60,000.00** to be paid toward the **2015 SOLID WASTE DISPOSAL BUDGET as an offset to the disposal costs** and to authorize the withdrawal of $60,000.00 from the Transfer Station/Recycling Special Revenue Fund created in 2003 for this purpose.
This article would result in no increase in the amount to be raised by taxes.

THE BOARD OF SELECTMEN DOES/DOES NOT RECOMMEND THIS ARTICLE 0-0

13. To see if the Town will vote, as proposed by the Board of Selectmen, to raise and appropriate the sum of **$35,000.00** to hold a **HAZARDOUS WASTE DAY for Newton Residents only** and to authorize the withdrawal of $35,000.00 from the Transfer Station / Recycling Special Revenue Fund created in 2003 for this purpose.
This article would result in no increase in the amount to be raised by taxes.

THE BOARD OF SELECTMEN DOES/DOES NOT RECOMMEND THIS ARTICLE 0-0

14. To see if the Town will vote to raise and appropriate the sum of **$29,182.00** for the following **Community Services**:

A SAFE PLACE	$ 2,500.00
AREA HOMECARE & FAMILY SERVICES	3,800.00
CHILD ADVOCACY CENTER	2,000.00
DRUGS ARE DANGEROUS	2,500.00
FAMILY MEDIATION	5,947.00
LAMPREY HEALTH CARE	1,600.00
NHSPCA	750.00
ROCKINGHAM COUNTY COMMUNITY ACTION	5,000.00
ROCKINGHAM NUTRITION MEALS ON WHEELS	1,835.00
SEXUAL ASSAULT SUPPORT SERVICES (SASS)	550.00
VIC GEARY CENTER	2,700.00
	$ 29,182.00

This article would result in a $.06 increase per $1,000.00 of assessed value to be raised by taxes.

THE BOARD OF SELECTMEN DOES/DOES NOT RECOMMEND THIS ARTICLE 0-0

15. To see if the Town will vote to raise and appropriate, as proposed by the Recreation Commission, the sum of **$4,000.00 for Recreational Programs and Trips for Newton Senior Citizens.**
This article would result in a $.01 increase per $1,000.00 of assessed value to be raised by taxes.

THE BOARD OF SELECTMEN DOES/DOES NOT RECOMMEND THIS ARTICLE 0-0

16. To see if the Town will vote to decrease the Recreation Commission from seven (7) to five (5) members and to establish two (2) alternate positions. All members and alternates will be appointed by the Select Board for a term of 3 years, pursuant to RSA 35:B-4.
This article would result in no increase in the amount to be raised by taxes.

THE BOARD OF SELECTMEN DOES/DOES NOT RECOMMEND THIS ARTICLE 0-0

17. On a petition of 25 or more legal voters of the Town of Newton, to see if the Town will vote to raise and appropriate the sum of **$1,500.00 to Child and Family Services** for the purpose of supporting services provided to residents to access counseling, family support and reunification

services, without regard to income from Child and Family Services. Child and Family Services provides accessible and affordable programs to children, youth and their families leading to stronger family connections, improved school performance and better citizenship. From July 1, 2013 – June 30, 2014, twenty-eight (28) Newton Residents received 1,226 hours of free and reduced service valued at over $44,000 from Child and Family Services. These services protected children from abuse and neglect, strengthened families, prevented out of home placements and insured that young women had the comprehensive health care necessary to give birth to healthy babies and the guidance to develop positive parenting skills during their baby's first years of life.
This article would result in a $.003 increase per $1,000.00 of assessed value to be raised by taxes.

THE BOARD OF SELECTMEN DOES/DOES NOT RECOMMEND THIS ARTICLE 0-0

Given under our hands and seal this 19th day of January in the year of our Lord Two Thousand and Fifteen.

Robert S. Donovan, Jr., Chairman James L. Doggett, Matthew A. Burrill

Lawrence B. Foote Charles R. Melvin, Sr.
BOARD OF SELECTMEN