

**TOWN OF LYNDEBOROUGH**

**Proposed Zoning Amendment Warrant Articles**

**For 2026 Town Meeting**

## AMENDMENTS 1-3: ADMINISTRATIVE AMENDMENTS TO CORRECT PROCEDURAL REQUIREMENTS FOR CONDITIONAL USE PERMITS

### Amendment 1

Amend Sections 503.00, 603.00, 703.00, and 803.00 to replace the term “Zoning Board of Adjustment” with “Planning Board” as originally intended and amend certain uses of terms and emphasis for improved clarity.

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Existing Section 503.00 is as follows:

#### 503.00 *Conditional Use Permits.*

The following uses may be permitted as conditional use permits by the Zoning Board of Adjustment. A Site Plan Review and approval **will then be required** by the Planning Board: (3/13/18, 3/12/24)

- a. Two family dwellings provided the following conditions can be met:
  - 1) minimum lot size 4 acres;
  - 2) minimum frontage 300 feet;
  - 3) a common road or street access serves both units;
  - 4) two off-street parking spaces shall be provided for each dwelling unit;
  - 5) Certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load created by two families.
- b. Private schools including daycare centers.
- c. Automobile Service Stations
- d. Personal service businesses including but not limited to service or repair of jewelry, appliances or other personal or household items, photography studios, beauty/barber shops and tailors.
- e. Bed and Breakfasts providing the following conditions can be met:
  - 1) the B&B is operated by the resident owner;
  - 2) two (2) non-family employees are permitted on the premises;
  - 3) no additions or changes shall be made to the residence that would make it impractical to revert the building to purely residential;
  - 4) two (2) off-street parking spaces shall be provided for the residents of the B&B and one (1) off-street space shall be provided for each rental unit;
  - 5) certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load; and

- 6) the business shall be operated in accordance with all Town regulations, state laws and licensing requirements.

**Amend Section 503.00 to read as follows** (language to be added shown in ***bold italics***, language to be removed shown in ~~**bold**~~):

**503.00**     ***Conditional Use Permits.***

The following uses may be permitted as ~~conditional use permits~~ ***conditional uses*** by the ~~Zoning Planning Board of Adjustment~~. A Site Plan Review and approval will ~~then~~ be required by the Planning Board ***for all uses other than two-family dwellings:***  
(3/13/18, 3/12/24, ***3/10/26***)

- a. Two family dwellings provided the following conditions can be met:
  - 1) minimum lot size 4 acres;
  - 2) minimum frontage 300 feet;
  - 3) a common road or street access serves both units;
  - 4) two off-street parking spaces shall be provided for each dwelling unit;
  - 5) Certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load created by two families.
- b. Private schools including daycare centers.
- c. Automobile Service
- d. Personal service businesses including but not limited to service or repair of jewelry, appliances or other personal or household items, photography studios, beauty/barber shops and tailors.
- e. Bed and Breakfasts providing the following conditions can be met:
  - 1) the B&B is operated by the resident owner;
  - 2) two (2) non-family employees are permitted on the premises;
  - 3) no additions or changes shall be made to the residence that would make it impractical to revert the building to purely residential;
  - 4) two (2) off-street parking spaces shall be provided for the residents of the B&B and one (1) off-street space shall be provided for each rental unit;
  - 5) certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load; and
  - 6) the business shall be operated in accordance with all Town regulations, state laws and licensing requirements.

**Existing Section 603.00 is as follows:**

**603.00 Conditional Use Permits.**

The following uses may be permitted as conditional use permits by the Zoning Board of Adjustment. A Site Plan Review and approval **will then be required** by the Planning Board: (3/13/18, 3/12/24, **3/10/26**)

- a. Vehicular sales and repair facilities;
- b. Automobile service stations;
- c. Contractor yards;
- d. Public assembly halls and places of worship.

**Amend Section 603.00 to read as follows** (language to be added shown in **bold italics**, language to be removed shown in **bold strikeout**):

**603.00 Conditional Use Permits.**

The following uses may be permitted as ~~conditional use permits~~ **conditional uses** by the ~~Zoning Planning Board of Adjustment~~. A Site Plan Review and approval will ~~then~~ be required by the Planning Board: (3/13/18, 3/12/24, **3/10/26**)

- a. Vehicular sales and repair facilities;
- b. Automobile service stations;
- c. Contractor yards;
- d. Public assembly halls ~~and places of worship~~.

**Existing Section 703.00 is as follows:**

**703.00 Conditional Use Permits.**

The following uses may be permitted as conditional use permits by the Zoning Board of Adjustment. A Site Plan Review and approval **will then be required** by the Planning Board: (3/13/18, 3/12/24)

- a. Two-family dwellings provided the following conditions can be met:
  - 1) minimum lot size 4 acres;
  - 2) minimum frontage 500 feet;
  - 3) a common road or street access serves both units;
  - 4) two off-street parking spaces shall be provided for each dwelling unit;
  - 5) Certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load created by two families.
- b. Bed and Breakfasts providing the following conditions can be met:

- 1) the B&B is operated by the resident owner;
- 2) two (2) nonfamily employees are permitted on the premises;
- 3) no additions or changes shall be made to the residence that would make it impractical to revert the building to purely residential;
- 4) two (2) off-street parking spaces shall be provided for the residents of the B&B and one (1) off-street space shall be provided for each rental unit;
- 5) certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load; and
- 6) the business shall be operated in accordance with all Town regulations, state laws and licensing requirements.

**Amend Section 703.00 to read as follows** (language to be added shown in ***bold italics***, language to be removed shown in ~~**bold**~~ **strikeout**):

**703.00 Conditional Use Permits.**

The following uses may be permitted as ~~conditional use permits~~ ***conditional uses*** by the ~~Zoning Planning Board of Adjustment~~. A Site Plan Review and approval will then be required by the Planning Board ***for all uses other than two-family dwellings***:  
(3/13/18, 3/12/24, ***3/10/26***)

- a. Two-family dwellings provided the following conditions can be met:
  - 1) minimum lot size 4 acres;
  - 2) minimum frontage 500 feet;
  - 3) a common road or street access serves both units;
  - 4) two off-street parking spaces shall be provided for each dwelling unit;
  - 5) Certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load created by two families.
  
- b. Bed and Breakfasts providing the following conditions can be met:
  - 1) the B&B is operated by the resident owner;
  - 2) two (2) nonfamily employees are permitted on the premises;
  - 3) no additions or changes shall be made to the residence that would make it impractical to revert the building to purely residential;
  - 4) two (2) off-street parking spaces shall be provided for the residents of the B&B and one (1) off-street space shall be provided for each rental unit;

- 5) certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load; and
- 6) the business shall be operated in accordance with all Town regulations, state laws and licensing requirements.

**Existing Section 803.00 is as follows:**

**803.00 Conditional Use Permits.**

The following uses may be permitted as conditional use permits by the Zoning Board of Adjustment. A Site Plan Review and approval **will then be required** by the Planning Board: (3/13/18, 3/12/24)

- a. Two-family dwellings provided the following conditions can be met:
  - 1) minimum lot size 10 acres;
  - 2) minimum frontage 1,000 feet;
  - 3) a common road or street access serves both units;
  - 4) two off-street parking spaces shall be provided for each dwelling unit;
  - 5) Certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load created by two families.
  
- b. Bed and Breakfasts providing the following conditions can be met:
  - 1) the B&B is operated by the resident owner;
  - 2) two (2) nonfamily employees are permitted on the premises;
  - 3) no additions or changes shall be made to the residence that would make it impractical to revert the building to purely residential;
  - 4) two (2) off-street parking spaces shall be provided for the residents of the B&B and one (1) off-street space shall be provided for each rental unit;
  - 5) certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load; and
  - 6) the business shall be operated in accordance with all Town regulations, state laws and licensing requirements.

**Amend Section 803.00 to read as follows** (language to be added shown in ***bold italics***, language to be removed shown in ~~**bold**~~ ~~**strikeout**~~):

**803.00 Conditional Use Permits.**

The following uses may be permitted as ~~conditional use permits~~ ***conditional uses*** by the ~~Zoning Planning Board of Adjustment~~. A Site Plan Review and approval will ~~then~~ be required by the Planning Board ***for all uses other than two-family dwellings:***  
(3/13/18, 3/12/24, ***3/10/26***)

- a. Two-family dwellings provided the following conditions can be met:
  - 1) minimum lot size 10 acres;
  - 2) minimum frontage 1,000 feet;
  - 3) a common road or street access serves both units;
  - 4) two off-street parking spaces shall be provided for each dwelling unit;
  - 5) Certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load created by two families.
  
- b. Bed and Breakfasts providing the following conditions can be met:
  - 1) the B&B is operated by the resident owner;
  - 2) two (2) nonfamily employees are permitted on the premises;
  - 3) no additions or changes shall be made to the residence that would make it impractical to revert the building to purely residential;
  - 4) two (2) off-street parking spaces shall be provided for the residents of the B&B and one (1) off-street space shall be provided for each rental unit;
  - 5) certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load; and
  - 6) the business shall be operated in accordance with all Town regulations, state laws and licensing requirements.

## Amendment 2

### Amend Section 1303.00 to replace the term “Conditional Use Permits” with “Special Exceptions.”

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Existing Section 1303.00 is as follows:

**1303.00 Conditional Use Permits for Non-conforming Buildings. (3/10/98)**

Additions to existing residences or accessory buildings that lie wholly or in part within the lot setbacks designated for the zoning district may be permitted by Conditional Use Permit when no alternative is deemed reasonable by the Zoning Board of Adjustment, in accordance with any or all of the following:

- 1) the proposed addition will not be constructed in the setback area; or
- 2) the proposed addition will not be closer to the lot line than the most intrusive portion of the existing building; or
- 3) the proposed addition is necessary for the health or safety of the occupants of the building as determined by the Building Inspector at the time of permit application.

Amend Section 1303.00 to read as follows (language to be added shown in **bold italics**, language to be removed shown in ~~bold strikeout~~):

**1303.00 ~~Conditional Use Permits~~ *Special Exceptions for Non-conforming Buildings.* (3/10/98, 3/10/26)**

Additions to existing residences or accessory buildings that lie wholly or in part within the lot setbacks designated for the zoning district may be permitted by ~~Conditional Use Permit~~ ***Special Exception*** ~~when no alternative is deemed reasonable by the Zoning Board of Adjustment,~~ in accordance with any or all of the following:

- 1) the proposed addition will not be constructed in the setback area; or
- 2) the proposed addition will not be closer to the lot line than the most intrusive portion of the existing building; or
- 3) the proposed addition is necessary for the health or safety of the occupants of the building as determined by the Building Inspector at the time of permit application.

### Amendment 3

**Amend Section 413.00, Conditional Use Permits, to clarify that abutter notification and public hearing are required prior to granting a conditional use permit.**

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**Existing Section 413.00 in relevant part reads as follows:**

#### **413.00** Conditional Use Permits

##### A. General

- f. Conditional Use Permits (CUP) as herein provided for shall be deemed to be permitted uses in their respective zoning districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements and standards of this ordinance.
- g. Wherever a conditional use is authorized by this ordinance, the authority to administer or grant Conditional Use Permits shall be vested in the Planning Board.

**Amend Section 413.00 in relevant part reads as follows** (additional language shown in ***bold italics***):

#### **413.00** Conditional Use Permits

##### A. General

- 1. Conditional Use Permits (CUP) as herein provided for shall be deemed to be permitted uses in their respective zoning districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements and standards of this ordinance.
- 2. Wherever a conditional use is authorized by this ordinance, the authority to administer or grant Conditional Use Permits shall be vested in the Planning Board. ***The Planning Board shall hold a duly noticed public hearing with abutter notification prior to granting approval.***

## AMENDMENT 4: UPDATE SOIL OVERLAY DISTRICT

### Amendment 4

**Amend Section 408.00, Soil-Based Zoning Requirements, to update outdated soils references and add the requirement that all lots under 5 acres in the RL1 and LI districts shall have a site-specific soil survey conducted by a NH Certified Professional Soil Scientist.**

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Existing Section 408.00 reads as follows:

**408.00 Soil-Based Zoning Requirements (Overlay District) (3/18/00) (3/16/19)**

All lots in the Rural Lands One (RL1) or Light Industrial zoning districts with less than 5 acres shall require a minimum of 2 contiguous acres of “slight” and/or “moderate” limitations rated soils for septic tank absorption fields, as determined by the USDA Natural Resource Conservation Service criteria and published in Table 11 of the “Soil Survey of Hillsborough County, New Hampshire”, issued October 1985. A Site specific soil survey conducted by a NH Certified Professional Soil Scientist may be required by the Planning Board to ensure that the requirements of this section are met. Contiguous shall mean any area undivided by wetland, ponding (seasonal or perennial) or seasonal or perennial drainage ways. Lots of record shall not be affected by this soil-based zoning for residential usage.

All lots in the Rural Lands One (*RL1*) or Light Industrial zoning districts with less than 500 foot frontage shall require a minimum of 2 contiguous acres of “slight” and or “moderate” limitations rated soils for septic tank absorption fields, as determined by the USDA Natural Resource Conservation Service criteria and published in Table 11 of the “Soil Survey of Hillsborough county, New Hampshire”, issued October 1985. A Site specific soil survey conducted by a NH Certified Professional Soil Scientist may be required by the Planning Board to ensure that the requirements of this section are met. Contiguous shall mean any area undivided by wetland, ponding (seasonal or perennial) or seasonal or perennial drainage ways. Lots of record shall not be affected by this soil-based zoning for residential usage. (3/18/00) (3/16/19)

[Note of Clarification: This section 408.00 does not apply to the Village District, section 500.00; Rural Lands 2, section 800.00; Rural Lands 3, section 900.00; or the Large Tracts of Land, section 404.00.]

Amend Section 408.00 to read as follows (language to be added shown in ***bold italics***, language to be removed shown in ~~**bold**~~ ~~strikeout~~):

**408.00 Soil-Based Zoning Requirements (Overlay District) (3/18/00) (3/16/19) (3/10/26)**

All lots in the Rural Lands One (RL1) or Light Industrial (***LI***) zoning districts with less than 5 acres shall require a minimum of 2 contiguous acres of ~~“slight” “not limited”~~ and/or ~~“moderate” limitations~~ ***“somewhat limited”*** rated soils for septic tank absorption fields, as determined by the USDA Natural Resource Conservation Service criteria ~~and published in Table 11 of the “Soil Survey of Hillsborough County, New Hampshire”, issued October 1985~~. A site-specific soil survey ***shall be*** conducted by a NH Certified Professional Soil Scientist ~~may be required by the Planning Board~~ to ensure that the requirements of this section are met. Contiguous shall mean any area undivided by wetland, ponding (seasonal or perennial) or seasonal or perennial drainage ways. Lots of record shall not be affected by this soil- based zoning for residential usage.

All lots in the Rural Lands One (RL1) or Light Industrial zoning districts with less than 500 ~~feet~~ ***feet of*** frontage shall require a minimum of 2 contiguous acres of ~~“slight” “not limited”~~ and/or ~~“moderate” limitations~~ ***“somewhat limited”*** rated soils for septic tank absorption fields as determined by the USDA Natural Resource Conservation Service criteria. ~~and published in Table 11 of the “Soil Survey of Hillsborough county, New Hampshire”, issued October 1985~~). A site-specific soil survey ***shall be*** conducted by a NH Certified Professional Soil Scientist ~~may be required by the Planning Board~~ to ensure that the requirements of this section are met. Contiguous shall mean any area undivided by wetland, ponding (seasonal or perennial) or seasonal or perennial drainage ways. Lots of record shall not be affected by this soil-based zoning for residential usage. (3/18/00) (3/16/19) ***(3/10/26)***

[Note of Clarification: This section 408.00 does not apply to the Village District, section 500.00; Rural Lands 2, section 800.00; Rural Lands 3, section 900.00; or the Large Tracts of Land, section 404.00.]