

**TOWN WARRANT
THE STATE OF NEW HAMPSHIRE**

**The Polls will be open from 7:00 am to 7:30 pm
Tuesday, March 9, 2010**

**Business Meeting starts at 7:00 pm on
Wednesday, March 10, 2010**

**At Captain Samuel Douglass Academy
24 Townsend Hill Road**

To the inhabitants of the Town of Brookline in the County of Hillsborough in said State, qualified to vote in Town Affairs:

You are hereby notified to meet at the Capt. Samuel Douglass Academy in said Brookline on Tuesday, the ninth (9th) day of March at 7:00 a.m. to act upon the following subjects:

1. To choose all necessary Town Officers for the year ensuing.
2. **(By Ballot)** Are you in favor of the adoption of the following amendments as proposed by the Planning Board for the Town of Brookline Zoning Ordinance and Building Code as follows?

Amendment No. 1

Section 200.00 Add a definition for "Attached" - Change definitions of "ADU" and "Family".

Amendment No. 2

Section 305.00 (general provisions) – 2) Storage tanks not in excess of 1,100 gallons.

Amendment No. 3

Section 603.00 (lot requirement, R/A district) – Add new section for Building Height.

Amendment No. 4

Section 620.00, **Workforce Housing Option** – Amend and renumber the following sections:

- 623.00 – To read: "A multi-family building shall have no more than 5 contiguous/attached units
- 625.00-2 – Multi-family building (...) containing more than 2 and no more than 5 dwelling units
- 626.00-3 – The minimum lot size for a single family market value unit shall (...)
- 626-00-5 – The development shall have a vegetated buffer of 50 feet or a value as deemed necessary by the Planning Board on all boundaries of the original parcel except for access to connecting roads.
- 626.00-6 – New section: "The minimum building setback shall be 15 feet on the back and side and 30 feet on the front of each individual lot created.
- 626-00-7 – (...) should have a maximum of 1,500 sq/ft of gross living area above ground and no more than 2 car garage (max. 600 sq/ft). There should be no limitation in square footage for market value dwellings.

- 626-00-8 – To read: “There shall be no increase in the amount of gross living area above ground”.
- 628.00, Road, Way, Access to Development (New section) – 1. Access to development containing multi-family units shall be accessed from the Route 13 corridor as described in Section 623.00 – 2. Construction, maintenance, plowing, sanding, cleaning of roads, ways, driveways and any other means of access to a workforce housing development shall be, at all times, the entire responsibility of the developer and/or the organization or property management entity.

Amendment No. 5

Section 800.01 (nonconforming uses) – Change (c) to read: “Except for proposal “B” (see diagram in section 800.03), any alteration, expansion or change...”

Section 800.03 (Diagram): Replace “yard” by “Setback”

Amendment No. 6

Section 1803.01 (Driveway Ordinance Definition) – Remove “area of access”

Amendment No. 7

Section 2001.00 (Purpose) – To read: “To provide expanded housing opportunities and flexibility in household arrangements of a permitted, owner or owner’s family occupied, single family dwelling, while maintaining aesthetics and residential use compatible with homes in the neighborhood. ADU shall be permitted in the R/A district by special exception granted by the ZBA and shall remain with the property.”

Amendment No. 8

2002.01 – To read: “ADUs shall be secondary and accessory to a principal single family dwelling unit or accessory building.

Amendment No. 9

2002.07 – Put back section in ordinance (was removed 03/2008): “An accessory dwelling unit shall not be considered to be an additional dwelling unit for the purpose of determining minimum lot size.

Amendment No. 10

2203.02(b)3 – Site Perimeter Buffer – To read: “Each development must be situated within a permanently protected site perimeter vegetated buffer, identified on the site plan, of fifty (50) feet or a value as deemed necessary by the Planning Board on the back and all boundaries of the original parcel except for access to connecting roads, which, unless (...).

Amendment No. 11

2500.00 – (a) To read: “Permit a non-conforming temporary use for an initial period of not more than one year. A permit may be renewed by the ZBA for a period of not more than one year at a time”.

Amendment No. 12

Building Code: Repeal the Town of Brookline Building Code adopted in 1971 and as subsequently amended.

3. To see if the Town will vote to raise and appropriate the sum of \$447,000 to construct sidewalks on Milford Street (from Austin Road to the Safety Complex) and Main Street (from Elm Street to Pine Grove Cemetery). Said appropriation will be offset by a Federal Transportation Enhancement Grant in the amount of \$357,600 and **\$89,400** from general taxation. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until December 31, 2013.

Recommended by Selectmen 5-0

Recommended by Finance Committee 3-0

4. To see if the Town will vote to authorize the Board of Selectmen to enter into a two (2) year contract for the planning board to update the Brookline Master Plan at a cost of \$62,000 and to raise and appropriate the sum of **\$31,000** for the first year's payment for that purpose, or take any action relative thereto. Said contract contains a fiscal funding clause which permits the termination of the lease on an annual basis should the funds necessary to make the required payments not be appropriated by town meeting. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until December 31, 2011.

Recommended by Selectmen 3-2

Recommended by Finance Committee 2-1

5. To see if the Town will vote to raise and appropriate the sum of **\$3,843,262** to defray town charges for the ensuing year and make appropriation of the same.

Recommended by Selectmen 5-0

Recommended by Finance Committee 3-0

6. To see if the Town will vote to authorize the Board of Selectmen to enter into a two (2) year lease/purchase agreement for \$187,725 for the purpose of leasing and equipping a new/demo Rescue Truck to be used by the Brookline Fire Department and to raise and appropriate the sum of **\$91,350** for the first year's payment for that purpose, or take any action relative thereto. The purchase of this vehicle would replace the existing utility vehicle which is a 1994 GMC van. Said Lease/Purchase Agreement contains a fiscal funding clause which permits the termination of the lease on an annual basis should the funds necessary to make the required payments not be appropriated by town meeting.

Recommended by Selectmen 4-1

Not Recommended by Finance Committee 2-1

7. To see if the Town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 to be named the Fire Equipment Capital Fund, for the purpose of purchasing fire department apparatus and to raise and appropriate the sum of **\$100,000** to be placed in this fund, or take any action relative thereto. This amount is intended to be the first amount raised toward the purchase of a replacement in 2011.

Not Recommended by Selectmen 5-0

Recommended by Finance Committee 3-0

8. To see if the Town will vote to raise and appropriate the sum of **\$60,000** for the purpose of road/bridge improvements, or take any action relative thereto. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until December 31, 2013.

Not Recommended by Selectmen 3-2

Not Recommended by Finance Committee 2-1

9. To see if the Town will vote to raise and appropriate the sum of **\$29,625** to treat Potanipo Pond (Lake Potanipo) in an effort to reduce the invasive Milfoil infestation. Funds for this project will be raised as follows: \$14,813 (50%) from private donations or Conservation Funds (directed by the Conservation Commission), and **\$14,812** from general taxation. This includes one treatment during 2010.

Recommended by Selectmen 4-1

Recommended by Finance Committee 2-1

10. To see if the Town will vote to raise and appropriate the sum of **\$33,010** to purchase and equip a new Ford LTD Police Cruiser for use by the Brookline Police Department, or take any action relative thereto.

Recommended by Selectmen 3-2

Recommended by Finance Committee 3-0

11. To see if the Town will vote to raise and appropriate the sum of **\$19,000** for the purchase and installation of a camera-based surveillance system in the Police Department and Town Hall and exterior parking areas, to be monitored at the Brookline Police Department and the Dispatch Center in Hollis, or take any action relative thereto

Recommended by Selectmen 3-2

Recommended by Finance Committee 3-0

12. To see if the Town will vote to raise and appropriate the sum of **\$17,946** to construct new sidewalks in front of Richard Maghakian Memorial School and Captain Samuel Douglass Academy under the Safe Routes to School program (SRTS Project #15552 & 15552A). Said appropriation will be offset one hundred percent (100%) coming from Federal Highway Funds.

Recommended by Selectmen 5-0

Recommended by Finance Committee 3-0

13. To see if the Town will vote to raise and appropriate the sum of **\$10,000** to purchase and equip a Used Replacement Town Vehicle to be used by the Brookline Ambulance Service and Emergency Management, or take any action relative thereto.

Recommended by Selectmen 5-0

Recommended by Finance Committee 3-0

14. To see if the Town will vote to establish a Capital Reserve Fund for the purpose of purchasing Lot H-42 on Main Street and to raise and appropriate the sum of **\$100,000** to be placed in this fund, or take any action relative thereto.

Not Recommended by Selectmen 3-2

Not Recommended by Finance Committee 3-0

15. To see if the Town will vote to raise and appropriate the sum of **\$2,250** to hire a part time Recreation Director to assist the Recreation Commission in planning and administering activities and events, or take any action relative thereto.

Recommended by Board of Selectmen 3-2

Not Recommended by Finance Committee 3-0

16. To see if the town will vote to raise and appropriate the sum of **\$1,450** from the unreserved fund balance to be deposited into the Ambulance Service Expendable Trust Fund and to authorize the Selectmen and Ambulance Director as agents to expend as needed.

Recommended by Selectmen 5-0

Recommended by Finance Committee 3-0

17. To see if the Town will vote to accept Log F-16 (totaling 30.184 acres) as open space land per subdivision plan, case # 2003-18:F-15,F-16 (Gilson Road – Burge Drive Subdivision) as approved by the Planning Board of December 3rd, 2003. This open space was set aside as part of an open space development subdivision.

18. To see if the Town will vote to cease putting the amount received for Cable Franchise Fees into the Cable Access Fund and to have future Cable Franchise Fees (as of 2010) placed in the Unreserved Fund Balance to offset taxes, or take any action relative thereto.

Recommended by Selectmen 5-0

19. To see whether the Town will vote to raise and appropriate the amount of \$37,158 for the purpose of paying for the cost of implementing identified measures to make the Town's buildings and infrastructure more energy efficient and, further, to authorize the Board of Selectmen to enter into an agreement or agreements with any and/or all of the municipal entities in SAU 41, (the Hollis School District, the Brookline School District, the Hollis-Brookline Cooperative School District), as well as the Town of Hollis, for the purpose of coordinating this effort to make the same as cost effective as possible, and to take any action necessary to implement the purpose of this article, said appropriation to be entirely raised, in part, from a grant from the **American Recovery and Reinvestment Act Energy Efficiency and Conservation Block Grant Program**, which is administered by the NH Office of Energy and Planning, and the balance to be raised by a corresponding grant from a collaborative third party such as the **Public Service Company of NH or other entity providing such grants**, it being understood that this appropriation and the corresponding authority to expend are contingent on the same being entirely funded from said grants and that no amount thereof shall be raised by taxation.

Recommended by Selectmen 5-0.

20. **(By Petition)** To see if the Town will vote to approve the following resolution to be forwarded to our State Representative(s), our State Senator, the Speaker of the House, and the Senate President.

Resolved: The citizens of New Hampshire should be allowed to vote on an amendment to the New Hampshire Constitution that defines "marriage".

21. **(By Petition)** To see if the town will vote to direct the MPA (Melendy Pond Authority) to continue all leases, subleases or options on properties for 30 years with an option of an additional 30 years to present and future Cottage owners "tenants", of Melendy Pond. Whereas, the Melendy Pond cottage owners, "tenants" will exceed an annual estimated GROSS tax revenue of over \$100,000.

22. To receive the reports of agents, auditors, committees, and all other officers heretofore chosen, and pass any vote relative thereto.

23. To see if the Town will vote to accept the following legacies:

1. The sum of \$300 for the perpetual care of the Jacob Lewis Lot #341 in Pine Grove Cemetery;

24. To transact any other business that may legally come before said meeting.

Given under our hands and seal this eighth (8th) day of February, in the year of our Lord Two Thousand and Ten.

Linda A Saari

Jesse T. Putney

Clarence L Farwell

Jack B. Flanagan

Kevin J. Gorgoglione

Selectmen of Brookline

A True Copy of Warrant, attest:

Linda A Saari

Jesse T. Putney

Clarence L Farwell

Jack B. Flanagan

Kevin J. Gorgoglione

Selectmen of Brookline

It is our practice to recess at 11:00 pm; however, we will continue if it appears that the meeting will not extend beyond 12:00.