

**MINUTES OF THE ANNUAL TOWN MEETING
TOWN OF PEMBROKE, NH
MARCH 12, 2013**

The meeting was opened by Moderator Thomas E. Petit at 11:00 a.m.

A motion was made to read and act on Articles #1 and #2 and to read and act on the remaining articles at the deliberative session on March 16, 2013 at the Pembroke Academy Auditorium.

MOVED: Charles Mitchell

SECONDED: Roland Young, Jr.

VOTE: YES

MOTION PASSED

ARTICLE #1: To choose all necessary officers for the ensuing year.

*Denotes elected

Town Clerk for one year:
vote for not more than one
James F. Goff

*332

Water Commissioner for three years:
vote for not more than one
Chester Martel
Andrew L. Boisvert

*179
125

Treasurer for one year:
vote for not more than one
Charles L. Connor

*311

Library Trustee for three years:
vote for not more than two
Ann S. Hasbany

*301

Selectman for three years:
vote for not more than two
John Duggan
Vincent "Doc" Greco
David A. Sheldon, Jr.

80
*266
*256

Trust Fund Trustee for three years:
vote for not more than one
Daniel D. Crean

*290

Sewer Commissioner for three years:
vote for not more than one
Harold L. Thompson

*288

Trust Fund Trustee for two years:
vote for not more than one
(no one filed)

Water Commissioner for five years:
vote for not more than one
Christopher Culberson

*301

4819 voters on the Pembroke Checklist
341 ballots cast
7% voter turnout

ARTICLE 2 – AMEND ZONING ORDINANCE

Are you in favor of adopting the following amendments to the existing Zoning Ordinance of the Town of Pembroke?

Amendment #1

Are you in favor of the adoption of Amendment #1 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

To amend Section 143-8, Definitions, to delete the definition of **HOME BUSINESS** and to rename Article VI, Section 143-30, **HOME BUSINESS** as **(Reserved)**.

YES 193 NO 104 AMENDMENT #1 PASSED

Amendment #2

Are you in favor of the adoption of Amendment #2 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

To amend Section 143-8, Definitions, to replace the definition of Calculated Buildable Area with the following definition:

BUILDABLE AREA-That area of a lot excluding all soils identified as poorly and very poorly drained, all wetlands, wetland buffers, floodplains, submerged areas, slopes 25% or greater, land set aside for open space or conservation purposes, setbacks, and dedicated easements or rights-of-way.

YES 200 NO 104 AMENDMENT #2 PASSED

Amendment #3

Are you in favor of the adoption of Amendment #3 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

To amend Section 143-8, Definitions, to replace the definition of Contiguous Buildable Area with the following definition:

CONTIGUOUS BUILDABLE AREA- A contiguous area on a single lot which consists of buildable area, unfragmented by non-buildable area.

YES 202 NO 100 AMENDMENT #3 PASSED

Amendment #4

Are you in favor of the adoption of Amendment #4 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

To amend Section 143-8, Definitions, to replace the definition of Non-Buildable Area with the following definition:

NON-BUILDABLE AREA- Area that is not classified as buildable area.

YES 212 NO 92 AMENDMENT #4 PASSED

Amendment #5

Are you in favor of the adoption of Amendment #5 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

To amend Article V, Section 143-21, Table of Dimensional and Density Regulations, Reference Headings, from “J= Minimum Open Space” to, “J=Percent Minimum Pervious Space (excluding pervious pavement).”

§ 143-21 Table of Dimensional and Density Regulations.

See Table below and attached notes, which are declared to be a part of this chapter.

REFERENCE HEADINGS:

- A = Minimum Lot Area (square feet)
- B = Minimum Contiguous Lot Frontage (feet)
- C = Minimum Contiguous Lot Frontage – Duplex (feet)
- D = Minimum Contiguous Lot Frontage – Multiple Family (feet)
- E = Minimum Lot Depth (feet)
- F = Minimum Yard Depth – Front (feet)
- G = Minimum Yard Depth – Side (feet)
- H = Minimum Yard Depth – Rear (feet)
- I = Maximum Height (feet)
- J = Percent Minimum Pervious Space (excluding pervious pavement)

YES 201 NO 90 AMENDMENT #5 PASSED

Amendment #6

Are you in favor of the adoption of Amendment #6 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

To amend Article IV, Use Regulations, Section 143-19, Table of use regulations, Residential, #3 Multi-family dwelling from being an allowed use by Special Exception in the R3 (Rural/Agriculture Residential) District, to not being an allowed use in the R3 District without a Variance.

TABLE OF USES								
USES		R1	R3	B1	B2	C1	LO	Special Conditions
RESIDENTIAL								
1.	Single family detached dwelling	P	P	P	P	-	P	
2.	Two-family dwelling	P	P	P	P	-	P	
3.	Multi-family dwelling not to exceed six dwelling units	S	-	S	S	-	S	§143-113
4.	Planned Residential Development ¹	P	-	-	-	-	S	Article X & §143-113
5.	Open Space Development	P	P	-	-	-	S	Article X & §143-113
6.	Recreational vehicle	P	P	P	P	P	P	§143-26 & §143-31
7.	Manufactured housing park	-	P	-	-	-	-	§143-32
8.	Manufactured housing subdivision	-	P	-	-	-	-	§143-33
9.	Accessory uses	P	P	P	P	P	P	§143-18

YES 178 NO 114

AMENDMENT #6 PASSED

Amendment #7

Are you in favor of the adoption of Amendment #7 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

To amend Article XV-Enforcement and Penalties, Section 143-122, Permit Required, as follows:

- A. **Buildings and structures:** It shall be unlawful for any person to erect, construct, reconstruct, **demolish**, or alter a structure as defined by the New Hampshire Building Code, RSA 155:A, as amended, and the International Residential Code, as published and amended by the International Code Council, Inc., without applying for and receiving from the Code Enforcement Officer a building permit.

YES 180 NO 136 AMENDMENT #7 PASSED

Amendment #8

Are you in favor of the adoption of Amendment #8 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

To amend and add the following language to Article XIV, Section 143-114, Variances, as follows:

Variances shall be as defined in RSA 674:33, as amended.

- A. **(1) The variance will not be contrary to the public interest.**
 (2) The spirit of the ordinance is observed
 (3) Substantial justice is done.
 (4) The value of the surrounding property will not be diminished.
 (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 (A) For the purposes of this paragraph “unnecessary hardship” means that , owing to special conditions of the property that distinguish it from other properties in the area:
 (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: and
 (ii) The proposed use is a reasonable one.
 (B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of “unnecessary hardship” set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

YES 206 NO 96 AMENDMENT #8 PASSED

Amendment #9

Are you in favor of the adoption of Amendment #9 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

To remove Note #11 from Article V, Section 143-21, Table of Dimensional Regulations, and amend Section 143-8, Definitions, to correct typographical errors in the definition of MAXIMUM HEIGHT as follows:

MAXIMUM HEIGHT – Maximum height of buildings shall be measured from the finished grade to the highest point of the roof and shall not exceed 50' in height. Occupied space shall not exceed 35' in height from the finished grade on each side of the building to the top of the highest window on each side of the building. This definition shall not apply to chimneys, elevator bulkheads, skylights, ventilators, cooling towers, electronic equipment, elevator shafts, and other necessary appurtenances usually carried above the roof, nor to domes, towers, stacks or spires, if not used for human occupancy and which occupy not more than 20% of the ground floor area of the building; nor to ornamental towers, observation towers, radio broadcasting towers, television and radio antennae, and other like structures, which do not occupy more than 20% of the lot area, provided the excepted appurtenances are not located within the flight paths of an airport as defined by F.A.A regulations.

YES 218 NO 93

AMENDMENT #9 PASSED

Amendment #10

Are you in favor of the adoption of Amendment #10 as proposed by the Planning Board for the Town Zoning Ordinance?

To amend Article XII, Impact Fees, to remove Sections 143-90-143-101 and replace it with RSA 674:21, Innovative Land Use Controls, V, as amended.

YES 190 NO 104

AMENDMENT #10 PASSED

Amendment #11

Are you in favor of the adoption of Amendment #11 as proposed by the Planning Board for the Town Zoning Ordinance?

To amend Article X, Open Space Development, Section 143-76, Maximum Development Density. A. 1. and Section 143-78 Open Space Requirements, A. as follows:

Calculation of Buildable (useable) Area. The density requirement (number of dwelling units per unit of buildable area) for any open space development shall generally be the same as the underlying zoning district permits. The calculation of total buildable area shall only include the portions of the parcel that meet the minimum contiguous buildable area for that district.

A. **Base Number of Development Units:** The applicant shall **use the** following method for calculating the base number of dwelling units that may be constructed on the property:

(1) Yield Plan Approach: Under this approach, the applicant presents a yield plan to the Planning Board to determine the number of allowable buildings and dwelling units permitted within the open space development. The yield plan is a sketch plan for a conventional subdivision development that fully complies with the requirements for a conventional subdivision.

Section 143-78 Open Space Requirements

- A. As an absolute minimum at least 50 percent of the buildable area **that was used to calculate density requirements for** the parcel shall be permanently protected as designated open space. Furthermore the designated open space shall represent no less than 50 percent of the total area of the parcel subject to the additional conditions below. The Planning Board may authorize up to a maximum 5 percent reduction in the open space area or the buildable area set aside as open space (but not both) by special use permit, when it finds that (1) the reduction is necessary to enable the use of the open space development approach based on the characteristics of the parcel, and (2) the proposed subdivision adequately meets all other requirements of this ordinance.

YES 202 NO 99

AMENDMENT #11 PASSED

MINUTES OF THE ANNUAL TOWN MEETING TOWN OF PEMBROKE, NH DELIBERATIVE SESSION MARCH 16, 2013

Moderator Thomas E. Petit opens the meeting at 10:00 a.m. and reads the results of the ballot vote taken on March 12, 2013.

Selectman Fred Kline acknowledges that Harold Paulsen and John Theuner each have given over 50 years of service to the Pembroke Fire Department.

Joanne Dupuis of the Pembroke-Allentown Old Home Day Committee stated that Old Home Day will be held on August 24th this year and are always looking for volunteers.

There was a motion made to dispense with the reading of the full warrant and proceed with the meeting.

MOVED: David Sheldon, Jr.

SECONDED: John Duggan

VOTE: YES

MOTION PASSED

ARTICLE 3 – To see if the Town will vote to raise and appropriate the sums set forth below to be placed in the Capital Reserve Funds previously established.

Town Equipment Capital Reserve Fund	\$200,000
Police Cruiser Capital Reserve Fund	\$ 45,000
Police Small Equipment Capital Reserve Fund	\$ 14,000
Municipal Facilities Capital Reserve Fund	\$ 25,000
Fire Major Equipment Capital Reserve Fund	\$175,000
Fire Small Equipment Capital Reserve Fund	\$ 40,000
Revaluation Update Capital Reserve Fund	\$ 32,500
Library Reference Media Capital Reserve Fund	\$ 3,500
Recreation Capital Reserve Fund	\$ 20,000

	\$555,000

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: Chester Martel

SECONDED: Paulette Malo

VOTE: YES

ARTICLE # 3 ADOPTED

ARTICLE 4 – To see if the Town will vote to discontinue the 250th Anniversary Fund which was created at the March 17, 2007 Town Meeting, and to further transfer all principle and accrued interest to the Town's General Fund.

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: Larry Preston

SECONDED: Chester Martel

Teresa Brown asked what the balance in the fund is.

Trust Fund Trustee, Gerard Fleury stated that the balance is \$2,546.06

VOTE: YES

ARTICLE #4 ADOPTED

ARTICLE 5 – To see if the Town will vote to raise and appropriate the sum not to exceed \$1,112,034 to replace and refurbish the 1979 aerial truck and to authorize the withdrawal of a sum not to exceed \$1,112,034 from the Fire Major Equipment Capital Reserve Fund.

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: Harold Paulsen

SECONDED: Chester Martel

Rosemarie Michaud asked what the town is getting.

Fire Chief Harold Paulsen stated that they will refurbish the existing crane portion and put it on a new chassis. The truck they have now is a 1979 chassis that was rebuilt and purchased in 1994. Typical life of the truck is about 25 years, this one is 34 years old and starting to have problems.

VOTE: YES

ARTICLE #5 ADOPTED

ARTICLE 6 – To see if the Town will vote to raise and appropriate the sum not to exceed \$34,000 to purchase and equip one (1) Police Cruiser and to authorize the withdrawal of a sum not to exceed \$34,000 from the Police Cruiser Capital Reserve Fund.

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: Chester Martel

SECONDED: Larry Preston

VOTE: YES

ARTICLE #6 ADOPTED

ARTICLE 7 – To see if the Town will vote to raise and appropriate the sum not to exceed \$32,620 for equipment and repairs to Memorial Field to include the following items; Paving of entry way and new fencing and to authorize the withdrawal of a sum not to exceed \$32,620 from the recreation Capital Reserve Fund.

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: Chester Martel

SECONDED: Diane Schuett

VOTE: YES

ARTICLE #7 ADOPTED

ARTICLE 8 - – To see if the Town will vote to raise and appropriate the sum not to exceed \$169,500 for the purchase of a six wheel dump truck and all necessary equipment and to authorize the withdrawal of a sum not to exceed \$169,500 from the Town Equipment Capital Reserve Fund.

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: Chester Martel

SECONDED: Alan Topliff

VOTE: YES

ARTICLE #8 ADOPTED

ARTICLE 9 – – To see if the Town will vote to raise and appropriate the sum not to exceed \$28,000 to purchase a new boom flail mower for Public Works and to authorize the withdrawal of a sum not to exceed \$28,000 from the Town Equipment Capital Reserve Fund.

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: Chester Martel

SECONDED: Laurent Perron

VOTE: YES

ARTICLE #9 ADOPTED

ARTICLE 10 – To see if the Town will vote to authorize the naming of Town parcel #260-41 as the James Doherty Conservation Land. This parcel was donated to the Conservation Commission by Judith Guillot in 2011.

MOVED: David Sheldon, Jr.

SECONDED: Ayn Whytemare

VOTE: YES

ARTICLE #10 ADOPTED

ARTICLE 11 – To hear the report of the 4 Union Street Committee that was created pursuant to Article #14 at the 2012 Town meeting, which voted to establish a Committee to study the viability of retaining 4 and 6 Union Street as Town property or transferring it to private ownership and to see if the Town will vote to take any action with respect to said property.

MOVED: Justine Courtemanche **SECONDED: Brian Lemoine**

After much discussion, there was a motion made to amend Article #11 to read as follows:

“FOR THE RESIDENTS OF PEMBROKE TO VOTE FOR THE TOWN OF PEMBROKE TO RETAIN OWNERSHIP OF PROPERTY KNOWN AS 4/6 UNION ST (PERRY EATON BUILDING) MAP LOT VW117/VW118 AND FOR THE BOARD OF SELECTMEN TO REVIEW IT’S STATUS AS NEEDED.”

MOVED: Dana J. Carlucci

SECONDED: Charles Currier

VOTE: Voice vote was so close that the Moderator asked for a show of voter cards.

YES: 62 NO: 58

MOTION PASSED

The Moderator declares that Article #11 has passed as amended.

ARTICLE 12 – To see if the Town will vote to authorized the Board of Selectmen to review and study the current operations of the Sewer Department and its commission and to set up a committee appointed by the Town Moderator to report the findings at the 2014 Town Meeting. The study should include the current billing and collection procedures as well as the overall operations and repairs of the entity and whether or not the Town should seek to abolish the Commission by rescinding the vote taken in 1971 to establish.

MOVED: John Hondrellis

SECONDED: Charles Schmidt

Selectman Fred Kline explains that during the budget process, there were some collection and administrative concerns that came up which led to this article to be voted on today. This article is basically asking whether or not the voters want the Board of Selectmen to look into this and come back with a finding as to whether to help out or take over.

Bruce Kudrick stated that he read in the paper that the Sewer Commission was \$170,000 short and would like more information on how that happened.

Sewer commissioner Paulette Malo stated that up to 2003 the tax collector and the assessing department assisted the sewer commission in billing and collecting sewer bills. In 2003 the Board of Selectmen and the tax collector changed their computer system, so the sewer commission also had to change their programming. Then within 6 months, the sewer commission had to buy new software so that they could do their own billing and collecting, since then the tax collector has not taken a sewer warrant at the end of the year for various reasons but mainly because the account numbers do not go into the map and lots. Paulette Malo then stated that there is roughly \$169,000 outstanding as of that Friday afternoon. Eighteen months past due is roughly \$80,000. Eight and half years past due is roughly \$88,000.

There was a motion made to amend Article #12 to read as follows:

“To see if the Town will vote to mandate the Board of Selectmen to meet with the Sewer Commission and to put an agreement in place by June 2013 to follow the existing law; RSA 38:22 which is to accept Warrants from the Sewer Commission for the unpaid sewer bills in accordance to RSA 38:22, which is currently approximately \$80,000.00 (Eight thousand dollars), and to set up a committee appointed by the Town Moderator to report the findings at the 2014 Town Meeting. The study should include the current billing and collection procedure as well as the overall operations and repairs of the entity and whether or not the Town should seek to abolish the Commission by rescinding the vote taken in 1971 to establish.”

MOVED: Paulette Malo

SECONDED: Chester Martel

Capital Improvement Committee member Gerard Fleury spoke against the amendment and went on to explain that after discussions with the sewer commissioners, he had three areas of concern.

1. \$169,000 in uncollected sewer bills over the last 10 years. The sewer rates are raised to

cover the deficit; so essentially, the people who pay their sewer bills are footing the bill for those who don't.

2. There is 20% more effluent reaching the sewer plant than the sewer commission can account for through their metering process. This means that there is infiltration either through bad sewer lines or people connecting their storm drains into the sewer system and again, people who abide by the rules are paying for those who don't and the sewer commission has no plans to correct this problem.
3. There is no plan or monies set aside for any potential problems with the infrastructure, so if there happens to be a major catastrophe, the sewer commission has no plans and again the whole town whether they be sewer rate payers or not will be footing the bill to correct.

He stated that the amendment does nothing more than mandate that the Board of Selectmen picks up billing that is past due and feels that it just forces the problem onto the Selectmen.

Bruce Kudrick asked why the town has not taken a warrant from the sewer department in the last two years.

Selectman Fred Kline stated that the BOS was not given a warrant until this past year and it was a partial warrant. The Board decided that they would accept either a full warrant for all delinquent bills or nothing.

VOTE ON AMENDMENT TO ARTICLE #12: NO AMENDMENT DEFEATED

Larry Preston stated that if this article passes, he would like to see the committee come up with concrete recommendations to be voted on at next year's town meeting, not just an article to accept their report.

VOTE ON ARTICLE #12 AS WRITTEN: YES ARTICLE #12 ADOPTED

ARTICLE 13 - To see if the Town will vote to raise and appropriate the Budget Committee's recommended amount of \$7,681,715.00 for the 2013 Municipal operating budget, not including appropriations by special warrant articles and other appropriations voted separately.

Recommended by Board of Selectmen
Recommended by Budget Committee

Budget Committee Chair Mark Lepage took a moment to explain the budget process and how the committee came up with that amount.

MOVED: Mark Lepage SECONDED: Michael Connor

Rose Marie Michaud asked how much the non-union employees wage increase will be this year.

Fred Kline stated that the cost of living increase will be 2.93% and up to 2% after performance

review.

VOTE: YES

ARTICLE # 13 ADOPTED

ARTICLE 14 - To transact any other business that may legally come before said meeting.

Cathy Cruson commended Town Administrator David Jodoin for the excellent work he does for the Town of Pembroke.

Moderator Petit swore in all town officials elected in 2013.

There was a motion made to adjourn.

MOVED: David Sheldon

SECONDED: Robert Samson

VOTE: YES

Meeting adjourned at 12:05 p.m.

Respectfully submitted:

James F. Goff
Town Clerk
Pembroke, NH

TOWN SEAL