

Newbury Update is published by the Town of Newbury to offer residents a view of the town government operations and activities. Copies are available at the town office, library, transfer station and post office, but we strongly encourage you to 'get your copy' at the town website: www.newburynh.org. To receive a copy via e-mail, send a request (and any comments or suggestions) to: newburyupdate@gmail.com.

UPCOMING EVENTS

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Mon.	May 3	Board of selectmen meet, 6:30pm, town ofc
Mon.	May 17	Board of selectmen meet, 6:30pm, town ofc
Sat.	May 29	NBC annual plant sale [page 6]
Sat.	May 29	Library Friends' book & bake sale [page 5]
Sat.	Jul. 10	Newbury Old Home Day
Sat.	Aug. 28	Hazardous waste collection day [page 2]

2009 Town Report is available at the town office and on the town website, www.newburynh.org.

This issue catches up with Jan.-Mar. meetings of the planning board, ZBA and conservation commission.

The next issue is targeted for publication in late May.

From the desk of the **Newbury Board of Selectmen**

*Jim Powell, Gary Budd, Dick Wright
and town administrator Dennis Pavlicek*

Blodgett WWTP – The upgrade of the Blodgett wastewater treatment plant moved forward with the preconstruction meeting held on March 16, attended by Stantec Engineering, general contractor Neagley & Chase, DES, subcontractors, town administrator Dennis Pavlicek and Tim Mulder, chief operator of the facility. Mobilizing of construction trailers and equipment has begun so work can start as soon as conditions allow. Pavlicek said they have until next June to complete the work; the firms want to be substantially done by late October.

CMH easement – On March 8 selectmen reviewed and signed an easement and agreement with the Center Meeting House, formalizing an existing agreement. Briefly, the easement grants the town the ability to perform any maintenance needed on the septic system located in part on CMH property. The system services the town office and library. In an accompanying agreement, the CMH can make use of the town office parking lot (with advance request) and install a walkway from the meetinghouse to the parking lot, as well as have access to town office building bathrooms during its events. The town must also remove the small playground equipment now partly on CMH property.

EARTH DAY CELEBRATES 40 YEARS ON APRIL 22

Let's lose the litter...

...remove the rubbish, delete the debris, transfer the trash – any way you want to put it, let's all get out on the roadways and clear the winter's worth of litter being revealed by the melting snow.

It just so happens that this April 22 marks the 40th anniversary of Earth Day *and* it's during school vacation week. What a great opportunity to show our kids what Earth Day is all about.

On Saturday, April 24 the selectmen will be doing their first of four pick-ups of the two-mile stretch of Rte. 103 from Village Road to 103A. If your neighborhood needs a pick-me-up, grab some bags and family and go for the trifecta: exercise, family time and good works.

Daffodils for litter – By picking up the litter along two miles of Route 103 the board of selectmen will meet the requirement of the Litter Free New Hampshire Program to qualify Newbury to receive 500 daffodil bulbs. The selectmen will consult with the NBC on planting site suggestions, and get help with the actual planting from a county work group.

Urgent need at Food Pantry

Family services director Gail Bostic reports there is an **urgent** need to restock the Food Pantry as this has been a difficult winter for many Newbury residents.

You can bring your donations to the Newbury branch of Lake Sunapee Bank or leave them in the containers in the town office lobby or on the porch of the South Newbury Union Church.

Items needed: Sundries such as shampoo, deodorant, etc.; peanut butter and jelly, tuna fish, canned ravioli, chili, Spaghettios, fruits, juices, etc. Please, no expired dates.

Newbury community garden

Plant your claim to a garden plot

The time is ripe for planning gardens if not planting them. Newbury's community garden at Fishersfield Park offers sixteen plots, each 20 feet by 20 feet, available on a first-come basis at a cost of \$20/plot per season. The garden is located in the upper field of Fishersfield Park on Old Post Road opposite the transfer station. The ground will be tilled in advance.

Anyone interested in community garden plots this year should contact Dick Wright at 938-2414 for plot assignment and an information package.

Mail census survey **now** & save money

Everyone should have received their 2010 Census form by now. The Census Bureau has staff in New Hampshire and every other state lining up thousands of temporary employees to call and visit every non-responding dwelling unit up to six times starting in May.

If everyone mailed back their form, taxpayers would save \$1.5 billion in census operational costs.

During Census 2000, the mail participation rate was 72 percent as of the April 2000 cut-off. About \$85 million is saved for every one percent increase in mail participation. Better things could be done with that money.

Please don't put it off. It's just ten simple questions. It's easy. It's important. It's safe. And they are persistent. Get it in the mail today!

Fishersfield trail to Facebook – On Feb. 22 selectmen approved a request from recreation coordinator Travis Dezotell to enter into an agreement with Colby-Sawyer College regarding a student interested in working as an intern this spring. The intern will work on trails in Fishersfield Park, a Facebook page and maps of the trails. [See recreation section for more information.]

All-in-one recycling – The Concord regional trash cooperative hopes to open a single-stream recycling facility, for which a minimum amount of recyclable material is needed to make it cost efficient. Representatives of the cooperative met with the board of selectmen on Feb. 22 to explain the benefits of single-stream recycling and how it works as well as the proposed facility and what the benefits were to join as an associate member. Powell said the board will look at this option and get back to them after some future discussion.

Drainage easement – On Feb. 8 Brad LaClair met with the board of selectmen to discuss an easement to deal with drainage issues on property he owns in Park 10. The planning board suggested an easement from the town to allow drainage from the property onto town property. After selectmen visited the site to see the proposed ditch line and drainage situation they signed a memo to the planning board on Feb. 22 in which they stated they had reviewed and approved this proposal. There is already runoff down the hill from Park 10 and drainage already exists. Also, the plan for the property includes work that will improve the run-off situation.

Hazardous waste collection – In March selectmen discussed the 2010 household hazardous waste collection day that will be hosted by Newbury and decided to hold this event at the highway garage on South Road. The collection will be on Saturday morning, Aug. 28.

LSPA seeks milfoil grant – Selectmen agreed to send a letter in support of the LSPA's application for a grant from New Hampshire Lakes Assoc. in support of efforts against milfoil. Newbury is considered a partner in LSPA's efforts through the town's annual contribution of \$5,000 toward milfoil control. The letter read in part: "The municipal boards and the voters of Newbury recognize the importance of preventing and controlling the growth of invasive aquatic plants in Lake Sunapee."

PSNH offers energy savings – Through PSNH's small business energy efficiency program, for which Newbury is eligible, PSNH will pay 50% of the labor and material cost of a cost-effective lighting project, up to \$50,000 per metered account.

Dennis Pavlicek explained that the PSNH program is similar to the arrangement with the streetlights – the town's share of the expense would be paid out of our cost savings from reduced electricity use. Our PSNH payments would remain at the current level until our 50% share of the improvements is paid off, then the billing would drop to our actual lower usage.

As part of this program, LighTec, Inc. conducted a no-cost lighting assessment in early March of our town buildings. LighTec said, "This assessment will inventory your current lighting by area, detail the current amount of energy used by lighting at your facility, offer energy-efficient lighting alternatives and detail the cost and savings of completing a lighting retrofit. LighTec will also take the opportunity to look at other measures that could increase your energy savings further."

Pavlicek expects the results mid-April of the firm's survey of the town office, safety services building, transfer station, highway department and library.

Intents, cuts & levies – The following were approved and signed by the selectmen:

On Feb. 8, an intent to cut for Richard and Lucia Pietrafitta, for property located on Forest Brook Road (map/lot #045-634-263).

On Feb. 22, an application for a buffer zone cut from Jeffrey Estella (map/lot #020-130-386).

On March 8, an intent to excavate for David Kinsman (map/lot #044-666-156) and a gravel tax levy in the amount of \$19.70 and a timber tax levy in the amount of \$1,476.46 for Amanda Klein (map/lot #049-416-095).

Worth noting: The review of intents to cut at the town level by boards of selectmen is pro forma; they go on to the state for review and approval.

Senior housing finds a home

A new property has been found for a proposed senior housing development in Newbury. HUD, which has awarded a grant to CAP for the project, has done its review and approved proceeding with this site. On March 8 Ralph Littlefield, executive director of the Community Action Program (CAP) Belknap-Merrimack Counties, Inc., and his team met with the select board to present an overview and layout diagrams of the proposed project. The agency is hoping to break ground in the fall of this year. The board of selectmen gave its support to the project; the next step is presentation to the planning board. [A conceptual review is on the planning board's agenda for Tuesday, April 20.]

The bulk of the site is off Rte. 103 from behind the safety services building and toward the east, currently owned by the Davis family. The proposed access is off the cul-de-sac at the end of Newbury Heights Road (across Rte. 103 from the caboose).

At the meeting on March 8 selectmen also approved applying for a federal community development block grant to pay for improvements to Newbury Heights Road that will be required; HUD only pays for onsite improvements. Though the town is not eligible the project is because its benefit focuses on a low-income population.

The Community Action Program Belknap-Merrimack Counties, Inc. is a New Hampshire-based 501(c)(3) private, nonprofit organization. Its website explains that "[t]he primary mission of the organization is to work with low-income families and the elderly to assist them in their efforts to become or remain financially and socially independent. Further, under the heading of Elderly Housing, it explains: "The Housing Program assists local communities within Belknap and Merrimack counties in the development of affordable housing for the elderly. These are independent living facilities and are rent subsidized. Tenants are required to pay 30% of their adjusted income for rent."

The CAP Housing Program is guiding the formation of a community-based, non-profit corporation. This single-purpose, single-asset corporation – Newbury Elderly Housing Inc. – will be made up of Newbury residents. All CAP's interests in the development will be transferred to that group once initial closing is reached and construction begins. CAP will also help with the processes of land acquisition, the HUD development process, acquiring of state or local approvals and permits and construction.

The CAP website states that, "Once the development is completed, the Housing Program staff takes on the management function to assure compliance with HUD, federal and state housing regulations."

CAP-BM currently has developments in five NH towns including 35 units (North Ridge) in Warner and a sixth under development.

Scenic byway plan prepped for public comment

On March 18 the Lake Sunapee scenic byway committee reviewed the working draft of the corridor management plan. After receiving final input from the committee UVLSRPC will prepare a draft ready for public comment.

The committee scheduled a public informational session for Wednesday April 14 at 7 p.m. at Newbury town office to present the draft management plan to all three towns and kick off the 30-day public comment period. The draft document will be posted on the websites of the byway committee, the towns and the chamber.

With the grant application deadline of April 2 approaching the committee fine tuned its project goals – to develop an interpretive trail of kiosks, a marketing plan and a promotional website.

Members decided to reduce the amount for the website and marketing plan to \$20,000; Lake Sunapee Region Chamber of Commerce will be approached about hosting the byway site on its website. The committee will develop the wording for the website and work with a marketing / web design consultant on this part of the project.

The committee also agreed to increase the amount for the interpretive signage to \$170,000 to accommodate engineering and review costs. The total project cost would be \$190,000. The town managers agreed that they would provide the 20% cash match (roughly \$2,600 per town) and the in-kind match through donation of building materials, construction equipment use and staff/volunteer time (roughly \$10,000 per town).

The town managers were asked to request letters of support from the local historical societies as this is a historic resource interpretation project.

Byway committee members were encouraged to attend the grant application presentation to the state scenic byway council on Friday morning, April 9, in Concord. The state council will rank the applications for final selections by the Federal Highway Administration.

[This report is largely taken from meeting notes of the UVLSRPC.]

NEWBURY TOWN MEETING

Voter participation rates

1,639 – number of registered voters in Newbury

335 – number who voted at polls on March 9 – 20%

154 – number who voted at meeting on March 10 – 9%

March 9 Election results

Selectman: Richard Wright

Moderator: Nancy Marashio

Trustee of Trust Funds: Clayton Johnson

Library trustee: Elizabeth Tentarelli

Cemetery trustee: Paul Riley

Planning Board: Elizabeth Ashworth and Thomas Vannatta

ZBA (3-year seats): Katheryn Holmes and Harry Seidel

ZBA (2-year seat): Peter Fichter

Proclamations honor service

Dave Smith was honored for his service with the Newbury Fire Dept. for almost 35 years including as assistant chief since 1989.

He has also been forest fire warden for the state of New Hampshire from 1994 to the present, at which he is very effective and committed. Smith always makes sure that he and his deputies attend the yearly training sessions and keep up with the ongoing changes with forest fire laws. It was noted as well that as warden he is woken up early on many rainy mornings to calls from his fellow Newbury residents looking for burn permits.

“Now therefore be it resolved that the Town of Newbury expresses deep appreciation to a contributor who has always been willing to go the extra mile.”

Mike Bascom was honored for his service with the Newbury Fire Dept. for more than twenty years.

He has served as deputy warden for the state of New Hampshire from 1990 to the present. Bascom has also served as a special deputy for the state from 2006 to the present, being called to duty during states of emergency throughout the state. As a certified sawyer for the US Forest Service he is a tremendous asset on fire crews during New Hampshire disasters. Bascom always has a positive attitude and hard-working ethic whether he is helping his neighbors, town or state.

“Now therefore be it resolved that the Town of Newbury expresses deep appreciation to a contributor who has always been willing to go the extra mile.”

Town meeting results

This is a brief report of results of voting at town meeting on March 10, with abbreviated versions of the articles. Refer to the town report for full wording of the articles.

Based on the spending articles that passed, at current valuations and depending on revenues through the year, the town portion of the tax rate should be close to flat.

Article 1 was voting on candidates for open town positions, done by ballot voting on March 9, results above. The rest of the warrant articles:

2. \$3,205,990 for general operations: Passed. The anticipated tax impact is \$2.88.

3. \$169,000 to be placed in the following capital reserve funds: fire equipment \$55,000, highway equipment \$111,000, ambulance \$3,000: Passed. The anticipated tax impact is \$0.25.

4. \$40,000 to be placed in the following existing maintenance expendable trust funds: docks \$12,000, town office equipment \$6,000, town buildings \$7,000, milfoil control \$5,000, FD personal protection \$10,000: Passed. The anticipated tax impact is \$0.06.

5. \$125,000 to renovate the Vets Hall. Motion made and passed to postpone disposition until next year.

6. \$40,750 to purchase a new chipper (\$37,250 from the highway equipment capital reserve fund, trade-in of \$3,500): Passed. The tax impact is zero.

7. \$26,350 for the purchase of a new fire pump and necessary modifications for the fire boat: Passed. The anticipated tax impact is \$0.04.

8. \$210,000 for the purchase of a new mini-pumper for the fire department (\$160,000 from the fire department capital reserve fund, \$50,000 from taxation): Passed. The anticipated tax impact is \$0.07.

9. \$100,000 to complete the restoration of the Center Meeting House: Passed by paper ballot, 84 yes and 70 no. The anticipated tax impact is \$0.15.

10. \$12,000 for fireworks at the Old Home Day celebration, offset by donations: Passed by count of hands, 74 yes, 54 no. The anticipated tax impact is zero.

11. \$1,900 to be placed in the cemetery maintenance trust fund from fund balance, said sum representing the sale of cemetery lots in the prior fiscal year: Passed. The anticipated tax impact is zero.

12. Adopt the provisions of state law which provide for a property tax exemption from the assessed value for solar, wind-powered and wood-heating energy systems: Passed. The tax impact is estimated to be roughly \$67/exemption.

13. Accept all of Chapin Way in the Angel Hawk subdivision (by petition): Passed.

14. Accept Winter Lane (by petition): Failed.

15. Approve a resolution being sent to our state representatives, Resolved: The citizens of NH should be allowed to vote on an amendment to the NH Constitution that defines “marriage.” (by petition): Postponed indefinitely.

ASSESSING OFFICE

Every year the NH Dept. of Revenue Administration (DRA) performs an equalization study. For each municipality it takes the sum of the assessments divided by the sum of the sales prices in a given period to determine the weighted mean ratio – or how close the assessed values are to actual sale prices. That ratio ‘equalizes’ total property values (the tax base) of all towns, correcting for those that are over or under valued. It provides a method to equalize all towns at 100% market value to establish each town’s tax base which are compared when DRA apportions rates for collecting and distributing tax dollars for towns, counties, school districts and the state.

To meet the state standard the weighted mean ratio – the sum of the assessments divided by the sum of the sales prices in a ratio study – should fall between 0.90 and 1.10. Newbury’s came in at 0.96.

That’s the short version of the study report. The longer version of assessor Norm Bernaiche’s report and analysis is attached at the back of this issue.

POLICE DEPT.

At town meeting there was some discussion regarding police statistics and the focus of our efforts, but with town meeting being the forum for monetary issues I chose to postpone a more in-depth look at the subject for *Newbury Update*.

Traffic enforcement

In the area of traffic enforcement, statistics have remained relatively stable each year dating back well before I began as Chief. On average, there has been about a 7.5 - 8:1 ratio of warnings issued versus citations. Then and now the rationale is that Newbury draws many out-of-state visitors and being aggressive with tickets would be counter-productive when warnings meet the purpose. (We do, however, track warnings; repeat offenders get tickets.)

A slight reduction in both of those numbers came about two years ago – in direct correlation to the start of construction in the center of town during the sidewalk project. One of the primary goals of this project was to increase the safety of pedestrians by slowing the speed of traffic though roadway character and design. Informal studies of the traffic flow in the harbor area that included input from the community leads us to believe that those intentions have been fulfilled. When we patrol we find cars are still maintaining the lower speeds even now that the construction is gone. The downtown area of town is a safer place today than it ever has been.

Solicit concerns, identify issues early

What has this meant to the overall job of traffic watch? Traffic patrols are targeted and deliberate rather than random. That said, as our officers travel the roads for any purpose they always have an eye on traffic safety – it's second nature and it's important, but it's still *part* of a larger responsibility for our department.

In general, your officers spend a significantly greater amount of time patrolling the neighborhoods and businesses in town ensuring that issues affecting safety and security are identified early on. Changes to the scheduling of staff have provided for office hours that better meet the needs of folks who visit in person and scheduling of officer staffing puts more officers on patrol when the service demands are greatest.

Not only does this enhance safety, but the overall security of our neighborhoods is seen as a direct benefit. Emphasis is placed on face-to-face contact with you, the public, soliciting your concerns. We take that information and target our efforts to reduce or eliminate the root causes of these issues before they get out of hand. This means our enforcement efforts can focus on quality-of-life concerns such as neighborhood noise complaints, animal control issues and the like that, if left unchecked, can build into significant problems that may be difficult to resolve later on.

Emphasis on investigations pays off

Another significant change to the management of the operation has been an emphasis on investigations. Every reported crime in this town is investigated to the fullest extent possible. Our efforts have included the integration of advanced training opportunities for the officers and their efforts are reflected in the quality of their work product. Since 2005, overall crime rates have been reduced by as much as 50%.

Statistics on clearance rates for delayed crimes such as theft and burglary are a case in point. Using 2009 figures, if you report a delayed crime to us today you can expect to have your case solved 92% of the time. That means the bad guys get arrested and in the majority of instances, you're getting your stuff back at the same time.

Also consider that every case that has been investigated and solved by us since these protocols have been put in place yielded plea agreements with the Merrimack County Attorney's Office or the suspects pled guilty to the charges in open court. We have yet to lose a court case since our current process has been in effect.

The result of those efforts has been a marked reduction in the number of disturbance complaints, a marked reduction in overall crime, safer neighborhoods and safer, quieter streets. Simply put – a better community.

Many of the operational changes I've instituted these last few years are quite counter to the paradigm many may be used to, but quite frankly, our loudest critics are the people getting arrested.

That said, sleep well tonight knowing that we're out there working for you, and responding 24 hours a day.

--Bob Lee, Chief of Police

TOWN CLERK

Dogs need to be registered by April 30

Town clerk Linda Plunkett reminds dog owners that their dogs must be licensed by April 30, and dogs' rabies vaccines must be up to date.

You can fill out the form at the town clerk's office or download the form off the town website and mail it in with the fee (amounts, ranging from \$2 to \$9, are indicated on the form). As proof of your dog's current rabies inoculation, be sure to include the rabies tag number and expiration date (on the tag from your vet). If you choose the mail-in route, the license tag will be mailed back to you (please include a stamped, self-addressed envelope).

Failure to license your dogs is a violation of state statute and subjects you to a \$1.00 monthly penalty and civil forfeiture of \$25 after May 31, 2010.

Rabies clinic & dog registration, April 17

The South Newbury Union Church is sponsoring a rabies clinic on Saturday, April 17. Dr. Claire Timbas will administer rabies vaccinations for cats and dogs. All vaccinations will be for one year unless proof of prior vaccination is provided and not lapsed. The clinic will run from 9-11 a.m. in the parking lot of the Friendship House on the corner of Village and Sutton roads in South Newbury, rain or shine. There will be a fee of \$12 for the rabies shot.

The town clerk will be there to register your dogs.

HIGHWAY DEPT.

Highway administrator Cal Prussman reports he is putting out bids for paving and materials, culverts and so on. Roads are still posted. He expects the new chipper, approved at town meeting, to be here in 30 days give or take. The crew is doing clean-up around town from winter, and they will be aided in that task by the sweeping contractor who is due the week of April 13.

PARKS & RECREATION

Recreation Committee: Inge Lee, Jane Pratt, Marilyn Hill, Jennifer Morris Sweet, Gail Bostic, Katie Seabury, Mark Cashin, Monica Valovic, John Valovic

Summer programs taking shape

The next big thing for recreation coordinator Travis Dezotell and the recreation committee: the summer program schedule. They'll be meeting in early April and would like to have things firmed up by April 15 and a schedule available.

Two already set as far as dates (but not ready for sign-up yet):

Soccer match at Foxboro – Revolution v. United on Aug. 7

A joint effort of the Newbury, Sunapee and Newport recreation departments is a trip to Foxboro Stadium for a soccer match between the New England Revolution and the Washington, D.C. United. An extra local angle: Junior high coach Matt Burch's brother Marc plays on the D.C. team. Dezotell said the cost will probably be between \$45-\$60 depending on final bus cost and will cover the tour bus both ways, parking and the game ticket. Watch for sign-up information soon via flyers and email alerts.

Newbury Recreation and Ecology Camp at the Fells

Monday-Friday, July 26-30, 9 a.m.-12 noon

This outdoor -based camp for ages 6-13 is offered again with a combination of hiking, wetland and watershed ecology, fisheries biology and a day of kayaking/canoeing on Lake Sunapee. Activities focus on creating a love for the outdoors and a respect for the nature around us. Guest naturalists and scientists visit the camp during the week.

Taking the Fishersfield Park trails up a notch

Dezotell is working to build the fan base for Fishersfield Park. One new plan will, he says, "continue the educational goals of the original grant scenario." He's creating an interpretive trail system with 25-30 stations marked by numbered posts. A corresponding guide will have a blurb about each location, selected for their geologic, natural, historical, watershed-oriented features. Dezotell has arranged for a Colby-Sawyer College intern to work with him on the guide. Once station sites are chosen, the plan is to use county work crews, overseen by Dezotell and members of the NBC, in a one-day effort, to put in the numbered station posts. Next will be a new version of the park's trail map using a Google Earth image with the trail system laid in after they run new GPS settings through the trailway. Updated enough for you? Well, Dezotell also plans to have the intern help put the park on Facebook. It will correspond with the guide, maybe show the trails with a slide show of photos taken in different seasons. He hopes it will foster a link to the younger generation, and also be a spot where the volunteer trail-maintenance crews can communicate easily about trail condition and coordinate work sessions.

NEWBURY PUBLIC LIBRARY

Library trustees: Liz Tentarelli, Pam Ritchie, Pat Sherman.

Friends of NPL: Liz Moulton, Paula Falkowski, Ken Tentarelli, Mickey Noyer, Jackie Keegan, Suzanne Levine, Diana Morris

Library hours: Sunday 12- 5 p.m., Monday 12-8 p.m., Tuesday-Thursday 12-5 p.m., Friday closed, Saturday 10 a.m.-2 p.m.

Trustees' note

The library trustees would like to extend a thank you to Tucker Library Interiors of Manchester. When a recent order of shelves arrived in the wrong size, the staff contacted the firm to arrange the sending of the correct shelves. When asked if the library might also keep the others, perhaps at a discount, Tucker Library Interiors made a gift of them, which is much appreciated. The value is estimated at \$400 and the shelves will be used in the future, likely in the children's area as the collection grows.

The trustees next meet on Thursday, April 8, at 3:30 p.m. in the library.

Poetry Jam

The next Poetry Jam is set for Monday, April 12, 7 p.m. at the library, led by Dianalee Velie. Stop by, whether to read your own work or listen to others.

Russian Faberge Eggs & Lacquer Boxes

The library is hosting another Humanities To Go! program of the NH Humanities Council, this one called *Russian Faberge Eggs and Lacquer Boxes: From craft to fine art*.

This illustrated presentation by Marina Forbes will focus on the unique development of these two major Russian art forms, from traditional craft to exquisite fine art. Emphasis is on the important role of egg and lacquer box painting in Russian culture, and on the elevation of these traditional forms to the level of high art under the patronage of the tsars. Forbes is a frequent lecturer on Russian culture.

Mark your calendar for Sunday, April 18, at 2 p.m. in the town office meeting room.

Kids: See animals from 'Down Under' on April 22

Librarian Rosie Johnson has lined up a special program for school vacation week: Wildlife Encounters is coming with an Australian-themed animal program. If you want to see a wallaby up close, hop on over to the library at 1 p.m. on Thursday, April 22. Coincidentally, that's the 40th anniversary of Earth Day.

News from Friends of the Library: Museum passes and more

New at the library – museum passes. Museum passes to the SEE Science Center in Manchester, The Indian Museum in Warner, the McAuliffe-Shepard Discovery Center in Concord and the Billings Farm and Museum in Woodstock, Vermont were all purchased by the Friends and are now available for patron use at the library.

Thanks to generous contributions last year, the Friends were able to give lots back to the library. In addition to the museum passes, we fulfilled the wishes of Friends for expanding book purchases by matching the town's funding for the book budget, hence doubling the money available to purchase books. We were also able to purchase a new computer and monitor for one additional patron station and a new printer. We couldn't have done this without your contributions.

Technology upgrade

The Friends board also worked with the trustees on a major fundraising effort to upgrade technology in the library, a wish that many town residents indicated in a recent library survey. So far the efforts have been very successful with many local area businesses and patrons contributing directly to the effort. The intent of the project was to substantially increase computer access, internet speed and reliability in the library with five new networked computers and new printers. If you haven't been to the library lately, come and check out the new shelving and location for the new computer stations which are due to be installed late this spring.

Friends' fundraising efforts gear up

If you would like to help us out financially another year, please stop by the library for a contribution form or you can download one on our website. Our annual appeal starts on May first.

Don't forget to come to our annual book and bake sale on Saturday, May 29 from 9 a.m. to 1 p.m., running concurrently with the NBC Plant Sale. All of our proceeds from that sale go to support the library book budget.

We will also be having raffle baskets on Old Home Day in July. If you'd like to help out with a basket, please let us know by leaving a message at the library with Rosie. We plan to earmark those funds raised by the baskets for the museum passes in future years. Thanks once again for helping us to support the library.

--Liz Moulton, Friends president

Cows, Sheep and the Family Farm in NH History

Thursday, April 15, 4:00 p.m. at town office

Cattle were essential to the survival of the earliest NH settlements and the Great Sheep Boom of the early 19th century brought a brief period of true agricultural prosperity to the state. Both of these events, central to the life and culture of our state, helped to form the New Hampshire farm-based iconography that includes fine architecture and thousands of miles of rugged stone walls.

Former NH commissioner of agriculture and scholar-farmer Steve Taylor will discuss these legacies and the current state of NH family farms in a presentation called *Cows, Sheep and the Family Farm in New Hampshire History*. New Hampshire farm-stead artifacts from the New London Historical Society collection will be displayed.

This free program is sponsored by The Fells, New London Historical Society and the NH Humanities Council. Pre-registration is not required.

HISTORICAL SOCIETY

Newbury Remembers Life on the Farm

Sunday, May 2, 2:00 p.m. at town office

The spring program in the *We Remember Newbury* series will be presented by the Newbury Historical Society on Sunday, May 2, at 2 p.m. in the town office meeting room. Local resident panelists will discuss farming as an economic force and as a way of life that shaped Newbury's character and defined values that have endured even as the family farm became a part of history. Audience participation is strongly encouraged – bring your personal and family memories. Our first session proved to be highly informative and entertaining, and we can promise you more of the same. Free and open to all; refreshments will be served.

--Shelly Candidus

BEAUTIFICATION COMMITTEE

What a wonderful town we live in. We asked the voters to bring a dessert to our pre-town meeting ham & bean supper and they did. Our tables were overflowing with an assortment of sweets to please any palate. Thank you all for your generosity.

Our next meeting is April 7 at 9 a.m. in the town office. We welcome all new members.

NBC Plant Sale – Saturday, May 29

All the plants have been ordered and will be delivered to the Velie Playground area, next to the library, for our 5th Annual Plant Sale, May 29 from 9:00 to 1:00, rain or shine. A quantity of perennials and annuals, including our signature plant, the geranium, will be available. In addition there will be a selection of herbs and vegetables.

When is the garden soil ready for planting?

Grab a handful of your garden soil. If you can form it into a ball, the soil is too wet for planting. If it crumbles through your fingers, it's ready for planting.

--Sally Wollensak, NBC publicity

CONSERVATION COMMISSION

Katheryn Holmes, chair; Eric Unger, vice-chair; Bill Annable, Chuck Crickman; Deane Geddes, Suzanne Levine, Frank Perrotta

The information below is taken in summary from draft minutes of the conservation commission's meetings of Feb. 9 and March 8. You are encouraged to read the full and approved minutes available at town office.

Building interest in easements

On Feb. 9, Andy Deegan from the ASLPT discussed strategies to identify and heighten awareness and interest in possible conservation easements for Newbury large-parcel landowners.

Deegan said ASLPT has identified two such landowners and asked the commission for help in identifying others. Holmes said the commission has a mailing list of Newbury landowners with 10 or more acres, and those with seven or more acres and offered Deegan the list for future mailings from ASLPT concerning potential conservation easements.

Holmes said the commission's intent is to generate interest in conservation easements with the landowners whose property abuts the town forest.

Pending legislation affecting the tax benefits of easements was mentioned as a good reason for a mailing.

ASLPT is also looking at the South Newbury area for potential conservation easements from the standpoint of wildlife preservation since wildlife prefer large blocks of land in which to live. Deegan said that South Newbury contains a number of larger parcels of land.

Holmes said the commission and the town remain focused on the potential easement project between Newbury and Society for the Protection of NH Forests (SPNHF) regarding the trail head at

Andrew Brook. She noted the potential easement would allow the town to place a parking lot at that location.

Deegan said the ASLPT has noticed a new development in view of the difficult economy, namely some developers having to abandon their projects because of the economy and turning to conservation easements as an alternative strategy.

Intents to cut

Notice of intent to cut wood or timber:

-- Jan. 26, to Richard and Lucia Pietrafitta, for property located on Forest Brook Road (tax map/lot # 045-634, 263), 90,000 feet of white pine on 10 acres out of 31.60 total acres.

Application for approval to cut in the buffer zone:

-- Feb. 8, from Jeffrey Estella, 6 Stanley Road, for removal of three disease-ridden trees causing a severe safety issue, to be replaced with equivalent trees.

Wetlands/shorelands applications

Holmes reviewed the following communications from the NH DES with the commission:

-- Jan. 19, to NH Dept. of Resources & Economic Development, a notice of administrative completeness, standard dredge-and-fill applications, routes 103 & 103B.

-- Feb. 26, to Newbury Conservation Commission, a letter verifying receipt of the report from the commission following the local investigation on the above application.

-- Jan. 20, to Michael Todd, a request for more information regarding standard dredge-and-fill application for The Fells, 456 Route 103A, regarding construction of dock.

-- Jan. 28, to Deane Geddes, a letter regarding a wetlands bureau complaint file, Route 103, Newbury, indicating DES Wetlands Bureau, Shoreland Program is in the process of an administrative review of pending files.

-- Feb. 2, to Newbury Station Boat Club, a wetlands and non-site specific permit to dredge 13 cubic yards from 750 sf and backfill with 2 cubic yards on 195 sf with 6-inch stone to prevent erosion of the lake bed at the toe of a boat ramp on Lake Sunapee in Newbury.

-- Feb. 23, from James P. and Barbara L. Sadowsky, 298 Bowles Road, a minimum-impact expedited application to replace the dock system. Reviewed and approved by Geddes on Feb. 26.

Holmes noted that DES will not accept a minimum-impact expedited application unless the conservation commission has reviewed and approved it.

Commission oversight, outreach

Holmes read an article in the *InterTown Record* on Jan. 19 that dealt with cutting in the buffer zone of the lake, who has oversight and the need for shore land owners to understand the shore land protection act and the benefits behind it.

There was further discussion on Feb. 9 regarding the commission's role in oversight and follow-up to DES communications.

Unger suggested increasing the efforts to educate the landowners around the lake by developing an updated "Dos & Don'ts" for timber cutting. The LSPA also has a number of good handouts available for education regarding the lake and property around it lake.

Other methods and venues were proposed for public outreach on topics such as which activities require permits.

Crickman reviewed the current application for approval to cut in a buffer zone and said that it needs to be updated. Holmes asked him to prepare a draft for review at the next meeting.

Reports on proposed bridges, NEHSA building

On Feb. 9 Annable presented his research on the proposed replacement bridges followed by general discussion. Holmes said the commission has not yet received a letter from the DES with approval concerning this project.

Annable then presented his research on the proposed New England Handicapped Sports Association (NEHSA) building at Mt. Sunapee.

Holmes said LSPA is looking at the project and listed several concerns. She said numerous groups and individuals have questioned why NEHSA has not looked at alternative locations that would present less negative impact on the surrounding environment.

Geddes suggested inviting the NEHSA director to the next meeting for the purpose of gaining more definitive information about the group's needs and proposed project.

There was further discussion concerning alternative locations for the project. Holmes said the project discussion will be ongoing.

On March 8, Holmes reported that she met with LSPA about mutual concerns surrounding the NEHSA proposal, specifically the standard dredge-and-fill application. She said LSPA wants to hire an engineer to review the application and asked if the conservation commission would split the cost of hiring one. Holmes canvassed the commission regarding offering financial support. It was decided to confer with the town administrator regarding the appropriateness of using commission funds in this way. Holmes will report on his decision at the next meeting.

Lake Todd storm-water runoff concern

On March 8 the commission received information from a concerned citizen regarding potential erosion and sediment deposits into Lake Todd resulting from a recent timber harvest on property located on Old Warner Road, Bradford. The commission discussed the possible environmental concerns surrounding such a storm-water event and decided to write to the property owner to encourage a review of his/her current erosion control methods and storm-water management strategies.

Website update

The town website has been updated to include the conservation commission final minutes for 2009. The next part of the effort is for the commission's section of the website to include regulations and application forms.

Cutting in waterfront buffer zone

On March 8 Crickman shared his draft of an updated application for approval to cut in the waterfront buffer zone including the current regulations. The commission members will review the draft and bring their suggestions to the next meeting.

Unger presented documents used in the past as handouts to accompany applications for timber harvesting, suggesting they resume the practice. Holmes agreed and added that they should consider holding workshops on timber harvesting and cutting in the buffer zone, incorporating the current best management practices endorsed by the state. The idea will be discussed further at the next meeting.

LAND USE BOARDS

Please note –

The land-use board sections here first present topics the boards covered at work sessions and other administrative actions. This is followed by summaries of hearings, arranged by case numbers and / or date sequence within each case. In all cases these are very brief summaries and in some cases are from draft minutes. You are encouraged to read the full and approved minutes, available at the town office.

ZONING BOARD OF ADJUSTMENT

Katheryn Holmes, chair; Helen Wright, vice-chair; Harry Seidel, Barbara Richmond, Peter Fichter. Alternates: Alex Azodi, Sue Russell

The ZBA had no cases to hear in January and did not meet. The following information is taken from draft minutes of the ZBA meeting on Feb. 8. Since there were no hearings scheduled that evening the ZBA members moved into a work session.

New Variance Criteria

2/8/10 The ZBA reviewed the new requirements for granting a variance for applications and appeals filed on or after January 1, 2010 per RSA 674:33 I (b) Requirements for a Variance, which reads as follows:

I. The zoning board of adjustment shall have the power to:

(b) Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

- (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 values of surrounding properties are not diminished; and*
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*

(A) For purposes of this subparagraph, "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.

The ZBA members discussed the differences between how a variance request was considered under the old variance requirements – the "use" variance (Section 16.7.2.1) and the "area" (dimensional) variance (Section 16.7.2.2) – and how a variance request will be considered under the new requirements above as well as many other aspects and impacts.

To do the discussion justice and given its length, those interested should read the full minutes, available at town office.

Near the end of the meeting it was noted that the State of NH changed the variance and also that the Office of Energy and Planning information clearly says that the state's new variance language [that replaces the existing "area" and "use" regulations] takes precedence over the town's existing variance regulations. It was agreed that the only change necessary in the March 10, 2009 Newbury Zoning Ordinance was the deletion of Sections 16.7.2.1 and 16.7.2.2, and the insertion of Criteria #5 of the new variance requirements.

There was further discussion that included Tom Vannatta, chair of the Newbury Planning Board, who was invited by Holmes to participate in the work session meeting.

Vannatta said the ZBA and the planning board should meet twice yearly to establish processes to ensure that both boards are aware of mutual concerns and procedural needs.

PLANNING BOARD

Tom Vannatta, chair; Barbara Freeman, vice-chair; Travis Dezotell; Bill Weiler; Bruce Healey; Elizabeth Ashworth; Jim Powell, ex-officio (Dick Wright, alternate). Alternates: Ron Williams, Alison Kinsman, Russell Smith; Ken McWilliams, advisor

Baker Hill Golf Club conceptual

1/19/10 Vannatta told the board that the Baker Hill Golf Club conceptual that was included on the meeting agenda has been removed because BHGC has been issued a building permit and the project has been signed off by the town building inspector and the selectmen. There was discussion regarding whether the club was

required to submit an amended site plan to the board. It was agreed that the building permit should be examined by the land use administrator with a follow up report to the board.

Recording deeds and mylars: who & when

Typically the board requires submission of both the mylar and deeds for recording of annexations and the like. At the Jan. 19 meeting, Vannatta said that in the case of the Graf annexation the attorney objected to submitting the deeds to the land use coordinator for recording. After conferring with town counsel, Vannatta suggested Grafts' attorney take responsibility for recording the deeds and the mylar within 60 days of picking up the mylar from the land use coordinator. The attorney will submit a written statement indicating his responsibility for the proper recording of the mylar and deeds.

On Feb. 2 the board reviewed the current procedure regarding the recording of mylars and deeds. It was noted that, in some cases, problems arose for annexations and lot-line adjustments in which deeds were not recorded. McWilliams said the town assessor suggested that before recording the mylar, it would make sense to get the deeds to record with the mylar. The problem becomes one of timing, when the attorney for the property owners is reluctant to release the deeds to the board for recording with the mylar.

Williams said what "you're really doing is protecting people downstream." If the people have filed the mylar for the lot-line adjustment but haven't transferred it by deed, then when someone goes to search that record for a proposed sale there is a title problem.

Questions re assessing, official town map

McWilliams said an additional problem is how the tax assessor is going to assess those properties.

Freeman said according to state law the property is supposed to be assessed as soon as the subdivision is made.

Weiler asked if the town tax map is the official map of the town.

McWilliams said no, and referred to RSA 674:10, *Establishment of Official Map*.

Weiler said the procedure used with the Grafts was an excellent one and should be used in the future. He said the release form could be modified to differentiate between lots that are created and retained by the sub-divider, and lots that are created between two different parties. Those two categories would cover most lot-line adjustment and annexation situations.

Vannatta said the issue of responsibility for the recording remains unaddressed.

Weiler said the planning board is ultimately responsible for the recording and suggested having a two-step process in which the board requests the deeds first from the attorney and if the deeds are not forthcoming, then the filing of the mylar and deeds is transferred to the attorney via a signed release form.

Vannatta will draft the release form into a document that includes the conditions under which it is to be used, and circulate the draft to the board. Upon board approval, the document may be incorporated into the planning board rules and procedures.

Freeman said the document should go into the subdivision regulations to ensure the applicant sees it.

McWilliams said it would require a public hearing with a vote.

Vannatta said he will circulate the document and the board will further discuss the content and placement at its next work session meeting.

On March 2 after the board discussed parts of the mylar signing procedure, Vannatta reviewed the release form drafted to handle the transfer of responsibility of filing the deeds and the mylar simultaneously in Graf annexation case. The Grafts' attorney signed a release form in which he assumed responsibility for recording both the mylar and the deeds within 30 days. The release form also requested copies from the registry office. Following the suggestion at the last work session that a similar release form be used as a model form for consideration for inclusion in the subdivision regulations,

Vannatta has shared the release form with Weiler for consideration by the subdivision regulations subcommittee.

Town planning services contract

2/2/10 The board reviewed the 2010 town planning services agreement between Kenneth B. McWilliams & Associates LLC and the Town of Newbury.

The hourly rate stands at \$50.00 per hour and is consistent with the hourly rate charged to other communities served by the firm. The maximum cost of planning services and expenses remains the same as in 2009. The contract agreement contains no additional wording or changes in wording from the 2009 contract. The board used 80% of the 2009 budget for McWilliams' services. The board voted to accept McWilliams' contract as presented.

Interview, acceptance of new alternate member

2/2/10 Vannatta introduced Russell Smith as a potential alternate to the board. Smith has monitored the board meetings for the past three months and expressed an interest in joining the board as an alternate.

Vannatta described the duties of an alternate as follows: attendance at board meetings; no voting rights unless appointed by the board chair to sit in for an absent member; completion of a training period conducted by Weiler and an expectation of participation in the meeting discussions.

Smith said he originally asked the board of selectmen for guidance and they recommended that he approach the planning board for involvement. Freeman said the planning board is a good place to initiate his involvement in the town.

Smith said he is a native of Swampscott, MA, and his family vacationed on Lake Sunapee for four generations. He and his wife and two children moved to Newbury five years ago. He is a licensed elevator repair technician in NH and Mass., a state elevator inspector in NH, and a licensed plumber in Mass.

Freeman said it is good for the board to have members with varying backgrounds, professions and experience and welcomed Smith's interest in participating.

Vannatta said the board meets twice monthly on Tuesday evenings and that the alternate appointment is for three years. Smith said he has cleared his schedule to ensure attendance Tuesday evenings.

The board voted unanimously to accept Smith as an alternate member of the planning board.

Workforce housing

2/2/10 Dezotell presented his research on workforce housing and summarized his findings in a document titled "Workforce Housing Statute Report." The report states that the workforce housing statute (RSA 674:58-61) is now law. Dezotell said the law was enacted in response to the recognition that New Hampshire's work force is aging and that young workers are leaving the state due to a lack of affordable housing.

Dezotell said that the RSA also is aimed at communities that are using the land-use regulations to stop development. He said the consensus opinion is that the law will be tested in a court of law when a community strongly utilizes its zoning to regulate against development.

The biggest question for each community, he said, is the standards used to judge compliance. The NH Finance Housing Authority (FHA) indicates that HUD numbers for each county will be the determining factor. The HUD numbers for Merrimack County are: the median income for property owners (a family of four) is \$74,900 with an estimated affordable housing price of \$224,000; the median income for renters is \$40,450 with the estimated affordable rent being \$1,010, which includes utilities. Of note is that the HUD numbers for Merrimack County are the highest in the state (non-metro).

Dezotell said that in Newbury a house can be built and sold for under \$224,000 and according to Gail Bostic, family services

director, there are several rental properties currently available in Newbury for under \$1,010. Therefore, he said, the HUD guidelines do not present an onerous situation for the town.

He suggested several steps the board could take to “insulate ourselves from any types of challenges” and meet the requirements of the state law:

1. Add a check box on the current subdivision application form that identifies the project as workforce housing.
2. Determine a standard for workforce housing in a development to fit workforce housing standards on resale. That means 60% of the lots in the development that are long-term deeded (25 to 30 years) must fit the HUD numbers.
3. Before denying or approving the project the board must provide the developer with a list of requirements, conditions and restrictions that will bring the project to compliance. If the project is approved, it is considered a conditional approval at this point in the process.
4. Determine a review period of at least 30 days during which the applicant makes a financial review of the project in accordance with the compliance list provided by the board. After the review period, if the applicant wants to challenge the economics of the compliance requirements (in terms of the HUD numbers) the applicant must pay for a third-party economic review (typically a civil engineer). At the public hearing the board may review the evidence provided by the applicant (by the predetermined dates), alter or rescind any conditions and/or restrictions, and issue a final decision or allow for a continuance. If the applicant does not submit within the specified time the board may issue its final decision.

Freeman commented that a reason why the HUD numbers for Merrimack County are so high could be because there aren't affordable places for people to live. Dezotell agreed and added that the NH FHA has asked that the HUD numbers reflect a county-by-county breakdown – instead of a statewide breakdown – which results in a skewed profile of each community.

There was general discussion on the workforce housing statute, the HUD numbers and the potential impact the statute may have on future developments within the town.

Freeman pointed out that developers of larger subdivisions may find this cost-prohibitive. Dezotell said the NH FHA offers some solutions to substantially reduce developer costs on this type of project, namely to limit road frontage requirements, increase the allowed density and reduce road-width requirements.

There was further discussion about road frontage, the cluster development option in the current subdivision regulations and safety issues surrounding road-width requirements.

Dezotell recommended that the board set up a recurring mock development test every two to three years to ensure the town remains in compliance. He said the NH FHA is developing a template to assist with the test and will offer it on its website.

Healey asked if a community is exempt if there is enough existing affordable housing within the town.

McWilliams said that 15 years ago the regional planning commissions did an assessment, community by community, of how many affordable housing units were in each community.

Weiler said if the board did an assessment on an ad-hoc basis for the town, and if the assessment indicates that 25% of Newbury's housing is considered affordable, could the town get an exemption from the statute?

Dezotell said that the state FHA clearly says “no” to that question because it has nothing to do with providing reasonable opportunity, which means new development.

McWilliams cited RSA 674:59, Workforce Housing Opportunities, III., which states: *A municipality's existing housing stock shall be taken into consideration in determining its compliance with this section. If a municipality's existing housing stock is sufficient to accommodate its fair share of the current and reasonable foreseeable*

regional need for such housing, the municipality shall be deemed to be in compliance with this subdivision...

There was discussion concerning the term ‘regional need,’ the historical basis for offering affordable housing and possible additional data gathered by the regional planning commissions to more accurately reflect each community's profile. Additional discussion included the factors governing long-term effects of the statute and the potential damage that could be done to the town's regulations once the statute is challenged in court.

Dezotell recommended that the board examine all of the existing regulations and make sure they are backed up by scientific data, namely national standards to support why each regulation exists.

Vannatta asked Dezotell about the future direction of the workforce housing committee. Dezotell said the four aforementioned steps must be discussed and implemented.

McWilliams said item two is a change to the zoning ordinance and would require a town meeting for implementation.

Freeman suggested that the board further review the report and discuss it again in its March work session.

Dezotell suggested that the board visit the NH Housing Finance Authority website to review the ‘mock’ development information titled “Working with the Workforce Statute.”

McWilliams said the term “workforce housing” is not solely directed towards meeting the needs of just working people. Instead, it also encompasses the elderly, young people, families, etc.

3/2/10 Dezotell referred to the New London report and noted that his report on workforce housing for the town remains sound. He said attention to the bookkeeping is important and figuring out ways for the board to continue to conduct studies two to three years in the future is worth attention. He added that the existing subdivision regulations governing cluster housing allow the board the latitude to do what needs to be done.

Dezotell said the HUD numbers used to define Newbury are inaccurate since they are based on numbers that apply to the entire Merrimack County. He said the town is better reflected in the HUD numbers for Sullivan County.

Subdivision regulations

Weiler reported that the committee is reviewing several items including a primer on security for subdivision improvements, along with legal agreements with developers to ensure compliance.

Determining regional impact

2/2/10 The board reviewed the draft of the Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC) guidelines to determine developments of regional impact document which was developed by the UVLSRPC in accordance with RSA 36:54-58.

Freeman questioned the need for the guidelines since determining regional impact is clearly stated in the RSA.

McWilliams said the UVLSRPC is trying to draw attention to the RSA thus encouraging planning boards to be more mindful of regional impact when reviewing projects. He said currently, each planning board in each town makes the determination on whether or not a project has regional impact on neighboring communities.

There was discussion concerning McWilliams' review comments and about the size and type of dwelling units. McWilliams suggested adding language to ensure land use compatibility between the size and type of dwelling units.

Dezotell asked if the RSA gives towns a stronger position for oversight. McWilliams said towns have the same status as the abutters during the subdivision process – namely, comments may be made personally or in writing and submitted to the local planning board and those comments must be taken into account during the board's decision-making process.

Dezotell said it doesn't give the right to impose impacts. McWilliams agreed.

McWilliams said the UVLSRPC will hold a public hearing on the guidelines on Feb. 17, and will run public notices in newspapers.

The board voted unanimously to have the board draft a document to send to the UVLSRPC prior to the public hearing.

3/2/10 Vannatta reviewed the "UVLSRPC Guidelines to Determine Developments of Regional Impact" document and the board's letter in response, noting that the letter was sent but, as yet, no response has been received.

One lot or two?

3/2/10 Steve Landrigan spoke with the board regarding property he owns which shows as a single lot on the town map but in the past was two. The combined acreage totals 2.8 acres and there is a single house on the property.

There was discussion about the history of the property, deeds that listed it differently, how it has been taxed and past transfers. The question is whether the property is one or two lots of record and how that is determined.

Discussion continued about the best next step for Landrigan. Weiler reminded the board that the rule by which the board makes decisions is to refer to the current deed, namely "the current deed rules."

McWilliams recommended that the board consult with town counsel to determine if Landrigan's property deed reflects a voluntary lot merger. Landrigan agreed and thanked the board for its time and advice.

Variance criteria redefined

3/2/10 Vannatta reviewed the January 1, 2010 variance law changes for "use" and "area" variance criteria, noting that the state legislators decided to redefine the two variance criteria and combine them into one [RSA 673:33 I, subparagraph (b) Powers of Zoning Board of Adjustment]. He noted that the board had not been notified of the variance law change and that the deadline had passed for placing the same on the agenda for the March 10, 2010 Town Meeting.

When asked for advice from the ZBA regarding how to notify future ZBA hearing applicants, Vannatta advised the ZBA that the state law supersedes the town's zoning regulations and the applicant should be directed to the RSA for guidance. Vannatta added that town counsel agreed with that approach. Weiler suggested that a document be drawn up alerting future ZBA applicants to the change, for distribution by the land use coordinator. The recording secretary noted that the document is currently being drafted.

Farm-Friendly Workshop

2/2/10 Vannatta shared information from a workshop run by ASLPT in November, "How to Make Your Town Farm Friendly." The workshop offered ways to encourage farm-friendly strategies within a community. His report covered the definition of a 'farm' and the top three farm categories in New Hampshire – milk/dairy, vegetables/fruit and nursery/greenhouse/floriculture/sod. Forming an agricultural commission was discussed along with revising zoning ordinances to encourage and preserve existing and potential farm land.

Freeman said Newbury has very little land considered prime agricultural land. The workshop suggested, Vannatta said, conducting an inventory using an agricultural profile to determine what the town has and how the board can preserve and encourage future agricultural growth.

There was discussion about properties in Newbury that qualify as farms including a fish (carp) farm, llamas, sheep, chickens, hay and maple syrup production.

Vannatta asked if board members saw the need to conduct an inventory of farms in the town, make definitions within the ordinances or revise zoning to encourage and preserve farming.

Weiler said he did not see the need to take any overt action on this topic and the board agreed.

NEHSA building proposal

3/2/10 Vannatta reviewed the New England Handicap Sports Association (NEHSA) proposal to build a facility for handicapped skiers at Mt. Sunapee. He said when NEHSA appeared before the board over a year ago with a conceptual for a new building and parking lot the board had concerns about the wetlands, steep slopes, etc., and NEHSA had applied for state permits. Since that time, the Lake Sunapee Protective Association (LSPA) has taken a strong position on the project. He said that, sooner or later, NEHSA may be appearing before the board with a site plan. He said there are significant concerns about the height of the retaining wall and seepage, adding that the conservation commission (CC) has forwarded its reports on the project and remains very concerned about the project.

Vannatta expressed the possibility that NEHSA may attempt to avoid appearing before the board and proceed without presenting a site plan for review. Weiler questioned the legality of such an action, stating that it falls under use of governmental property.

Vannatta noted that when NEHSA does appear before the board the CC and LSPA will have a significant amount of input for the board when considering the site plan review.

Williams noted that NEHSA has made several changes to the original plan in the attempt to mitigate environmental impact.

Weiler asked if there are restrictions on testimony during a hearing, noting that LSPA and the CC are not abutters. He asked if the board accepts testimony from any interested party. McWilliams said yes, it is a public hearing.

Topics addressed also included the nature of the project, environmental impacts, and NEHSA's purpose, benefits, goals and program needs.

There was also further discussion about NEHSA's conceptual hearing, steep slope requirements, wetlands impact, the retaining wall for the parking lot and the buffer zone.

Dezotell stated that during the past four to five years many of the board members have attended courses on mitigating runoff impact incorporating different technologies, theories and processes. He suggested the enforcement of the mitigation techniques as opposed to denying the applicant the ability to utilize a section of land.

Williams added that another consideration is the construction techniques used in the project, noting that some techniques may add cost to the project but it might provide appropriate mitigation.

Senior housing proposal

3/2/10 Vannatta discussed receiving a notification about a meeting with the Belknap Merrimack County Community Action Program (CAP) organization and the selectmen. The issue centered around CAP's acquisition of the old Clark-Davis property on Newbury Heights Road. The scope of the acquisition would involve multiple public meetings and discussions before the planning board would be involved. Vannatta noted that CAP's proposed acquisition appears to involve senior housing and the board should be involved in the proposed project from the outset.

Useful information source

3/2/10 Weiler mentioned that the OEP website contains useful, in-depth, updated information and recommended that the board refer to it for ongoing informational updates.

Summaries of planning board hearings

Following are brief summaries of recent planning board hearings from draft minutes, listed by case number. You are encouraged to use the full minutes, available at town office, for any reference.

Case 2008-010: Brad LaClair - Final hearing for annexation for properties located on Park 10 Rd.

1/19/10 This hearing was continued as per the board's actions at its meeting on December 15, 2009. Vannatta said the applicant met

the required deadline for submitting the documents requested by the board at that meeting.

The new site plan was reviewed which showed the following: the three lots reduced to two lots, two dwellings on the lots, the private road, the turnarounds and parking areas, the drainage and the septic systems. The utilities will be carried underground.

The annexation survey plan showed a 24-foot-wide private road with access to one of the lots; other details were presented. The implementation of the erosion control plan will start with the construction phase of the project and continue through completion of the building phase at which time the area would be seeded and stabilized.

The board voted to approve the request for a waiver with the condition that it is rewritten and resubmitted to include: (1) reduction of the required 40-foot ROW; and, (2) modification of the 26-foot ditch line to ditch line requirement to range from 24 feet to 30 feet.

The board voted 4-1 to approve the annexation with the road plans as presented and with the condition that the drainage pool and all of the culverts be relocated to LaClair's property or an easement obtained from the town.

Upcoming planning board hearings

The following planning board hearings were rescheduled from March 16 to April 6:

7:15 p.m., Richard H. Wright, for property located at 405 Old Post Road and off Route 103, will submit an application for site plan review, Wrightway Landscaping for a greenhouse. If the application is accepted as complete the public hearing on the application will commence at the same meeting.

7:45 p.m., Walter & Marlene Graf, for property located on Baher and Chalk Pond roads, will submit an application for a final hearing for an annexation. If the application is accepted as complete a public hearing on the application will commence at the same meeting.

At press time the planning board agenda for April 20 included:
7:15 p.m., Case 2010-003: Conceptual - Newbury Elderly Housing Project.

7:30 p.m., Case 2010-004: Conceptual Site Plan Review - Daniel Bruzga

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Published by Town of Newbury
PO Box 296, Newbury, NH 03255
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2009 Equalization and Ratio Study

The equalization ratio is used by the State of NH, Merrimack County and Kearsarge Regional School District to collect and distribute tax dollars based on weighted assessed value. Every town and city in the state goes through this process every year. While not trying to be exhaustive, I will attempt to supply definitions and statistical standards which help us understand the process.

Accompanying this narrative explanation are the numbers which were derived by the State of New Hampshire Department of Revenue Administration (DRA) for the time period of October 1, 2008 to September 30, 2009. The reason for this date range is to use sales 6 months prior and 6 months after April 1 of every year.

Newbury's 2009 Ratio Analysis

I have reviewed the most recent ratio study provided by the state and my conclusion is Newbury's assessment program is performing quite well. All measurements are within accepted standards.

One important number to note is our coefficient of dispersion (COD), which measures assessment equity. It has improved dramatically to 8.2%, most likely a result of what's happening in the market. When the market is strong, buyers tend to ignore things they would normally consider. They enter properties with blinders on to value-detracting factors. In the current stagnant market buyers are behaving with more savvy so sale prices will tend to more closely reflect the assessor's judgment of a property's appeal to the market. As assessors and neutral parties, we recognize depreciators of value, factors that add or subtract which the market doesn't always recognize. Market value, for our purposes, assumes knowledgeable buyers and sellers each acting in their own best interest; particularly hot or cold markets will deviate.

A ratio study with a town like Newbury, sample size is small enough you can't draw too many conclusions. For the COD, for example, it would be more appropriate to average the COD from the past four years; the resulting COD of 11.8 is still quite acceptable.

By yet another measurement our assessment program is working well: We continue to have few cases brought to the Board of Tax and Land Appeals (BTLA) or to superior court with judges and lawyers. That is helped, I believe, by three factors. First, we go for fair assessments. As we see it, there is no motivation to overvalue, and the more assessment parity, the better off you are. The second factor is taxpayer education so people **understand the assessing process. Last is our policy of free and open exchanges. We will sit down with any property owner to answer any questions about** our process and your assessment.

	2009 RATIO	2008 RATIO	2007 RATIO	2006 RATIO	
Weighted mean	96.0	94.5	91.3	90.8	The sum of assessments divided by the sum of the sales prices in a ratio study. Per state standards the ratio should fall between 0.90 and 1.10 in the year of certification. We updated values in 2006.
Median	94.3	90.8	90.2	93.8	The middle ratio when a set of ratios is arrayed in order of magnitude. Per state standards the ratio should fall between 0.90 and 1.10 in the year of certification. The ratio compares assessed value to sales price using valid (arm's length) sales.
COD	8.2	16.2	13.0	9.9	Coefficient of dispersion measures assessment equity and has improved dramatically. Per national standards, NH standard is 20%. The closer the median ratio is to 1.0, the more reliable the COD.
PRD	1.00	0.97	1.00	1.01	Price-related differential indicates assessment uniformity; it explains the relationship between high- and low-priced properties.
# of valid sales	33	58	52	65	Valid sales are arm's length – between unrelated buyers and sellers. The decrease in sales year to year reflects the market in the area.

In the data below I have attempted to look at whether the sales sample was representative of the total population in Newbury. That is, did the volume of sales (the first pair of columns) represent the total population of properties (second pair) and did the properties that sold (third pair of columns) represent the total of what's assessed (fourth pair).

The only area that seems to jump out as not being representative of the total population is residential vacant land. All other categories appear to be adequately represented. Vacant land sales have been under-represented three years in a row. This does not surprise me as the new home building on vacant parcels has been slow for the duration of that time.

Since the sales sample is small and not representative I would draw no conclusion on the ratio in that stratum. Overall, looking at all four years of the study it appears the assessment program is performing well.

2009 Ratio Study broken out by use type

	VALID SALES		TOWN TOTAL		SALES AVG. ASSESSMENT		TOWN AVG ASSESSMENT	
Residential	22	67%	1,015	51%	\$257,172	14%	\$274,167	18%
Vacant land	2	6%	569	28%	\$107,800	6%	\$53,666	4%
Waterfront	8	24%	392	20%	\$1,175,200	66%	\$815,991	54%
Condominium	1	3%	33	2%	\$242,500	14%	\$378,039	25%
Total	33	100%	2,009	100%	\$1,782,672	100%	\$1,521,863	100%

Individual Ratio – A single assessment divided by the corresponding sale price of that property.

Overall Assessment Ratio – Total of all valid sales from October 1 through September 30 of any tax year.

Median Ratio – The middle ratio when a set of ratios is arrayed in order of magnitude. As per state standards the ratio should fall between 0.90 and 1.10 in the year of certification.

Weighted Mean Ratio – The sum of the assessments divided by the sum of the sales prices in a ratio study. As per state standards the ratio should fall between 0.90 and 1.10 in the year of certification.

Stratum – A class or subset of the population being studied, e.g. single-family residential, waterfront, vacant land and condominiums.

Coefficient of Dispersion – The COD is a measure of assessment equity and represents the average deviation of a group of ratios from the median ratio expressed as a percentage of the median. A COD is calculated for the entire sampling and for each stratum. As per National Assessment Standards, CODs should be under 20% in rural and recreation areas, under 15% for older heterogeneous and under 10% for new, more homogeneous areas. Since New Hampshire is generally rural and has diverse property types the state standard is 20%.

Price Related Differential – The PRD is calculated by dividing the mean ratio by the weighted mean ratio. It measures vertical inequities (differences in the appraisal of low-value and high-value properties) in assessments. A PRD greater than 1.0 tends to indicate assessment regressivity (lower-value properties assessed at higher ratios). A PRD less than 0.98 tends to indicate assessment progressivity (lower-valued properties assessed at lower ratios than higher-valued properties). A PRD in New Hampshire should be between 0.98 and 1.03 during the year of certification.