

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 and transfer station, but we strongly encourage you to 'get your copy' at the town website: www.newburynh.org.
If you would like to receive a copy via e-mail, please send your request (and any comments or suggestions) to: newburyupdate@gmail.com.

From the desk of the Newbury Board of Selectmen

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

Wood Bee on Oct. 19 – Winter is coming, it's predicted to be a cold one, and fuel costs are up. What's a rural community to do to help those in need of heat this winter? Hold a wood bee. On Sunday morning, Oct. 19, head up to Fishersfield Park where logs will be cut, split and stacked for people who need wood this winter.

Many hands make light work so grab your work gloves, bring your log splitter or chain saw if you have one, and join the bee.

Do you have wood to donate? If so, please contact town administrator Dennis Pavlicek, 763-4940 x204 or townadmin@newburynh.org.

Target: a flat budget – As budget season approaches and the economy is uncertain, the Newbury selectmen are asking department heads to work very hard at keeping their 2009 budget requests level with this year's numbers. The selectmen and other budget committee members will begin their meetings the end of October.

Town faces OVS problem – Newbury has an Ongoing Volunteer Shortage problem. It's a great place to live, but you must remember it takes volunteers to run a village. Please think about what time, talents and interests you might be willing to share, and the town can doubtless match them with a board, committee or organization. Start by calling town administrator Dennis Pavlicek at 763-4940 x204.

Blodgett Sewer meter study – Following a query and discussion at the summer town information meeting, the selectmen decided to ask Stantec Engineering to conduct a study on using meters to determine per-user sewer rates in Blodgett's Landing. The study has been completed and the report will be shared with those on the Blodgett sewer system. Selectmen will invite their feedback to see if they would like to pursue it further. The projected cost to install the meters would be \$700-\$2,000 per meter, and users would have to share costs such as ongoing administration and monitoring.

Blodgett sewer tax – On Aug. 25 the selectmen signed the sewer tax warrant for Blodgett's Landing. The charge per connection is \$979, down slightly from last year. Payment is due no later than Oct. 1.

Old Home Day 2009 – Two important dates for next year's event are set. Saturday, July 11 is the date for next year's Old Home Day, and Thursday, Oct. 23 is the date for the first organizational meeting. It starts at 7 p.m. at the town office and any and all are invited to see if there's a part they'd like to play.

Sign? What sign? – The windy remnants of Hurricane Ike were too much for the town office/library driveway sign. The sign was suffering from wood rot and the wind was enough to knock it over, resulting in enough damage that plans for repainting it morphed into replacing it. Bids are coming in.

Buildings? What buildings? – The selectmen reviewed the bids received for the demolition of the buildings on the Bald Sunapee and Camacho properties on Aug. 25 and chose the company with the lowest bid, BHL Excavation, LLC from Newbury. Work began Sept. 16 and should be done by press time. Pavlicek reports he watched as the support beams were cut on the first building and it slowly collapsed in on itself. After the demo is cleared the highway crew is bringing in fill to cover the area and leveling it with a backhoe.

UPCOMING EVENTS

(see the referenced page for details on these events)

- Oct. 1 Friends of Newbury library annual meeting (page 4)
- Oct. 4 Boating safety class (page 3)
- Oct. 4 Bicentennial cane presentation (page 4)
- Oct. 5-11 Fire Prevention Week (page 5)
- Oct. 6 Book discussion at Newbury library (page 4)
- Oct. 7 Planning board work session (page 8)
- Oct. 14 Conservation commission hearing (page 6)
- Oct. 18 Green-up the roads (page 3)
- Oct. 19 Wood bee (see page 1)
- Oct. 21 Planning board hearing (page 11)
- Oct. 23 Old Home Day 2009 organizational meeting (page 1)
- Oct. 25 Fall Fling 5K & Fall Festival (page 3)
- Oct. 29 Halloween fun at Newbury library (page 4)
- Nov. 2 Climb Mt. Everest with Rick Wilcox (page 4)
- Nov. 4 National election (page 3)
- Nov. 6 Historical society meeting (page 4)
- Nov. 8 Boating safety class (page 3)

Policy for Use of Town Office Meeting Rooms

Due to the increase in requests for use of town office meeting rooms, selectmen decided to clarify the responsibilities of those using the space.

- 1) Whenever possible, requests for meeting room use shall be made at least seven (7) days in advance.
- 2) Requests for use of the meeting rooms shall be made in writing. Please clearly identify the group or persons who want to use the space, and state the reason for the meeting. Also designate a contact person, his or her address, and phone number.
- 3) The group or persons using the room shall clean up the area immediately after their event/meeting. All food and/or utensils shall be removed, as well as papers, flyers, etc.
If the meeting room is not found to be in order after the meeting or event, the person or group will be responsible for the cost of putting the room back in order, as well as a penalty of \$25.
- 4) There shall be no alcoholic beverages served on the premises.
- 5) No materials, utensils or any other products purchased by the town will be used by the group using the room.
- 6) The key to the building must be signed out and returned within 3 business days.
- 7) The board of selectmen reserves the right to refuse any or all groups or persons use of the facility if they deem such use in conflict with the best interests of the town.

Bridge status – The engineering plans for the two bridges in South Newbury are ongoing. Pavlicek said that in addition to being reviewed and approved by the state, there will be a public hearing before the final engineering is done. He does not expect that hearing to happen before November at the earliest.

Thanks to Newbury – The board of directors and staff of the Lake Sunapee Protective Assoc. sent a letter to the board of selectmen expressing their appreciation to the Town of Newbury for continued support in an effort to control and prevent milfoil and other invasives.

Summer 2009 town meeting – The selectmen have set the date for the 2009 summer informational meeting: Saturday, Aug. 1. The meeting will begin at 8 a.m. at the town office. The meeting is mostly held to accommodate summer residents though all are welcome. Selectmen and department heads report on their activities and take questions and comments from the floor.

Town Facilities Study

On Sept. 16 the town facilities committee met to whittle the stack of responses to the RFQ down to three architect / engineering firms. They used a set of criteria prepared by Pat Sherman (a Newbury resident and architect) to compare the firms and the services they would provide. The committee will interview each the three finalists on Sept. 30.

The committee includes the selectmen, police chief, fire chief, town administrator, Pat Sherman and Brian Bostic. The firms to be interviewed are Dennis Mires Inc., Christopher Williams Inc., and Goudreau and Associates.

The selected firm will perform an architectural / engineering study that will help lay groundwork for discussions on future town facilities needs. First on that agenda is safety services. In the last several years the town contracted with Municipal Resources Inc. to assess the police and fire departments. MRI found in both cases that the department's facilities did not meet all the accepted standards.

With that in mind, the current study will have two primary foci. First is to assess the existing safety services building and site: Is expansion to meet future needs feasible on the site? Does the structural design of the building lend itself to adding a second floor? What improvements would be required for the building to meet all the current specifications of a public safety building? What are the costs of making all the necessary changes to the existing building vs. building a new safety services building? Of separating the police and fire/rescue departments? And so on.

The second focus is to evaluate the Bald Sunapee-Camacho property. What are the options for placement of a septic system, of a well, and of buildings (e.g., police station, Vets Hall)? Could we remove the knob on the east side of the property to create more usable land area? Would it yield sand and gravel the highway dept. could use? And so on.

Clearly there are many things to consider – from current needs to meet code to future growth, whether to upgrade or move, and cost comparisons – to determine the best course.

Again, it is a very preliminary study to assist in planning for future needs of the town, the next step in a well-considered process.

Town website calendar – The board of selectmen agreed that a single person, Wayne Whitford, should be responsible for maintaining the town website calendar, as Whitford was already doing an exceptional job. It was also agreed by the Board, that the Beautification Committee and the Historical Society could be listed on the Calendar since they worked closely with and in conjunction with the town. Private Organizations should not be considered to have listings on the Calendar.

Historic town buildings – A subcommittee of the Newbury Historical Society is placing historical markers on buildings in town that were constructed prior to 1900, and requested permission to place them on town-owned buildings that fall within this category. The selectmen agreed; there is no fee for the signage.

Pitch for Kearsarge Community Center – Jessie Levine, town administrator for New London, made a presentation to the board of selectmen on Aug. 11 regarding the Kearsarge Community Center project. She reported on the overall function and need for the projected project. The main objective is to provide a gathering place for the residents of the nine involved communities where a wide variety of enriching programs will benefit people of all ages. Selectman Powell inquired as to the financial feasibility of investing such a large sum into a building which may only provide the most benefit and usage to a few of the towns within the closest proximity. Levine responded that although this is a possibility, the overall benefits of the proposed center would be a positive draw, and that all towns would use the center for their individual needs. She stressed

that this presentation is not to ask for financing, but to inform the town of the project's benefits and hope for the towns overall future support.

Land use change tax – On Sept. 8 selectmen signed a warrant for a collection of land use change taxes for Map/Lot #048-599-114 in the amount of \$11,000, Map/Lot #036-523-450 in the amount of \$4,350 and Map/Lot #036-523-439 in the amount of \$1,900.

Tree thinning in South Newbury – Trees behind Sherman Hall and the Grange Hall in South Newbury were recently cut to clear the area and allow more sun and air movement in. Dampness had been damaging the historic buildings. The work was done by Paul Francoeur, whose bid of \$960 was chosen by the selectmen.

Stormwater management form – Selectmen have approved a stormwater management erosion control plan form that was created by Paul LaCasse, code enforcement officer. The plans are required by an amendment to the zoning ordinance approved by voters in March. Anyone planning any kind of ground disturbance on a 'steep slope' should talk to LaCasse to see if this form and approval of the plan will be required.

Edgemont Road now Landing – On Aug. 11, Fire Chief Hank Thomas brought before the select board a request from the Edgemont Road Assoc. to change the name of Edgemont Road to Edgemont Landing. This is due to the fact that the Town of Sunapee calls Route 103B Edgemont Road, which can cause confusion with emergency dispatch. The selectmen recommended that 'Private Road' be added to the sign and that a different color be used for signs to distinguish between private roads and town roads. The color blue was chosen for private roads, and the name change was approved and signed. The highway dept. has since installed the two new street signs.

Tax rate not yet set – The town and county have sent their numbers to the state Dept. of Revenue Administration for calculation of the tax rate. The DRA is awaiting information for the school district, as well as state revenue data on room and meals tax. Once that's received, they will set the rate, advise the town and the second-half tax bills can be prepared and mailed. Following is the information submitted on our valuation, with comparisons between 2008 and 2007.

| <u>Land Value Summaries</u> | <u>2007</u> | <u>2008</u> | <u>Difference</u> |
|-----------------------------|-------------|--------------|-------------------|
| Current use land | \$ 880,811 | \$ 1,087,187 | \$206,376 |
| Residential land | 358,655,360 | 358,843,760 | 188,400 |
| Commercial land | 9,586,633 | 9,484,940 | (101,693) |
| Total taxable land | 369,122,804 | 369,415,887 | 293,083 |
| Exempt land | 40,441,976 | 40,614,592 | 172,616 |

| <u>Building Value Summaries</u> | | | |
|---------------------------------|---------------|---------------|-------------|
| Residential bldg | \$296,464,440 | \$301,609,260 | \$5,144,820 |
| Manuf'd housing | 402,300 | 402,300 | |
| Commercial bldg | 24,032,360 | 24,022,640 | (9,720) |
| Total taxable bldgs | 320,899,100 | 326,034,200 | 5,135,100 |
| Exempt bldgs | 5,624,400 | 5,755,800 | 131,400 |
| Utility value | 5,000,000 | 5,000,000 | |
| Total taxable value | 695,021,904 | 700,450,087 | 5,428,183 |

| <u>Modified Assessed Value</u> | | | |
|---|----------------------|----------------------|--------------------|
| Blind exemptions | \$ 15,000 | 15,000 | |
| Elderly exemptions | 195,000 | 195,000 | |
| Wood exemptions | 450 | 450 | |
| Net valuation for tax rate calculation | \$694,811,454 | \$700,239,637 | \$5,428,183 |

Volunteer appointment – The selectmen appointed Jennifer Sweet as a member of the Newbury Recreation Committee on Aug. 25, on recommendation of the committee.

How green is your road? – Selectmen headed out onto Rte. 103 on Sunday, Sept. 21, to yet again clear the trash from the 2 miles of highway they adopted. They will next be out on Oct. 18 to keep Newbury's image clean. Other roads in town could use some sprucing up as well...

Water test results – In early September the results of water testing at the two town beaches, in Newbury harbor and Blodgett's Landing, were higher than the last test (likely due to the amount of rain) but they are both still well below the state limit for E. coli levels.

County cost – Selectmen reviewed the 2008 Merrimack County tax apportionment on Aug. 11. Newbury's share, based on equalized value, is \$1,864,249, which is up 11.76 percent from last year. The county's total budget for the year is \$41,928,579 and Newbury pays the 5th highest share, behind Concord, Hooksett, New London and Bow.

Boating Safety Classes

The Dept. of Safety's Boating Education group has the following boating safety sessions scheduled at the Newbury town office:

Saturday, Oct. 4 9 a.m. – 4:30 p.m.
Saturday, Nov. 8 9 a.m. – 4:30 p.m.
Saturday, Dec. 13 9 a.m. – 4:30 p.m.

Call the NH Marine Patrol at 603-267-7256 or 888-254-2125 with any questions or to sign up for one of the sessions. There is a \$10 nonrefundable registration fee. Preregistration is required. Note that sessions might be cancelled if there is insufficient signup or they lack an instructor, so be sure to call Marine Patrol. More information is available at: www.nh.gov/safety/divisions/ss/boatinged/index.html.

PARKS & RECREATION

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

Three items are at the top of the recreation committee's agenda just now: the upcoming fall festival, an adopt-a-trail effort and the need for more volunteers.

The third annual Newbury Fall Festival and Fall Fling 5K was postponed to Oct. 25, with hopes the sun will shine on this key fundraiser for programs. See the schedule below of activities for the day and don't be surprised if pumpkin-related items are added.

You can mark next year's date on your calendar already, because the committee decided to hold the event on the last Saturday of September from now on...weather permitting.

The committee is very pleased to welcome Jennifer Sweet as a new member, and anyone else with interest is invited to contact one of the members for information. It would be great if they could build a call list of people willing to help now and again at events or programs.

Adopt a Trail at Fishersfield Park

Kicking off the Community Adopt-a-Trail program to keep the park trail system in good shape is another goal of the recreation crew.

They are looking for individuals, families and organizations to adopt a half-mile portion of one of the Fishersfield trails to maintain for one year (much like the adopt-a-highway program). There are nearly 5 miles of trail, so 10 people or teams are needed.

The maintenance on the trail would be done twice a year and mostly involves keeping the trail clear and weed whacking. Trail and blaze repair might be needed too. Stop by the information table at the fall festival for more details, or contact recreation coordinator Travis Dezotell at 763-4940 x210 or travis@newburynh.org.

Dezotell hopes to develop a guided wilderness walk in the park, with a brochure that highlights the ecological and historical features of Fishersfield Park. The trail maintenance done by the adoption program also would be a help in preparing the trail system for cross-country ski access this winter. Both the trail guide brochure and cross-country preparation are great opportunities for volunteers.

Pick-up Leagues

Looking for people who want to play? Add your name to the pick-up league roster for beach volleyball, basketball, tennis, horseshoes or bocce by contacting Travis Dezotell, recreation coordinator, at 763-4940 x210 or travis@newburynh.org. Email is recommended.

Fall Foliage Festival & Fall Fling 5K Race/Walk Saturday, Oct. 25

Fall Fling 5K Run/Walk

A fundraiser for Fishersfield Park and Newbury Recreation, sponsored by Outspokin' Bicycle & Sport

Register on race day for \$20 from 8-9 a.m. at the town office or register early for \$16. Applications at newburynh.org, drop it with your check at the town office for Travis Dezotell, or at Outspokin'.

T-shirts for all participants with registration fee.

Prizes for winners in five categories: youth 12-18, men's and women's 18-40, men's and women's masters 40+.

5K kicks off at 9:30 a.m. in front of Outspokin' Bicycle & Sport.

Fall Foliage Festival – Fishersfield Park – 10 a.m.-2 p.m.
[off Rte. 103 on Old Post Road opposite the transfer station]

A community celebration for family fun

10:00 Craft festival and farmers' market
10:45 Kids' Fun – games, contests and prizes, free throw, Frisbee throw, soccer kick, beanbag toss plus make-your-own sand art necklaces
11:00 Lunch begins – burgers, hotdogs, sausages, onions and peppers and *corn chowder!*
12:00 Adopt-a-Trail at Fishersfield Park
1:00 Short guided hike showing features of the park's nearly 5 miles of hiking loops

TOWN CLERK/TAX COLLECTOR **November 4 Election**

There will be a full ballot for Newbury voters this November, with elections for both representative and senate seats in the state legislature and Congress as well as president. The polls will be open on Tuesday, Nov. 4, from 7 a.m. to 7 p.m. at the town office.

You can register to vote at that time, and it's a good time to verify your party registration.

Absentee Ballots

You can request an absentee ballot if you will be absent from the town during the polling hours on Election Day, or because a religious observance or physical disability prevents you from voting in person.

Here's the process:

1. You must request an absentee ballot in writing. You can get an application form from the town website (newburynh.org under the 'forms / applications' tab) or the town clerk's office or write it up yourself. In the latter case, use words to the effect: To the Town Clerk of Newbury, I, [print name], hereby apply for an official absentee ballot. I am a duly qualified voter and entitled to vote in Newbury. Please mail ballot to: [your signature], [your mailing address], [date].
2. Once the town clerk receives the application she will enter your information into the state voter checklist database and prepare your absentee voter material.
3. When you receive the packet, take the ballot out of the affidavit envelope, fill it out with the pencil provided (one with a high graphite content which the voting machine reads). Seal it in the affidavit envelope and sign the affidavit in ink. That envelope stays sealed until voting day.
4. Put the affidavit into the outer envelope provided in the packet for mailing back to the town clerk or hand deliver it to the town clerk.

Note: If you mail in your absentee ballot, it must be at the Newbury Post Office no later than voting day, Nov. 4. The town clerk checks the post office at 4:45 p.m. that day.

If you hand deliver the absentee ballot to the town clerk, it is due the day before the voting day (because it includes your signed affidavit that you will be absent on voting day).

You can do the whole process in one visit to the town clerk – fill out the absentee voter application, hand it in, get your packet, fill out your ballot, seal it in the affidavit envelope, sign the affidavit and turn it over to the town clerk.

5. On voting day, Nov. 4, the moderator will compare the signature on the application to the one on the affidavit envelope, and the ballot will be fed into the vote tabulation machine.

About those online checks

Linda Plunkett, tax collector for Newbury, says she often receives checks that are generated from online banking. It is not always clear from the information on the check who is paying and for what reason. Even printing the name on the check doesn't always help as there are several situations where the remitter (whose name is on the check) does not have the same name as the property owner. Also, some people have several properties and she doesn't know which one(s) they intend to pay with the check that arrives. The numbers don't necessarily add up and it comes to making an educated guess. Eventually it works out, but things could get dicey if the wrong lot is credited.

So if you're are setting up an online bank check or bill pay, please reference the 9-digit tax map and lot number on the check. That will save time researching the owners, and guarantee that the funds get credited to the right account/property. Your help is appreciated.

TRANSFER STATION

As part of the effort to improve operations at the transfer station, selectmen examined the bids received for the concrete pads under the containers at their Aug. 25 meeting. They decided to give the work to Alexander Concrete & L.E. Weed & Son, LLC – one for rebar, etc., one for the concrete itself. The highway crew was asked to do the prep work. The work is in process.

The selectmen also decided that more signage is needed for recycling. Fliers and signs have already been created and put up. One will indicate how much the town is saving by recycling. Pavlicek said the town has made \$14,000 in revenue on its recycled materials so far this year, without taking into account what we've saved in not having to dispose of it. Clearly the time you invest in recycling is paying off.

2009 Dump Stickers are available

The 2009 transfer station tags are available at town office from the selectmen's office or the town clerk. It's easiest if you bring your old tag.

HISTORICAL SOCIETY

Board of directors: Bob Morris, Barbara Steward, Mary Thayer, Margie Weiler, Bill Weiler, Shelly Candidus, Deane Geddes, Alice Lynn, Dennis Pavlicek

At the Sept. 4 meeting the Newbury Historical Society's board of directors elected its new slate of officers. Bob Morris is now president, succeeding Bill Weiler who has been named archivist, a new position. Reelected to their positions were Barbara Steward, vice president, and Margie Weiler, treasurer. Mary Thayer was elected to the board and then elected secretary.

Several projects are in the works. The cover photos have been chosen for the pictorial history book, and members are hard at work on selection and preparation of photos and captions so the book can be ready for sale early next summer. Shelly Candidus is the lead author. The society's other projects are moving apace as well: house markers, led by Diana Morris; website, headed up by Bruce Healey; cataloging with Margie Weiler and the self-guided walking tour of South Newbury by Rich Cole.

The society meets every other month, on the first Thursday, at the town office building at 7 p.m. The next meeting is scheduled for Nov. 6 and residents are more than welcome to participate.

Presentation of Bicentennial Cane

There will be a presentation of the Newbury Bicentennial Cane to William Henry Schroeder Sr. of Emily Lane on Saturday, Oct. 4, at 10 a.m. in the town offices. The cane is held by the oldest resident of the town. Mr. Schroeder was born in March 1913.

One and all are invited to the ceremony. Refreshments will be available.

NEWBURY PUBLIC LIBRARY

Newbury Public Library trustees: Regina Almond-Albro, Paula Falkowski, Liz Tentarelli. Friends of NPL officers: Liz Moul, Ken Tentarelli, Mickey Noyer

October's book discussion

The book selection for October's discussion is a highly suspenseful thriller filled with tension. In Michael Palmer's book *The Sisterhood*, a group of well-intentioned nurses has formed a secret society that very selectively practices euthanasia on "appropriate" patients. Pick up a copy at the library and join the thought-provoking discussion of the morality and/or virtues (or not) of mercy killing at the discussion on Monday, Oct. 6, which begins at 7 p.m. at the library. The discussion leader is Tom Forry of Newbury. Books are available for checkout at the library. The Friends of Newbury Public Library will provide refreshments.

Friends annual meeting

The annual meeting of the Friends of Newbury Public Library is on Wed., Oct. 1 at 6:30 p.m. in the library. All are invited. The Friends are looking for a secretary for next year, as well as members interested in helping with the programs and fundraising the group does for the library. Liz Moul, president of the Friends, is happy to talk about the opportunities; call her at 763-9833.

Halloween plans

Don't be scared, that spooky-looking witch is really special guest Susan Cancio-Bello, come to lead the group in spooky song, rhythm, rhyme and Halloween fun. She'll join the preschool story hour on Wednesday, Oct. 29, at 10:15 a.m. at the library.

Climb Mt. Everest

Famed Everest and world climber Rick Wilcox of Conway will share his slides and experiences of that mighty peak and other mountain-climbing exploits. He was one of the first four people from east of the Mississippi to summit the Mt. Everest.

The Friends are hosting this special talk on Sunday, Nov. 2, at 2 p.m. in the town office building. Seating is limited so please call the library for a reservation at 763-5803. Donations will be welcome, as are sponsors for this and other library programs. Please talk to librarian Rosie Johnson or Liz Moul about the opportunities.

Thank you, Mackenzie

The Newbury Public Library thanks Mackenzie Keegan for sharing her talent and generosity. She thought her second-grade brother and his friends needed a wider selection of books, books that were funny, more modern and entertaining. Putting thought to action she made bookmarks to sell at the library for \$10 each. Thanks to the support of library patrons, 30 books were purchased from the New Beginning Chapter Books series.

Business is good

Statistics through July 31, 2008:

| | 2007 | 2008 | |
|---------------|--------|--------|--------|
| Patron visits | 8,304 | 10,045 | up 21% |
| Checkouts | 10,796 | 12,090 | up 12% |
| ILL* received | 267 | 393 | up 47% |
| ILL sent | 191 | 219 | up 28% |

(* interlibrary loans of books and materials)

HIGHWAY DEPARTMENT

Highway administrator Cal Prussman reports that the reclaiming of Haynes Road and the second half of Baker Hill Road is set for the week of Oct. 6.

At the transfer station, pads for the plastic and demolition containers have been constructed and when the concrete is done the remaining pads will be made ready for concrete.

Ditching has been done on Newell, Gillingham, Sutton and Brown roads. Others will be done as weather permits. Prussman said all other major projects have been completed as well.

The sand shed has now been filled and 150 tons of salt have been delivered, ready for the start of the winter season. The crew is in the process of going through the plows and sanders to have them geared up and ready. Not for nothing, the Old Farmer's Almanac says the first snowstorm will be Nov. 6 and 7.

The selectmen and town administrator discussed the \$18,000 overage in the highway budget caused by increased costs for materials and fuel. Pavlicek assured the board that he has found areas where cuts can be made or items have come in under budget to make up the difference.

The necessity for a roadside mower rental was also discussed and the board concluded that overall costs are lower to maintain vegetation in an early growth state. The purchase order was approved and signed.

Prussman reported to selectmen that there is a class VI section of Province Road that has collapsed culverts and suggested the town pay to have these two culverts replaced. The selectmen decided that the culverts should be replaced since the replacement is to prevent further damage down the road where it becomes class V. [The class VI designation indicates a town road that is not maintained as a general rule, except where there are extenuating circumstances.]

Looking down the road

Highway administrator Cal Prussman presented his department's overall 5-year road plan to selectmen on Aug. 11, including figures showing the effects of the increasing costs of fuel and asphalt. He gave projected costs for reclaiming or repaving a number of roads including Baker Hill (divided into two sections), Newell Road, Fishersfield, Stoodley Drive and Shore Drive.

Powell asked about the option of shimming as an alternative to paving and Prussman explained that although the initial cost is lower, because of the roads' conditions shimming would not last and would be more expensive overall. There was a discussion on drainage issues and severe effects from the increased rainfall to specific areas. They also talked about how to determine which roads should be taken care of immediately and which roads could be put onto next year's schedule. Pavlicek is developing a set of criteria for paving roads to better address these issues in a more objective way.

The board decided that a traffic count on Baker Hill and Newell roads should be completed to determine which roads would take priority for this year and which roads would be put on the schedule for 2009. The selectmen asked Prussman to also prepare a prioritized list of the other roads for their review to determine action to be taken. The selectmen concurred that fairness should be used by considering a number of aspects, such as environmental impacts, as well as traffic.

Prussman is to consider the amount necessary for the 2009 budget to discuss at a coming meeting. He noted the need next year for new grader tires and the moving of a guardrail. The selectmen would like him to stay within this year's budget.

At the selectmen's Aug. 25 meeting Prussman gave the traffic counts taken at two locations. Newell Road had 492 vehicles on Saturday, Aug. 23 and Baker Hill had 757 vehicles. He thought the Baker Hill numbers might be a little high due to the fact that there was a yard sale on that road. It was Prussman's recommendation to

pave Baker Hill first due to the fact that it is in worse shape and more traveled.

Selectmen asked Prussman to revisit the five-year plan in light of the increased cost of materials and fuel and check if other assumptions and conditions still hold.

FIRE & RESCUE DEPARTMENT

Winter Heating Safety

With September being National Preparedness Month and the week of October 5-11 Fire Prevention Week, the Newbury Fire & Rescue Department along with Newbury Emergency Management, the Newbury Health Officer and the Board of Selectmen have kicked off a winter heating safety campaign.

The primary vehicle for this program is a new *Winter Heating Information* page accessible from the front page of the Town of Newbury website, www.newburynh.org. This page contains links to the State of New Hampshire's new *Stay Warm NH* webpage: <http://www.staywarmnh.org/>, the University of New Hampshire *Heating with Wood* webpage, as well as information on heating safety, fuel assistance, insulation and cost energy saving information and other related topics.

The webpage also has information on the new state law that went into effect in August, regulating outdoor wood boilers.

The subject of the 2008 National Fire Prevention Week is "Prevent Home Fires" which ties in well with the Town of Newbury winter heating safety campaign. Information on National Fire Prevention Week and preventing home fires can be found on the Newbury Fire & Rescue website (www.newburyfd.org) and at the town office.

A public information session is being planned at the town office that will provide information on heating fire safety, alternative heating systems, fuel assistance and other winter heating topics of interest to the community. The date of the meeting will be posted at the town office and on the website.

On the subject of new heating systems, please remember that the Town of Newbury requires a permit from the fire department for the installation of any heating equipment. This applies to oil and gas furnaces as well as all wood-burning stoves, fireplaces and furnaces. A permit application can be downloaded from the department's website at <http://www.newburyfd.org/PermitInstallOperateGas-WoodBurning.pdf>. Permit applications are also available from the code enforcement officer at town office.

Just a reminder that the grace period for obtaining the new Newbury Fire and Security Alarm permits has expired. Permits from the town are required for any fire or security alarm system that is monitored by an alarm company central station. False alarms received from any residence or business that does not have an alarm permit will result in a fine as stipulated in the Newbury Alarm Ordinance. Information on the ordinance and a downloadable application is available on the Newbury Fire & Rescue website.

Delivery of the new Fire & Rescue Department tanker truck remains on schedule for late fall. The Kenworth cab and chassis has arrived at Valley Fire Apparatus in Bradford.

-- Wayne Whitford

CONSERVATION COMMISSION

Katheryn Holmes, chair; Eric Unger, vice-chair; Bill Annable, Chuck Crickman, Suzanne Levine, Deane Geddes (alternate)

The conservation commission offers advisory recommendations to the town and state decision-making boards on items with conservation impact. For example its members review intents to cut, and at their Aug. 12 meeting discussed one from Northwoodlands, Inc. for land off Mountain Road to cut 30 of 845 acres for a total of 150,000 board feet of timber. It was considered a significant cut, and Unger will be looking into it in more detail.

The commission also reviews applications to the state DES wetlands bureau, and two have been of particular interest for the last

few months. One is a request from Bell Engineering for a road and culvert for use while harvesting timber from land in the Chalk Pond area. The other is a project at the state beach proposed by DRED to upgrade and pave the parking area. The project also involves dredging the mouth of Chandler Brook.

Commission chair Holmes has also suggested that the group should think about creating guidelines for water bubblers. She said there are significant adverse effects from water bubblers on the lake, and they should be evaluated to determine if guidelines for operation of the bubblers would help minimize those effects.

Hearing to expend conservation funds

The conservation commission has scheduled a public hearing on Tuesday, Oct. 14, at 7:45 p.m. at the town office building. The commission will propose to expend \$5,395 from the conservation fund to reimburse Suzanne Levine for expenses incurred in donating a conservation easement on 9.94 acres of her land, as authorized by Section 15 of the Newbury Conservation Commission bylaws.

Please note –

In the last issue of *Newbury Update* we ran out of space and decided to catch up on the planning board and ZBA activities in this issue. That is why you will be reading about meetings held from June on in the following two sections.

ZONING BOARD OF ADJUSTMENT

Elizabeth Ashworth, chair; Kathryn Holmes, vice-chair; Barbara Richmond, Steve Russell, Helen Wright. Alternates: Alex Azodi, Sue Russell

Holmes made some suggestions at a recent ZBA meeting. She said it is important in cases involving the buffer zone that someone from the board should actually go out and measure how far the water reference line is from the proposed construction and that the board should make all cases contingent upon DES approval. She also noted that some of the septic systems around the lake were constructed for seasonal use only, and the board should check on all systems that come before the zoning board to make sure they are compliant.

Geraldine S. Bateman, for property located at 9 Frazier Ave., sought a variance to allow for reconstruction of an existing structure within the 15-ft. and 75-ft. setbacks.

6/9/08 This hearing was continued from May 12. At a previous meeting there were issues with the wetlands bureau regarding the proposed change in height. The initial response from the wetlands bureau was that the change is functionally the same use and therefore allowed. However upon further consideration of the application the wetlands bureau determined that the way the statutes are written, no increase in height is allowed on the section of the boathouse over the water and no increase in the outside dimension. Consequently, the plans have been redesigned. There is a state shoreland waiver for the proposed plantings, stormwater management and erosion-control plans for the new set of plans. Board members felt that the new design has satisfactorily addressed the concerns of the board and the abutters.

The board voted unanimously to grant the variance to allow for reconstruction of an existing structure within the 75-ft. setback of Lake Sunapee with the condition that the applicant must adhere to all state and town building permits as required in the regulations.

Albert & Maryann Plass, for property located at 44 Southgate Road, sought a special exception to permit converting a sugar house into an accessory apartment.

6/9/08 Plass explained that he would like to convert the existing sugarhouse on his property into an accessory apartment. There are no restrictions mentioned in their deed for the Southgate subdivision property that may prevent accessory apartments, nor is there a

homeowners' association to oversee or enforce any deed covenants or restrictions. Plass said that the state has already approved tying into the existing water and septic systems. The sugarhouse is built on a slab as an outbuilding on 2.2 acres. Ashworth commented that the zoning regulations are set up to allow this kind of use per Art. 4.10.

The board voted unanimously to grant the special exception as presented with the condition that the applicant needs to meet all of the zoning regulations and get a building permit.

Christine Windler Trust, for property located at 21 Bay Point Landing Road, sought a variance to permit construction within the 75' shoreline setback.

6/9/08 The applicant would like to replace the existing cottage, built in 1890, with a new two-story cottage. The plan will observe the 15-ft. side setback to the south and the proposed garage to replace the existing garage will honor the front setback. The existing footprint of the cottage and garage is 1636 sq. ft. The proposed footprint is 1633 sq. ft. The new building will be rotated 10% to accommodate the side setback. The existing cottage is 23 ft. from the lake, and the proposed cottage is 29 ft. from the lake.

The applicant was seeking guidance as to where to place the house that would be most acceptable to the board, prior to investing a lot of time and money in plans.

Ashworth explained that the board would be voting to grant or deny the application as submitted. This board is not allowed to conduct conceptual meetings; it can only consider what the applicant presents. She advised the applicant that if the new cottage is constructed in the same footprint as the existing cottage, there is no need for a variance from this board.

Ashworth suggested that this hearing be continued for the purpose of receiving more information regarding erosion control, a tree cutting plan, a re-vegetation plan, height and dimensions of the proposed buildings and any other information required in the regulations. The hearing was continued until July 14.

7/14/08 The requested information was provided and reviewed. Windler was told that he will need to get a permit from the state in order to remove the existing building(s).

The board voted unanimously to grant the area variance to permit construction within the 75-foot shoreline setback with the following conditions: 1) The existing stormwater runoff is addressed in the building permit process and that the new construction will not be detrimental to what is existing; 2) All state approvals need to be obtained.

Parry Family Trust, for property located at 9 Old Mill Road, sought a variance to permit construction of a storage shed within the required sideline setbacks.

8/11/08 Philip Parry is seeking permission to construct a shed within the sideline setback from Old Mill Road. The primary purpose for the shed is that there is a problem most of the year with runoff and groundwater. Currently, the only storage on the property for tools and equipment is a 3-ft. crawlspace under the house, where the runoff is an issue. Because of the location of the septic system and the propane tanks, there is no place else to locate the shed. The proposed dimensions of the shed are 7.5 ft. x 10 ft.

After discussion, the board voted to continue this hearing until Sept. 8, at which time the erosion control plan and sketch of the proposed shed will be reviewed.

9/8/08 Parry sent a written request to continue this hearing because the engineer had not been able to complete the erosion control plan as requested by the board at the last hearing. The board voted to continue this hearing until Monday, Oct. 20 at 7:15 p.m.

Gerald Bundy, for property located at 1230 Route 103, sought a special exception to permit a workshop as accessory building for cottage industry.

9/8/08 Bundy has a small stone business which he has been running out of his garage for the past 12 years. He proposed a steel structure on a concrete slab 70 ft. x 45 ft. for his business. The granite fabrication he produces are pieces for architectural enhancements such as fireplaces and rounded columns.

The only noticeable change in appearance from outside of the property will be that the existing logging road where it enters Route 103 will be upgraded to a driveway. The NH DOT has reissued a driveway permit for access to Route 103.

Ashworth said that the focus of the zoning board should be to consider if this proposed use is appropriate for this area.

The board voted unanimously to grant the special exception to permit construction of a 70 ft. x 45 ft. workshop as an accessory building for a cottage industry with the following conditions: 1) There shall be no on-site retail traffic, 2) The approval of the special exception is contingent upon approval of site plan review by the planning board.

PLANNING BOARD

Tom Vannatta, chair; Barbara Freeman, vice-chair; Travis Dezotell; Deane Geddes; Bill Weiler; Ron Williams; Jim Powell, ex-officio; Ken McWilliams, advisor

Please note –

This section first presents topics the planning board has covered at its work sessions and other administrative actions. It is followed by summaries of hearings, arranged by case numbers and date sequence within each case.

Master plan printing

On June 3, the board discussed the availability and need for copies and agreed to authorize three full-color copies (library, board of selectmen, planning board) and 25 black-and-white copies, which will have colored conservation maps. The master plan will be made available from the town's website and also sold at approximately \$12 to cover the cost of publication.

Master plan implementation

On June 3 Freeman suggested that the board should begin to go through the master plan and create a prioritized list of what needs to be and can be accomplished in the ensuing year.

Regulation and enforcement procedures

On June 3 the board discussed the need to write a procedure to interface between regulation and enforcement. When certain restrictions are placed on an application, the code enforcement officer sometimes is not aware of the restrictions or the monitoring for enforcement gets dropped.

Weiler said that he has a procedure written which addresses that process and will bring it to the next board meeting for discussion with the ex-officio.

In addition, Vannatta has worked with Denise Walter, land use coordinator, to set up a tickler file to help monitor and maintain approval issues such as letters of credit, inspection status and deadlines.

Sign Ordinance

On Aug. 19, Powell informed the planning board that the board of selectmen has been aggressively taking action to enforce the temporary sign ordinance. It is going to be difficult to enforce the sign ordinance with the real estate people. The board of selectmen feels the planning board should take an active role in communicating to the real estate agents the requirements of the town's temporary sign ordinance. Weiler commented that perhaps the planning board should consider re-writing the sign ordinance because some of the properties for sale on the back roads will never get noticed if they are not allowed to advertise on a main road.

Zoning amendments for 2009

Back in March after the master plan update was completed, McWilliams asked the board what he should work on next. He proposed three projects previously discussed: 1. Conservation subdivision design ordinance, 2. Alternative energy ordinance (regulating the use of wind and solar energy), 3. Viewshed overlay district for the lake. The board chose the first one.

On June 3 McWilliams reported on his progress creating a Conservation Overlay District. He has been researching material and presented three books by Randall Arendt: *Rural by Design*, *Conservation Design for Subdivisions*, and *Growing Greener*. He said these books are good resources and provide suggested language for ordinances.

Freeman suggested that using the conservation maps as an overlay with the existing maps would be very helpful to identify certain resources that should be protected such as wildlife corridors, streams, stonewalls and ridgelines. The maps would also give the board an overview of surrounding areas to facilitate connecting green spaces and keeping them open.

McWilliams said that the conceptual subdivision application should identify where all of the sensitive resources (flood plains, wetlands, steep slopes, etc.) are on the property. Then the planning board can look at those things and negotiate with the developer. An advisory meeting prior to engineering would save a lot of time and expense for the applicant and pull together and identify what the resources are on the property. Fact-gathering and communication between the developer and the planning board is crucial.

Weiler said that the conservation commission opted not to identify specific properties within its plan that should be protected. They did, however, make a recommendation that a consultant should be contacted to map out suggested areas for conservation.

Freeman said that the ordinances should be written so that the ordinary person is able to understand and calculate the number of allowable lots before putting money into engineering and subdivision plans. The board should introduce new aspects of conservation development within the regulations but in separate chapters.

Williams said that he believes it is very possible to create an attractive, functional development by mixing cluster and single-dwelling lots. The perk tests will determine the best locations and sizes for the septic systems, which will dictate where and how large the units may be.

The topic of affordable housing was also mentioned, and McWilliams said that there are not a lot of incentives for developers to create affordable housing. He advised that the planning board could offer incentives to developers to create affordable housing. The board could also reduce the number of buildable units if the developer opts to subdivide using the conventional 'cookie-cutter' approach.

At its Aug. 5 meeting, the board reviewed a draft of the proposed Article XII Conservation Subdivision Design. McWilliams explained that he basically took the cluster development article and revised it. The proposed Article XII's purpose is the same as what is already written for the purpose of Cluster Development. Article 12.1 adds a density bonus of 10% if a minimum of 10% of the land is dedicated for public use.

Freeman suggested that this article be called 'Conservation Subdivision' not 'Conservation Subdivision Design.' The word 'design' should remain in the text of 12.1. Also, she asked if 10% is enough of an incentive for a developer to provide affordable housing. Geddes commented that 10% is not very generous as an incentive. The board briefly discussed what percentage should be offered as a density bonus and decided on 25%.

Powell asked for clarification of the purpose of this article. He stated that it seems to be an exclusionary practice, which would further raise the cost of building a home. He commented that it seems to him that the town has never done anything positive to encourage

affordable housing and make the process easier. Anything that is written in the regulations makes it more difficult and more expensive for people to build new houses.

Freeman explained that this article would be updating the cluster development article. It takes the existing ordinance one step further by using local land conditions to determine how land is subdivided. She explained that the intent is to protect delicate and sensitive land in Newbury and to make sure a development does not adversely affect existing residents. This article would give a bonus to a developer; if the developer agrees to provide affordable housing, they will be allowed more units. This ordinance would encourage the placement of houses in such a way that the effects of development will be less detrimental to the environment and give bonuses to the developers that provide affordable houses and public trails.

Dezotell said that he understands Powell's concerns and he would like to see the board give a developer the ability to allow people to move their houses closer together and preserve and protect the wildlife corridors and natural resources. If that purpose is not clear, then the regulations should be written so that concept is easily understood.

Freeman asked McWilliams to review the regulations and find the appropriate place and method to incorporate affordable housing into the regulations.

Williams said that in the Minimum Open Space section, 50% seems to be a very aggressive amount to require for open space.

McWilliams explained that it is not as much as it seems because the purpose behind the conservation design is to concentrate the developed area over a minimal area and leave the remainder open.

Freeman explained that this article does not cut down on the number of allowed dwellings. It only concentrates the number of allowed dwellings in a tighter proximity to each other. It would also cut down on sprawl and protect the environment.

McWilliams stated that the developer does not have to use this method of development. It is only offered as an option, which may provide more dwellings than a conventional subdivision.

Weiler pointed out that larger conventional subdivisions often have problems with infrastructure. For example, the Pickman development chose to subdivide in a primarily conventional manner, which resulted in 40,000 sq. ft. of wetlands impact. Because of this impact, the wetlands bureau now requires a wetlands mitigation plan, which has put the progress of that subdivision at a standstill.

Freeman commented that the Angel Hawk road has led the developer to potential bankruptcy.

Dezotell suggested that the board should talk to some of local developers to find out from them what it would take to get them to develop affordable housing. An affordable house is in the \$150,000 range, not the \$300,000+ range, which is what typically results from these new subdivisions.

Weiler commented that multi-family housing is the only way affordable housing would be able to be developed and remain profitable for the developer.

Freeman commented that the board should try to investigate the possibility of developing a multi-family house and where in town it makes sense to develop such a use. It would seem logical that such development should be near the center of town.

Powell asked if it is feasible for a developer who creates a self-contained sewer system to develop lots of less than two acres.

Dezotell said that in the visioning session for public input for drafting the master plan, people made indications as to where they would like to see more dense housing. Freeman asked McWilliams if an overlay map could be created and used to facilitate identifying what areas in town are more conducive to denser development. McWilliams said that he would look into the map availability.

At press time, planning board chair Vannatta said the order of approach for the board's work on amendments to the zoning ordinance is likely to be affordable housing, then wind/alternative

energy and conservation subdivision. He said the conservation changes would probably be interwoven into the existing articles, rather than appearing as a separate entity.

The board's next work session is set for Oct. 7.

Stormwater management regulations

On July 1, Paul LaCasse, Newbury's building inspector and code enforcement officer, informed the board that there have been several situations in which he has been unclear how to apply the new zoning regulations of Art. 21 Stormwater Management. Some of those situations involved grading driveways, logging, land filling and driving equipment through land which tears up the land and could potentially create erosion.

McWilliams said that LaCasse should be guided by Art. 21.2 Applicability and the definition of 'development' in Art. 2.36 regarding what should be covered by Art. XXI Stormwater Management.

Williams said that if the grade of the driveway or crowning is being changed, then Art. 21 should be applied. But, if the property owner is grading for maintenance, then that grading should be allowed.

Powell said that it is reasonable that property owners should be able to maintain their own driveway.

McWilliams stated that if someone is creating a new driveway on a slope, erosion control measures should be implemented per Art. 21.

Weiler suggested that LaCasse should look at the spirit of the ordinance for direction if he has a question. If a homeowner is not altering the water flow and they are not creating erosion issues, then there is no need for erosion control measures. *Art. 21.0 Purpose and Intent: The purpose of this Article is to protect the public health, safety, and general welfare by regulating and guiding the management of stormwater impacted by the development of land in Newbury.*

LaCasse asked if a logging operation is going to require a Stormwater Management application since there will be some degree of disturbance of the soil. Weiler said that loggers and foresters are required to follow Best Management Practices when engaged in a logging operation. Therefore, the erosion control, if necessary, should be addressed under Best Management Practices guidelines. Powell said that logging is not a town issue unless there is a problem that has been created with the town roads or other properties. The state enforces the logging operations.

The sense of the board was that if any activity included the altering of terrain, then Art. 21 should be applied to control the stormwater runoff. Any activity that increases the water flow off the property and creates problems somewhere else needs to be addressed for erosion control.

LaCasse made the board aware that often a site is not regulated because of the building permit process. When a building permit is applied for, often the pre-building activity such as clearing and grading is already done before the building inspector/code enforcement officer is notified.

Vannatta pointed out that under Art. 21.8.8 *Failure of temporary erosion and siltation control measures or permanent stormwater management measures shall be considered a violation of this ordinance and may be prosecuted under Art. XXII*, which states that the property owner is ultimately responsible for any complications or violations.

LaCasse said that in situations of land filling, steep slopes are created. Weiler said that in that case, an erosion control plan needs to be in place.

Vannatta said that if a property owner or developer is creating a retaining wall, they are altering the natural slope and therefore erosion control measures need to be in place.

LaCasse said that another scenario that creates an unclear situation is trucking logging equipment through the woods for logging operations. Geddes said that if the logger is also removing the

stumps, they will be creating holes and raw earth. Therefore, erosion control measures should be taken if on a slope.

The sense of the board was that if the activity creates ruts and ravines in the earth, then hay bales should be used until the area is stabilized as a method of temporary erosion-control measures.

Powell stated that there will never be enough clear answers to cover all situations, therefore he advised LaCasse that if he has any questions, he should take pictures and measurements and then consult the board of selectmen.

Vannatta explained that he invited LaCasse to come to the planning board since it was the planning board that created the ordinance and would be able to explain their intent.

CASE 2004-006 – Angel Hawk Subdivision – Letter of Credit – Offsite Improvements

For some months the planning board has been discussing the Angel Hawk subdivision, particularly concerns with the offsite improvements required as a condition of approval. Following normal practice the board required a letter of credit from the developer to insure the work was done. When the letter of credit expired, the board was looking at revoking the subdivision approval. The matter is both complex and sensitive, and does not lend itself to further summary here. Those interested should read the full minutes, available at the town office and on the town website, of the meetings where the topic was discussed, which includes virtually every meeting since June 3.

CASE 2007-011: Final Review – George Carafa, Owner – Minor Subdivision off Newell Road

6/3/08 Vannatta informed the board that a letter has been received from the Bradford Planning Board stating that they have no objection to the Carafa subdivision. The mylar from May 2007 will now be sent to the Merrimack County Registry of Deeds for recording.

CASE 2008-004: Conditional Use Permit – Courtney Galluzzo – Chalk Pond Road

6/17/08 Vannatta informed the board that he received a set of plans for Courtney Galluzzo, who will be resubmitting his application for a conditional use permit to build a new house on his lot off Chalk Pond Road. At a prior meeting, Galluzzo proposed to build a 26 ft. x 36 ft. new house all within the wetland buffer overlay. The new plans propose a 28 ft. x 30 ft. new house in the same spot resulting in a 10% reduction of square footage.

CASE 2008-006: Site Plan Review – Elliot Hansen Real Estate office at 877 Route 103

6/17/08 Elliot Hansen asked for a waiver of preparing a site plan, explaining that he is not changing anything except cosmetic upgrades. There are no structural changes and no changes in parking or traffic flow proposed. The use would actually be less than when the site was previously used as a day care and a church. Weiler commented that if the applicant is not proposing any changes as indicated in the site plan review regulations then a site plan review hearing is not necessary.

After reviewing the requirements, the board unanimously voted that it was the sense of the board that a site plan review is not required for this use.

CASE 2008-08: Conceptual Site Plan Review - Rosewood Barn & Gallery - Tom & Kerry Behrens - 1386 Rte. 103

7/15/08 The Behrens would like to begin a daycare facility in the upper two floors of the Rosewood Barn that were previously used as a furniture store. They decided to seek this change of use after ending the furniture venture and studying the needs of the area. Behrens described the impact of daycare on his ability to hire personnel for his motel and restaurant businesses. There are also requests from patrons of the motels for daycare services. The Dept. of Health and Human

Services has determined that the facility could service 27 children under school age and 33 children of school age, for a total of 60 children. There is proposed to be 1,500 sq. ft. of outside playground space. The daycare would be open 7 days/week, 6 a.m.-7 p.m.

Given that the building has already been through site plan review for the existing uses, Behrens asked what additional requirements the board requests for this change of use. He was told that since there will be a change in parking layout to accommodate the playground, a site plan review hearing would be required to amend the existing site plan.

CASE 2008-009: Site Plan Review – Soaring Goose, LLC/ agent: Jim Dudley, Sunapee Outfitters – 43 Rte. 103

6/17/08 Dudley informed the board that he is only proposing temporary parking on the grass for a few months of the year that will accommodate one or two vehicles at a time. The driveway is the same that was used by the previous homeowners. The seasonal use of the lot on Lake Todd would be for customers of Sunapee Outfitters at 104 Route 103 to try out the canoes and kayaks before purchasing. It is an addendum to the originally filed site plan review.

The property owner, Soaring Goose, LLC, has given Sunapee Outfitters full permission to use this lot. Dudley stated that all signage, parking delineations and kayak racks will be removed after the season is over.

The board unanimously approved the application with the following subsequent conditions: 1. The use is for demonstrations and lessons of canoes and kayaks; 2. The use may also include rentals as long as they are ancillary to the demonstration/lesson aspect of the business; 3. The entrance shall be gated; 4. The parking area shall be closed after business hours in such a fashion that the public knows it is closed; 5. The parking area shall be identified using ropes & stakes and railroad ties.

CASE 2008-010: Conceptual – Roger Rodewald – Riverside Ecological Designs – Park 10

6/17/08 McWilliams informed the board that he met with Rodewald prior to the meeting tonight to review his application and make sure everything was in order. Rodewald agreed that he was not properly prepared for a meeting tonight and would return when he is better prepared in order to receive better feedback from the board.

CASE 2008-011: Bell Engineering - Bob Bell - Chalk Pond Watershed – 4’x30’ culvert installation

6/3/08 Vannatta read a letter that has been sent to Bob Bell, Bell Engineering, regarding a wetlands bureau application he made to install a 4 ft. x 30 ft. culvert in a wetland near Chalk Pond in order to access his land for timber harvesting.

“It has come to the attention of the Newbury Planning Board that you have submitted an application to the NH Wetlands Bureau to construct a road through a wetland environment, inclusive of a 4 by 30 foot culvert, for the purpose of harvesting trees. This being noted, there are several issues you should be advised to consider should the permit be granted.

The Newbury Land Subdivision Control Regulations, Section 4.1, Road Construction, states: “No Subdivision Road or road for any other purpose shall begin to be constructed on land where a subdivision will be proposed before an application for subdivision is approved. The cutting of trees shall be construed as evidence of the beginning of road construction. The Board reserves the right to seek a cease and desist order, and to make relocation a condition of approval.” Therefore, if a future subdivision is your intent, this regulation must be observed. If not, the temporary culvert must be removed at the conclusion of the project.

You are also advised that you must apply for and be granted a Wetland Buffer Conditional Use Permit from the Newbury Planning Board prior to the beginning of the project.

If you have any questions concerning this letter, please feel free to bring them before the Board..."

Geddes asked for clarification on the planning board's stand regarding this issue since property owners have a right to access their land to harvest timber. Weiler explained that this particular application proposes to cross through a wetland. Vannatta further explained that Bell has applied to the wetlands bureau for a temporary culvert. Therefore, the culvert will have to come out after the harvesting is complete, and the land will have to be restored to its natural state as it was prior to harvesting.

CASE 2008-012: Conceptual Discussion - David Kinsman - Rock Ridge Development - South Road

6/17/08 Alison Kinsman explained that her husband owns a 45-acre lot on South Road. In partnership with the Community Action Program of Belknap-Merrimack Counties, he would like to develop 35 acres to create a residential community for older Newbury-area senior citizens. The residential community will be clustered, 35-40 units, one- and two-bedroom apartment complex and shall be named Rock Ridge. It will provide affordable living for residents ages 55 and up with incomes generally at or below 80% of the area median income. Residents will be able to use transportation resources provided through the Mountain View Senior Center. Eligible residents will also have access to other resources and programs provided by Belknap/Merrimack, including but not limited to electric and fuel assistance, utility conservation, the fix-it programs, special needs access, etc.

About 6% of the site or approximately two acres will be used for development of the units and parking spaces. Up to an additional acre and a half will be used for the driveway, utilities and natural water runoff, control and mitigation infrastructure. Approximately 89% of the Rock Ridge parcel will be held by Rock Ridge as common land and woodlands.

Kinsman explained that there is an application process to receive HUD 202 funding for the project. There is no funding involved for the town, but the application does require support from the town. She advised the board that they need a general letter of support from the board of selectmen and the planning board stating that this plan is a possibility and in accordance with the town's master plan.

Freeman commented that the board would probably have a problem signing a letter stating that the project is definitely doable, but certainly the project has the board's support in concept. This project is in keeping with some of the goals of the master plan to address low-income and elderly housing. She stated that she thinks the board would be willing to work with the developer to see that the project can happen.

The board voted unanimously to authorize its chairman to draft a letter as requested stating that the planning board is in support of the concept of Rock Ridge Development and that it is in accordance with the master plan.

On July 15 Vannatta informed the board that the letter of support for the concept of the Rock Ridge development was submitted and the application for the federal grant has been submitted.

CASE 2008-013: Conceptual Site Plan Review - Baker Hill Golf Club - Baker Hill Road

7/15/08 Now that the Baker Hill Golf Club (BHGC) membership is at full capacity, more space is needed in the clubhouse, locker rooms and cart storage building.

First they discussed some work, involving grading, needed at the 16th hole to improve playability. Dick Chase, agent for the club, asked if the alterations as described would be considered maintenance or an amendment to the site plan which would require a hearing. Chase was advised that if the slope is over 15% and 1,000 sq. ft., they would have to comply with Article 21 of the zoning regulations, which needs to be approved by the board of selectmen.

The sense of the board was that the alterations described are maintenance activities and can be completed without a public hearing to amend the site plan.

Next was a proposed plan for the overall entrance and parking area for the club, including another access to the back of the buildings. BHGC would also like to add onto the existing clubhouse, attach a cart barn to the same building as the pro shop and new locker rooms. In addition to locker rooms, office space and a conference room are also proposed.

McWilliams advised the board that he sees two issues with the presentation that need careful attention. The first is that since a new exit/entrance is proposed, the board needs to make sure there is adequate sight distance to maintain safety. The highway administrator and fire chief will have to approve the changes. Second, the new cart barn will be added onto an existing building and will only be 15 ft. back from Baker Hill Road. They could either move the cart barn addition back 30 ft. from the road or apply to the ZBA for a variance for new construction within the 30-ft. road setback.

McWilliams advised Chase that a site plan review is needed for the parking area because there is a change in traffic flow, for the clubhouse because there is over 500 sq. ft. of floor space added, and for the cart barn because it is replacing an existing building and has over 500 sq. ft. of floor space.

Weiler suggested Chase may want to review the plans with the building inspector to make sure he sees no red flags before a lot of time and expense go into planning and engineering.

CASE 2008-014: Conceptual Site Plan Review - The Fells - 456 Rte. 103A - Parking area for nonprofit historic site

On June 17, Vannatta advised the board that The Fells had applied to DOT for a driveway permit and was proposing to build a parking area to the southerly side of the existing gatehouse. He asked for a sense of the board as to whether or not this project would need to come before the planning board.

It was noted that this is a change in the site with an expansion of use. The proposal indicates an expansion of the parking lot, there may be some wet areas and two new buildings are proposed next to the parking area.

Consensus of the board was that since The Fells is no longer a governmental entity and is thus subject to local regulation, this activity does need to be reviewed by the board.

7/15/08 Karen Zurheide, representing The Fells, presented the plans to move the parking lot at The Fells to the southerly side of the existing gatehouse. She explained that The Fells owns 84 acres of property at the Hay Estate. Often when there are programs offered there is a lack of parking spaces, which means Route 103A then becomes the overflow parking area.

The intention is to clear the area on the southerly side of the gatehouse for a new parking lot. Two new driveway permits have been applied for at the Dept. of Transportation. The existing entrance by the stone pillars will remain for maintenance and emergency access. The existing parking area will then be restored to its natural state. The new parking area will be designed for approximately 100 vehicles, and they would like to incorporate bus parking. There will be a landscaped area to create a natural-looking buffer along Route 103A. There are no plans for outdoor lighting. There will be slightly over 3,000 sq. ft. of wetland impact for which The Fells will have to get a wetlands permit.

The applicant was advised to obtain a copy of the Site Plan Review Regulations and review the checklist and procedures in Articles 10 and 12.

CASE 2008-014: Final Site Plan Review - The Fells - New parking area - 456 Route 103A

8/19/08 Waivers were granted and the application accepted as complete. The existing parking area is in two fields, is inadequate in

space and capacity and has no prepared base. The master plan of The Fells identified the area south of the Gate House as an adequate area for additional parking. Part of the proposed parking will be available to anyone using the Wildlife Refuge.

The current parking area would accommodate 20-30 cars, no bus parking and results in overflow parking along Route 103A. The proposed parking area would accommodate 90 cars, bus parking, and access to the site by larger vehicles. There is a driveway permit from the state DOT for a dirt driveway. A second, temporary driveway permit has been granted which authorized a paved access to be used as a temporary drive.

Once a wetlands scientist reviews the site a wetlands permit application will be filed. The parking area will be heavily landscaped in a character typical of The Fells. There is a buffer of approximately 30 feet between Route 103A and the proposed parking area. They are thinking of not paving the parking area at all but keeping it gravel. Rain gardens and dry wells have been designed as part of the erosion control measures.

The plan was unanimously approved with the condition that the fire department sign-off must be received.

CASE 2008-015: Conceptual Lot-Line Adjustment - Michael O'Donnell - Winding Brook Road

7/15/08 O'Donnell and his wife own lot #25 with 2.5 acres in the Mountainside subdivision off Winding Brook Road. His house is built less than 15 ft. from the abutting property line. The abutting property, lot 31 with 2.7 acres, is now up for sale, and he would like to buy it for protection and privacy. He said that as far as he can tell, he has several choices. One, purchase Lot 31 and leave it as is; two, purchase Lot 31 and apply for a lot-line adjustment to move the boundary line farther away from his house; or three, purchase the lot and combine the lots to create one house lot of 5.2 acres.

Weiler advised O'Donnell that a lot-line adjustment would be acceptable as long as Lot 31 maintained a minimum of 2 acres, taking into consideration the one-acre requirement for building envelope and allowance for steep slopes and wetlands. A surveyor would need to be hired to survey and prepare a mylar for recording with the new property line sited and the before and after acreage of each lot shown. After that a public hearing would be required. Combining the lots could be done without a surveyor by filling out a Merger of Two Lots of Record form. The planning board chair would then sign the form and it would be recorded at the Merrimack County Registry of Deeds. In addition, the taxes on one lot, even though it is larger, are less per acre than two smaller lots because of the inherent value of a building lot, no matter what size. O'Donnell thanked the board for the input and said after giving the issue some thought, he may be back in touch in the near future.

CASE 2008-016: Preliminary Site Plan Review - William Moulton - Edgemont Road - Relocation of westerly entrance off Route 103

8/19/08 This application was being made to the planning board upon recommendation of the board of selectmen. The question is what approvals are required to undertake the construction of a new access for the westerly end of Edgemont Road, a private road, from Route 103. Approval of a stormwater management plan and variances for incursion into the steep slopes overlay district with the road and buildings, and building setbacks with the covered walkway and garage, are understood to be needed, but the owner would like direction on what other town permits might be needed. State permits are also required and include DOT access permit and DES shoreland protection permitting for work within 250 ft. of Lake Sunapee.

McWilliams advised that since the entire area falls under the 300-ft. town shoreland district, the applicant will need an erosion control plan for the whole project, not just the steep slope area. Drainage is a big concern because of the run-off from Route 103 down the steep slope of Edgemont. It is the applicant's desire to mitigate the

drainage to make it less impacting on the neighbors and the neighborhood in general.

McWilliams advised that this is essentially a road layout, not a subdivision, therefore this proposal should go before the board of selectmen for approval. It was suggested the selectmen consult an engineer as well as town counsel.

Powell commented that he does not know for sure what the board of selectmen will decide to do but is sure that the board will do whatever is prudent to make sure it is done properly. He added that the property owner is making adjustments to his own property. As long as the applicant meets the ordinance for stormwater and shoreland, the development of the re-alignment should be a safe improvement from the existing conditions. The selectmen want to go forward prudently, but not make the process overwhelming.

The planning board was in agreement that town counsel should be consulted to verify that the board of selectmen is the proper board to hear and rule on this proposal. If the planning board holds the hearing, then the abutters would be notified and have an opportunity to give their input. It was pointed out that either way, this application would need to go in front of the ZBA and that hearing will require full disclosure to the abutters, at which time they will have an opportunity to speak.

Powell said that the board of selectmen would let the abutters know when they are ready to formally hear the proposal.

CASE 2008-017: Conceptual Lot-Line Adjustment - Emily Welsh / Sarah Harris - Shultis Farm Road

8/19/08 – Shultis Farm Road is a private road which services Harris's home and the Welsh Farm above it. In 1990, the previous owner of Welsh's property wanted to change the road width from 16 to 33 feet. At 33 feet it overlapped several feet into Harris's front yard. There eventually was a mediated agreement to the new boundaries and a road maintenance plan. Welsh is selling her property and is willing to give back the land that Harris lost in 1990 and redefine the boundaries back to a 16-ft.-wide road with 1-ft. shoulders. The maintenance agreement will remain the same.

The properties are being surveyed and a final plan can be submitted for the next public hearing date. McWilliams said that he reviewed the conceptual plan and saw no issues of concern for the planning board.

Notice has been posted that Welsh will submit an application for final hearing on the lot-line adjustment on the property located on South Rd. and Morse Lane on Tuesday, Oct. 21, at 7:45 p.m.

Town of Newbury Directory

Town of Newbury website:
www.newburynh.org

Selectmen's office.....763-4940

Monday, Tuesday, Thursday, Friday, 8am-noon

Selectmen meet every two weeks on a rotating
schedule of Monday nights at 6:30 p.m.

See posted meeting schedules for dates.

Dennis Pavlicek, town administrator, x204

[townadmin@newburynh.org]

Donna Long, administrative assistant, x202

[donna@newburynh.org]

Town Clerk & Tax Collector.....763-5326

Monday 1-7 p.m., Tuesday-Friday 8 a.m.-12 p.m.
and 1-4 p.m.

Linda Plunkett [linda@newburynh.org]

Planning, Zoning, Assessing.....763-4940 x201

Planning board meets monthly, 7 p.m. on 3rd Tuesday
and work sessions; ZBA meets as needed.

Denise Walter, land-use board coordinator

[denise@newburynh.org]

Code Enforcement / Bldg Inspector.....763-4940 x203

Monday 8 a.m. – 4 p.m., Wednesday 12 – 6 p.m.

Paul LaCasse [paul@newburynh.org]

Town Assessor.....763-4940 x209

Norm Bernaiche [assessor@nl-nh.com]

Kris McAllister, assistant assessor, x301

Recreation Coordinator.....763-4940 x210

Travis Dezotell [travis@newburynh.org]

Highway Dept.....938-5494

Cal Prussman, highway administrator

Transfer Station.....763-2289

Monday 9 a.m.-1 p.m., Wednesday 1-5 p.m.,

Saturday and Sunday 9 a.m.-5 p.m.

Newbury Public Library.....763-5803

Sunday-Thursday 12-5 p.m. (until 8 p.m. Monday),

Friday closed, Saturday 10 a.m.-2 p.m.

email: npldesk@yahoo.com

Rosie Johnson, library director

Police – Fire – Medical Emergency: Dial 9-1-1

After calling for emergency help, please turn on all outside lights,
day or night, to aid in locating your residence. If possible have
someone outdoors to meet responding units.

Fire Dept. (non-emergency).....763-4403

Hank Thomas, chief

Forest Fire Warden Dave Smith.....938-5925

Police Dept. (non-emergency).....763-4104

Bob Lee, chief

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Published by Town of Newbury
PO Box 296, Newbury, NH 03255
Website: www.newburynh.org