

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, send your request (and any comments or suggestions) to: newburyupdate@gmail.com.

Numbers, Numbers Everywhere

The process is under way to determine the appropriate figures to put into the 2007 town budget for presentation to the legislative body – you residents – for approval at the March town meeting.

Want to know what's behind the numbers? You are invited to attend any and all of the budget discussions held at selectmen's meetings into January with Selectmen Jim Powell, Dick Wright and Gary Budd; Town Administrator Dennis Pavlicek; advisory budget committee members Tom Vannatta, Alex Azodi and Joy Nowell, and heads of the town departments.

The budget reviews start at 7 p.m. Upcoming dates and topics are:
Nov. 27: financial administration, highway, planning, library, transfer station

Dec. 11: fire, forest fire, safety communications services, cemeteries, Blodgett sewer, general government buildings, insurance, capital outlay.

Already covered on Oct. 30 were personnel administration, legal expenses, information booth, other general government, tax anticipation note interest/debt service, emergency management, historical society, conservation commission and elections. On the Nov. 13 agenda were police, welfare, code enforcement, parks & rec, street lighting, zoning, health agencies and executive.

The meeting Dec. 26 is being held open for any continued items. On Jan. 8 will be department revisions, if any, as well as COLA and warrant articles.

The public hearing on the budget to be presented at town meeting is scheduled for February 12, 2007 at 7 p.m. at the town office.

Town meeting will be held on March 14 beginning at 7 p.m. at the Mt. Sunapee Resort. Joy Nowell suggested a potluck dinner before the meeting, and selectmen have asked her to spearhead the effort.

Want to be in it? – Many positions in town government will be up for election on March 13. In January a list of openings will be posted at town office and other locations. Give some thought to whether you might like to run for one of these roles.

The following positions and boards have terms ending and are up for election: selectman, trustee of the trust funds, library trustee, supervisor of the checklist, cemetery trustee, planning board, zoning board of adjustment and conservation commission.

Candidates will have to file with the town clerk in late January. The filing fee is \$1.00.

The voting for town officials will be from 1-7 p.m. at the town office on March 13.

Fiber Optics Project – Another possible option has been suggested to the WCNH.net consortium, of which Newbury is a member town. Burlington Telecom (a network run by the city of Burlington, Vt.) has excess capacity and has suggested partnering with WCNH.net to provide broadband service. Representatives of the local group will be visiting Burlington Telecom to further understand what it can offer and how it compares with what WCNH.net is working on with its current consultant, PacketFront. Among the issues to weigh is that the Vermont company uses a technology that's cheaper but offers fewer providers, whereas the technology of PacketFront costs more but it allows open access to more providers of telephone, cable and Internet services.

Filling Up Fishersfield – The town has in hand the DES-approved site-specific permit for alteration of terrain at the Fishersfield site on Old Post Rd. The town is now putting site work out to bid. The immediate task will be to add fill and level the area for ballfields (the

open area, toward the left-hand side, opposite the dump). At this point a large need is for clean fill, and anyone who can donate some to the site should contact Dennis Pavlicek at 763-4940. The hope is to put in as much fill as possible before snow, then resume come spring.

Chuck Crickman reported to the selectmen in late August that 3.4 miles of trail marking have been completed. He suggested that more marking to accommodate public access is needed. He recommended 31 sign posts and 60-plus signs. Blazing is also needed but is expensive. He investigated alternate means of marking and recommended aluminum blazes in colors for a cost of about \$200. The selectmen agreed to the expenditure.

HOLIDAY HELPING

If you blinked, you missed it. Gail Bostic, our family services director, put 24 paper ornaments on a Giving Tree in the town office lobby, each ornament carrying the wish of a needy child in town. She invited people to take an ornament and turn the wish into a wrapped gift, to reappear under the tree by Dec. 10 so they can be delivered.

Well, Santa has nothing on the speed of Newbury residents when it comes to giving gifts to children. No sooner was the tree put out than all the ornaments were 'claimed.' We're talking within three hours.

Baskets Still to Fill

For those outmaneuvered in this holiday giving, rest easy and read on. Holiday food baskets are being assembled. Bostic is making a list, and checking it twice with the help of visiting nurses, school nurses and social workers, to ensure festive holiday feasting for all Newbury's families. There will be baskets distributed for both Thanksgiving and Christmas.

For this project she is again working in cooperation with the South Newbury Union Church to gather donations of nonperishable food and money to put together the baskets. Food donations can be left under the Giving Tree in the town office. Checks can be left for Bostic at the town office; make them out to the South Newbury Union Church for ease in processing.

Santa by Reservation, Dec. 2

The church is also hosting a Pancake Breakfast with Santa with two seatings on Dec. 2, by reservation only, at 8:30 and 10 a.m. Call 938-2064 for reservations. Proceeds will go to a fund for the Giving Tree as a back-up for this year and a reserve for the future.

Library Decorating Party & Annual Tree Lighting on Dec. 3

The fall holiday season will just have ended when the traditional start of the Newbury winter holiday season takes place: The Annual Lighting of the Tree on December 3, sponsored by the Friends of Newbury Public Library.

Librarian Rosie Johnson has added an element to the afternoon's festivities – family fun at the library starting at 1 p.m. With refreshments to provide energy, everyone is invited to come decorate the library for the holidays inside and out, crafting holiday hangings including special treats for birds to hang on the trees. Do you harbor an inner architect? Try your hand at creating a gingerbread (read 'graham cracker') house. The gaiety will build for the piece de resistance:

The annual lighting of the tree at the Center Meeting House at 5 p.m. celebrated with a carol sing. Everyone is then invited to retire to the meeting room in the town office for hot chocolate and cookies. Feel free to bring some of your favorite cookies to share.

Protection Money – The Lake Sunapee Protective Assoc. (LSPA) had been holding funds which were generated from fines related to the Baker Hill Golf Course water-quality violations during

construction of the golf course. The funds were held for remedial action which it was determined could not be put in place. LSPA offered the town \$9,000 to be applied to the cost of upgrading the Blodgett Landing Wastewater Facility. The funds were accepted after the required public hearing. The money will help defray the cost of borrowing funds for the Blodgett sewer project. An additional \$1,000 was offered to Sunapee Hills Assoc. to provide catch basins to help protect the watershed.

Picking up where we left off, the Newbury Board of Selectmen picked up the roadside trash on Rte. 103 from the two miles from Route 103A to the north end of Village Road on Saturday, Sept. 23 with the help of two volunteers who answered the call to assist. As part of the Adopt a Highway program, they will repeat the effort four times next year.

To encourage residents to help keep other town roads trash-free, selectmen approved a concept of a “Green-up Day” for a general town spring clean-up. The date is tentatively set for the third Saturday in April.

How Does Your Garden Grow? – One outgrowth of the family preparedness seminars this summer was the suggestion to gauge interest for establishing community vegetable garden areas in town. Linda Plunkett and Ruth Fleming brought the concept to the selectmen, who supported its exploration. Dick Wright, saying locally grown food is a vital resource, added that he is getting his Master Gardener certification through the UNH Cooperative Extension and will have to do many hours of related community service as part of the program. That plays well into the plans, which would include classes on horticulture, fruit trees and general growing practices in New England. Topics covered would depend upon the interests of the participants.

There are tentative plans for meetings early next year to see if there’s enough interest to get it organized. In the interim, anyone interested in learning more or sharing information about gardening (flowers and/or vegetables) is encouraged to contact Ruth Fleming at 763-9093 or Linda Plunkett at 763-5326 or linda@newburynh.org.

In a related activity, Marilyn Hill, town recreation coordinator (and also a Master Gardener), is looking for people who want to join a committee investigating the organization of a farmers’ market in town. She can be reached at marilyn@newburynh.org.

Wright on Permaculture – Selectman Dick Wright distributed copies of a scientific paper on permaculture to his fellow selectmen, asking that they read it. He feels strongly that the board should promote methods for self-sufficiency in Newbury, for example when considering new buildings and by encouraging farmers’ markets and the like. He said it is mandatory to conserve our natural renewable resources.

Australian ecologist Bill Mollison introduced the term ‘permaculture’ in 1978 with one of his students, David Holmgren, as a contraction of ‘permanent culture’ or ‘permanent agriculture.’ Mollison defines the term as “a design system for creating sustainable human environments.”

Update on Tax Rate – Following is the breakdown of the tax rate, with the percentage each amount is of the total, for this year and last.

2006		2005	
3.56	29.5%	Town	4.15 28%
2.09	17%	County	2.73 19%
2.39	20%	State Ed.	3.01 32%
<u>4.03</u>	33.4%	School	<u>4.74</u> 21%
\$12.07		Total	\$14.63

The tax rate is down because the property values are up – more ‘thousands’ to divide into the taxes-due total, so to speak. The new

assessments resulted in a 37-percent overall increase from the 2003 assessment.

For those who may not know how the tax bills are derived: The first bill, due July 1, is basically a prepayment, based on one-half of the prior year’s tax rate x valuation. By the time of the second tax bill, due Dec. 1, the NH Dept. of Revenue Administration has determined the town’s tax rate. Bills are determined by multiplying the then-current valuation by the tax rate, and subtracting the July payment.

Town Revenues Healthy – Projected revenue for the town, as of mid-August, appeared to be \$3,085,010, a little better than anticipated. Once again the town has not had to borrow money this year through tax-anticipation notes.

Voting Results

Most people by now are aware of the overall results from the general election on Tuesday, Nov. 7. Following are Newbury’s vote counts. An asterisk indicates the overall winner.

Governor: *John Lynch-D 677 / Jim Coburn-R 259

US Representative: Charles Bass-R 471 / *Paul Hodes-D 441 / Ken Blevens-L 21

Executive Councilor: Peter Spaulding-R 525 / *John Shea-D 364

State Senator: *Bob Odell-R 553 / Dave French-D 364

State Representative: *Ricia McMahon-D 872

Sheriff: *Scott Hilliard-R 547 / Clark Karolian-D 331

County Attorney: *Dan St. Hilaire-R 869

County Treasurer: Stuart Trachy-R 445 / *Leo Bernier-D 404

Register of Deeds: *Kathi Guay-R 549 / Lawrence Hennessy-D 328

Register of Probate: *Jane Bradstreet-R 523 / Alexander Lee-D 348

County Commissioner: J.D. Colcord-R 859

Constitutional amendments (both passed in the state)

1. Eminent Domain: *Yes 794 / No 109

2. Floterial Districts: *Yes 589 / No 255

Other statistics on the day’s voting in Newbury:

943 ballots were cast (853 on the day, 90 absentee ballots)

Straight-ticket ballots cast: 163 Republican, 175 Democratic

Total registered Republicans on checklist: 458

Total registered Democrats on checklist: 285

Total registered Undeclared on checklist: 819

Total registered voters on checklist: 1562

Citizens who registered to vote on Election Day: 40

Percent of participation of registered voters: 60.37%

By the way, the new face at the Supervisors of the Checklist’s table at the polls was Sue Russell, who was appointed supervisor pro tem until the elections at town meeting. Jane Moss joined the election officials’ table.

Playground Placed – The selectmen offered a spot next to the library for the playground proposed by the Velie Memorial Fund board, and the offer was accepted. The library trustees are also pleased.

A New Coat in Time for Winter – When selectmen were planning to have the information booth painted, Martha von Redlich, a member of its summer staff, offered to do it. The selectmen thank her for a bang-up job.

2007 Hazardous Waste – The date for the 2007 Hazardous Waste Day has been set: Aug. 18, in Sunapee. The event is sponsored by the Upper Valley Lake Sunapee Regional Planning Commission. The selectmen agreed that Newbury will participate, pending approval of the budget at town meeting.

Tributary Tribulation – The LSPA presented the selectmen with the plan for the best way to approach an erosion problem in Newbury

harbor. The solution, accepted by the selectmen, is to install two catch basins. This will protect the quality of water at Newbury Inlet, a tributary of Lake Sunapee. The materials cost is \$5,000, to be split between the town and LSPA. NH DOT will supply all labor and machinery. Installation is planned as soon as possible.

LSPA: Thanks – The selectmen noted a letter of thanks from LSPA for \$5,000 to support milfoil control.

Sidewalk Grant – We hope many have taken the opportunity in the town office lobby to see the artist’s rendering of the proposed sidewalk. It would run from the Bald Sunapee property to the caboose in Bell Cove, and include related improvements from drainage to period streetlights. With the state’s approval of the grant, the next step in the project’s fruition will be passage of a warrant article in March to appropriate the 20% town portion required of these grants. The state grant will contribute \$643,100 and that leaves \$128,620 for the town’s portion. Much of that can be met through work-in-kind.

Preliminary engineering work, mostly on the drainage and layout, is tentatively scheduled for 2007. Dennis Pavlicek said he hopes to begin construction as soon as the state gives the go-ahead once that engineering is done. The state has to ensure funds are available within the schedule and demands of other grant-approved projects. Newbury’s sidewalk project is now on the state’s schedule for 2010 for construction. Pavlicek said we might be able to jump ahead of others if we are ready and they are not.

NEWBURY PUBLIC LIBRARY

There will be no adult book discussion group in December.

The Friends of the Library held its annual meeting at the library on Thursday, Sept. 28. Lee Salt was elected the new president, Michelle Noyer as secretary and Ken Tentarelli as treasurer. Newly elected directors are Mary Harrison and Sue Hogan.

TOWN CLERK / TAX COLLECTOR

Linda Plunkett, town clerk, advises that she now has boat decals so if anyone would like to register their boat at the town office, she is good to go. It’s helpful if you can bring the renewal form mailed to you from the state, but if not she can look it up.

(BTW, we do not have a new town clerk; Linda has resumed using her maiden name.)

HIGHWAY DEPT.

Weather is still a negative factor for the highway crew, but despite rain delays, work is progressing. That includes the first snow plowing of the season on Nov. 2, when there was up to four inches on the higher elevations.

South Road has been reclaimed, ground and paved and the box culvert and guardrails replaced. On Old Post Road, the underdrain is done, ledge has been knocked back, grinding and paving completed.

Under regular maintenance, crack sealing was done in various locations, roadside mowing completed, a sinkhole in Blodgett’s Landing repaired, and culverts and ditches are being cleared out where they’re dry enough.

Highway administrator Calvin Prussman is happy to report that everything that was on the schedule has been done, with the exception of one bridge on Mountain Rd. where a contractor did not fulfill his obligation. Another firm began work on Nov. 14 to fix this bridge and replace the guardrails on a second bridge on the road damaged in a crash; expected completion is 2-3 weeks.

Work continues by Provan & Lorber on a plan for improving the bridge area on Sutton Road at Andrew Brook. The engineering report

is due to selectmen by Dec. 15, which will enable them to consider its impact on the budget.

The new 2007 Mack truck has been outfitted with a sander. The rest of the equipment is being readied for winter, plows and sanders are at the ready and sand is put up.

Residents will again be able to get sand for their icy walks and driveways, in the old shed at the old highway garage on Sutton Rd. You are asked to limit your load to six 5-gallon containers per trip. Be sure your vehicle has a valid transfer station sticker.

Nearly all the roads approved for acceptance at town meeting have met the standards set by the highway administrator and been formally accepted. These include Cloudland Lane, Whitney Way, Allwood Drive, High Meadow and High Point. Acceptance of the roads in Southview (part of Meadow, East Ridge and Hearthstone) are pending the developer’s completion of agreed-upon work on the Cheney Rd. bridge, which is in process.

Prussman reviewed with selectmen a report from an engineering consultant on the condition of several gravel roads. It said in part, “It is my opinion that the quality and schedule of your gravel road maintenance is matched well with the roadway needs.” Some recommendations were made and Prussman will incorporate them into the workload as appropriate.

The UVLSRPC has prepared an update of an inventory of all Newbury town roads. There were many additions and changes, and the town now maintains 60 miles of roads.

TRANSFER STATION

New transfer station passes are available at either the town clerk’s or selectmen’s office. You’ll need your current vehicle registration for the updated pass, which expires 12/07.

To assist with the workload at the transfer station, selectmen approved a part-time temporary worker to be available during September and October. Tim Mulder will fill this need from November through the winter if needed, depending on activity at the facility.

POLICE DEPT.

Chief Bob Lee reports that we’ve been approved for a highway safety grant to supplement the purchase of a Traffic Advisory Message Board and Radar Trailer. This equipment offers a variety of uses, from advising motorists of their speed to carrying messages on traffic warnings, events and more. The grant is for \$6,000 and the actual purchase is contingent on approval at town meeting of the balance of the cost, \$9,500. Applications have been made for various other grants for additional equipment. This is helping to keep expenditures low while increasing the level of service to the community.

The town is quiet – for now – but the snowfall is upon us, and we should expect driving conditions to get a bit worse in the coming weeks. Don’t get complacent, and remember to pay attention. Besides the school children and their busses on the roads, expect to see more wildlife crossing your path. We’ve seen and heard of these crashes, and should all know by now how dangerous they can be. Stay safe.

FIRE DEPARTMENT

The Newbury Fire Department held its annual Halloween Haunted House on October 27-31 at the Veterans Hall, next to the Safety Services Building. Despite a heavy rainstorm on one of the nights the haunted house was a great success, with a record number of attendees on Halloween night. Each year the haunted house is set up differently and the haunted house team started working in early September on the annual event. This year’s haunted house was dedicated to Kevin Walker, who passed away this summer and was responsible for the design, construction and production of the Halloween haunted house since its beginning several years ago.

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The Newbury Fire Department wishes to remind residents of the Town requirement that street numbers are visible on homes or at the end of driveways. It is important that the resident's name or house numbers can be seen by fire and emergency medical services personnel responding in an emergency. Valuable time is lost when emergency personnel cannot locate the correct house.

Please also observe the Winter Parking Ordinance, which restricts overnight parking on town roads from November through April. Fire apparatus often have difficulty in reaching an emergency during winter months when cars are parked on residential roads that have been narrowed by snow banks.

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If you have a fire alarm that is monitored by a central station, it is important to keep your emergency contact information up to date with the alarm company. If you are frequently out of town, a friend or neighbor should be designated as an emergency contact and have a key to your home. Often the Newbury Fire Department responds to a residential fire alarm call and finds no one at home and the alarm company is not able to locate anyone who has a key to the property. The fire department will investigate from outside, but if there is no visible fire, smoke or other problem, and a person with keys to the house cannot be located, they will not damage the property to investigate the inside of the building. There is always a possibility that a small fire, electrical or heating problem or other situation that could not be seen from outside could grow if undetected. A neighbor with a key will permit a thorough investigation by the fire department.

The Newbury Fire Department received a federal Assistance to Firefighters grant in 2005 for the purchase of breathing air packs and firefighter's turnout gear. Upon receiving the grant, the equipment was put out to bid and because the bids came in below the expected costs part of the grant money remained at the close of the annual grant period. The Federal Emergency Management Agency approved an addendum to the grant to allow the department to purchase computer equipment and software for training and to manage the fire prevention database. When fully implemented, an electronic database with information on the town's businesses, hazardous materials, emergency contacts, and maps of Newbury and surrounding towns will be available to firefighters and EMTs on the responding apparatus. Fire prevention officer Wayne Whitford has been visiting businesses in the town to update the fire safety and contact information, which will go into the fire prevention database.

Captain Patrick von Kanneurff, the Newbury Fire Department's training officer, has been working with the New Hampshire Fire Academy on enhancing fire-training programs for the department. In October, the NH Fire Academy burn trailer was in Newbury for training. The tractor-trailer was built by the Academy to safely simulate the smoke-filled burning building for realistic firefighter training. Firefighters who went through the simulator in full gear and breathing apparatus found the training to be very worthwhile.

BLODGETT SEWER

Since the last *Update*, the state finished its approval of engineering plans for renovations at the treatment facility and Stantec Engineering put out the bid documents for the collection system repairs at Crofts Beach and Blodgett's Landing. The bids were to be opened on Nov. 8 by Stantec. After examining the bids, Stantec will present its recommendations to the selectmen for a final decision. Once approved, a contract with the winning bidder will be executed and work will begin as soon as possible. The same process will be

followed for the work on the pump station, i.e., state approvals then bids. The amphidrome plant is still pencilled in for next spring.

HISTORICAL SOCIETY

On October 30 the selectmen and Bill Weiler, president of the Newbury Historical Society, signed a Memorandum of Understanding covering the society's use of Sherman Hall in South Newbury. The town agreed to maintain the building and allow the society to use the building and store its collection there. The society agreed to care for the town's old record books and control access for research. Also the society donated the humidity control system for the vault to the town.

At the same meeting Weiler discussed the ['old'] Town Hall renovation project. He reported that the engineering study started several years ago was never finished owing to the illness of the architect. He now has a proposal to finish the engineering study for \$4,500 from Rick Monahan, the architect for the Center Meeting House. Part of the study will focus on how to integrate bathrooms without disturbing the historic look of the building. The rest of the study will detail needed repairs, recommend upgrades of the electrical and mechanical systems and provide a cost estimate for the renovation. Weiler asked the selectmen to put the money for the study in the budget in case he is not able to get a Moose Plate grant. The selectmen asked for a copy of the proposal.

The selectmen are interested in learning what the cost might be to put this and the other historic, town-owned buildings in South Newbury village in usable condition.

HEALTH PLANNING

As the winter flu season approaches, the New Hampshire Department of Health and Human Services and Newbury Health Officer Wayne Whitford encourage all residents, especially those who are elderly or high risk, to get their flu shots. The Lake Sunapee Region Visiting Nurse Association conducted a flu clinic at the Newbury town office in October and is hosting other clinics throughout the area. Call the VNA at 526-4077 for a clinic location or your own physician to schedule a flu shot.

Newbury has joined the Greater Sullivan County All-Hazards Region Committee, which is in process of developing a regional plan for public health and other emergencies. Because such an emergency would overtax the capabilities of a single town, the State of New Hampshire encouraged the formation of regional planning and response districts. Newbury Health Officer Wayne Whitford, who is representing the Town of Newbury on the committee, commented that the town is ahead of many of the communities in the district as Newbury has already developed a Pandemic Emergency Plan for the town and has recently updated its Emergency Management Plan. The committee is in process of hiring a consultant to coordinate the regional planning with the member communities. Members of the committee will also be serving on several work groups, which will focus on specific health emergency planning topics.

Several public health concerns, such as contaminated spinach and other food, have arisen over the last several months. Information on contaminated food and other public health topics, from the NH Department of Health and Human Services, US Center for Disease Control (CDC) and the US Department of Health and Human Services, is made available to Newbury residents on the town website: www.newburynh.org. Alerts and bulletins can be found on the front page on the Public Notice Bulletin Board and additional information is available on the Health Officer page. Printed copies of health alerts and bulletins are also available at the town office.

EMERGENCY MANAGEMENT

Citizens' Emergency Response Team

If you have an interest in helping others during an emergency or disaster, please get in touch with Paul Groulx, Newbury's emergency management director. Area towns are organizing a regional Citizens' Emergency Response Team (CERT). Right now, Groulx is looking for someone to represent Newbury at monthly meetings in Sunapee at which the team organization is being developed. The effort is being funded by the state.

At the next stage, individuals will be sought to take a two-day training that will enable them to help meet basic needs should an emergency occur. This plan gives local citizens a chance to act as an auxiliary group when responding to emergencies including storms and fire. These trained volunteers would be called in the event of an emergency in the region, and if available would take on tasks that might range from helping at an emergency shelter, to directing traffic, to assisting at a pandemic episode site by directing individuals to designated stations and supporting medical teams. Enrollment for the CERT training is currently scheduled for early January.

If you'd like to volunteer, call Groulx at 763-4803.

ASSESSING OFFICE

Town assessor Norm Bernaiche estimates his office took about 350 calls after property owners were mailed their new assessments following the statistical update. Some were simple informational queries (e.g. what sales were used for comparison values), some were phone interviews about issues, others led to office and/or field appointments. Where there were issues, the assessor sent a letter either explaining the basis for the assessment, or modifying it and including a copy of the new tax card. Property-specific reasons were the basis for most modifications. Bernaiche said when assessors do a global update on base rates for land, buildings and other factors, some properties may get 'dragged along' that shouldn't be. In another example, property on Great Island was overvalued because there just wasn't much data available to begin with. It turned out there were sales the assessors weren't aware of, one listed as an unqualified sale. Once the data came to them, the assessors re-examined the whole area and corrected it.

The lion's share of queries was addressed prior to mailing of the tax bills. Bernaiche said he and his assistant, Dan Fitzgerald, still have 40 or so to resolve. Since the tax bills have gone out, any changes to assessments at this point will involve abatements, therefore changes will have to be reviewed by the selectmen. Bernaiche will take his recommendations to them, to save the taxpayers a formal process.

The assessor's office will continue to monitor the market for any changes in different categories of property. If they discover they need to address a certain strata, they will. For example, if market conditions show everything is assessed at 95% of average value, but boatslips are selling for half their assessment, they'll address it. Bernaiche pointed out, however, that one sale does not make a market.

Besides the three towns for which Bernaiche assesses, he watches state and national trends. He sees a hiccup in the market, with corrections going on, but certainly not a free fall like the '80s. He doesn't feel the market is overvalued, but that buyers are on the sidelines hoping to realize some benefit from the perception the market is stalling. But if they're in the market to buy a place to live, he suggests, they can't stay on the sidelines too long.

Recent point on view – The state supreme court on Nov. 3 issued a reversal of a lower court ruling that had granted an abatement related to a view factor in the assessment. In short, the court said a flawed methodology, if applied uniformly and consistently, might result in an assessment over market value, but not automatically one that overvalued the property in relation to others and resulted in a disproportionate share of tax burden. The disproportionality must be proved.

CODE ENFORCEMENT OFFICER /

BUILDING INSPECTOR

The procedure for approving building permit applications has been modified. Once the code enforcement officer has given initial approval, the application will be placed in a central location in the town office work area for additional review by a representative of the planning board, the fire chief and a selectman. The application will remain available for review during a period not to exceed one week before further action is taken on it.

ZONING BOARD OF ADJUSTMENT

ZBA Chairman Tom Vannatta notes that this year the board has had, and continues to have, appeals to administrative decisions.

Recent hearings and meetings of the ZBA:

Sept. 20 – Richard and Donna Matte, for property located at 50 Alsubet Court, sought an appeal from an administrative decision of the code enforcement officer to deny a building permit to construct a shed on the property. The hearing was continued from Aug. 28. The board voted unanimously to dismiss the application as it was filed beyond the 30-day appeal period.

Sept. 25 – Caryl Bingham, trustee for property located on Gerald Dr., sought two variances, to permit the construction of a new home that encroaches in the 75-foot normal high-water setback requirement, and encroaches in the 30-ft. setback from a right-of-way requirement. The variances were granted with two conditions: submission of the house plans and construction to be completed per the testimony and documentation presented at the hearing.

Sept. 25 – Richard and Suzanne Rothstein, for property located at 46 Brats Cove, sought two variances, to permit construction of a new home that encroaches in the 75-ft. normal high-water setback requirement, and encroaches in the 15-ft. side setback requirement. The variances were each denied for the following reasons: It was not consistent with the spirit of the Newbury Zoning Ordinance and hardship had not been proven.

Oct. 16 – Deborah Benjamin, for property located at 38 Echo Cove Rd., sought a variance to permit construction of a garage within the 30-ft. right-of-way setback. The variance was granted.

Oct. 16 – Roger D. Hardy Construction, for property located at 176 South Rd., sought a special exception to permit construction of a driveway within the 75-ft. wetlands setback. The special exception was granted.

Nov. 6 – ZBA met to review the content of an Application for Appeal from an Administrative Decision, to determine if a future hearing would be conducted on it, and to discuss correspondence received regarding a second dealt with previously. They also met with an applicant about a variance request he'd be presenting.

As is recorded in the minutes, Vannatta clarified that the ZBA "has the right and authority to decide whether or not to hear the appeal based on the contents of the application for appeal since it is an appeal from a decision originally made by the Zoning Board of Adjustment. The board is not required to grant this application for appeal if there is no new and substantial evidence."

Steven and Suzanne Russell of 372 Chalk Pond Rd. filed an application for appeal from an administrative decision by the ZBA on Sept. 25 to grant two variances to Caryl Bingham for property located on Gerald Dr. (see above). The board voted to not grant a hearing, the application was denied.

The board also noted receipt of a letter from an attorney representing Richard and Donna Matte claiming the notification to the Mattes was not timely, therefore the board should reconsider the Mattes' appeal.

The board reviewed a recent case law ruling defending verbal notification. The attorney will be advised the board believes the notification was timely and will not reconsider the Mattes' appeal. The board also passed a motion that the board dismiss future applications for appeal on this case for the Mattes.

Roger D. Hardy, for property at 176 South Road, appeared to

advise the board he's seeking a variance for a nonconforming building lot on an existing piece of property that already supports a house, so that he can then apply to the planning board to subdivide contiguous land into two additional conforming building lots. If granted, the net effect would be three building lots. Otherwise he has only two building lots over an area of 23.5 acres because of wetlands. He will be appearing in front of the ZBA on Nov. 28.

PLANNING BOARD

Sept. 19 Hearings:

Case 2006-010 – Final review for Roger D. Hardy Construction, LLC, for a Minor Subdivision at 176 South Rd., continued from July 18. The board reviewed the list of missing items from the application from the last meeting, and accepted the application as complete with the condition of summarizing the allowed density.

It was noted the proposed subdivision was creating a lot that did not have one contiguous acre of developable land as required by the zoning ordinance. Several concerns of the board were discussed regarding problems with the subdivision as presented, after which the applicant was asked if he wanted to re-apply with a new subdivision or continue the hearing. The applicant decided to continue the hearing, to Nov. 21.

Case 2006-014, Ann Thornburg, for property located at 240 High Meadow Rd., submitted an application for a final review for a lot-line adjustment. The board accepted the application as complete. Last fall the Thornburgs started construction of their home and the well was accidentally placed on the Walky property. They proposed a trade of equal areas of land in order to have the Thornburgs' well on their own property. The application was approved with the condition that the names of the owners appear on the plat, not just the plan inset.

Oct. 17 Hearings:

Case 1999-007 – Richard Smith, Rainbow Garage, conceptual review. There was an issue with the garage site not complying with the approved site plan, so the applicant had been requested to do an 'as built.' That plan of the existing conditions of the site was presented at the hearing. After discussion, the board said that Smith needed to apply for a site plan review.

Case 2006-015 – Scott Falvey, conceptual on major subdivision off Southgate Rd. A rough plan was presented for the board's opinion; discussion centered on a road that would be 1,500 feet. He was told if he were to subdivide his parcel into 6 lots, he would be required to upgrade the impacted area of Southgate Rd.; the amount to be upgraded would depend on how many lots he put in and he would have to do a traffic study. He was told he could come before the board with a conceptual of what he would actually like to do, and that a preliminary hearing was required.

Case 2006-013, Kenneth Donaghey, lot-line adjustment on property located on Shore Dr. The application was accepted as complete with the condition he submit documentation that he owns the trust. Donaghey said it was an insignificant lot-line adjustment to correct an existing problem he noticed. It involves a right of way. The board voted to not require monuments at the five-feet, change-in-direction points and to approve the plan with the condition as above.

Case 2006-016, Bob Turcotte, Baker Hill Golf Course, conceptual. BHGC would like to set up an area to have sand delivered which would be near and visible from the road. They would construct a stone wall to shield the area. It was noted that the proposed wall shielded the view from the golf course but not from the road. The road view should be considered. Discussion included the placement and design / screening options. The board said that because it was right off the road, it did require a site plan review.

Case 2006-017, Bob Turcotte, Baker Hill Golf Course, conceptual re seasonal housing for staff. He said BHGC had come before the board previously for a conceptual for the housing, but wanted to put it in a new location. The house would be a seasonal single-family

home that would be winterized. Employees' method of getting to work was among items discussed. He was given the board's opinions and advised he should apply for site plan review.

Hearings scheduled for Nov. 21: Scott Falvey, conceptual on subdivision; Roger D. Hardy Construction, continued final review for minor subdivision at 176 South Rd., and Robert Morris, conceptual on minor subdivision.

In other business, the board met on Oct. 17 with Ivor Freeman, chairman of the Capital Improvements Program committee, and approved the annual update of the document. Residents are encouraged to read it. Copies are available at town office.

At the same meeting, Mr. Hirshburg explained that he had been hired by the Environmental Committee at Chalk Pond because there were erosion problems in Chalk Pond. They were looking at drainage and runoff. The area was very concentrated with a lot of steep slopes and everything was running downhill. He said that one way to deal with it would be to create an overlay district. They were concerned because there were existing drainage problems and still a lot of space for development on very small lots.

Many of the slopes were at least 25%, but the lots are terraced so someone could build and still meet the steep-slope requirements. They were looking for a way to control this.

The board suggested an alternative to an overlay district might be a two-tier approach for steep slopes, e.g. a 12%-25% category, which would address this problem throughout the town. Chairman Freeman said that it was probably not possible for this year unless the Chalk Pond group could draft something themselves in a short period of time. Mr. Hirshburg felt that they could do that relative to Chalk Pond. He was invited to come up with a draft to present to the board, with the proviso there was no guarantee it could be done this year.

Master Plan Update

At press time the planning board is about to hold a public forum on the recommendations for updating the Newbury Master Plan. The town's master plan guides the development of the municipality. Per the RSAs, "The purpose of the master plan is to set down as clearly and practically as possible the best and most appropriate future development of the area under the jurisdiction of the planning board, to aid the board in designing ordinances that result in preserving and enhancing the unique quality of life and culture of New Hampshire, and to guide the board in the performance of its other duties in a manner that achieves the principles of smart growth, sound planning and wise resource protection."

It is adopted and amended by vote of the planning board. Your chance to have input to this document is now. As the adage goes, the world is run by the people who show up.

At the forum the board will be seeking residents' input at the town office on Nov. 18 from 9 a.m. to noon. Up for discussion are the results of the community survey and the draft of the updated master plan recommendations. Copies of both are available at the town office and on the town website: newburynh.org.

There will be another forum to review the proposed land use for the town. Watch for notices, which are always posted on the website. Public hearings, likely in the spring, will be held on the entire master plan with proposed updates.

Newbury Update via e-mail

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