

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

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## UPCOMING EVENTS

Mon.	Sep. 13	Library: Book discussion	page 4
Mon.	Sep. 13	Library: Friends meeting	page 5
Tues.	Sep. 14	Primary voting at town office	page 1
Mon.	Sep. 20	Selectmen meeting, 6:30 p.m., town ofc.	
Mon.	Sep. 20	Library: Poetry jam	page 5
Tues.	Sep. 21	Planning board hearings	page 12
Wed.	Sep. 22	Family emergency planning	page 7
Sun.	Oct. 3	Library: Intuitive Eating	page 5
Mon.	Oct. 4	Selectmen meeting, 6:30 p.m., town ofc.	
Wed.	Oct. 6	NBC meeting, 9 a.m., town office	
Tues.	Oct. 12	Selectmen meeting, 6:30 p.m., town ofc.	
Sat.	Oct. 23	Newbury Fall Fest	page 4

Check the town website at [newburynh.org](http://newburynh.org) or town office for meeting schedules of town boards and committees; meeting minutes are available at both as well.

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## Vote in the primaries on Sept. 14

Primaries are being held on Tuesday, Sept. 14, to select Democratic and Republican candidates for the Nov. 2 election. Positions open are governor, United States senator, representative in Congress, executive councilor, state senator, state representative, sheriff, county attorney, county treasurer, register of deeds, register of probate, county commissioner and delegate to the state convention. Sample ballots listing the candidates are posted at the Newbury Post Office and the Newbury town office building or are available at the town clerk's office.

You cannot change your party at this point but those registered as undeclared can declare one party or the other to vote in the primary. You have the option to switch back to undeclared at the polls after casting your ballot if you desire. If you are not registered to vote, you may register at the polls on voting day.

If you will not be able to vote in person at the town office between the hours of 7 a.m. - 7 p.m. on Tuesday, Sept. 14, read about absentee ballots in the Town Clerk section on page 4.

## FAMILY SERVICES

I want to thank everyone who donated to the food pantry this summer. The food pantry was used quite a bit, however due to generous donations it is in good shape for now.

### **Clothing drive needs organizing help**

As we look towards cold weather I think about what a successful Cold Weather Clothing Drive we had last year. I am hoping to have another drive this fall, but due to my busy schedule I will not be able to organize it. I am hoping that two or more residents of Newbury will volunteer to run the clothing drive this fall.

As family services director, I will get a list of needy families, contact them and arrange for them to pick out items that will be helpful for them. This is definitely a worthy cause, especially when a family can get snow pants and jackets for the whole family.

Please contact me at 938-2064 if you are interested in running or working on the Cold Weather Clothing Drive for Newbury this fall.

*--Gail Bostic, family services director*

## From the desk of the Newbury Board of Selectmen

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

### **Summer town informational meeting**

A good bit of ground was covered by those present at the summer informational meeting on Aug. 7. Selectmen Jim Powell, Dick Wright and Gary Budd along with department heads reviewed town operations and took questions from an audience of eleven. Some points of interest are below; others are covered elsewhere in this issue.

Fire Chief Hank Thomas reported that the department has been busy, with 35 calls in July. Most were due to heat and humidity and a couple calls due to wind storms and downed lines.

Police Chief Bob Lee said this is one of the nicest, quietest summers we have ever had. There was some concern in regard to the speed of the cars going through town center and Chief Lee said they have added pins at the fire department and they are going to add cones to slow down the traffic a bit.

After highway administrator Cal Prussman gave a report on the highway projects someone asked when the town can repave down at Blodgett's Landing. Prussman, noting that it was paved 11 years ago, said road projects are reviewed and prioritized each year.

Selectmen reviewed changes being made at the transfer station and someone asked about the pay-as-you-throw program. Powell reported that it was decided not to do this. Recycling is good – at about 28% – but there is definitely room for improvement. We could save a lot of money by recycling better, Wright said, and it is the right thing to do. Budd said the selectmen are trying to make the traffic flow better for recycling. Pavlicek said that the market for recycled material is coming back. We're getting money for plastics and paper now; metals came back in price too. Where last year we had less than \$3,000 in recycling revenue we should clear more than \$10,000 this year judging by where we are now.

High-speed internet came up and Powell said there are a couple things coming down the road with internet service. Pavlicek reported that \$2,000,000 was awarded to start setting up the 'middle mile' which would be getting fiber optics to all the universities. The final 'mile' would be to get from the universities to the homes and it might take a while to get the funds for this. The selectmen think it is a good idea to pursue but at this point they just don't want to commit to any financial obligations.

Asked if there is any capital improvement plans in the works Powell said that there will be a proposal for a fire station and/or police station at a future town meeting. Wright said we are thinking about building a police station and renovating the fire station. Plans are to keep it simple.

**DSL service area to expand** – As reported previously, Fairpoint is converting a switch box located on Fishersfield Rd. at Route 103A to make DSL available to its customers in that area. The service is now expected to be available in mid October. With this change most Fairpoint customers in Newbury should have access to DSL.

On Aug. 23, Pavlicek received the board's approval to have telephones and high-speed DSL broadband bundled through Fairpoint for the [town office? library? safety services?]. It will be 25% less expensive and will be much faster than the T-1 line they're currently using.

**Budget process under way** – Newbury’s department heads and committee and board chairs are preparing their 2011 budget proposals. Pavlicek will preview the budgets with the select board on Oct. 12 and beginning Nov. 1 and into December each budget will be presented to the budget committee during meetings of the board of selectmen.

**MBC rep needed for school district** – Newbury is currently without a representative on the municipal budget committee (MBC) for the Kearsarge Regional School District (KRSB). The committee consists of representatives from each community in the district, usually chosen by public election to three-year terms. The open Newbury seat will up for election come next March, but in the interim needs to be filled for the upcoming formation of the school district budget for the coming school year.

The MBC will meet weekly beginning Tuesday, October 12, through mid December to review budget proposals from the school board and district administration. Typically the meetings are Tuesdays at 7 p.m. at the high school in North Sutton.

Anyone interested in filling the position for this budget cycle is urged to contact the selectmen’s office to discuss the possibility and any questions they may have.

**Household hazardous waste collected** – The special waste collection held at the highway garage on Aug. 28 ran smoothly and effectively. By the end of the morning, 134 vehicles overall (55 from Newbury) had been through with HHW and medicines from 155 households.

### **Lights! Music! Thank You!**

The Town of Newbury thanks the following businesses and families for their generous donations to be used toward the Summer Concert Series and the Old Home Day fireworks display.

Special thanks to Mount Sunapee Resort and Lake Sunapee Bank for their ongoing great support to the town.

#### **Businesses**

The Lumber Barn, Ayer & Goss, Country Houses Real Estate, Northcape Design, Newbury Chiropractic, New London Copy Specialists, Elliot Hansen Associates, Tall Pines Realty, Lauridsen Auto Body, Bubba’s Bar & Grille, Rainbow Garage, Baker Hill Golf Club, Newbury Plastering, Bob’s Beacon Marina, Outspokin’, Clarke’s Hardware, Black Bear Sportswear, Ward Cedar Log Homes, Appleseed Restaurant – Mt. Sunapee Cruises, George Neuwirt Construction, 3 Seasons Landscaping, Iron Horse Roofing, Weathercheck LLC, Lake View Motor Inn, New London Agency, Marzelli’s Deli, Sugar River Bank, Old Hampshire Designs, McGray & Nichols, LaValley Building Supply, McCrillis & Eldredge Insurance, Mehren Freeman Architects, Colonial Pharmacy and Best Western Sunapee Lake Lodge.

#### **Families**

Arnold and Anne Wood, David and Kathryn Bashaw, Nancy Guay, Harriet and Rick Fingerroth, David and Cynthia Lapp, Harvey Cohen, David and Mary Blohm, Richard and Suzanne Rothstein, Mathilda Vanes, Kirk and Bette Cruikshank, DLB Family LP, Inna and Mark Moore, Robert and Joyce Saturley, Scott and Karen Hebert, Bharatan Patel, Thomas and Nan Guterl, Virginia Mars, William and Helena Harrison and Dean LeBaron.

**Old Home Day nets good reviews** – To say Newbury celebrated its Old Home Day would be a good use of the verb. Old favorites and new additions to the day’s fuller program were popular virtually across the board. On the topic of success, the breakdown of costs and revenue showed we spent just under the \$6,000 budgeted after subtracting almost \$4,000 in revenue. Some of the larger ticket items were the tents, three portable latrines, food and advertising. The fireworks display was mostly funded by donations.

**Take the Vets Hall for a spin** – If you’d like to use the Veterans’ Hall for a meeting or event, check with Dennis Pavlicek for availability. There’s a large central room, about 26x32 feet. At one end of the building is a stage and at the other end are two smaller rooms that are being used for storage at the moment. Some two dozen chairs are in the large room already. Discuss any other possibilities with Pavlicek. He can be reached at 763-4940 x204 or dennis@newburynh.org.

A handicapped-accessible doorway has been installed to comply with state requirements. The cost was \$1,150. A ramp will be added in the future.

**Memorial site penciled in** – Members of the veterans’ memorial committee advised the select board on June 28 that their preference of two sites suggested by selectmen is the one at the Bald Sunapee property. More specifically it’s the grassy area between the circular driveway and the sidewalk, opposite the old garage on the property. The committee will return in September with proposals for the memorial.

**Wild Goose update** – At their July 12 meeting selectmen discussed a communication from town counsel regarding the Wild Goose boat launch proposed by NH Fish & Game. Two appeals of decisions to grant permits made by the Dept. of Environmental Services (DES) Wetlands Council are scheduled for hearings on Oct. 12. Town counsel suggested that the town support the Lake Sunapee Protective Assoc. (LSPA) in its decision to take part in the appeal process. The selectmen agreed with counsel. Another appeal is scheduled to be heard by the DES Water Council on Oct. 13.

The LSPA is taking the lead on the appeals; Newbury has concerns regarding safety on Birch Grove Rd. and Rt. 103 and noncompliance with town regulations.

### **Discussing dock in the harbor**

On July 12 the selectmen discussed safety issues with the docks in the harbor. The safety of diving off the docks with the boats coming in and out was one concern. Another was some damage that needed repair to be safe such as exposed nails and the stability of the last finger. [The repairs and safety issues have since been handled.]

Swimming safety is still a concern. Pavlicek suggested inviting Watermark Marine Construction in. The firm had done some work for the town more than a year ago to renew a wetlands permit for additional boat slips in the harbor. The permit is good for five years and the selectmen wanted to keep the option open.

On July 26 Gary Surprenant from Watermark showed the select board some designs for an improved dock area in the harbor with a safer place to swim. There would be room for the fire boat and an increased area for boat slips. There could also be spaces for larger boats if they chose to dock in the harbor.

He also discussed some synthetic decking versus pressure-treated wood. The synthetic decking would be about \$9,000 more than the pressure-treated wood. Cedar would be the same price as the synthetic wood. A pressure-treated dock can expect to last 15 years, the synthetic can last about 30 years. Surprenant estimated the cost for the entire project at about \$84,000.

The selectmen are reviewing the proposal and considering whether to present a warrant article in March at town meeting. The maintenance expendable trust fund has roughly \$74,000 available. The plan would also eliminate the need to take the dock fingers out each winter, saving at least \$20,000. Bubblers wouldn’t be needed as the proposal has an element that would veer ice off from the dock.

**Chimney repair in South Newbury** – On Aug. 23 the select board reviewed two quotes to repair the exterior chimney of Sherman Hall and the interior chimney for the old Town Hall. The board approved and signed the purchase authorization in the amount of \$2,970.

**Blodgett WWTF** – Tim Mulder, chief operator at the Blodgett Wastewater Treatment Facility, reports that the facility upgrade will be substantially done by November with some minor things to be completed in the spring. He added that everything is working well.

On July 26 the selectmen reviewed two bids to fix a roof at the treatment facility and selected the lower, about \$3,000.

Selectmen are exploring a suggestion to bill Blodgett sewer users twice a year rather than once so there are two smaller payments rather than one larger one. Pavlicek said that at a meeting of the Blodgett's Landing cottage owners association the sense of the meeting was that it made sense.

**No private sale for town-owned land** – A letter from a resident requesting to purchase town-owned land in Park Ten was read at the selectmen's Aug. 23 meeting. The resident will be advised that the town has no immediate plans to sell the property; if and when it is done it will be by sealed bid or public auction.

**Pavlicek to represent Newbury at conference** – The selectmen agreed to give town administrator Dennis Pavlicek the authority to vote as the town's representative at the New Hampshire Municipal Association's annual legislative policy conference on Sept. 17. After hearing reports from standing committees on planning/environment, municipal administration and revenues, consensus will be built on the approach for NHMA to take on various pieces of pending legislation.

**Tax payment status** – On July 26 Pavlicek told selectmen that there were only four residents that had not paid their taxes yet but all had made an effort to make payments and/or set up a payment plan to pay off their tax debt. The selectmen agreed to the proposed payment plans. At the end of August, two were paid off and two on payment plans.

**FEMA reimbursement** – The town received a reimbursement of almost \$7,000 from FEMA for expenses incurred during the power outage last winter. The agency reimburses 75 percent of expenses incurred if an event – in this case a power outage – is declared a disaster. The only extraordinary cost we had was running generators at the Blodgett sewer facility, safety services, town office and highway garage; FEMA sets an hourly payment for equipment.

**Intent to cut** – During select board meetings over the summer, intents to cut were approved and signed for the following:

- David Richardson and Jane Prophet (map/lot 031-487-379).
- Alice Gove (map/lot 050-563-237).
- Scott Falvey (map/lot 034-185-069)
- Emily Welsh (map/lot 033-197-164)
- Deborah Allen (map/lot 044-567-439)

-- an intent to cut in the buffer zone submitted by Inna Moore (map/lot 016-596-016) was initially held awaiting review by the conservation commission, then approved at a subsequent meeting.

On Aug. 23 an intent to cut in the buffer zone submitted by Joyce Sinagra (map/lot 050-617-279) was denied.

**New form for intent to cut in buffer zone** – On Aug. 9 Chuck Crickman brought forward a new form for the intent to cut in the buffer zone and the selectmen said they would review it and discuss at the next meeting. On Aug. 23 the board approved this new form and it was to be uploaded to the website. The form is more user friendly and better conforms to current state and local regulations.

**Chapin Road passes muster** – Highway administrator Cal Prussman updated the selectmen on the Angel Hawk subdivision road construction on Aug. 9. He advised that all the conditions have been satisfied and recommended the road be accepted as a town road. The

selectmen agreed with Prussman's recommendations and the town will maintain Chapin Road starting this winter.

**Recycling receptacles for town center** – On July 26 Dennis Pavlicek gave the select board diagrams of some recycling bins that match the current trash receptacles in town center. As a more cost-effective solution he said we could use two of the current receptacles and have custom-made recycle tops. Pavlicek will look into the pricing for getting the tops only. Plans are to put one at the harbor and one by the caboose for now. Others may be added in the future.

**Volunteer board appointment** – On July 26 the selectmen signed an appointment letter for Frank Perrotta as an alternate member of the conservation commission.

### **Bid for bridges in approval process**

The design phase is completed for the work on the two bridges in South Newbury and the project is well into the bid phase.

After state reviews and changes to the final bridge design plans submitted by Dubois & King, the engineers revised their estimates of the projected cost. It looked like it might go up by 70 percent.

Not to worry – the low bid of eight opened on Aug. 26 was \$1.1 million. The bid, submitted by Hansen Construction of New London, is 5.75 percent over the \$1.04 million appropriated at the March 2008 town meeting. The board of selectmen gave its go ahead for the engineers to verify the bid and send it to the state for approval (the state is paying 80 percent of the cost).

Since the amount is over the original appropriation the town will need to get the Dept. of Revenue Administration to approve the spending of the \$60,000 difference. The town's incremental share is \$12,000 which could come from our fund balance. Pavlicek pointed out that the figures are not that final since specifics such as engineering costs are not all in as yet.

The interactions with the state could be done within two weeks, Pavlicek estimates. The next step would be to meet with the contractor and work could begin as early as September.

The two bridges in question are on Village Road over Andrew Brook and Sutton Road over Ring Brook. The project involves the total removal of the existing bridges, construction of new bridge elements, bridge and approach rails, earthwork, drainage, approach roadway work and paving. The anticipated project schedule is to start construction after September 1, 2010 and complete construction by August 31, 2011.

### **Shining lights on energy savings**

PSNH has agreed that energy-efficient lighting retrofits at both the highway garage and transfer station are cost effective enough to qualify for its Smart Start energy-efficiency program. PSNH will pay 50% of the labor and material costs of the projects.

The town's share for the highway garage is estimated at \$8,800 and will be paid out of our cost savings from reduced electricity use. Our monthly PSNH payments will remain at the current levels until our 50% share of the improvements is paid off, at which time the billing would drop to our actual lower usage. The average monthly saving s in kilowatts (42%) and annual kilowatt hours (53%) should yield an estimated electric cost savings that would pay off the town's share in about 5.5 years.

The town's share of the upgrades at the transfer station came to about \$850 and the selectmen decided to pay that off right away. The changes are expected to yield a 75% improvement in average monthly kilowatt use.

In further pursuit of savings, on Aug. 9 Pavlicek reviewed the rates for a new energy provider, Atlantic Energy Group, and the selectmen agreed to switch over for four months and then re-evaluate. There will be more information on this in the next issue.

## **TOWN CLERK**

### **2011 Transfer station stickers are in**

The 2011 dump stickers are in. You can pick yours up at either the selectmen's office or the town clerk's office. The license plate number for the vehicle is required. Of course, you must own property in Newbury or be a resident.

### **Getting an Absentee Ballot**

You can request an absentee ballot if you will be absent from the town during the polling hours on Primary or 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 on a form available from the town clerk's office or on the town website – go to [newburynh.org](http://newburynh.org), click Forms & Applications on the left of the main screen; the absentee ballot form is near the bottom of the list that comes up.

If you don't have access to a computer to print out the form and can't get to the town clerk's office to pick one up, you can request one be mailed to you by the town clerk, but leave enough time to receive and return the application in time.

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 prior to 4:45 p.m. (closing time for the post office) on the day of the voting (Sept. 14 for the primary, Nov. 2 for the general election). The town clerk checks the post office at 4:45 p.m. those days.

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, the moderator will compare the signature on the application to the one on the affidavit envelope, and if they match the ballot will be fed into the vote tabulation machine.

## **PARKS & RECREATION**

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

Ask recreation coordinator Travis Dezotell how the department's summer programs went and you'll hear the smile in his voice when he answers, "Awesome, across the board." More programs were offered, they drew more participants and pulled in \$2,000 revenue. He said attendance was strong, the kids enjoyed themselves and feedback from parents was good as well.

He credits an "incredible" staff – Julia Steese, Nikkitta Gottling and Jeff Wilson – who performed key roles at the various camps.

Old Home Day was another highlight with success measured in good participation, fun and revenue. Between the triathlon, the rubber duck race and T-shirt sales, Dezotell said the recreation revolving fund went up more than \$1,000.

T-shirts are still available for \$10. Just get in touch with Dezotell at [travis@newburynh.org](mailto:travis@newburynh.org) or 763-4940 x210. They'll be available at the Fall Fest, too.

### **Fall Fest – Saturday, Oct. 23**

The date's been set for this year's Fall Fest – Saturday, Oct. 23 - and the program is taking shape. Nothing's in concrete yet but expect to see a 5K run in the morning, a craft fair, a trick-or-treat walk along the sidewalk complete with a costume contest and there's talk of a cook-off. Watch for details and start pulling your costume together.

### **Chippers fells trees at Fishersfield**

On Friday, Aug. 13, Dezotell worked with a 3-man team from Chippers who cut down 14 big, dead trees between the Fishersfield Park entrance and the pond. Dezotell figures at least one was 80 feet tall. The original plan was for Chippers to cut down and remove some trees, but it became clear a larger number of trees needed to come down. The best use of the professional team was to keep them working on bringing the big trees down. Getting the downed trees out of the woods is no walk in the park, but it doesn't take as much finesse. If you want to help, leave your name and phone number for Dezotell at 763-4940 x210.

The trees will be moved to the upper field at the park in readiness for getting cut into firewood for those in need during this fall's Wood Chuck Day.

Thanks again to Chippers who donated a crew and equipment for the day, services valued at \$1,800, as part of its Find a Need, Plant a Seed grant program.

## **NEWBURY PUBLIC LIBRARY**

*Library trustees: Liz Tentarelli, Pam Ritchie, Pat Sherman.  
Friends of NPL: Liz Moulton, Paula Falkowski, Ken Tentarelli, Mickey Noyer, Jackie Keegan, Suzanne Levine, Diana Morris*

*Library hours: Sunday 12- 5 p.m., Monday 12-8 p.m., Tuesday-  
Thursday 12-5 p.m., Friday closed, Saturday 10 a.m.-2 p.m.  
763-5803*

### **Wrapping up summer**

The library was a virtual beehive of activity this summer. Candy making, tie dyeing, stuffed animal pet show, PJ story time, silent auctions and ice cream parties were among some of the family-friendly offerings.

Our preschool story group had special visits from Kathleen Stowell of the Lake Sunapee Protective Association and Sheila Sabo and her reading therapy dog Calypso.

Young-adult librarian Janet Rucker reports that the Teen Zone kids – about a dozen of them but with two really leading the pack – read a total of 50,000+ pages.

Congratulations to Sidney and Lexi Bryk, who took advantage of the workshop run by Ken Tentarelli and Janet Rucker and learned how to direct, film and edit their own original video. Stop by the library to see their creation, "Newbury is for Kids," playing on video display screen (a gift from the Friends) by the check-out desk.

### **Sept. 13 book discussion:**

*Prodigal Summer by Barbara Kingsolver*

"Solitude is only a human presumption." This is the first and last sentence of this month's book selection. In three interwoven stories, Kingsolver writes about humans and the natural world, often with the scientist's dispassionate respect, often with the novelist's eye for connection and meaning, but always with the understanding that remembering we are biological creatures is not such an easy proposition and that what follows from this realization is rarely what we expect.

Join the discussion on Monday, Sept. 13, at 7 p.m. in the library. Copies of the book are available.

### **Oct. 17 book discussion:**

*Not without Peril* by Nicholas Howe

The plan for October is a book-and-presentation combo. First you are invited to read *Not Without Peril: 150 years of Misadventure on the Presidential Range of New Hampshire* by Nicholas Howe.

On Sunday, Oct. 17, join us for "The Life and Times of The Mount Washington Observatory." Former summit staff observer Norman Michaels will present a video program and talk about living on the summit of Mount Washington, the history of the Mount Washington Observatory and the scientific and other work done there.

The program begins at 2 p.m., Oct. 17, location to be determined. Come even if you don't have a chance to read the book.

### **Poetry jam**

Dianalee Velie will lead the poetry jam on Monday, Sept. 20, beginning at 7 p.m. Bring a poem to share. New participants are always welcome.

### **Intuitive Eating with Jean Garofoli**

Back by popular demand, Jean Garofoli, registered dietician with a master's degree in public health, will reprise and enhance the Intuitive Eating program she presented in August. At the informational session participants will learn why diets fail and how to make peace with food, experience a body scan to discover and reconnect with 'true' biological hunger and participate in a mindful eating exercise and practice feeling fullness.

The workshop is on Sunday, Oct. 3, and begins at 2 p.m. in the library. Please preregister for the program so there is an accurate count for handout packages. Workshop size limited and there is a \$5.00 registration fee.

### **Donors thanked for technology upgrades**

At an open house in June the library showed off its new technology – five workstations, two printers, server, upgraded infrastructure and network – which increase access and internet speed for patrons.

It was also an opportunity to thank the donors. Borrowing the words on the plaque now on the wall:

The Newbury Public Library 2010 Technology Upgrade was made possible by generous donations from:

Lake Sunapee Bank	Ledyard Bank
Mascoma Bank	Mount Sunapee Resort
Sugar River Bank	The LeBaron Foundation
Steve Cheheyl	Bev and Dan Wolf
The Friends of Newbury Public Library	

There are two printers, one black-and-white laser for public use and one color printer available to students for school projects. Color copies are one dollar a copy for the general public.

Remember, the library also has a wireless network so bring your laptop; a librarian can give you the password.

### **Fall at the Teen Zone - grades 6 and up**

Watch for details at the library while the Teen Zone's fall program takes shape. Right now it includes:

-- Guitar Hero Contest: A fight to the finish on Wii; snacks and prizes. While some Wii guitars will be available, please bring your own if you have one. Date TBA but most likely a Friday evening in late September/early October.

-- Pizza and Pumpkin Carving at 5:30 p.m., Friday, October 29.

More events will be added for children and teens so keep an eye on the website and at the library.

### **News from Friends of the Library:**

#### **Friends to elect officers on Sept. 13**

The Friends will be electing officers at its upcoming quarterly meeting on Monday, Sept. 13, at the library at 6:30 p.m. All are invited to attend.

The Friends want to stress our thanks for the success of our annual appeal campaign – we couldn't support the library and its programs without the contributions from local area residents.

#### **Free passes to museums**

The free museum passes, available for check out at the library, have been a popular addition. Passes to the following museums are available, courtesy of the organization in italics:

Billings Farm and Museum, Woodstock, VT (*courtesy of the farm*)

Canterbury Shaker Village, Canterbury, NH (*courtesy of the NBC*)

Currier Museum of Art, Manchester, NH (*NBC*)

The Fells, John Hay estate and gardens, Newbury, NH (*The Fells*)

Mt. Kearsarge Indian Museum, Warner, NH (*The Friends*)

McAuliffe-Shepard Discovery Center, Concord, NH (*The Friends*)

SEE Science Center, Manchester, NH (*The Friends*)

The passes are available for checkout at the library. Call the library for more information and reservations at 763-5803.

--Liz Moulton, Friends president

### **BEAUTIFICATION COMMITTEE**

Another summer is coming to an end, another season of beautiful blooms in our barrels, hanging baskets and flower boxes. Aside from watering, weeding and dead-heading, members took time out for road trips. On a beautiful summer day, we visited a local resident's garden filled with 300 labeled varieties of hostas. Another excursion had us exploring five acres of gardens, ponds and a greenhouse filled with tropical plants, in Franklin, NH. The guided tour ended with an authentic English tea.

At the September meeting, members from the Bradford, Newbury and Sutton Women's Club joined us to hear Guy Giunta, chair of the Governor's Wildflower and Lilac Commission.

We are pleased to announce that our membership is growing and is, as always, open to all. Meetings are held at the town office meeting room on the first Wednesday of the month at 9 a.m.

#### **When is the best time to transplant perennials?**

The cool months of spring and fall are the best time to transplant most perennials.

--Sally Wollensak, NBC publicity

### **POLICE DEPT.**

#### **Dogs unleashed! (everything else under control)**

Overall we had a quiet and enjoyable summer with no serious disturbances. That said, we still had nearly three dozen calls about dogs, some running at large, others being a nuisance on neighbors' property. For the record, the town ordinance requires dogs to be leashed and/or under control.

So what happens when someone lets the dogs out? First we pick up the dog. If it has an ID tag we call the owner and hold the dog in a crate at the station awaiting the owner. If there's no ID tag or the owner doesn't come, the dog goes to Wendell Veterinary for boarding. In that case the owner will have to pay the board charge and the town ordinance fine. A first offense is \$25, second is \$50 and third offense means going to court. We haven't had any repeat offenders so far.

Everything else is down – accidents are down, traffic incidents are down, complaints about traffic are down. There are no recent property crimes and every reported crime this year has been solved.

When you're out driving please remember school is in session and, especially mornings and afternoons, keep an eye out for children walking on the road.

--Chief Bob Lee

## **HIGHWAY DEPT.**

Highway administrator Cal Prussman said plans are to reclaim Shore, Pine Cliff and Cloverfield roads around Sept. 15 and in the same timeframe pave Stoodley Dr.

At the Aug. 9 selectmen's meeting there was discussion on Rollins Road after an inquiry by a resident on the condition of the road. Prussman explained that a lot of machinery is on that road due to a new house and that the road is all clay and tough to work with. He will keep monitoring it and maintaining it for now.

On Aug. 23 selectmen signed a \$5,580 purchase authorization for 400 tons of hard pack for the FEMA project on Cheney Rd. The town is still waiting to hear if FEMA will approve an extension to use part of the remaining hazard mitigation grant money for culvert replacement.

Other than those activities all the big projects are done for the year. Roadside mowing is under way. Generally it's time to catch up on odds and ends. The crew will take down the shed at the transfer station, help get the felled trees at Fishersfield hauled out and prep for winter. Prussman reports we got a good price on the salt contract; sand is set too.

## **TRANSFER STATION**

### **State inspects transfer station**

On June 14 Pavlicek told the select board that the state inspected the transfer station, as it does every 3-4 years. The report requested a few changes: fluorescent lights need to be laid flat to prevent breakage, tires need to be covered to prevent mosquito breeding and the area for batteries needs signage that it's for vehicle batteries. When the inspector looked at the burn pile she saw contamination (paint can) in it. She suggested using the Bobcat to occasionally put some of the ash into the trash.

### **Traffic flow, ease of use addressed**

Over the summer the selectmen have continued working on making the transfer station easier to use in general, improving the traffic flow and encouraging recycling.

After a meeting at the transfer station between the staff and selectmen, consensus was reached that the best first step would be to relocate the tin can & plastics bin as soon as possible.

The tin can & plastics bin is now behind the paper container with a walkway constructed between the two for easy access and a concrete pad under them all.

The small shed is going to be taken down shortly. Current thinking is to move the swap shop, aka the mall, onto the now-empty concrete pad in front of the shed.

Reaction to the changes has been positive.

### **Market for recyclables on upswing**

The town's revenue from recyclable materials should top \$10,000, more than triple last year's total. The market has come back and our recycling numbers are slightly increasing, now at 28 percent.

The selectmen have made progress on changes to improve the traffic flow at the transfer station so it's easier to drop off the recycling in the various bins.

At their Aug. 9 meeting the selectmen reviewed a spreadsheet that shows the prices for single-stream recycling vs. our current method. They all agreed the numbers don't support switching at this time. They will continue monitoring the operation and looking for the best ways to control costs at the transfer station and improve the town's recycling efforts.

### **Bobcat skid steer replaced**

After reviewing prices on July 12 selectmen approved purchase of a Bobcat skid steer loader for \$26,395. In June Newbury was awarded

a grant from NH the Beautiful for \$4,500 to be used toward a skid steer. The trade-in value of our current 2001 Bobcat was put at \$8,000. Pavlicek advertised for sealed bids on the used Bobcat with a minimum bid of \$8,000; the winning bid was \$9,800. The net cost taken from the transfer station budget was \$12,095.

## **FIRE & RESCUE DEPT.**

### **Call out for new members**

The Newbury Fire & Rescue Department continues to be very busy with calls up 9% over the same period in 2009 and 26% over 2008. With 35 calls for service, July was one of the busiest months in the department's history. The large volume of calls continues to tax the on-call department and we continue to look for new firefighters and EMTs to join the department. Anyone with an interest in serving the community on the fire & rescue department is encouraged to stop by the safety services building any Tuesday evening and pick up an application. Prior firefighting and emergency medical service experience is welcome but is not required in order to join the department.

### **SUV new role: Incident command unit**

With the arrival of the new Toyota 4-Runner 4-wheel-drive police cruiser, the Newbury Police Department's SUV cruiser has been transferred to the fire department and will replace the car that is currently used for fire department inspections and to transport department members to training and meetings. Because of its larger size, this vehicle is being equipped as an incident command unit and will also carry multiple-frequency radios, incident management equipment and additional resources that are valuable to the incident commander during a large fire or other large-scale emergency.

### **Joint training with state beach, park staff**

The fire department continues its program of training with other organizations that it may be working with during emergency situations. This summer a joint training was held with the Sunapee State Park and beach staff on procedures for responding to emergencies at the state beach and campground. As in past years, an inspection and emergency planning meeting were held prior to the craftsmen's fair with Mount Sunapee Resort and fair organizers. Joint fire & rescue training has also been conducted with the Bradford and Warner fire departments.

### **New engine taking shape**

Valley Fire Apparatus continues its work on the new Newbury Engine 4 which is being built for the town. There was a slight setback when the wrong size chassis was received from the truck manufacturer. The company expects a replacement cab and chassis to be received shortly and the pumper body that is already in can be mounted and the equipment installation work can continue. The delivery of the completed rapid-response foam pumper is expected to be fairly close to the original date.

### **Thanks for successful auction, raffle**

The Newbury Fire & Rescue Department wishes to thank everyone who donated to and supported the annual fundraising auction on Aug. 29. At the auction's conclusion the drawing was held for the annual 50/50 raffle and the winner was Arthur Burritt.

### **Wood, pellet stoves need permit, inspections**

With cold weather on the horizon, many residents may again be thinking about purchasing and installing a wood stove for the winter. Please keep in mind that the Town of Newbury requires a permit for wood-burning or pellet stoves and the installation of stoves, like other types of heating equipment, must be inspected by the fire department. Permit applications are available from the code

enforcement officer at town office, the fire department or can be downloaded from the town website, [newburynh.org](http://newburynh.org).

### **Wild-fire danger high**

#### **Permits required for outside burning**

The hot dry summer has resulted in the forests in our community as well as the entire state becoming very dry and thus the brush and forest fire danger is high. As the leaves start to fall, the potential for wild fires will only increase. Please remember that permits are required for all outside burning and permits cannot be issued when the fire danger is high. Please contact forest fire warden Dave Smith or one of the deputy wardens to obtain a burn permit or if you have questions on the state's outside burning regulations.

## **EMERGENCY MANAGEMENT**

### **Be ready before the emergency hits**

It has been a number of years since a hurricane impacted New Hampshire and so far this year's hurricane season has been as active as predicted. From our experiences over the past couple of years, we know that weather-related emergencies do impact our area and that we need to remain prepared for floods, winter storms, hurricanes and other disasters. We also know that in an emergency we cannot depend on outside help and need to prepare our homes and families to survive without electric power or possibly access to the outside world for days following the storm.

Here are some family emergency planning ideas from the NH Division of Homeland Security & Emergency Management.

> Set up an emergency kit for your home:

- Water – at least 1 gallon, per person, per day
- Can opener (non-electric)
- Battery- powered radio
- ABC-type fire extinguisher
- Smoke detectors and carbon monoxide detectors
- Prescription medications
- Wired telephone (not cordless)
- First aid kit
- Flashlight & battery-powered lantern
- 3-day supply of canned or dried foods
- 3-day supply of baby food and formula

> Make a family communications plan

If you are separated and cannot get in touch with your family, each family member should call the same contact out-of-state. Fill out a card with the following information and give copies to all family members to keep with them. Identify:

- An emergency contact in your local area
- A contact out-of-state in case the emergency affects your local contact
- A neighborhood meeting place.

### **Will you get a 'heads up' call?**

The Town of Newbury now has resources that were not available to residents during prior storms. The CodeRED reverse 911 notification system can provide valuable emergency information. Although downed power and telephone lines may not permit the system to operate to its full potential during certain types of storms, registering your cellular phone number as well as your home phone with Newbury CodeRED will allow you to receive the valuable emergency information. To add your cellular phone number to the CodeRED system, simply go to the Town of Newbury website [www.newburynh.org](http://www.newburynh.org) and click on the CodeRED link on the front page. If you do not have internet access, please see Denise Sherrill at town office and she will enter the information for you.

### **ReadyNH: Family Emergency Preparedness Training**

September is National Preparedness Month. Learn more about how to prepare yourself and your family for an emergency or disaster at this session sponsored by the Greater Sullivan County Medical Reserve Corps on Wednesday, Sept. 22, 6:30 - 8:00 p.m. at the Sunapee safety services building on Route 11 in Sunapee.

You will learn:

- Why it is important to prepare for emergencies.
  - How to prepare for emergencies, including what supplies you need for different disasters.
  - How emergencies affect your health.
  - Roles of the town, region, state and what you can expect.
  - How to connect with friends and family during an emergency.
- Check out [www.nh.gov/readynh](http://www.nh.gov/readynh) for more emergency preparedness information.

## **HEALTH OFFICER**

### **Now over, pandemic honed readiness**

In mid August, the World Health Organization declared the H1N1 pandemic was over. Although the worse-case scenarios that dominated the news 12-18 months ago did not materialize, the outbreak did spread around the world and impacted a large number of people. What the pandemic did do was provide a great learning experience for the public health community and established systems, procedures and infrastructure at the international national, state and local level to deal with a major pandemic which is likely to occur during our lifetime.

Here in New Hampshire, a regional public health network that did not exist five years ago is in place and has demonstrated its capabilities to manage a large-scale health emergency as well as provide public health information and support during non-emergency times. Newbury and our neighboring communities worked well together through the Greater Sullivan County Health Region to establish this valuable resource for our towns. Newbury Fire & Rescue Dept., working with the NH Bureau of Emergency Medical Services, the hospitals and our mutual-aid partners, now has the procedures in place for responding to and properly dealing with disease health emergencies such as pandemic influenza.

### **Mosquito risk continues till frost**

Even though the warm summer weather is coming to an end, the threat of mosquito-borne diseases such as EEE and West Nile Virus continues through the first frost in October. Although this has been a mild summer for these diseases, people should continue to protect themselves from mosquitoes by using insecticide and covering up while outside during the evening hours.

## **CONSERVATION COMMISSION**

*Katheryn Holmes, chair; Eric Unger, vice-chair; Bill Annable, Chuck Crickman; Deane Geddes, Suzanne Levine, Frank Perrotta (alternate), Dick Wright (ex officio)*

The information below is taken in summary from draft minutes of the conservation commission's meeting on Aug. 16. You are encouraged to read the full and approved minutes of all the meetings, available at town office.

### **Land gift benefits Andrew Brook Trail**

This summer the Goubert family gave 75 acres of land off Mountain Road to the Society for the Protection of New Hampshire Forests (SPNHF). The land gift allows SPNHF to consider establishing an alternate entry to the existing Andrew Brook Trail that would preserve the trail access forever.

Brian Hotz, director of land protection for the forest society, was invited to meet with the commission on Aug. 16 about the gift and

what it could mean for the trail. Hotz summarized the current status of the Andrew Brook Trailhead, noting that it crosses through three pieces of private property before reaching state park property. The current trailhead is not being challenged by the three property owners, he said, however SPNHF is interested in starting discussions with the commission regarding strategies to relocate the trailhead to the Goubert Family gifted land.

There is an established 'dozer' road that stretches from Mountain Road through the property and could be used to construct 75 percent of the proposed new trailhead. The group also discussed the necessity of constructing a parking lot for 20 to 25 cars along with concerns over who would be responsible for trail maintenance and parking lot upkeep (maintenance, snow plowing, etc.).

There was discussion about the possibility of SPNHF partnering with the town regarding establishing the parking lot, upgrading the dozer road and creating a new trail to complete the final 25 percent of trail needed to connect to the Andrew Brook Trail in the state park.

Hotz said SPNHF envisions the project as a two-step process: (1) develop a plan, funding mechanism, construction schedule and ongoing maintenance for the parking lot; and (2) develop a plan, funding mechanism, upgrading, new construction and ongoing maintenance for the trailhead. Commissioners discussed possible alternatives for fundraising, partnering and project schedule.

It was decided that the forest society should initiate the process by generating a written proposal on the project that addresses the above two-step process, estimated budget for implementation and ongoing maintenance, potential partners, abutters' concerns and anticipated short- and long- term challenges to the project.

Wright noted that the above planning must be in place before the town and board of selectmen can consider entering into discussions with SPNHF.

An abutter who was present said she was not opposed to the project but requested that it contain thoughtful planning and be tastefully done (no lighting or pavement, etc.). She also expressed concern about how the proposed project would increase the number of cars. Hotz said the forest society intends to fully include all abutters to the gifted land and address all concerns as the planning process evolves.

Everyone agreed that there was no urgency to move forward quickly and that thorough planning and discussion is the preferred way to proceed.

possible modifications to the application will be discussed in an upcoming ZBA work session.

**Steven Landrigan, for property located at 1094 Route 103, submitted an appeal of administrative decision. He is appealing the Newbury Planning Board's opinion that his property is one legal lot of record rather than two.**

6/14/10 The board heard from Landrigan, his attorney, the town assessor and planning board chairman and discussed the issue at length.

A letter sent to Landrigan after the hearing read in part:

"On June 14, 2010 the Newbury Zoning Board of Adjustment (ZBA) reviewed your appeal concerning the Newbury Planning Board's opinion that your property is historically one lot. As you are aware, the ZBA voted unanimously that the ZBA did not have the authority to rule on such a request because your appeal is not within the terms and provisions of the ZBA.

"Please note, there has been no decision from an administrative officer to hear an appeal as defined in RSA 674:33 and RSA 676:5."

**Michael & Yvonne Muchard, for property located at 28 Eastridge Road, sought a variance to permit erection of a 40-foot wind turbine 20 ft. from a boundary line rather than 1.1 x the height of the turbine, a total of 44 ft.**

6/14/10 The Muchards want to install a small vertical-axis wind turbine (called a Windspire) next to their garage approximately 20 feet from the boundary line between two property lots belonging to them on Eastridge Road. The location was selected by an engineer for its ability to maximize the harvesting of prevailing winds and other factors. If they had to locate the Windspire on the adjacent lot it would have to be much closer to both the road and their neighbor's house and necessitate the removal of at least 10 large trees.

The Muchards asked for relief on the boundary line between their two lots, noting that Article XXII Small Wind Energy Systems Ordinance, Paragraph 22.2.1 requires a setback of 1.1 times the height of the wind energy system, which would work out to 44 feet for the proposed Windspire. They are requesting that the setback be reduced to 20 feet from the boundary line between their two lots for the reasons mentioned above.

The board voted unanimously to grant the variance from the requirements of Paragraph 22.2.1 of the Newbury Zoning Ordinance.

## LAND USE BOARDS

Please note –

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

## ZONING BOARD OF ADJUSTMENT

*Katheryn Holmes, chair; Helen Wright, vice-chair; Harry Seidel, Barbara Richmond, Peter Fichter.*

*Alternates: Alex Azodi, Sue Russell, Steve Russell*

### **Variance application form under review**

6/14/10 Holmes invited the board to review the NH Office of Energy and Planning (OEP) 2009 Application for a Variance as a point of cross-referencing to the town's current variance application. She encouraged the board to consider ways of improving the current application to make it easier to understand and more applicant friendly. She noted that, according to the town's planning consultant, modifications are needed to the current application. Holmes said the

### **Joint meeting of planning, zoning boards**

The planning board hosted a joint meeting with the zoning board of adjustment on Tuesday, Sept. 7. The boards discussed the town zoning ordinance; no action was taken.

## PLANNING BOARD

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

### **Capital improvement program (CIP)**

6/1/10 The board voted unanimously to appoint the following as members of the capital improvement program (CIP) committee for the CIP update for the period 2011-2016: Ivor Freeman, chair; Gary Budd, selectman representative; Dennis Pavlicek, town administrator; Ray Spahl, member-at-large; Ron Williams, planning board; Tom Vannatta, planning board and Ken McWilliams, planning consultant. The CIP meetings with departments will start in July 2010.

Weiler asked about the procedure involved in recommending an individual to make a presentation to the CIP committee and it was suggested he contact the committee chair or town administrator.

7/6/10 McWilliams reported that background financial data is being updated by the town administrator and CIP committee

meetings are scheduled for Aug. 10, Aug. 24 and Sept. 14. The CIP committee report will be presented to the planning board for review and discussion in October.

### **Newbury elderly housing/CAP project**

7/6/10 Vannatta informed the board that he sent a letter to the editor of the *InterTown Record* to clarify the status of the proposed Newbury Elderly Housing/CAP project and to dispel rumors that the proposed project was a 'done deal.' He informed the board that the applicant has recently submitted a redesigned plan for the proposed project and that the board will review it as a conceptual at the July 20 meeting.

### **PSNH transmission line easement encroachment**

7/6/10 Vannatta shared with the board the PSNH transmission line easement encroachment requirements. PSNH requests that the board develop guidelines to ensure that future development does not encroach on the established easement for PSNH transmission trunk lines. It was decided to table the matter until another time. McWilliams suggested cross checking with a USGS map to identify the location of any transmission lines in Newbury.

### **Zoning ordinance amendment suggestions**

7/6/10 McWilliams stated that committee suggestions should be presented to the board no later than October. There was general discussion about the committees, including the suggestion of developing a mock development for workforce housing and developing guidelines for signage standards. McWilliams added that multi-family residential development criteria is an area that needs attention. Freeman agreed and suggested developing an overlay-district approach for multi-family residential requirements.

8/3/10 Vannatta said the planning board and the zoning board of adjustment will hold a joint work session on Sept. 7 to review and discuss ordinance language that may need modification. In addition amendments to the sign ordinance may need attention.

### **Proposed amendments to rules of procedure**

7/6/10 Vannatta reviewed with the board "The Riggins Rules" which are reprinted with permission from the *Planning Commissioners Journal*. The Rules contain 39 suggestions aimed at guiding local planning board members and alternates in the performance of their duties and responsibilities.

Vannatta referred to Item 34, "Do vote by roll call" and suggested that the board consider implementing same. He said it is important for each member voting to not only vote "aye" or "nay" but also to state why he/she is voting that way.

Vannatta will examine the planning board rules of procedure and draft a statement to reflect the above and present it to the board for discussion at the next work session.

8/3/10 Vannatta presented a proposed modification to the Planning Board Rules of Procedure, Article IX Meetings, Section 9.3 Quorum and voting, paragraph three, which reads as follows (proposed modification underlined):

*"Proposed decisions by the Board shall be put forth in the form of a motion. A motion, duly seconded shall be carried by a majority roll call vote of the members qualified to vote and voting in the affirmative. Only members who are present are qualified to vote. 'Member' includes the Chair and any other alternates sitting in place of members."*

There was general discussion about the proposed modification.

McWilliams said that defining the reasons for a vote becomes important when the board, as a whole, denies an applicant. In such cases, there must be a basis in the board's Rules of Procedures for the denial. He said that when the board denies, it must cite the reasons why and refer to specific articles, sections and paragraphs to support the denial. He said the board should then make a motion to pass the

denial and have a roll call vote. He added that if the board decides to deny, there should be a record of the reasons for doing so and a record of same must be provided to the applicant in writing afterwards. He said in a court review attention will be paid to procedures, due process and whether the board has a rational basis in its regulations upon which to base a denial.

There was further discussion about the process of deliberation and roll call vote.

Weiler presented a modification to the proposed modified amendment which reads as follows:

*"Actions of the Board shall be affirmed by a majority vote in favor of the motion. For example, failure of a motion to approve an application does not deny the application. A new motion to deny has to be made and voted."*

After further discussion concerning both proposed amendments, the board decided to table the discussion for now and to revisit the topic at another meeting.

### **In-house seminar – Planning board responsibilities**

6/1/10 Vannatta introduced the concept of conducting periodic in-house seminars on the roles and responsibilities of the planning board as a way to introduce new board members to the processes as well as afford existing members the opportunity to review and refresh their knowledge base.

McWilliams conducted the scheduled in-house seminar, first reviewing the information in a handout entitled "Planning Board Responsibilities – The Big Picture," that included the following information:

#### **The Master Plan: update every 5 to 10 years**

McWilliams traced the origin of the subdivision and site plan review regulations and the overall responsibilities of the planning board to the town's master plan. Every five to ten years the board is responsible for updating the town master plan, which is a detailed and lengthy process. The master plan provides the overall guidance for the capital improvements program, the zoning ordinance, and the planning board subdivision and site plan review regulations. For example, if a substantial change to the town's land use regulations is desired, the groundwork for the change would be laid in the master plan and the implementation of same would appear in the town's zoning ordinance. The master plan functions as a guide but it is not the law. The legal documents governing the town's land use are found in the Town's zoning ordinance, subdivision regulations and site plan review regulations.

#### **Capital improvements program (CIP): update annually**

The CIP is updated annually and is the responsibility of the planning board. The town appoints a CIP committee which includes representatives from the planning board, board of selectmen, the town budget committee, town administration and some outside town citizens. The CIP committee works with the various town departments and agencies to identify the capital needs for equipment, buildings, land acquisition, etc. over the upcoming six years. Each year the town reviews the CIP's recommendations in light of shifting priorities and needs within the town. The CIP committee then submits an annual draft report to the planning board every October which the board reviews and modifies as needed before adopting it and sending it along to the board of selectmen for consideration. The CIP is a plan – a recommendation – from the planning board to the individuals involved in the town's annual budget process.

#### **Site plan review and subdivision regulations: update as needed**

The planning board is responsible for updating the town site plan review regulations and subdivision regulations and maintaining compliance with state RSAs. Changes to the regulations require a public hearing and a majority vote of the board to make the changes.

#### **Zoning ordinance amendments: annual preparation**

The planning board makes recommendations on amendments to the town zoning ordinance each year if needed. The recommendations

are put on the ballot for the town meeting in March of the following year. The process is rigidly controlled, has a specific timeframe for noticing the public hearings and must be voted on at the town meeting. He said the passage of the amendment(s) requires a majority vote unless there is a petition against the specific amendment. If that occurs, passage of the amendment goes to a two-thirds majority vote.

#### **Development proposal reviews**

The planning board is responsible for regulating current development activity which includes reviewing subdivisions, site plans, annexations, minor subdivisions and mergers. These routine but important activities account for the majority of the planning board's time.

McWilliams emphasized the importance of the role of procedures in the site plan review and subdivision regulation process. He said that, generally speaking, most of the successful court challenges against planning board decisions are due to an error in procedural process. The state RSAs are very specific about due process: how much notice must be given to an abutter, how many days the public notice must be published in the newspaper, etc. Any violation of the RSAs governing due process opens the possibility of an unfavorable outcome if a planning board decision is challenged in court.

#### **Subdivision application review process**

McWilliams reviewed the three recommended steps to the subdivision application review process: the conceptual consultation, the preliminary design review and the final design review.

#### **In-house seminar - subdivision regulations**

8/3/10 McWilliams continued his presentation on subdivision regulations where he had left off on June 1. He reviewed the Newbury Land Subdivision Control Regulations sections on information for developers, developer's responsibilities and administration. The rest of the presentation was continued to Aug. 17.

8/17/10 McWilliams presented an in-house seminar on sections of the town's subdivision control regulations dealing with construction of street or road, enforcement, adoption & purposes, definitions, and standards for the design of subdivisions, sediment and erosion control, drainage and streets.

Freeman asked McWilliams to review the different classes of streets and highways and he described them as follows: Class 1 - 3 are state or federal highways, interstate, state roads; Class 4 and 5 are the public town roads; Class 6 is a road that was once open for public travel but now is still a right-of-way that allows for passage of non-vehicular traffic.

There was discussion about a private road and the requirement that such a road should be built to the same specs as that of a Class 4 or 5 public town road. Weiler referred the board to RSA 674:41 for more information.

#### **Summaries of planning board hearings**

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

#### **Case 2010-003: Conceptual - Clark M. & Evelyn C. Davis / Newbury Elderly Housing Project**

[To date this case has been heard or discussed at planning board meetings on 4/20, 5/4, 5/11 and 5/18. It is a proposal of the Community Action Program (CAP) Belknap-Merrimack Counties, Inc. The site is off Rte. 103 behind the safety services building and accessed from Newbury Heights Road. The property is currently owned by the Davis family. The proposed project is funded by HUD.]

**7/20/10** This presentation was another conceptual review; the last conceptual was presented at the April 20 meeting. An agent for the applicant presented the current and former plans for comparison in

the areas of wetlands, steep slopes, setbacks and overall impact to the site.

The original plan included six one-story buildings, 1150 linear feet of road, the potential for six separate leach fields (one for each building) and parking. The combined input from the Lake Sunapee Protective Assoc. and the planning board resulted in the current concept.

The current plan contains a two-story building and the acres of impact on the site have been reduced from eight to just over 3.8 acres. Also reduced were the impervious surface layers, leach fields, steep slope impact, cuts and the area of wetland crossings.

The road length is still a safety issue for the board; it exceeds the maximum (1,500 feet) allowed by town regulation for a single-access road.

Vannatta raised the question of whether the current concept is a subdivision or a site plan and asked McWilliams for his opinion. McWilliams said the current concept places all 34 units in a single building and, in his interpretation, the regulations governing subdivisions no longer apply. He said a site plan is still required. He added that the first concept included multiple building sites as well as multiple units in each site, thus making it a subdivision.

Freeman stated her concerns regarding exceeding the maximum 1,500 feet for a road without another exit. She stated that even though there are single-access roads in the town that are longer than 1,500 feet, those roads were in place before the regulations were created. She added that the board, in the past, has set a precedent of refusing subdivisions because of the maximum 1,500-foot road regulation. She said the safety issue surrounding this regulation is paramount to this project especially because of the demographics of the residents (elderly/handicapped). She added that access to the property becomes a critical factor in providing a reliable and safe response to emergency situations. She said another access is needed to the property.

The agent said the maximum 1,500-foot road regulation applies to subdivisions and not to site plans and that the current concept falls under site plan regulations. He understood that the board considers this issue to be a red flag for the project and asked how the rest of the board feels about it.

McWilliams suggested that the board confer with town counsel to find out if the maximum 1,500-foot access road subdivision regulation may be cross-linked to the site plan regulations; Vannatta agreed.

There was further general discussion regarding the road, its length, the cost to upgrade and alternative access points.

In a non-binding sense of the board (members and alternates) to indicate whether or not the access road and safety issue is a concern, six members indicated the access road is a serious issue, one felt it was not and two remained undecided.

The agent asked if there were any other issues that concerned the board.

Vannatta said he felt that the group went back to the drawing board and addressed the setback issues, the wetland issues and reduced the impact on the road [site], all of which were positive things to do. There was further general discussion about the project, specifically about burying the electrical wires underground, the isolation of the site and the residents' age and ongoing needs for support services.

Vannatta said the board will consult with town counsel and suggested that the applicant return on Aug. 3 for a continuation of the conceptual and the board's suggestion regarding the next step.

**8/3/10** Vannatta reviewed the conceptual to date, noting that at the board's meeting on July 20 the project was presented as a single building which was a change from the original proposal of multiple separate buildings. Vannatta said the board expressed concern at that meeting over the length of the access road to the revised project. The revised project, as a single building, was now governed by site plan

review regulations. The board questioned whether the 1,500-foot maximum single-access road regulation applied to the project under site plan review regulations and decided to consult with town counsel. Vannatta reported that town counsel advised that the 1,500-foot maximum single-access road regulation that applies to subdivisions does not apply to a site plan review.

Vannatta advised the applicant to proceed with an application for a preliminary site plan review, reminding the applicant of the required fees, abutter notices and application deadlines and hearing dates. He also informed the applicant to expect to set up an escrow account to absorb the expense of a third-party engineering firm, chosen by the board, to provide oversight and monitoring of the project.

#### **Case 2010-006: Diane Heller, Rollins Road, Conceptual Subdivision**

**7/20/10** Diane Heller and her mother, Rheta Heller, were interested in subdividing and selling a portion of their property in order to meet financial obligations. The property is a tree farm and the proposed subdivision is located on the far corner of the property, closest to the John Hay estate and Rollins Road/103A.

It was pointed out that Heller had subdivided her property in 2009; town regulations limit the number of minor subdivisions to three or fewer subdivided lots within a five-year period. There was discussion about the history of subdivision at this site.

McWilliams advised the board on two possible ways to proceed. The first would require that Heller file the current subdivision request as a major subdivision with waiver requests for some of the requirements inherent in a major subdivision application. The second approach would be for the board to consider Heller's situation and discuss waiving the requirement of filing this subdivision request as a major subdivision and accept it as a minor subdivision application.

Vannatta suggested that Heller research the exact date (month, day and year) of the first subdivision and leave the information with the land use board coordinator.

Heller asked about the lot ratio of one to four. Weiler referred her to the town's land subdivision control regulations, section X – standards for subdivision design, paragraph 10.5 lot layout.

Vannatta said the board will work with Heller as she moves forward with her research.

**8/3/10** Vannatta shared with the board a letter received from Diane Heller regarding the dates of the last two subdivisions on her property. He said the town land use board coordinator researched the property and the first subdivision occurred in 1994. The second subdivision occurred in 1999 and the third subdivision occurred in 2007. Another subdivision occurred in November 2009. Vannatta said over the past three years, the one parcel of property has been subdivided into three parcels, which constitutes a minor subdivision.

Heller's letter requested that the board consider several options and Vannatta suggested that the board invite her to return with a conceptual to discuss the possibilities. The board agreed to meet with Heller during its meeting on Aug. 17.

**8/17/10** Heller told the board that she researched the subdivision history of her property and sent the information to the board for its review. As a result of her research, Heller said she arrived at three options for consideration by the board: 1. consider this a minor subdivision with the Rollins Road subdivision of 12+ acres as the third lot; 2. consider this a major subdivision with waivers or 3. consider this a minor subdivision with a request that no further development occur for 36 months.

There was discussion of the history of the site subdivisions and the definition of a minor subdivision.

McWilliams said that the regulation applies to the 2007 and 2009 subdivisions which resulted in the creation of three lots and Heller's current request would mean the creation of a fourth lot. McWilliams reviewed the options available to her. He said she could request

consideration for a minor subdivision with a waiver for the five-year limitation or apply for a major subdivision with waivers.

McWilliams said the reason for the five-year time frame in the minor subdivision regulation is to prevent a property owner from continually subdividing his/her property without an overall plan. He recommended that the board consider requesting any minor subdivision applicant to take a long-term view of his/her property and discuss the potential plans of same.

Heller said her preference is to not sell any more of her property but unforeseen expenses are driving this decision. She described the intent of the subdivision as creating a larger lot for a house or tree farm.

There was discussion about the potential for future subdivision requests from Heller. Freeman suggested that Heller think about her need for future subdivisions and use that as the basis for structuring her current subdivision request as a minor or major subdivision application.

Heller said she was open to considering her current request as a major subdivision with numerous waivers. Freeman said the board would want a rough idea of any future subdivisions that might occur on the property.

Freeman suggested that Heller meet with McWilliams to review the requirements involved in applying for a major subdivision.

Heller asked the board whether, if she applied for a minor subdivision now and subsequently died, her heirs would be able to apply for a major subdivision. McWilliams said there would be no time limitation on her heirs for applying for a major subdivision.

Heller asked whether, if she applied for a minor subdivision now, she could return in four years and apply for a major subdivision. McWilliams said it is the determination of the future board whether or not she could do that.

Freeman suggested that Heller consider applying for a minor subdivision first and directed her to the subdivision regulations for application guidance. Freeman added that further guidance and informational assistance is available from her, Vannatta, Weiler and McWilliams.

#### **Case 2010-007: Jeffrey Bates, 323 Sutton Road, Conceptual Subdivision**

**8/17/10** Jeffrey and Darcey Bates are in a hardship situation. They currently house two grown children and two 20-month-old youngsters and they want to subdivide and build the young family a house of their own. Their agent asked the board for guidance on what waivers may be needed for the minor subdivision application. The property is open field. The agent said the buildable envelope was 1.81 acres. He was referred to the regulations governing buildable envelopes indicating the regulations call for one contiguous acre.

Bates believes they can meet all the requirements for a minor subdivision. Freeman said if that is the case, then waivers are not needed.

McWilliams asked if the required soils report and map will be provided, as required in the regulations. The agent asked if a waiver could be requested for the soils report. He said they have a septic design for the plan. Freeman said the septic design could be used as a consideration for the waiver request for the soils report.

#### **Case 2010-008: Maureen Clement, Lots in Park 10, Conceptual Subdivision**

**8/17/10** Clement owns several of the original Park 10 lots. She told the board that she has merged several of her lots in past years and would like to merge her lots in blocks J and I into one lot. She said she had a survey done on the lots and showed the board the lots in question on the plan.

Clement said the total acreage would be 1.7 acres if the town agrees to sell her a small parcel adjoining her lots. She was advised to contact the board of selectmen regarding purchasing the small parcel owned by the town.

Freeman told Clement that property deeds for every piece of land in question are required before a merger can be considered.

Weiler advised her regarding the appropriate form to use for a property merger request and to reference the book and page number of the tax map.

Freeman advised Clement that the planning board chair has the authority to sign the merger application when completed. She added that he will require all the property deeds and proof that there is only one building on the resulting property.

There was discussion about roads that were indicated on the Park 10 map prior to the "combining of lots" that are no longer indicated on the current Park 10 map. McWilliams questioned whether there would be an issue with creating land-locked lots. Weiler disagreed, saying Clement is able to produce original deeds that will reference lot numbers and the merger application will use those reference numbers.

Freeman asked Clement about access to the lots in question. Clement said she has a right-of-way letter on record giving her access and indicated an original road on the Park 10 map.

### **Upcoming hearings on Sept. 21**

Notice is hereby given that the Planning Board will receive submission of an application for a Final Hearing for a Minor Subdivision from **Jeffrey R. Bates Revocable Trust**, for property located on Sutton Road, Newbury, NH, Tax Map 048-588-287 on **Tuesday, September 21, 2010, at 7:45 p.m.** in the Town Office Building at 937 Route 103 in Newbury, NH. If the application is accepted as complete, a public hearing on the application will commence at the same meeting.

Notice is hereby given that the Planning Board will receive submission of an Application for a Site Plan Review from **Community Action Program on behalf of Clark & Evelyn Davis Revocable Trust**, for property located on Newbury Heights Road, Newbury, NH, Tax Map 020-072-043 & 020-223-195 on **Tuesday, September 21, 2010, at 8:15 p.m.** in the Town Office Building at 937 Route 103 in Newbury, NH. If the application is accepted as complete, a public hearing on the application will commence at the same meeting.

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