

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

UPCOMING EVENTS

Sun.	Dec. 13	Humanities-to-go program, see page 2
Mon.	Dec. 14	Board of selectmen meet, 6:30pm, town ofc
Mon.	Dec. 14	ZBA hearings, see page 6
Tue.	Dec. 15	Planning board hearings, see page 7
Tue.	Dec. 16	Special town meeting, 7pm, town ofc, see p8
Sun.	Dec. 20	Fire Dept.: Kids Party with Santa, 4pm
Fri.	Dec. 25	Town offices closed
Mon.	Dec. 28	Board of selectmen meet, 6:30pm, town ofc
Fri.	Jan. 1	Town offices closed
Thu.	Jan. 7	Historical society meeting

Winter = snow = plowing

Highway administrator Cal Prussman and Police Chief Bob Lee would like to remind everyone about the town's winter parking and snow regulations. These common sense rules allow for safe plowing of the roadways and access for emergency vehicles.

Town of Newbury Winter Parking Ordinance

1. No vehicle or obstruction shall be parked or placed in any manner upon or along any street, alley or way located within the municipal limits of and maintained for the public good by the Town of Newbury from 12 midnight on October 31 through and including 12 midnight on April 30 of any year.
2. Notwithstanding the provisions of paragraph 1 above, residential areas within the municipal boundaries of the Town of Newbury that have been specifically marked and / or posted for regulated parking shall be subject to the posted provisions for parking in such designated areas.
3. A violation of this provision shall yield the removal of such vehicle or obstruction by any duly authorized employee or contracted agent for the Town of Newbury, with such expenses for said removal and subsequent storage to be incurred upon the owner of the vehicle or property removed.

Snow Regulations

No person, firm or corporation engaged in the operation of snow plowing, blowing or removal shall allow or cause any accumulation of snow to obstruct or impair any town-maintained street, roadway, parking lot or right-of-way, unless such operations are approved by the Newbury Highway Administrator, nor shall any snow be placed or caused to be placed, upon any hydrants in the Town of Newbury.

From the desk of the Newbury Board of Selectmen

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

Status of town budget – On Monday, Dec. 14, the budget committee should complete its work on departmental budgets with review of those for fire dept., forest fire, safety communications services, cemeteries, Blodgett sewer, general government buildings, insurance and capital outlay. Next on its agenda will be departmental revisions if any are needed, COLA and warrant articles.

The hearing on the town budget and warrant articles for the 2010 town meeting will be held on Monday, Feb. 8 at 7 p.m. in the town office meeting room. The next issue of *Newbury Update* will be available in advance of that hearing.

Special Town Meeting, Dec. 16

~ details inside ~ see pages 9-10 ~

Time line for Newbury's annual town meeting, March 2010

Jan. 20	First day for candidates to file for office with Town Clerk
Jan. 29	Last day for candidates to file for office with Town Clerk
Feb. 2	Last day for petitioned warrant articles
Feb. 8	Budget Hearing
Feb. 22	Last day to post warrant and budget for annual meeting
Mar. 9	Town meeting voting
Mar.10	Business portion of town meeting

Thank you – The flag flying over the old Newbury Town Hall on Village Road in South Newbury is one flown in Iraq. It was donated by Linda Pho of South Newbury whose sister, since returned to Iraq, brought the flag home and gave it to her.

Vets Hall view –The selectmen recently had dead trees taken down and brush removed from behind the Veterans Hall to clean up the area near the building. It has also opened up the view of the pond – and potentially skaters on the pond should conditions allow.

Wild Goose status – On Nov. 9 Newbury's selectmen and chiefs of police and fire met with the commissioner and staff of NH Dept. of Transportation. At the town office they reviewed the town's traffic safety concerns with the proposed boat ramp off Birch Grove Rd. They and other interested parties then went to the site and walked up to the intersection with Route 103 to better illustrate the issues.

In addition the town has been advised that the state wetlands council, at its meeting on Dec. 8, accepted the town's appeal regarding the wetlands permit issued by DES to Fish & Game for the Wild Goose site. The pre-hearing conference in this appeal will likely be held mid February. There are other appeals pending as well.

Second time's the charm – Twenty-one volunteers showed up for the rescheduled Wood Chuck Day on Saturday, Nov. 7, and did yeoman's work. After lots of log splitting, cutting, carrying and stacking they had several cords of wood to show for their effort. It is meant for use by those who need help heating their homes this winter. Anyone needing wood should contact Gail Bostic, family services director, at the town office.

Extra points to Dennis Pavlicek who got started early in the snack shack to greet workers with a warm breakfast of french toast, sausage and coffee to get them started.

The wood chuck volunteers were: Shirley Weir, Cameron Weir, Jim Powell, Connie Pavlicek, Dennis Pavlicek, John Brooks, Ted Jones, Jane Willis, Will Willis, Dick Wright, Helen Wright, Rick Wright, Brian Bostic, Travis Dezotell, Dick Dietrich, Barbara Dietrich, Mike Moss, Andy Davis, Kaleigh Davis, Kelsey Davis and Bob Wilkonski.

Flood plain maps – FEMA has revised the flood maps and copies can be viewed at the town office.

Intent to cut – Selectmen approved the following intents to cut in the buffer zone on Nov. 2: Sybil Rowe (Map/Lot 016-339-227), David Lapp (Map/Lot 007-166-398) and Michael Sheft (Map/Lot 018-310-054). An intent to cut was also approved for the Society for the Protection of New Hampshire Forests (Old County Road).

Education tax coalition – Following a discussion at their Nov. 16 meeting the selectmen agreed to join the Education Tax Coalition of Communities and send \$2,000 towards the group's activities. A key goal of the group is to try to keep statewide property tax from having donor towns which pay much more and get little or nothing back for their own schools.

According to its website, "...the communities in our coalition share a common goal: To find a long-term, sustainable education funding solution that provides equal education opportunity to every schoolchild.

"Our members believe the state must establish a method to ensure truly needy communities receive extra help to meet that goal. We also believe one community should not be forced to fund education in another, as is the case under a "donor" town – or negative aid – system.

"The coalition was formed in 1999 after the legislature implemented a state property tax in an effort to meet the N.H. Supreme Court's directives to provide an "adequate" education statewide. Because it primarily relied on equalized property values to determine education grants, this system severely penalized communities that were rich in property values even if their citizens were not – forcing them to raise and "donate" extra tax dollars to pay for education in towns that were home to people who often had much higher incomes.

"The coalition has battled in the legislature, in the courts and through education to replace the "donors" vs. "receivers" situation with a long-term, sustainable solution.

"In 2002 we assembled a team of the nation's top education funding experts and developed a plan to target aid to the neediest communities while using existing tax resources, along with a common-sense transition mechanism. House Bill 717 used realistic factors to determine education need, such as a town's fiscal capacity, cost of living and the special needs of its students. We proposed a streamlined version, House Bill 684, in 2005. The legislature in June 2005 approved a new education funding law that included many of the elements and philosophies of the coalition's proposals."

TRANSFER STATION

2009 dump stickers expire soon

Traffic has been slow for the 2010 transfer station stickers according to Linda Plunkett, town clerk. The 2009 stickers (blue letters on white background) expire Dec. 31, so hustle in to town office.

You can pick up the new one at either the selectmen's or town clerk's window at the town office. It's easiest if you bring in your old one or your license plate number. The new stickers, good until Dec. 31, 2010, are green on white.

The hours for the selectmen's window are 8 a.m.-12 noon on Monday, Tuesday, Thursday and Friday. The hours for the town clerk are 1-7 p.m. Monday and 8 a.m.-4 p.m. Tuesday-Friday (closed 12-1 p.m.) Town clerk Linda Plunkett said it can be done through the mail if necessary; call her for details at 763-5326.

FAMILY SERVICES

Thank you! Again!

Family Services along with the South Newbury Union Church have been very busy – 24 food baskets were given out for Thanksgiving and it looks like the number will increase for Christmas.

I have been busy collecting and coordinating the snowflakes on the Giving Tree in the town office lobby. These "wishes" will be given out to the families when they pick up their Christmas baskets.

A special thank you to all of Newbury's wood chucks. We have a good supply of cut wood to help the needy get through the winter months.

There was a successful "cold weather drive" with more than twenty families benefiting from the donated clothing.

Again, the businesses, organizations, committees and, in general, the people of Newbury have outdone themselves and come through with their care and donations for those who need help.

There has been a significant increase in people requesting the Food Pantry, and the town again came through donating foods for this.

As I have said before, I am proud to be in family services. I know that the residents of Newbury are behind me with their care; they have proven it.

--Gail Bostic, family services director

NEWBURY PUBLIC LIBRARY

*Library trustees: Liz Tentarelli, Pam Ritchie, Pat Sherman.
Friends of NPL: Liz Moul, 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.

Holiday hours at the library

Thursday, Dec. 24 – 12-4 p.m.

Friday, Dec. 25 – closed

Saturday, Dec. 26 – closed

Humanities-to-go program – Dec. 13

Crime and Punishment on the Isles of Shoals:

The Ballad of Louis Wagner

Sunday, Dec. 13 at 2 p.m.

In the town office meeting room

Join us for an afternoon filled with the words and music of John Perrault. Perrault will perform his guitar and vocal rendition of *The Ballad of Louis Wagner* using the traditional style of the story-song. In his ballad, Perrault examines a New Hampshire murder and trial that took place more than a century ago and the undercurrents surrounding it all.

Louis Wagner was convicted of, and executed for, murdering Anethe and Karen Cristenson on Smuttynose Island, Isles of Shoals, in March of 1873. Time and reflection have generated an ongoing debate as to the fairness of the trial and the validity of the verdict. This program invites you to examine the law's judgment of Louis Wagner and add your two cents to the discussion.

This Humanities-to-Go program is sponsored by the NH Humanities Council and the Friends of the Newbury Public Library. Refreshments will be served.

HISTORICAL SOCIETY

www.newburyhistorical.org

info@newburyhistorical.org

Historic house markers

Seven more historic house markers were awarded to Newbury homeowners in November by committee co-chairs Gay and Marty Sheary. This brings the total to 26, but there are still more buildings in town that are eligible for plaques. Please direct your interest and questions to the Shearys (763-4746).

We Remember Newbury: Farming

The *We Remember Newbury* Committee has announced the next program in the series will be held on May 2, 2010 at 2:00 p.m. These programs are designed to present an up-close and personal look at life in Newbury as we – or our relatives – remember it. This program will

look at farming as an economic force and life on the farm as recalled by guest speakers and participants from the audience.

The *We Remember Newbury* program gives the historical society an opportunity to capture individual memories of a way of life that helped shape the character of our town. If you have memories of any topic or incident that you would like to share please contact Shelly Candidus (763-8702).

2010 annual meeting

Another date to set aside is July 18 for our annual meeting which will feature a presentation by Ron Garceau and Babe Sargent entitled *Wild Goose Waters from Above*. It is a fascinating program and you will be amazed at the photographs.

Newbury's history, a great gift

Our pictorial history book, *Newbury*, is still available from the town clerk, at the library or from our website. A copy would make a perfect holiday gift for anyone who ever spent time in Newbury.

You will also find other last-minute gift items on the site so check it out – it is constantly changing (www.newburyhistorical.org).

--Barbara Steward, president

BEAUTIFICATION COMMITTEE

On Friday, Nov. 20, members of the NBC gathered to dress the town for the holidays. Armed with ladders and wire cutters, they fanned out from the town office. The harbor area was hung with wreaths and garlands, streetlamps were bedecked and all the town buildings were 'greened.'

Next came the NBC Wreath Sale and every wreath, garland, kissing ball and so much more was sold. A dozen wreaths were saved for family services to share with others. The members are so grateful for the support of all the shoppers.

At the regular monthly meeting on Dec. 2, Judy Healey was elected the new chairman with Diane Jones as the vice-chair.

The new chairman said that NBC is always looking for new members. They have lots of fun and there's lots of work to do. The group tends 29 flower barrels in the summer plus the 10 hanging baskets on the streetlamps, and there are new things they want to move forward on – so they need more members.

They invite everyone to join them at their meetings on the first Wednesday of the month at 9 a.m. in the town office meeting room.

CENTER MEETING HOUSE

SRK Greenway "gift" to Newbury's Center Meeting House

Because of its picturesque view of Newbury harbor and the tower of the Center Meeting House, the short hike to Eagle's Nest on the lower northeast slope of Mount Sunapee was a popular 19th-century exercise.

With the Meeting House tower rebuilt and ready to be raised again to its distinguished position as Newbury's classic landmark, volunteers from the Sunapee-Ragged-Kearsarge Greenway Coalition recently cleared and re-blazed the Eagle's Nest Trail as a gift to commemorate the rebuilding of the bell tower.

Classic photos taken at Eagle's Nest show the Center Meeting House, Cilley's Tavern (now Outspokin') and a small village, a railroad, a raft of logs in the harbor, a fancy farm and fields, and the dirt roads that are now routes 103 and 103A.

Eagle's Nest Trail is a spur trail off the Newbury Trail, one of the main hiking trails on Mount Sunapee. From Lake View Avenue across from the Newbury Caboose Museum, the climb up the orange-blazed Newbury Trail to the Eagle's Nest Trail is steep but less than one-quarter mile. A small rock cairn and red blazes to the right (north) mark Eagle's Nest Trail which winds mostly on the level for another quarter mile to a ledge-and-moss opening in the hemlock forest.

Hike, take care on the ledge and slippery leaves, and enjoy the view. And, if you are lucky enough to see him, say hello (at a respectful distance) to a shy porcupine that feeds on the hemlocks.

--Gerry Gold, SRKG

HEALTH OFFICER

H1N1 flu

The Newbury Health Officer continues to be heavily involved with the Greater Sullivan County Health Network in the response to the H1N1 flu pandemic that has affected New Hampshire as well as the rest of the United States and many parts of the world.

Although the seriousness of the disease so far has not been as bad as many had feared, the outbreak does meet the definition of a pandemic because the disease has spread rapidly around the world.

The health emergency planning of the New Hampshire Department of Health & Human Services (DHHS) and the health networks included provisions for vaccinating the public in the event of a widespread disease outbreak, such as a pandemic. This plan has been implemented and the first phase – providing the H1N1 vaccine to healthcare workers who may come in contact with individuals with the flu – has been completed.

The Newbury Fire & Rescue Dept. hosted a clinic for the health region, where EMS personnel from the fire departments in Sunapee, New London, Sutton, Wilmot, Bradford and Grantham as well as school nurses from Kearsarge, Sunapee and Newport school districts and other healthcare workers.

In the second phase of the vaccine program, the region held a clinic in Sunapee to vaccinate children from 4 to 17 years, adults 18 to 24 and adults 25 to 64 with underlying medical conditions.

The third phase, to provide the vaccine to individuals not in these categories, is expected to start by the end of the month depending on the availability of the H1N1 vaccine.

Information on the clinics, dates, locations and registration details, as well as the latest information from the Greater Sullivan County Health Region, NH DHHS, Center for Disease Control (CDC) and other H1N1 resources, can be found on the town website (newburynh.org) H1N1 information section.

--Wayne Whitford, health officer

POLICE DEPT.

Season's Greetings from the Newbury Police Department!

I'm sure that we all consider this a 'quieter' time of year. But, despite only one notable snow storm thus far, and knowing that the 'January Thaw' is just a few short weeks away, it's important to remember that it really is Winter out there. The snow plowing has already begun and that means parking restrictions. As always during this time of year we like to remind everyone that there is No Parking on any town or state roadways. If you happen to be one of the unfortunate souls who fails to heed this regulation, you can expect to need a ride to work, school or wherever when you go looking for your car.

During a storm, our resources become limited and time is not a luxury we can abuse. Therefore, if the highway truck has to go around your vehicle to plow, your vehicle will be towed (Ord. 90-42, 90-802). Having to plow an area twice is a huge expense for us all and a bad parking decision will yield even more expenses, so please don't let it happen to you.

Again, happy holidays to everyone from the police department! Remember, this is the season for giving, not taking. So if you're a taker, stay out of Newbury!

Hope you all have a great 2010 and beyond.

--Police Chief Bob Lee

FIRE & RESCUE DEPT.

Party with Santa on Sunday, Dec. 20

The annual Newbury Fire & Rescue Children's Holiday Party will be held on Sunday, Dec. 20 at 4 p.m. at the Safety Services Building. Children from newborn through fifth grade are invited to come and meet Santa and enjoy the food and games. Don't miss Santa's special arrival!

Holiday fire safety

The holidays are the most dangerous time for injuries and deaths from fire. Since live Christmas trees are the cause of many of these fires, the Newbury Fire & Rescue Department reminds residents:

- Never leave a lighted Christmas tree or other decorative lighting display unattended.
- Inspect lights for exposed or frayed wires, loose connections and broken sockets.
- Do not overload extension cords or outlets and do not run an electrical cord under a rug.
- Natural Christmas trees always involve some risk of fire. To minimize the risk, get a fresh tree and keep it watered at all times.
- Do not put the tree within three feet of a fireplace, space heater, radiator or heat vent.
- Do not burn Christmas tree branches, treated wood, or wrapping paper in a home fireplace
- Decorative lighting should be labeled with the seal of an independent testing lab and should only be used outdoors if it's labeled for outdoor use.
- Be sure you have smoke detectors and test them periodically.

In 2005, candles started an estimated 15,600 home fires in the United States, and the top four days for candle fires are around Christmas and New Year's, according to the National Fire Protection Association. Battery-operated flameless candles are an alternative that does not have a fire risk.

Power line safety

A recent Newbury Fire & Rescue department training class focused on electrical safety and the danger of serious injury or death from overhead power lines. Every year the department is called to numerous reports of downed power lines or trees falling on power lines. The message that was conveyed to the firefighters, and critical for the public to know as well, is that you must assume that every power line that is down is still alive and the power can kill you. There is no way to tell by looking at a wire if the power is off, even if the wire is broken. Only trained PSNH employees should handle electrical wires. Many times we find people driving over power lines in the road or walking near a line hanging from a tree, pole or on the ground – both are very dangerous. If you see a utility wire on the ground or hanging low to the ground, call 911 so that the fire dept. can secure the area until PSNH arrives to repair the hazard.

Register your ice eaters, bubblers

With the cold weather the lake will be starting to freeze. Lakeside residents who have ice eaters, bubblers and other devices to keep ice from forming around their docks are reminded that under NH law these devices must be registered with the town clerk. A listing of all registered devices is provided to the fire department, so that emergency responders are aware of locations where there may be open water or thin ice. Contact the town clerk if you have questions; there is no charge for the registration.

Visible street address signs

As the snow starts to pile up residents are reminded of the town ordinance that requires all properties to have a street address posted that can be easily seen from the street. Numbers on a house that may be visible during the summer or a small sign on the driveway may not be seen when there are piles of snow.

Many emergency responses, especially for medical emergencies, are delayed because the responders cannot identify the house where the emergency is because there is no visible street number. Take a

look at your home from the street at night. If you are unable to read a street address, it is unlikely that the fire, police or emergency medical responders will be able to. The best place for an address sign is near the end of the driveway, four to six feet above the ground. A numbered mail box is good if it is near the driveway on the same side of the street, but a separate sign may be needed if it is not immediately evident where the access to the house is.

--Wayne Whitford

EMERGENCY MANAGEMENT

Ice Storm 2008

It may seem hard to believe, but it has been a year since the great ice storm of 2008. What have you done to improve your personal emergency preparedness since last December? Have you assembled a home emergency kit? The kit should contain the following:

- Water, one gallon per person per day for at least three days, for drinking and sanitation
- Food, at least a three-day supply of non-perishable food
- Battery-powered or hand-crank radio and a NOAA Weather Radio with tone alert and extra batteries for both
- Flashlight and extra batteries
- First aid kit
- Moist wipes, garbage bags & plastic ties for personal sanitation
- Wrench or pliers to turn off utilities
- Manual can opener for food (if kit contains canned food)
- Cell phone with chargers
- Prescription medications and glasses
- Sleeping bag or warm blanket for each person

...generators, heating sources

Did you install a back-up electric generator? If so, was it installed properly so as not to create hazards in your home with a proper electrical hook-up and so that the exhaust does not result in deadly carbon monoxide fumes entering the house when it is running?

Did you install a wood stove or other alternative heating source? If so, did you get a permit and have the unit inspected by the fire department? Be sure that if you have to use the wood burner to heat your house that it will not present a fire hazard. Please contact the fire department if you have questions about the safety of the generator or heating equipment.

....did you sign up for Code Red alerts?

One new public safety tool that the Town of Newbury has added since the ice storm is the "Code Red" emergency communications system, commonly called Reverse 911. This system can provide important public safety information during an emergency through a system that will call all town residents. The system will provide updates on shelter locations, where to go for water or supplies and information on the restoration of services.

The Code Red system uses information from commercial databases which can be inaccurate, and is incomplete because it does not include unlisted telephone numbers and cellular phones, which may be your only phone if the wires are down.

We ask you to complete your emergency contact information by going to the Code Red link on the Town of Newbury website (newburynh.org) and completing the form. This information is only for emergency contact by the town and will not be shared with any other organization or business. If you do not have access to a computer or need assistance, please ask at the selectmen's office.

...and emergency shelters

There has been considerable discussion throughout the state on emergency shelters for people who must leave their homes during an emergency. Following the ice storm several Newbury residents were assisted at the shelter opened at Colby-Sawyer College in New London. The state has endorsed the use of regional shelters such as the one in New London and the Town of Newbury is working with our neighboring communities so that there will be a shelter available if it is needed in the future.

CONSERVATION COMMISSION

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

The information below is taken from draft minutes of the conservation commission's meeting of Nov. 10. You are encouraged to read the full and approved minutes available at the town office.

Conservation commission roles and responsibilities

There was discussion regarding the role of the conservation commission (CC) and the extent of its influence and oversight authority regarding cutting in the buffer zone, shore land protection and DES permits.

Holmes said one of the challenges facing the CC is oversight, particularly in the area of cutting in the buffer zone. There was discussion about how to proceed with oversight activities. Regarding cutting in the buffer zone, Holmes suggested that Unger use written notification to property owners suggesting conservation measures, restrictions on stumping trees, planting a rain garden and "plant a tree if you take a tree." In addition, she recommended sending a copy of the shore land protection act to property owners who make application to cut in the buffer zone.

Holmes said property owners should understand what the buffer zone does – it filters phosphorous and nitrogen so the two elements do not go into the lake. Overcontamination with phosphorous and nitrogen kills lakes, she said.

The town requirements regarding cutting in the buffer zone are the same as the state requirements, namely a 50-foot buffer zone. Unger questioned who enforces that – the town or DES. Holmes said the selectmen review all applications to cut in the buffer zone.

Holmes raised the question of the CC's role as the "eyes and ears" of the Dept. of Environmental Services (DES) and the extent to which the commission may exercise oversight. She said if the CC does not agree with a DES decision, the CC may write its objection to the DES.

Holmes raised the question of the CC's role and responsibilities regarding protecting the shore land, cutting in the buffer zone, and offering advice regarding DES Wetlands Bureau applications. Crickman said the DES has a PowerPoint presentation that is available to commission members and suggested that they view it. Levine suggested that the selectmen also view the presentation.

Unger said it was his understanding that the "eyes and ears" of the DES fell to each town. It was suggested that Holmes contact the DES for guidance on "eyes and ears" oversight and how to follow through on backing up established regulations.

Intents to cut, DES permits

Unger listed three applications to cut in a buffer zone; there were no intents to cut to report.

Holmes reviewed permits received and applied for from the Dept. of Environmental Services (DES).

Wild Goose update

Holmes reported on a meeting with the NH Dept. of Transportation (DOT) regarding the safety issues surrounding the proposed Wild Goose boat ramp. The meeting was organized by the selectmen's office and included representatives from DOT, the Newbury selectmen, police chief and fire chief and other interested parties. The group made a visit to the site to review the realities of safe entry and exit, along with the issues surrounding runoff due to a steep slope.

Holmes said the group was thorough in its site examination and it was noted that the last traffic study done for the area is ten years old.

Town forest

Crickman reported on research he has conducted concerning the town forest. He said there will be a town warrant article put together for the 2010 town meeting. He reviewed the Sunapee Forest Management Plan, particularly the Sunapee Town Forest Project Schedule 2008-

2010, and said it shows a comprehensive approach to town forests. He said it may be a useful resource for the commission.

Commission members raised several considerations concerning a town forest such as the need for an overseer, funding, self-supportive strategies and the possibility of implementing conservation easements.

Holmes encouraged commission members to review Crickman's research for a continuation of the discussion at the December meeting.

ASLPT meets with area CC chairs

Holmes shared the information presented and discussed at the Ausbon Sargent Land Preservation Trust (ASLPT) meeting with area conservation commission chairs. She said many of the chairs were actively involved in the areas of cutting in the buffer zone, shore land protection and DES permits. Many in neighboring communities also were grappling with property owners skirting the DES shore land protection act fees.

Land conservation grants

Holmes discussed the request for proposals (RFP) for the Quabbin-to-Cardigan Land Conservation Grants.

According to the RFP the Quabbin-to-Cardigan (Q2C) region is roughly two-million-acres extending from the Quabbin Reservoir in Massachusetts to the White Mountain national Forest in NH and is bounded east and west by the Merrimack and Connecticut river valleys.

The Q2C partnership is a collaborative effort of 27 private organizations and public agencies working on land conservation in the two states. The partners envision consolidating their permanent protection of the region's most ecologically significant forests and key connections between them for wildlife passage and human recreation.

There was discussion about the Andrew Brook trail head and its proximity to the Q2C RFP's description of "supporting landscapes." Holmes said she will follow up regarding that.

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 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 and website.

ZONING BOARD OF ADJUSTMENT

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

The following information is taken from draft minutes of the ZBA meeting on Nov. 9.

Wild Goose boat ramp update

Holmes reported on a meeting organized by the selectmen's office with the NH Dept. of Transportation (DOT) commissioner and members of his staff regarding the safety issues surrounding the proposed Wild Goose boat ramp.

Paper roads

There was general discussion about the status of Vermont Avenue, a "paper road" located in Blodgett's Landing Cottage District. Holmes said town counsel determined that Vermont Avenue was not a paper road, did not belong to the town and should be dissolved through quitclaim deeds from the abutting property owners. Each property owner would have to have his/her property resurveyed. General discussion followed. Holmes has suggested to the Blodgett's Cottage Owners' Assoc. that the group address the paper road issue

throughout the district and develop a procedure for dissolving all the paper roads in the district.

Procedure clarification

There was discussion concerning the appropriate way to cite articles in the application for a variance in preparation for a hearing before the ZBA. Two members suggested that the code enforcement officer (CEO) include the entire text of the pertinent article in the application, thereby eliminating any misinterpretation or confusion over the correctness of the cited article. Wright added that the upcoming changes for the application (taking effect January 1, 2010) should include a requirement that the applicant write out the entire article from which a variance is requested.

Holmes said she spoke to the CEO about this concern. In addition, she said the procedure concerning an incorrect noticing (in which the wrong article is cited in the request for a variance) includes the following: (1) when a hearing is noticed as a variance when it should be a special exception, the ZBA cannot hear the case; (2) when a notice contains language that is confusing, such as "moving an existing footprint," the ZBA can amend the notice at the hearing to include the correct language and proceed with the hearing. She added that the reason a hearing is noticed is to allow all the abutters the opportunity to participate at the hearing.

Seidel said that special exceptions refer to uses that are permitted. A variance refers to the applicant's desire to do something that doesn't fit within a stated ordinance.

Holmes reviewed the process involved in an application for a variance. First, the applicant receives a denial of a building permit (citing the pertinent article/paragraph) from the CEO. Second, the building permit denial and application for a variance are reviewed by the land use board coordinator. Third, the ZBA chair reviews the application. Fourth, a hearing for a variance is noticed.

The ZBA members suggested that after the application is submitted, the land use board coordinator review the application with the CEO to verify that the appropriate article/paragraph is included and that all information is consistent prior to its submission to the ZBA for consideration.

The ZBA members concurred that language ambiguity exists in Paragraph 15.1.2 of the zoning ordinance. Holmes said that the planning board and its advisor, Ken McWilliams, are looking at the language contained in that paragraph.

The ZBA members concurred that any changes to the existing process for the applicant should help – not hinder – the applicant as he/she meets the informational obligations needed for a hearing before the ZBA.

Holmes said she will meet with the CEO and the land use board coordinator to review the ZBA's concerns and to gain feedback.

ZBA decision timeline

The ZBA members discussed the required timeline for decisions at a ZBA hearing. Wright cited the OEP's *Handbook* (page 53) for clarification, which states:

"The board shall decide all cases within (30 recommended) days of the close of the public hearing and shall approve, approve with conditions, or deny the appeal. Notice of the decision will be made available for public inspection within 5 business days, as required by RSA 676:3, and will be sent to the applicant by certified mail. If the appeal is denied, the notice shall include the reasons therefore. The notice shall also be given to the planning board, the board of selectmen, town clerk, property tax assessor and other town officials as determined by the board. Notice shall be published in the (insert name of local newspaper) and shall be posted in two locations at (insert both locations – should be the same places as the hearing notices)."

Wright said she will research and report back to the ZBA members on the procedure involved in delaying a vote at a hearing.

Applicant Checklist

The ZBA members reviewed the ZBA applicant checklist and made suggestions, clarifications and corrections. Holmes said a final draft will be circulated to the ZBA members for their review.

In addition, Seidel suggested encouraging applicants to review Newbury's erosion control guidelines which are available on the town's website. Holmes suggested including that item in the guidelines for applicants instead of the applicant checklist.

Holmes added that she would like each applicant to have an additional sheet that covers "what to expect at a ZBA hearing." Wright referred to an existing section contained in the October 2009 edition of the NH Office of Energy and Planning (OEP) *Handbook* that defines the hearing process. She suggested using the OEP's *Handbook* as the additional information sheet for the applicant. The ZBA members agreed.

Upcoming ZBA hearings

The ZBA will conduct public hearings on the following proposals on Monday, Dec. 14, at the town office building:

7:15 p.m., Jeffrey & Bonnie Nester, for property located at 67 Old Post Road, will seek a special exception to permit the construction of an accessory apartment on the second floor of an existing detached three-bay garage.

7:30 p.m., Jeffrey & Bonnie Nester, for property located at 67 Old Post Road, will seek a variance to permit the construction of an accessory apartment in a dwelling that is less than 5 years old.

Copies of the applications are available for review at the town office building during regular business hours (Monday, Tuesday, Thursday and Friday from 8 a.m. -12 noon).

PLANNING BOARD

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

The planning board work session on Dec. 1 was cancelled. Board chairman Vannatta reports there will be no new zoning ordinances or changes to present for town meeting in March. The planning board has two sub-committees working in preparation for the next round in 2011.

Summaries of planning board hearings

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

Case 2008-010: Annexation – Brad LaClair - Three Park 10 properties

11/17/09 [Continuation from Oct. 20] It was noted that at its Oct. 20 meeting the planning board recommended that the applicant obtain a variance from the ZBA to allow a building lot. Many conversations ensued after which the board concluded that there may be an alternative to obtaining a variance. Vannatta noted that one of the issues of concern was access off a road to a back property. He said if the issue of access was solved, LaClair could then apply for a building permit.

Weiler researched the options open to LaClair and presented them in a document (see minutes for full content). One thing he discovered was that state law superseded the local zoning ordinance in matters involving building houses on lots without frontage. RSA 674:41, I specifies the frontage requirements for the "erection of buildings on streets."

Weiler's document ends, "In conclusion, an alternative approach would be to create an access to the back lot that meets the requirements of RSA 674:41, I. This could be accomplished by

recording a planning board-approved plat that extends a service road to provide access to the back lot in compliance with RSA 674:41.I. It is recommended that the planning board consider offering this approach to the applicant, Mr. LaClair.”

Weiler and McWilliams said the service road would have to meet town specifications. Town standards for a service road, which are similar to those for a driveway, include: width must be 14 feet, base course of 4 inches of sand, 4 inches of gravel and 4 inches of crust gravel for a total depth of 12 inches.

An additional standard for a service road includes a ROW of 40 feet which is wider than the proposed plan. Rodewald said he could come up with a road that meets the requirements for a service road but was unsure about obtaining an easement or waiver for the ROW. He was referred to relevant sections of the Newbury Land Subdivision Control Regulations.

There was further discussion and a suggestion to visit the site. The board decided to make a site visit to see the boundary lines of the property, the location of the proposed road, flags for the lots, the housing location and the location of the existing wall.

McWilliams said that if Rodewald is planning to design a service road, the board must have the design specifications for the road including a cross-section and a profile.

Freeman said, and the board agreed, that before the board asks LaClair for design specifications for a road, he should have the assurance from the board that he can move forward before spending money on an engineering firm.

The board voted unanimously for the board to meet at Park 10 at 8 a.m. on Nov. 21 to reconvene this meeting session and to continue the meeting session on Dec. 15 at 7:15 p.m.

11/21/09 [Continuation] The board held a site visit at the lots in Park 10. Roger Rodewald, agent, handed out conceptual site plan drawings which denoted proposed lot lines and stakes, common driveway, proposed home sites and slopes, stone walls, streams, wetlands, proposed wells and septic systems. Throughout the site visit/walk, the board asked Rodewald and LaClair questions concerning the site and the proposed annexation. No action was taken.

Case 2009-005: Rheta Heller Revocable Trust – Final hearing for minor subdivision of 75 acres on Rollins and Bartlett roads

11/17/09 Diane Heller was present as the representative for Rheta Heller. She said the original tree farm acreage is approximately 76 acres and the proposed subdivision is 5.3 acres to fit the terrain and create a view. The lot has 234 feet of frontage and has a driveway. In addition, the lot meets the requirement for rural lot size of over three acres.

After discussion the board voted unanimously to approve the minor subdivision as represented on the plans with the following waivers: (1) soils report and map requirement, (2) building envelope requirement and, (3) density report requirement.

Case 2009-007: Conceptual Annexation- Walter & Marlene Graf/Robert & Carol Von Ette.

11/17/09 Arthur Siciliano represented the Grafts, the Von Ettes and a third annexation client, Steven Epstein. He described the Graf property as being 69 acres, the Von Ette property as being 15 acres and the Epstein property 99 acres. The three parties are proposing to annex 13.69 acres of the Graf property to the Von Ettes and annex 35 acres of the Graf property to Epstein, leaving the Grafts with 20 acres. All three properties front on three roads: Cheney Road, Chalk Pond Road and Baher Road.

McWilliams reviewed the process as follows: the board approves the annexation and signs and holds onto the mylar; the board receives the deeds that have been transacted, signed, and are ready to record; the board holds onto the deeds and records the mylar; the mylar is returned to the board and now contains the recording number; and,

the board fills in the recording number on the deeds and then sends in the deeds for recording. The process keeps control of both the mylar and the deeds.

Siciliano said he intends to do one annexation representing the Graf and Von Ette properties. He said the Epstein annexation will be a second application after a survey is completed.

Upcoming planning board hearings

The following hearings are scheduled for Dec. 15:

7:15 – Continuation of Case 2008-010: Annexation- Brad LaClair- for properties in Park 10.

7:30 – Case 2009-007: submission of application for final hearing for an annexation from Walter & Marlene Graf for property located on Baher and Cheney roads.

7:45 – Case 2009-006: Conceptual Site Plan Review- Richard H. Wright, Wrightway Landscaping, 535 Route 103, for a greenhouse.

8:00 – Case 2009-008: Conceptual review – Peter Moore - Major Subdivision off South Road, 555 acres to four lots

Copies of the plans are available for public review at the town office building during regular business hours. Hours are: Monday, Tuesday, Thursday and Friday from 8 a.m. -12 noon.

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**See next sheet,
Pages 9-10
for information on
Newbury Special Town Meeting**

Newbury Special Town Meeting

Wednesday, Dec. 16

7 p.m. at town office building

Supervisors of the checklist of the Town of Newbury will hold a session for corrections and changes of the checklist on Dec. 16, from 6:30 - 7:00 p.m. at the Newbury Town Office in preparation of the special town meeting to follow.

The public notice:

Town of Newbury, NH Special Town Meeting Warrant To implement American Recovery and Reinvestment Act grant funding for the Blodgett Landing Wastewater Treatment Plant (WWTP) Project To the inhabitants of the Town of Newbury in the County of Merrimack, New Hampshire qualified to vote in Town affairs: You are hereby notified to meet on Wednesday, December 16, 2009 at seven o'clock in the evening (7:00 PM) at the Newbury Town Office building for a public hearing followed by a Special Town Meeting to vote on appropriations relative to American Recovery and Reinvestment Act grant fund

The warrant:

Town of Newbury, NH

Special Town Meeting Warrant

To implement American Recovery and Reinvestment Act grant funding for the Blodgett Landing Wastewater Treatment Plant (WWTP) Project

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ARTICLE 1

Shall the Town of Newbury vote to raise and appropriate the additional sum of One Million Three Hundred and Thirty Eight Thousand dollars (**\$1,338,000**) to be added to the current \$1,700,000 appropriation for the purpose of upgrading the Blodgett Landing Wastewater Treatment Plant, collection system, pumping stations and related site work and to authorize the issuance of a note up to the amount of One Million Three Hundred and Thirty Eight Thousand dollars (**\$1,338,000**) with the State Revolving Loan Fund in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Board of Selectmen to issue and negotiate such note and to determine the rate of interest thereon and to accept American Recovery and Reinvestment Act loan forgiveness funds estimated to be in the amount of One Million Three Hundred and Forty Thousand dollars (\$1,340,000) with repayment of the balance to be raised by sewer user fees paid into the Sewer fund?

(2/3 majority, Ballot Vote required)

Recommended by the Board of Selectmen 3-0-0

Newbury Board of Selectmen

Signed by: Jim Powell, chair; Richard Wright, Gary Budd

Additional Information: These additional funds, to be added to the prior approved funds, are required to complete the Blodgett Landing WWTP project based on the final NHDES-approved design and actual hard bids received from six contractors on 12/1/09.

By appropriating the additional \$1,338,000 for the project requested by Article 1, the Town will become eligible to receive

approximately \$1,340,000 of ARRA loan forgiveness (grant) funds provided as part of the Federal Government's economic stimulus program. This offer of ARRA loan forgiveness (grant funds) is only good until January 4, 2010, otherwise these ARRA grant funds will be given to another community(s).

By appropriating the additional funds requested in this Article, the Town will receive a \$3,038,000 upgrade of the Blodgett Landing Wastewater Treatment system and only have to pay back approximately 1.7 million dollars as a 20-year loan from the State with a reduced interest rate of 2.95% from the original interest rate of 3.7%. The difference will be the ARRA loan forgiveness (grant) that the town will receive.

The loan payments of principal and interest in future years will be paid from the user fees collected from property owners on the Blodgett Landing WWTP system

Note: The costs of the Blodgett Landing Wastewater Treatment Facility are covered 100% by user fees.

A brief recap

Several years ago DES advised the town that the Blodgett Landing Wastewater Treatment Facility (BL WWTF) was not in compliance; nitrate numbers, especially when the system was operating at peak capacity, were too often high. The state placed a moratorium on new construction and year-round conversion of homes connected to the facility. The town hired the engineering firm Stantec Consulting Services, Inc. to design a plan to improve the system, trying to keep costs reasonable. In 2006 a warrant article passed approving a \$1.7 million bond for the project. There was a state program that provided funding for 30% of the costs.

Phase 1, work on the collection system, was done first, at a cost of about \$354,900 to tighten up the system and reduce flows to the facility.

Stantec engineers, during the development of their plans for phases 2 & 3 with DES, proposed an amphidrome process (a newer-style proprietary package treatment system) to replace the existing Imhoff tank-and-sand-bed process. In the end, DES was not in favor of this concept and preferred to stick with upgrading and improving the existing process as a more cost-effective option that would be easy to operate and maintain. As the final design progressed, the need to meet the state's equipment redundancy policy required adding additional equipment including a second Imhoff tank, a headworks facility with two screens, extra pumps for redundancy and a new electrical service with a standby generator. The revised plans also include increased repairs to the Blodgett Landing pump station, replacing the Croft Beach pump station and a new generator for each pump station.

Meanwhile on the financial front, the 30% state funding disappeared as part of the state's reaction to its fiscal issues but after months of arranging it was replaced to an extent by federal stimulus money in the amount of roughly \$475,000.

Back on the design front, the revised plans were finally approved by DES and the construction was put out to bid on Oct. 30. Given the changes from the original plan, there was no good estimate on what numbers to expect. The lowest of the six bids opened on Dec. 1 was nearly one million dollars more than what was appropriated in 2006.

That dollar gap precipitated the need for a special town meeting to approve the higher project cost, and also meant a potential, sizable financial hit on the Blodgett Landing tax bills.

But this is where the stars finally started to line up. When Dennis Pavlicek checked with DES to see if the ARRA funding could be increased he found out that Newbury's request had come in *the day after* another town had to back out because its project couldn't be ready in time. The money allocated to them was looking for a home

and there we were. As a DES administrator told Pavlicek, the stars were aligned just right.

The ARRA funding is ours, no take-backs, if we meet the Jan. 4 deadline. The vote on Dec. 16 at the special town meeting will lock it in, or make it available for another town.

The change in cost

\$1,700,000	Original amount approved for plans including amphidrome, repair to Blodgett Landing pump station, improvements to collection system and other site work
- 354,900	Approx. cost of now-completed work on collection system
\$1,345,100	Funds left to complete project from original appropriation
+1,338,000	Additional amount in new article
\$2,683,100	Adjusted appropriation
\$2,189,075	Lowest bid for revised plan
+ 109,760	plus DES-required 5% contingency
+ 124,265	plus design engineering
+ 260,000	plus construction services engineering
\$2,683,100	Total project cost [with 5% contingency]

Totally new plan from 2006 original

One big change in the plan is dropping the use of the amphidrome process and going with an upgrade and improvements to the existing Imhoff-tank-and-sand-filter process. The existing process will get a major upgrade including a new second Imhoff tank, a new headworks facility with two wastewater screens (required by DES), a new equalization and dosing tank, rebuild of all the sand filters, new effluent recycle system for improved nitrate removal, a new infiltration basin and a new, energy-efficient electrical service with a standby power generator.

The upgraded BL WWTF will provide back-up as well as allow additional processing of effluent and will remove more nitrates. The test results on nitrate levels have been too often high especially when reaching current maximum processing capacity. The system is rated for 50,000 gallons/day now; the increase in usage at times pushed the nitrates over the maximum. You may recall that in 2009 the sewer budget had an increase for water testing from \$500 to \$2,500 because the state was requiring additional testing to monitor the nitrate level.

Back in 2006 both pump stations needed investment and the Blodgett Landing pump station was first up for repair. Now DES wants both done and the Croft Beach pump station will be virtually new. It will be switched over from an ejector/air compressor-based station to submersible pumps. The Blodgett Landing station already has pumps and the force main will be replaced to gain additional capacity.

Other new items in the DES-approved plan are two new generators, one at each pump station (in addition to the one mentioned above) and additional plant components to meet DES design guidelines and increased sizes of some components.

The number two appears frequently above because DES, which has always required redundancy in larger WWTFs, is now applying the same requirement more stringently on small systems like the Blodgett's Landing facility.

Big increase in capacity

Someone asked if the project will reduce operating costs thereby reducing the actual impact of the more costly project. The answer is no with a large 'but' – it will dramatically increase capacity. The increased capacity will end the freeze on adding new users to the system and will allow property owners in Blodgett's Landing to add bedrooms.

If you look at the numbers, the warrant article is asking for an additional \$1.3 million which is balanced out by \$1.3 million in ARRA funds.

Blodgett sewer tax bills

Blodgett sewer users will only start paying in 2010 on the debt service for the \$354,900 for the collection system work that's been completed. The town office is awaiting word from the state on what that amount will be.

There will be no payment on the \$1.3 million (total cost less ARRA loan forgiveness) until that work is completed. The estimated completion time for the work, once begun, is about 16 months for substantial completion and 18 months for contract completion.

Financial Options

In the chart below, column one is no longer an available option (the state money is gone). By the way, the original plan, without the 30% state forgiveness, would be \$1 more than estimated yearly cost of the updated plan.

The Updated Plan in column 2 is the recommended plan – better facility, more capacity, more loan forgiveness and least impact of the available options.

The Delay Plan numbers speak for themselves, with the assumption that DES would take enforcement actions as the facility is in violation.

	Original '06 plan	Updated plan	Delay/Do Nothing
Total project cost	\$1,700,000	\$3,038,215	\$3,500,000
Forgiveness amt.	\$510,000	\$1,341,658	0
Repayment amt.	\$1,190,000	\$1,696,558	\$3,500,000
Est. yearly payment for 20 yrs.	\$84,300	\$112,400	\$254,508
Est. add'l yearly cost per hookup (147 total)	\$573	\$765	\$1,731
Cost increase over orig. plan/hookup	0	\$191	\$965

#