

UPDATE

Newbury Update is published by the Town of Newbury to offer residents a view of the town government operations and activities. Copies are available at the town office, library and transfer station, but we strongly encourage you to 'get your copy' at the town website: www.newburynh.org.

If you would like to receive a copy via e-mail, send your request (and any comments or suggestions) to: newburyupdate@gmail.com.
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Calling All Citizens

Best Reading on Town – The 2006 Town Report will be printed after the warrant is finalized following the budget hearing on Feb. 12. Copies will be available at the town office and library the beginning of March. It's a great source of information on all things Newbury.

There will also be a special issue of *Newbury Update* devoted to town meeting and the 2007 Warrant.

Polls open Tuesday, March 13, 1 p.m.-7 p.m.

On Tuesday, March 13 the polls will be open from 1-7 p.m. at the town office for voting for town officials, on amendments to the zoning ordinance, and the school ballot.

The filing period for town positions closed Friday, Feb. 2. The open selectman seat has two candidates; two ZBA positions had no one sign up. The candidate list:

- Selectman – Richard Wright, James Valiquet
- Trustee of the Trust Funds – Clayton Johnson
- Library Trustee – Elizabeth Tentarelli
- Supervisor of the Checklist (6-year term) – Clayton Johnson
- Supervisor of the Checklist (4-year term) – Sue Russell
- Cemetery Trustee – Paul Riley
- Planning Board (two openings) – Thomas Vannatta, Deane Geddes
- Zoning Board of Adjustment (3-year term) – Katheryn Holmes
- Zoning Board of Adjustment (3-year term) – no candidate
- Zoning Board of Adjustment (1-year term) – no candidate

Town Meeting – Wednesday, March 14

Town meeting will begin at 7 p.m. at the Mt. Sunapee Spruce Lodge, 2nd floor.

This year, Newbury's traditional town meeting will, informally, begin with a new tradition. The 'will of the residents' will determine if it continues: If you serve it, will they come?

Ham & Bean Dinner – 5:30-6:30 p.m.

The Newbury Beautification Committee is hosting a ham-and-bean dinner before town meeting in Spruce Lodge at Mt. Sunapee. NBC members are supplying the ham and beans, and ask people to bring a salad, bread or dessert. So they know how many people for whom to set up, you are asked to RSVP to Betty Spahl (bbspahl@tds.net) or Joy Nowell (joybnowell@hotmail.com) or call 938-6054.

Old Home Day 2007 – This year's Old Home Day will be held on Saturday, July 14. Plans are being made and anyone interested in helping or participating should call the town office. There will be a meeting sometime after town meeting to start things rolling.

Harborview subdivision – The Sutton Planning Board has been reviewing a 191-acre, 35-lot subdivision, which has a secondary access at Haynes Road in Newbury. The Newbury Planning Board and Highway Administrator Calvin Prussman have told Sutton that the Newbury road needs improvement to support this plan; the road will deteriorate with the amount of traffic expected. The plan calls for

two-thirds of the development's traffic to go via Stone House Rd. to New London; one-third is expected on Haynes Rd. The developer originally refused to make improvements as recommended by Newbury.

Even after written request by the Newbury Planning Board, and despite the fact that the Sutton Planning Board itself designated this project as one with 'regional impact,' which gives Newbury the status as abutter, the Sutton board did not support the Town of Newbury by agreeing to make the requested road improvements a condition of approval.

Newbury's Board of Selectmen is pursuing legal counsel to advise the selectmen and planning board, and has had a preliminary meeting with developer Jon Feins' attorney.

Meanwhile the developer is in negotiation with New London regarding the main access road (Stonehouse Road at the intersection of King Hill Road), part of which is in New London, focusing mainly on paving and drainage.

Town engineer – Pursuant to obtaining engineering services for less money without compromising the quality of the work, selectmen looked into the merits of several engineering firms. After discussion, they agreed to select Provan and Lorber as the town's engineers of choice as needed for town department consultations. CLD will act as back up.

Mosquito control – After a presentation by Municipal Pest Management Services and a report from Health Officer Wayne Whitford on his research, selectmen have decided to hold off on testing and spraying for mosquitoes. Whitford said if there's a problem, the state would likely support the cost of testing as needed. He recommended, and selectmen agreed, the town should acquire a permit from the state for testing, but take no further costly steps.

Mosquitoes can carry EEE and West Nile Virus; there are steps people can take to greatly reduce their risk. Watch for more information as spring – and mosquitoes – approach.

Fishersfield – As state DOT employees start their spring projects they may well have fill available for use at Fishersfield in site prep work. On Jan. 22 Selectman Dick Wright was appointed point person to organize and initiate work at Fishersfield Park.

Great Race – The selectmen reviewed a proposal from Ron Garceau of the Sunapee Historical Society about staging a "Great Race" in Newbury Harbor on September 8, 2007. The race would involve an antique boat racing from Sunapee harbor to the Caboose on the water, competing with antique cars racing there via routes 103B and 103. Selectmen approved this plan, noting that it should not interfere with Labor Day weekend (Sept. 2).

Transfer Station Recycling Taking Off, Paying Off

It's a win-win-win situation at the transfer station. Those of us who recycle can take credit for the hat trick: We're saving money and making money and improving the environment.

In 2006 we had a reduction of the trash for which we have to pay tipping fees, ending up with 16.43 tons less than the 882.91 tons we had in 2005.

To quantify the recycling, there were 53.04 tons of paper, 16.5 tons of glass, 2.14 tons of aluminum cans, 95.18 tons of metals, more than 30 tons of cardboard and 5.86 tons of co-mingled tin and plastics, which we didn't start collecting until part way through the year. (The demolition was also down, 11.65 tons, for an '06 total of 225.47 tons.)

Besides keeping all that recycled material out of the wastestream, we save \$70 a ton on tipping fees plus the trucking expense of roughly \$200 per trip to Lebanon. And we *made* money, almost \$10,000, on the paper, aluminum, metals and cardboard.

While we don't have numbers on it yet, we've also filled a pod with electronics recycling, which given the nature of some of the components is especially good news for our environment.

Headed to the Dump? Secure that Load!

Steve Chellis, DOT highway patrol foreman, stopped in to the police department and told Chief Lee that he can tell when the transfer station is open. There's an increase of debris from pick-ups on the roadsides on dump days. Apparently everything loaded in the back of some trucks isn't making it all the way to its proper destination.

Securing the trash, bagging it and covering the load might save an unsightly mess – not to mention a possible citation – next time out.

Newbury Public Library

Birds for Beginners – NH Audubon will be visiting the library to present this special program from 1-2 p.m. on Wednesday, Feb. 28. It introduces children to the basic parts of a bird. See and touch wings, feathers, bones and beaks. Hands-on activities and a live bird keep young students involved. For kindergarten to grade 5 (younger and older siblings welcome).

Adult Book Discussions have resumed on the first Monday of the month at 7 p.m. Books are available at the library, and refreshments are provided by the Friends of Newbury Public Library.

The first-ever *Poetry Jam* was held Jan. 29 and 11 attendees met with Dianalee Velie to read and critique their works. The good response has led to making it a regular event on the last Monday of every month. The next 'jams' are set for Feb. 26 and March 26.

Town Clerk / Tax Collector Dog Licenses are In

Linda Plunkett, town clerk, reports that dog licenses are in and dog owners can pick up the form at her office. You can save yourself a trip by downloading the form off the town website and mailing it in with the fee (amounts are indicated on the form). As proof of your dog's current rabies inoculation, be sure to include the rabies tag number and expiration date (on the tag from your vet). Linda will mail the license tag back to you.

As noted on the forms the fee schedule for licensing dogs is: puppies (3-7mo.) \$6.50, male or female \$9.00, neutered male or spayed female \$6.50, owner over 65 - \$2.00.

All dogs must be registered no later than April 30.

Rabies Clinic for Dogs and Cats – April 21

On Saturday, April 21, from 9-11 a.m. (rain or shine), you can get your pets' rabies shots and register your dogs in one stop at the parking lot of the Friendship House in South Newbury at the corner of Village and Sutton roads.

Dr. Claire Timbas will be administering rabies shots to dogs and cats. The fee will be \$12 per shot. Please bring a previous rabies certificate or dog license, if available.

Linda Plunkett, Newbury town clerk, will also be onsite to register and license your dogs.

The event is sponsored by the South Newbury Union Church; for further information call 938-2064.

Highway Dept.

The highway crew has had *some* snow to plow, but also spends much time dealing with ice and keeping culverts open, along with normal winter maintenance. Highway administrator Cal Prussman is also doing ongoing planning for short- and long-term road projects.

The repair work begun mid-November to replace guardrails on a bridge on Mountain Rd. damaged in a crash is done. Work on a second bridge on Mountain Road is nearly completed but for some finishing concrete repairs delayed by the weather until spring.

On Dec. 28 engineers from Provan & Lorber reported on their study for improving the bridge area on Sutton Road at Ring (aka Andrew) Brook. The March town meeting issue of *Newbury Update* will address the bridge issue further. Meanwhile, on Jan. 8 selectmen signed an application to DOT for a preliminary estimate for bridge aid for the Sutton Road bridge over Ring Brook. Dennis Pavlicek, town administrator, also reports that an application for funding bridge work on Village Road at Andrew Brook is in hand. If the town portion of 20 percent of the cost is funded at town meeting, he will complete that application for the state, to get it in the state DOT funding queue.

Province Road has been a double-edged problem; it needs work but its condition makes the correction complex and costly. The material underlying the road consists of unknown depths of ledge and will require a detailed and expensive investigation by engineers to determine the condition of the base and make recommendations for bringing it up to town specifications. If it were not for this extensive and costly preliminary work, the road would have been paved by now.

Eight test holes were dug and results showed the base inadequate to support paving long-term. Prussman is investigating the appropriate corrective measures. It is intended that the remedial work will be described in a report for residents of Province Road. Selectmen discussed the road during highway budget reviews for 2007 with an eye to funding a study of the road and recommendations for future action. An article will appear on the warrant addressing the first step.

Following Prussman's recounting of repeated, unsuccessful attempts for reimbursement for repairing damage done to Old Post Road by a logging operation, selectmen are looking into an ordinance to require a bond up-front as part of the Intent to Cut approval.

On receipt of a memo from Prussman advising that the developer completed required work, including the box culvert on Cheney Rd., selectmen declared that the roads in the Southview development which were voted at 2006 town meeting were formally accepted as town roads as of January 10, 2007.

Intro to the Town Website

www.newburynh.org

The Town of Newbury Internet website, www.newburynh.org, is becoming the primary medium for the distribution of town information to residents of the town. It is a particularly effective method of providing information to seasonal property owners who may not be able to come to the town office, but can easily access town information from anywhere there is a computer. Builders, developers, real estate agents and businesspeople interested in building or doing business here have access to information on building permits and town building ordinances.

The Town of Newbury website is hosted by Virtual Town Hall, a website hosting company based in Maine, which specializes in municipal websites. The day-to-day operation of the website is managed by webmaster Wayne Whitford, who is also Newbury

Health Officer and a member of the Newbury Fire Dept. Wayne also developed and manages separate websites for Newbury Fire Dept. (www.newburyfd.org) and Newbury Police (www.newburypd.org).

For those not familiar with the Newbury website, the first page you reach when typing in www.newburynh.org is the *Front Page*, which contains a photo of a Newbury location. These photos are courtesy of Newbury photographer Maureen Rosen or Wayne Whitford and are frequently updated, so the look of the website is constantly changing.

In addition to the photo is a *Community Bulletin* of upcoming events or important town information. The front page also contains a menu of buttons that will take the reader to the *Town Department* pages as well as information on town ordinances and property assessments. The *Events Calendar* link brings you to a monthly calendar of town events. There is even a link to the *Newbury Update* newsletter. Even though the police and fire departments have separate websites, clicking on those department buttons will take you to their websites. Finally there is a Weather Channel link that provides Newbury weather conditions and the forecast.

Each *Department* page has information on the department staff, phone, fax and e-mail information, office hours and other department information. From the department page you can access meeting minutes of the selectboard, planning, conservation commission and other committees. The department page also contains important documents and links to additional resources.

The *Town Government* page, in addition to listing town departments, provides links to the Town Report, Kearsarge Regional School District website, non-profit community organizations, recreation, local businesses and neighboring community websites. There is also a photo gallery of Newbury scenes, which includes the past front-page photos.

The *Emergency Management* page provides information on the town's and state's emergency plans as well as information on emergency planning for families and individuals. This page is updated with important emergency information following an emergency, such as the flooding that occurred several months ago. There are also links to the NH Emergency Management Bureau and the Federal Emergency Management Agency.

The *Health Officer* page contains important public health information, such as influenza preparedness, as well as seasonal health issues such as EEE and West Nile Virus. Bulletins from the NH Dept. of Health and Human Services, the US Center for Disease Control (CDC) or Dept. of Health and Human Services are posted here.

Copies of the Newbury building and zoning regulations, the permit fee schedule as well as a downloadable Building Permit Application can be found on the *Code Enforcement Officer* page.

The *Transfer Station* page lists its hours of operation and fees and provides information on recycling.

What can be expected from the Newbury website in the future? Look for enhancements to make the website even more useful to town residents. With enhancements in site capabilities by the hosting company, applications and forms can be filled out and submitted on line. Some fees or bills will also be able to be paid online.

The town is always interested in comments on the website and suggestions that will make it better. Please send comments to townadmin@newburynh.org or fill out the Send Us Comments form on the bottom of the front page of the website.

--Wayne Whitford

Historical Society **Helen Appleby Recognized**

Newbury's Bicentennial Cane was presented by the board of the historical society to Newbury's oldest resident, 99-year-old Helen Appleby of Bowles Road, on Dec. 16.

At the presentation event, Bill Weiler, president of the Newbury Historical Society, shared the following:

"Our distinguished recipient of the Newbury Bicentennial Cane is Mrs. Helen Appleby who was born 99 years ago April 3rd in Dover,

NH. With her husband, Earl, she raised two sons. They in turn gave her five grandchildren. She now has five great-grandchildren and one great-great-grandchild. The Applebys first visited Newbury in 1948 and liked it so much they became residents in 1950. Mrs. Appleby's career was that of wife and mother, but she also found time to contribute to her community. She has been active in the Methodist church and was president of the Women's Group for a number of years. She also was a member of the New London Hospital Auxiliary for over twenty years. In addition she finds satisfaction in being an accomplished pianist."

The presentation was made at the town office with her grandchildren and great-grandchildren in attendance. In addition to the cane, Mrs. Appleby received a certificate and a history of the cane.

Health Planning

Newbury's Health Officer, Wayne Whitford, has been heavily involved with health officers and emergency managers from our neighboring communities over the last several months. As members of the Greater Sullivan County All Hazards Region Committee they are developing a regional plan for public health emergencies. This planning region, one of several throughout New Hampshire, includes Newbury, New London, Sutton and Wilmot along with most of the communities in Sullivan County.

The focus of the committee is to develop a plan for addressing a major health emergency, such as a flu pandemic, that would overtax the capabilities and resources of a single community. As most of these communities already share resources such as a regional hospital and police/fire/emergency medical services mutual-aid districts, the current agreements between communities are being extended to public health emergency planning and response.

Should a public health emergency develop, it would continue to be up to the Town of Newbury to continue providing the municipal and emergency services to its residents. Newbury's emergency plan already provides guidance for the continuation of town services, even if public officials, emergency responders and other employees become ill. In an emergency, the region would support Newbury and other communities with additional resources and expertise and would coordinate assistance with other regions, the state and the federal government if necessary.

The preliminary planning to date has identified the resources, capabilities and needs of the communities in the region. Planning is currently under way for the development of plans and the identification of locations that would be available for the distribution of medications to the communities or the public. The state's master plan calls for locations, called acute care centers, to be designated that would assist people should the capabilities of the hospitals become overtaxed in a health emergency.

The plans call for volunteers to be recruited to assist the community during a health or other emergency. This process started last year with a number of Newbury residents volunteering to assist. If you would be interested in volunteering for the town, please contact Newbury Town Clerk Linda Plunkett (linda@newburynh.org).

As all emergencies and disasters depend on citizens being able to take care of themselves and their families, the regional committee will be assisting the communities in developing a program of information and outreach to the public. Classes and workshops for family emergency planning, such as the one that was conducted in Newbury last summer, will be developed and presented in all communities.

Public preparedness information in the form of brochures, newspaper articles, TV and radio announcements and Internet websites is being developed. Some of this information is already available on the town website (www.newburynh.org) and at the town office.

In addition to the regional planning, the health officer continues to provide public health information to Newbury residents on the latest public health concerns such as the Norovirus outbreaks throughout the state, seasonal flu and extreme cold. Public health information is

constantly being updated on the town website Health Officer page and electronic public notices as well as the town office bulletin board.

Although not in the mind of most people at this time of year, he has also been working with the selectboard on plans for addressing the mosquito population in the spring and summer and the potential for mosquito-carried disease such as West Nile Virus and EEE.

--Wayne Whitford

Emergency Management

Paul Groulx, Newbury's emergency management director, is out of town for three weeks in February, having been called to help out during the ice storm in Oklahoma.

On his return he will continue, among other projects, working with area towns in setting up the organization and structure for a regional Citizens' Emergency Response Team. He asks residents to seriously consider becoming involved in this national program. A two-day training will prepare you to help meet basic needs in the community should an emergency occur. More details will be forthcoming.

Police Dept.

At the December 11 selectmen's meeting, Christopher Boucher was sworn in as a full-time Police Officer. Officer Boucher is already certified and on the road and comes to the Newbury Police Dept. with seven years of law enforcement experience. The police department is now fully staffed with three full-time and five part-time officers.

Last fall Cpl. Brad Wheeler was, for a couple days, sworn in as a U.S. marshal during his participation in Operation Falcon 3. He helped in the U.S. Marshal's Office statewide effort of serving arrest warrants targeting gang and violent crime.

Fire Department

For the Newbury Fire Department, 2006 was another very busy year. The 160 fire and rescue calls was second only to 2005's record number of department responses. As in the past, emergency medical calls account for the highest number of responses; when vehicle accidents – which often result in injury – are included these calls were 56% of the department's responses.

False Alarms

Smoke detectors and alarm systems save lives and it is always best to call 911 and leave the building if there is evidence of smoke or fire. Unfortunately, during 2006, 11% of the calls to the Newbury Fire Dept. turned out to be false alarms, where emergency responders were dispatched because of defective alarms or accidental alarm activations. A number of these false alarms were from the same location, where defective or improperly installed detectors have transmitted a fire alarm to an alarm company when there was no smoke or fire. A Town of Newbury ordinance calls for fines to be assessed to the owner of a building for each false alarm received above three in a calendar year.

Clear and Safe Access

Many of the Newbury Fire Dept. responses occur during bad weather. As you would expect, more fires, injuries and other emergencies occur during the winter. These are the times, often because of snow or ice, that it is most difficult for the emergency responders to reach your home. In recent calls extremely slippery driveways and walks nearly resulted in injuries to emergency medical personnel called to residences.

For your own safety as well as that of the responders, it's important to remove snow from driveways and walks and to sand icy areas so fire and rescue vehicles can reach your home in an emergency. Please also be sure to put on outside lights and let the dispatcher know if there are any hazards of which the responders will need to be aware.

Carbon Monoxide

This winter there have been several deaths and a number of injuries in New Hampshire resulting from carbon monoxide (CO) poisoning. This poisonous gas often results from improperly vented heating

equipment, running of cars in enclosed garages, or the indoor use of gasoline-powered electric generators. It is critical to be sure that all heating appliances are installed and working properly and that vents are clear of obstructions, especially of deep snow.

Carbon monoxide is an invisible, odorless and tasteless gas. The only way of knowing it is present is by having a carbon monoxide detector installed in your home. Like smoke detectors, these inexpensive devices can save lives by alerting you to the presence of this poisonous gas. Should your CO detector activate, leave the house immediately and call 911 to notify the fire department.

Thin Ice, from two perspectives

The warm temperatures of December and early January resulted in a later than usual freezing of Lake Sunapee this year. Caution should be used when out on the lake, especially around flowing water and docks where "Aqua-Therm" or other water-circulation devices are in use or "Thin Ice" signs are posted.

Please be aware that if you own docks or property where these heating or agitating devices are being used, RSA 270 requires registration of these devices with the town clerk and the posting of Thin Ice signs. Operating these devices without a permit is considered a misdemeanor under the statute and subjects the owner to a fine.

Speaking of fresh air

To bring the Newbury Fire Dept. in compliance with National Fire Protection Assoc. and other worker-safety requirements, vehicle-exhaust filtering devices have been installed in the safety services building. These high-powered filters, which activate automatically when one of the emergency vehicles is started, greatly reduce the CO and fumes from the diesel engine exhaust that the fire dept. personnel might breathe when responding to a call. The funding was approved at 2006 town meeting.

Can you hear me now?

Through a state grant the Newbury Fire Dept., along with others in the state, received new 200-channel portable radios. These radios resolve the well-publicized problem of radio interoperability between emergency responders operating at a major emergency scene. The NFD now has the capability of direct radio communication with other fire depts., hospitals, police, forestry and the National Guard.

Department members received specialized training developed by the NH Dept. of Public Safety on the operation and capabilities of these radios. Many of the portable radios that had been in use by the dept. were old or technically obsolete, so the state grant also saved the town taxpayers the substantial expense of upgrading the radios.

Data on the go

An additional technological enhancement to the Newbury Fire Dept. was the installation of a mobile computer on the department's rescue truck. This computer, funded through a federal grant, has been programmed with information on all of the businesses in town, street information from Newbury and surrounding communities, hazardous material and other emergency response databases. This new computer will allow the emergency responders to directly access information on a business or other data en route to or at an emergency scene.

--Wayne Whitford

Blodgett Sewer

After examining the bids, Stantec Engineering presented its recommendations to the selectmen for a final decision for work on the collection system repairs at Croft Beach and Blodgett's Landing. In late November the selectmen approved United Construction of Newport. Stantec sent the necessary documentation to NHDES for review prior to awarding the contract.

The same process will be followed for the work on the pump stations, i.e., state approvals then bids. The amphidrome plant is still pencilled in for next spring.

At this point, Phase 1, rehabilitation of the distribution system to fix the pipes in order to reduce groundwater intake, will begin as soon as the weather allows and should be done in May 2007. It was noted the present pumps are working at maximum range.

Phase II, addressing the pump stations, will involve more work than initially thought. Croft Beach needs a new submersible pump system and this might be required at the Blodgett pump house too. This is more costly than the original plan, but a better solution. The pumps would be submersed in a wet well and the meters accessible on wooden panels on the outside of the building. Selectmen pointed out that this work should not begin before Columbus Day 2007 to minimize impact on summer residents.

Phase III, the treatment plant upgrade, is currently under discussion with DES. The upgrade in question involves what the state views as innovative technology which has not yet been used in NH. Stantec is considering submitting the plans as simply an 'upgrade' rather than 'innovative technology.' Stantec continues to work with DES and hopes for a resolution so work can begin next fall. Stantec said once the system is upgraded, expansion should be possible.

Assessing Office

There will be a new member in the tri-town assessing office working with town assessor Norm Bernaiche.

On Feb. 9 it was announced that Kristen McAllister has been appointed assistant assessor by the tri-town joint board. She has a six-year career in the assessing industry and has attained the level of assessor supervisor from the NH Dept. of Revenue Administration. She will begin her new position on Feb. 26. The joint board said her approach to dealing with taxpayers in a positive and professional manner stood out during the interview process.

She replaces Dan Fitzgerald, who resigned to start his own commercial appraisal firm in the Lebanon area.

Code Enforcement Officer

Paul LaCasse, Newbury's code enforcement officer / building inspector, is expected back in the office the second half of March. If you need anything in the interim that can't wait, contact town office and arrangements will be made.

Town-wide Conservation Plan Well Under Way

The Newbury Conservation Commission is well into its effort to produce a town-wide Conservation Plan in time to be included in the Master Plan revision set for later this year. Environmental planner Ann Poole is correlating information from many agencies, and the public as well.

At a meeting in the town office Jan. 13 Poole received public comment about map content, trail and open-space access information and historical sites. When completed, the plan will rank natural areas and important, ecologically significant sites. It will analyze, among other data, surface-water hydrology, aquifers, soil types, rare wildlife and plant species, historic cultural resources, scenic vistas and permanently protected conservation land. The plan will locate important parcels and tracts to help the commission support conservation and land-use planning in Newbury. As Chairman Bill Weiler noted, "The conservation commission is working to ensure the plan will establish acknowledged community conservation goals that will help keep Newbury the attractive, natural place it is today."

--Frank Perrotta

Zoning Board of Adjustment

Recent hearings and meetings of the ZBA:

Dec. 18 – Richard and Suzanne Rothstein, for property located at 46 Brats Cove Rd., sought a variance to replace and expand an existing home within the 75-foot setback from the lake. In September they had been denied two variances, for constructing a house and a garage that both encroached on setbacks. They revised the plan and the garage now fits within all setbacks; a building permit was issued for the garage. Now they want to accommodate an enclosed stairwell area that attaches the house and the garage. The board voted (4-0-1)

to grant the Rothsteins' application for variance with conditions.

Dec. 18 – Roger Hardy Construction, LLC, for property located at 176 South Road, sought a variance to allow for a 3-lot subdivision with one of the lots being nonconforming as it would contain less than one contiguous acre. By a vote of 3-2 the ZBA granted the variance with no conditions.

Pending ZBA hearings at press time:

Feb. 12, at 7:30 p.m., George H. McLean Jr., for property located at 11 Great Island, will seek a variance to waive the shore frontage requirement of 200 feet per dwelling.

Feb. 12, at 8:00 p.m., Robert L. and E. Diana Morris, for property located at 83 Bowles Road, will seek a special exception to allow for an accessory apartment over an existing garage attached to a one-family dwelling unit.

Planning Board

Density Calculation Worksheet – The board has created a density calculation worksheet, to help people calculate density requirements for subdivision proposals.

Conditions Precedent – There was a recent court case which upheld the phrase 'conditions precedent' set by a planning board such that, if they are not met, then the planning board may rescind the approval. In other words, 'conditions precedent' are those conditions that must be met before an approval is final. Technically, the board should not sign a plat until the fees are paid and the conditions are met. A two-part approval system recognizes 'conditions precedent' and 'conditions subsequent.'

Land-use Monitoring Process – The planning board is preparing a process to ensure a link between the land-use boards and the code enforcement officer to ensure that any and all conditions on approvals are satisfied, especially on subdivisions and site plan reviews.

A new format for planning board hearings will list them in case-number sequence and show date-sequenced hearing summaries by case.

Case 2006-010 – Roger Hardy Construction, LLC, minor subdivision at 176 South Road.

On 11/21/06, RHC was scheduled for a continued hearing from Sept. 19 for a final review. He was not present. The board was not able to hear the case nor was it able to continue to another date and time certain. Therefore, if Hardy wants to continue this project, he will have to reapply and re-notice his abutters.

On 12/19/06, RHC appeared to submit an application for a final hearing. Among other discussion points, it was noted that the ZBA on Dec. 18 granted a variance for a 3-lot subdivision with one of the lots being nonconforming as it would contain less than one contiguous acre. (Hardy had also received earlier a special exception on the driveway.) It was decided the application was still not complete. The hearing was continued to Jan. 16.

On 1/16/07, with inclusion of density calculations and current abutter list, the application was accepted as complete. The board approved the subdivision plan with conditions precedent. The board will sign the plat once the conditions are met.

Case 2006-011 – George H. McLean Jr., et al, subdivision / annexation for property located at 11 Great Island

On Jan. 16 an application was submitted for a final hearing and accepted as complete. As it stands, for the Davises to use their own boathouse, they have to encroach on the McLean lot to get there. Adding a 50-foot width to the boathouse lot allows the Davises to use their boathouse on their own land. The owners would like to sell the boathouse and their lot. Several issues were discussed, one to do with septic. At this point there is nothing the planning board can do with this application without a variance on the nonconforming lot issue. The planning board will get legal counsel on whether the building

envelope requirement applies in this case. The hearing was continued until Feb. 20.

Case 2006-012 – Kurt Dutcher, lot-line adjustment, Blye Hill Landing

On Jan. 16, at a conceptual review, plans were presented for a proposed lot-line adjustment that results in an exchange of land between Blye Hill Landing Homeowners Assoc. and the owner of Lot C12, Kurt Dutcher. The proposed house location encroaches on the common land. The board advised it will need an affidavit affirming 75% of the home owners in the development's association have agreed to this proposal, among other discussion.

Case 2006-018 – Scott Falvey, subdivision off Southgate Road.

On 11/21/06, Falvey appeared for a conceptual review. He said he was in a position where he needs to make a decision regarding how much effort to invest in this development project. If he subdivides more than 6 lots, he will have to upgrade Southgate Road since it will be impacted as an access to the development of this land. In order to recover the costs of upgrading Southgate Road, he said he would have to plan a minimum of 7 to 15 building lots.

He and the board discussed potential road designs. He was advised the board's engineer should review his road design before the preliminary hearing, and to check density calculations and wetlands setbacks. Falvey said he wants to resolve the entrance first, which he considers the hard part.

On 12/19/06, Falvey presented a conceptual design for the access and road for discussion with the board.

Case 2006-019 – Anthony and Tracy Shepherd, lot-line adjustment at 21 Allwood Drive

On 11/21/06, Shepherd explained, for a conceptual review, that a survey discovered that his driveway is actually on the property of William and Diane Chambers. The two neighbors have agreed to a lot-line adjustment that results in an even swap of land and places Shepherd's driveway completely on his own lot.. The sense of the board: it looks fine as long as the road frontage isn't compromised on either lot.

On 12/19/06, Shepherd submitted an application for final hearing and a request for waiver from the requirement for a complete survey. The waiver was granted, the application judged complete and the board approved the lot-line adjustment.

Case 2006-20 – Stephen Pitman, representing The Lumber Barn in Bradford

On 11/21/06, Pitman said that The Lumber Barn is negotiating a lease agreement with Richard Wright for retail use of the Dickie's Outdoor Sports building. The use would continue as retail sales and service for power equipment. The board noted that as there is no change in use, there is nothing to trigger site plan review.

Case 2007-001 – Peter and Klaudia Levin, subdivision / annexation at 31 and 41 Hilltop Drive.

On Jan 16, an application for final hearing was accepted as complete with conditions. Three lots of record are being made into two. Lot 1 will go from 0.42 to 0.61 acre and Lot 2 will go from 0.50 to 0.71 acre. This will reduce the number of lots around Chalk Pond Road by 1. The application was approved with conditions precedent.

Case 2007-002 – Diane Heller, trustee of Rheta Heller Revocable Trust, subdivision / annexation on Bartlett Rd. & Rollins Rd.

On Jan. 16, at a conceptual review, plans were presented for a simple subdivision of approximately 6 acres off 81 acres to create two lots of record with road frontage on Bartlett and Rollins roads. The 6-acre lot is under agreement for sale to the abutter.

The board advised it would be more advantageous to present a plan for subdivision / annexation at the same time because the proposed 6-acre lot does not meet the proportion requirements of width to depth required by the town subdivision regulations. The only way the applicant can get this lot approved with the proposed dimensions is to

subdivide and annex all at once.

Pending Planning Board hearings at press time:

Feb. 20, 7:30 p.m., DLB Family Limited Partnership, for property located off Mountain Road, will submit an application for a final hearing for a subdivision / annexation.

Feb. 20, 8:30 p.m., George M. Gordon, for property located off Lakewood Manor Road and Route 103, will submit an application for a final hearing for a subdivision / annexation and lot merger.

Feb. 20, 9:00 p.m., Mary Webb, for property located off Newell and West roads, will submit an application for a preliminary hearing for a major subdivision.

Feb. 20, 9:15 p.m., David and Sarah Hemendinger, for property located at 43 Gerald Drive and 26 Hilltop Drive, will submit an application for a subdivision / annexation and lot merger.

Feb. 20, 9:30 p.m., Rheta Heller Revocable Trust, for property located on Bartlett and Rollins roads, will submit an application for a final hearing for a minor subdivision.

Feb. 20, 9:45 p.m., Kurt and Janet Dutcher, for property located on Blye Hill Landing, will submit an application for a final hearing for a lot-line adjustment.

Curiosity Piqued?

Minutes – in full – of ZBA and planning board meetings and hearings are available at the town office and on the town website.

Master Plan Update

The planning board held a forum on Nov. 18 to seek residents' input on its recommendations for updating the Newbury Master Plan. Eight (8) people joined the four members of the planning board present.

Up for discussion were the results of the community survey and the draft of the updated master plan recommendations. Copies of both are available at the town office and on the town website: newburynh.org.

Planning board chair Barbara Freeman reports they have drafts of almost every chapter now, which both the members and appropriate department heads have been reviewing as they are revised by consultant Ken McWilliams. Copies are available from Patricia MacDonald at town office.

This spring there will be another public forum, to review proposed land use for the town. Watch for notices, which are always posted on the website. Once the land use chapter is revised and reviewed after the forum, the whole plan will be compiled and public hearings scheduled on the entire master plan with proposed updates.

Town Office Telephone Directory

Productivity and efficiency come from letting the phone system do what it's programmed to do – answer the phone, direct calls and take messages. That frees the office staff up to stay focussed on their work without distractions.

To increase *your* productivity, here's the list of extensions available when you dial the town office at 763-4940:

- x200 Deb Prussman, finance
- x201 Patricia MacDonald, land-use and assessing coordinator
- x202 Shelly Candidus, administrative assistant
- x203 Paul LaCasse, code enforcement / building inspector
- x204 Dennis Pavlicek, town administrator
- x205 Linda Plunkett, town clerk / tax collector
- x209 Norm Bernaiche, assessor
- x210 Marilyn Hill, recreation coordinator
- x212 Kristen McAllister, assistant assessor

To reach the highway dept. and Cal Prussman, dial direct 938-5494. The town office fax is 763-5298.

Receive a copy of Newbury Update as a MS Word document the day it's released; send a request to newburyupdate@gmail.com.