

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.
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From the desk of the Newbury Board of Selectmen

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

We thank our residents for their patience and fortitude during the aftermath of the ice storm, and particularly those who reached out and aided others.

The selectmen extend special thanks to the members of the police, fire and highway departments, office of emergency management and town office staff for all their assistance to residents, even as they were dealing with being without power at their own homes as well.

The fire department, for example, provided water, shower facilities, strong arms for hauling and lifting where needed, as well as caring and advice. Department members responded to more than 70 calls for service that week, which is likely an all-time record. Many members took time away from their own work and businesses, or away from helping their families with the power loss, to be available at the fire station.

Thanks also to the town of New London for opening its shelter to several people from Newbury.

Most of us lost power in the pre-dawn hours of Friday, Dec. 14. Most if not all had it back by Saturday, Dec. 20. To keep things interesting, there was a small 'practice' snowfall midweek that warmed us up for two 11-inchers that weekend. Let this be the worst this winter has in store for us. But just in case, now would be a good time to prepare and restock your emergency food, water and equipment.

Town Facilities Study

The work on the town facilities study that was outlined in the last issue of *Newbury Update* has been accomplished and the facilities planning committee has scheduled public information sessions to share the findings on two dates to accommodate schedules –

Saturday, Jan. 10 at 9 a.m.

Wednesday, Jan. 21 at 7 p.m.

(snow date: Jan. 22)

The committee hopes to have a two-way interactive session with residents, first presenting the options developed by the vendor team along with the analyses on which they are based and then getting residents' input whether pro or con, big-picture issues or details.

At the meetings, which will be held in the large meeting room of the town office building, the lead architect will summarize the work of the team of architects and engineers: operational analyses of the safety services departments, structural assessments of the existing facilities against the operational needs and potential uses of the acquired land and existing buildings and sites.

At the town meetings when the selectmen asked the townspeople to purchase the two lots, they explained they were looking down the road at future facility needs and that they would take a well-considered, thoughtful approach to the use of the land. Part of that process is the study by the architectural/engineering team and frequent reviews with the facilities committee; another key part is these input sessions with residents. This point in the process is a good time to give a rundown of where the thinking is headed and get residents' thoughts, with no preconditions. This project is not, as the current phrase goes, shovel ready.

The number of scenarios that have been developed will make it clear that nothing is set in concrete yet and every angle is being examined. The committee does have some priorities in mind at this point – the shortage of parking at town office and some critical code issues that have come to light at the fire station.

Please mark your calendars to attend one of these sessions.

UPCOMING EVENTS

Wed.	Dec. 31	Library closed
Thu.	Jan. 1	Library and town office closed
Wed.	Jan. 7	Public hearing on Zoning Ordinance amendments (see page 4)
Sat.	Jan. 10	Town facilities public input session (see page 1)
Wed.	Jan. 21	Town facilities public input session
Wed.	Jan. 21	First day for candidates to file for office with town clerk (see page 2)
Mon.	Jan. 26	Public hearing on town ordinances (see below)
Fri.	Jan. 30	Last day for candidates to file for office with town clerk
Tue.	Feb. 3	Last day for petitioned warrant articles
Mon.	Feb. 9	Budget hearing for Newbury (see page 2)
Mon.	Feb. 23	Last day to post warrant and budget
Tue.	Mar. 10	Town meeting voting
Wed.	Mar. 11	Business portion of town meeting

Hearing on town ordinances – A public hearing will be held to gather input on town ordinances on Monday, Jan. 26, at 7 p.m. at the town office. The ordinances to be discussed will be traffic, alarm and public conduct. This involves minor procedural changes and consolidation; no new ordinances are being proposed.

FAMILY SERVICES

Gail Bostic, Newbury's family services director, reports that with the help of the South Newbury Union Church 27 food baskets, the most ever, were distributed Dec. 20. Each had a turkey, pie, bags of apples, oranges, celery, onions and potatoes as well as other vegetables, juice, stuffing, rolls, gravy – everything to make a wonderful dinner for the holidays.

She said what really helped this year was the addition of grocery gift certificates. The Giving Tree started with snowflakes carrying the wishes of 43 children. After all those snowflakes were taken, Judy Healey suggested adding requests for 'dinner for 2' and 'dinner for 4' so others could contribute. Bostic said she received quite a few checks which enabled giving each of the 27 families a gift certificate to Marketbasket.

On top of that, two truckloads of food were delivered to the church from Mt. Sunapee Resort's Care and Share day. This was put on the food pantry shelves so when the families came to pick up the food baskets on Dec. 20 they could augment it further. Bostic said it helped replace the food the families lost during the ice storm.

Bostic said the South Newbury Union Church did great work on this project. She thanks the generous people who made donations, and extends the thanks of the recipient families.

Refrigerator needed

Bostic mentioned that she is aware of a woman who needs a refrigerator, as hers wouldn't run again when the power returned. If you have one you could donate, please leave a message for Gail Bostic at the town office, 763-4940.

Heating assistance available

If you have a need to supplement your fuel assistance and are in need of firewood, please contact Gail Bostic, family services director, at 763-4940 and leave a message.

Residents with a need for fuel assistance, weatherization and electric assistance should call the Merrimack Community Action Program Center in Warner at 456-2207. They will help you with income-eligibility guidelines.

There is also a program available to help with small projects around your home. If you have a need, call 1-800-856-5525 and ask to speak with the "fix-it" program.

Budget hearing scheduled – The public hearing on the proposed 2009 annual town operating budget has been set for Monday, Feb. 9, at 7 p.m. at the town office. The budget committee began its work on Nov. 3, with the goal of keeping the budget as low as possible – meaning flat or lower. Most departments have achieved that. The next issue of *Newbury Update* will have details on the budget. The budget committee members are: Jim Powell, Gary Budd, Dick Wright, Dennis Pavlicek, Joy Nowell, Ivor Freeman and Tom Vannatta.

Pavlicek reports that the COLA numbers are in, and the annualized figure (Nov. 2007 – Nov. 2008) is 1.7%. COLA stands for cost-of-living adjustment, and is based on the consumer price index (CPI).

Donated sidewalk decor – In November selectmen authorized the purchase of benches, planters and a bike rack as part of the harbor sidewalk project. Area businesses are donating money for the full purchase of these items. Confirmed donations at press time:

Benches – Outspokin Bicycle & Sport Shop, Mount Sunapee Resort, Lake Sunapee Bank, Mountain Edge Resort & Spa at Sunapee, Skinner's Ski & Sport, LaValley's, Elliot Hansen Associates, Bubba's Bar & Grille, Baker Hill Golf Club.

Bike rack – Outspokin Bicycle & Sport Shop

Planters – Mount Sunapee Resort, Newbury Quick Stop, Country Houses Real Estate, Lumber Barn, Newbury News, Bob's Beacon Marina, Rainbow Garage, Marzelli's Deli, Sugar River Savings Bank, Ledyard Bank.

An earlier contribution that also enhances the appearance of town center is the decorative wrought-iron hangers on the street poles used by the NBC to hang seasonal decorations. They were donated – and fabricated – by David and Lynn Long of Captain's 1st Choice.

Town positions up for election – The following positions in town government will be up for election by ballot at town meeting in March: selectman, town clerk/tax collector, trustee of trust funds, library trustee (one two-year term, one three-year term), cemetery trustee, planning board (two seats), zoning board of adjustment (several seats with varying terms), supervisor of the checklist.

Also up for election are the seats for the Newbury representative on the Kearsarge Regional School Board and the KRSD Municipal Budget Committee.

The filing period is Jan. 21-30 at the town clerk's office.

Wild Goose boat launch – On Dec. 18 the town received a copy of the engineering plans and material submitted to DES by NH Fish & Game for a wetlands permit for the work Fish & Game plans at Wild Goose. The LSPA advised Pavlicek that it also received a copy of the plans and is reviewing them.

Will bake for concerts – The Friends of Newbury Public Library requested permission to sell baked goods during the summer concerts at the gazebo, to which selectmen agreed. Selectmen said the group will need a vendor permit for this activity, but the permit fee will be waived as it is a nonprofit organization benefiting the town library.

Furnaces for sale – The town is running an ad to see if any bids come in on three old furnaces currently being stored in the garage on the Bald Sunapee property, rather than just throwing them out. There is no potential for their use anywhere in town.

Energy-saving ideas? – Town administrator Dennis Pavlicek is in the market for any suggestions residents might have on more innovative use of energy for the town, taking a broad view of the topic and thinking long term. His e-mail is dennis@newburynh.org.

TOWN ASSESSOR

Tri-town assessor Norm Bernaiche wrote the following article in early November about market conditions and his perspective on the overall positive influences this area has. He suggests the national news paints a darker picture than the one around here.

Current Status of Real Estate Market from the Assessor's Perspective

I have been the assessor for the towns of Newbury, New London and Sunapee for almost 3 years now. When I first arrived here, our data showed the market to be on a slight increase, requiring us to perform a town-wide market update in late 2005. It appeared in the middle of 2006 that the real estate market was showing signs of leveling off while news from many parts of the country was not good.

The good news for our region was that we were not a big part of the sub-prime mortgage crisis that was prevalent in other parts of the country. The southern tier of our state and Southern New England seemed to be more involved in this crisis. Nonetheless, this caused a cooling of our market because of the perception that real estate values are in the tank. That is only a perception, however, and the market in our area continues holding its own.

The numbers indicate that our assessments are performing well overall in all three communities. On average, we are assessing property between 89% and 93% of market value. This means if you have a home that is assessed at \$300,000, the market value is on the average showing your property worth between \$322,000 and \$337,000. That means most homes in the three towns will still sell for more than their current assessed value (the equation is to take your present assessment and divide it by the assessment ratio, which will give you an indication of average market value for your property).

In the three communities approximately 50% of the taxable value is from lakefront property. This includes all lakes, not just Lake Sunapee. Based on sales statistics over the past year, waterfront property is performing on an even par with other classes. In other words, their common level of assessment is consistent with non-waterfront properties. In yet other words, we have no evidence that the market value of waterfront properties is declining. In fact, I have talked to several real estate brokers who indicate they had an average or better than average year.

According to a recent *Forbes* article as reported on WMUR-TV, Keene, Lebanon and Concord were three of the top 10 cities that are considered to be recession proof. We are therefore ideally situated, as these cities are employment centers for our area with many families going in different directions in the morning to work. In addition, we have the added advantage of year-round seasonal attractions and a steady influx of homeowners of above-average means choosing to relocate to this beautiful area.

Second, a recent *New York Times* article focusing on New London talked about the area and all the advantages. This is one of the things that help to keep our market healthy.

In conclusion, I believe our communities are influenced from factors outside of our control but these factors do not control our local market. The assessor's office constantly monitors the real estate market and if the time ever comes to adjust values downward we are poised to do so. In my opinion, the data suggest this is not the case. Again, we will monitor the market and make appropriate adjustments if and when necessary to obtain fairness and equity among all classes and types of property.

In addition, one should keep in mind that if the market changes to indicate that all property value should be lowered, tax rates would have to increase to raise the budgeted amount of money for the town, school and county budgets. The lowering of assessed values does not automatically lower property tax bills.

If you have any questions or would like further detail, please feel free to contact me by e-mail at assessor@nl-nh.com or call your respective town hall where we maintain our offices.

Tri-Town Assessor Normand G. Bernaiche CNHA

NEWBURY PUBLIC LIBRARY

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

More than 80 people joined Rick Wilcox as he recounted his climbs of Mt. Everest and other peaks on Nov. 2, a thrilling vicarious adventure hosted by the Friends. The audience had lots of questions and impressed Wilcox with their interest and participation.

Equally popular was Family Fun Day on Dec. 7, which had 90 people in the library. After sharing a story, the children scattered in groups making 38 gingerbread houses and other craft activities. The smaller children made their houses with graham crackers glued with frosting onto single-serving milk cartons, others made snowflakes to hang in windows at the library and at home, gingerbread men were decorated and there was even a reindeer station.

In a nice dovetailing of events, when the library festivities closed at 5 o'clock, the families walked over to the tree lighting at the Center Meeting House.

On Dec. 22, librarian Rosie Johnson visited class 2B at Bradford elementary school to help with the Christmas party. Besides creating felt mice with candy cane tails, she spent time with an important target audience developing a relationship between the children and her and the library.

After so much excitement, January is a quiet month with no particular activities planned. You might, however, consider sitting in on the trustees' meeting on Jan. 12 at 4 p.m. as it would be a good chance to observe and think about running for one of the two trustee positions that will be open this year.

The book discussion begins again on Monday, Feb. 2, featuring *The Custodian of Paradise* by Wayne Johnston. Peter Bradley will lead the discussion at 7 p.m. As usual, the books are available at the library.

HIGHWAY DEPARTMENT

Highway administrator Cal Prussman reports there were no major highway problems during the ice storm beyond minimal washouts in the Cheney Road area. He said they've cleared all the large trees up and out of the way. The rest will be dealt with come spring.

The department continues testing different applications of new ice treatment. Initial results are positive.

POLICE DEPARTMENT

News from the Police Department: We had a big ice storm! While the storm took away power from one end of town to the other, it failed to take away our spirit. Many residents lost electric service for at least a week, but as a community we all worked together to make the unbearable, well, bearable! The people in this town should all give themselves a hearty pat on the back for a job well done.

If anyone has ideas on ways to make the police department more effective the next time around, please send us an e-mail or drop a note.

Remember to use this event as a way to test yourselves too. If you don't have the supplies needed to get through this kind of event, start planning *now*. It's not a matter of "if" there's another storm, just a matter of "when."

Winter driving

Wow, have there been a lot of slip-sliding cars out there this year! Please remember that Mother Nature has a way of making the routine things we take for granted a bit more difficult. While the ice storm was a biggy we'll be talking about for seasons to come, we tend to forget that everyday driving can be a very hazardous thing to do. We have some pretty nasty weather yet to come, so plan your trips and don't travel in foul weather unless you really need to.

Animal control – Rabies report

Remember to be a responsible pet owner and keep your animals vaccinated. There was a recent report of a fox that was killed in the south end of town that had a confirmed case of rabies. Just because it's cold outside doesn't mean that all the wildlife goes to sleep for the winter – please remain aware.

Bob Lee, Chief of Newbury Police Dept.

CODE ENFORCEMENT

Paul LaCasse, code enforcement officer and building inspector, reminds everyone that we are now applying the 2008 National Electric Code effective July of 2008, so anyone doing any electric work must comply with the new standard.

Please note –

The planning and zoning board sections 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.

This material is prepared from minutes, some not yet approved, so please refer to the final versions, available at town office.

ZONING BOARD OF ADJUSTMENT

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

Site and Septic Reviews

Holmes made two points at the Sept. 8 meeting regarding waterfront properties. First, that it is important in cases involving the buffer zone that someone from the board should actually go out and measure how far the water reference line is from the proposed construction. The board should make all cases contingent upon DES approval.

Her second point was that some of the septic systems around the lake were constructed for seasonal use only, and the board should check on all systems that come before the zoning board to make sure they are compliant.

Checklist to ensure readiness

At its Oct. 20 meeting the ZBA discussed the variance and special exception applications that are made available to the public. Several applications have been incomplete or lacking requested information. The board agreed a distinct checklist should be provided to the applicants and if the criteria are not met, then the board will not hear the application.

Wright commented that it is important for the board to remain fair and consistent. A distinct checklist will help the board to maintain its fairness and consistency.

Ashworth said that in light of the Comprehensive Shoreland Protection Act (CSPA), it would also be helpful to applicants to advise them that DES permits may be required and that all town approvals are contingent upon state approvals.

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

The hearing on this application began on 8/11/08 and after discussion, the board voted to continue it until 9/8/08, at which time the erosion control plan and sketch of the proposed shed would be reviewed. Parry sent a written request to continue the 9/8 hearing because the engineer had not been able to complete the erosion control plan as requested by the board at the last hearing. The board voted to continue this hearing until Oct. 20.

10/20/08 – Ashworth informed the board that she received communication from Parry today requesting a continuation because he does not have the erosion control information prepared. She

advised that the board needs to decide whether or not to grant the continuation.

It was pointed out that the applicant is going to have to apply to DES for a permit due to the proximity to Lake Sunapee, that he has not submitted the sketches of the shed as requested at the August meeting and that he will also need a variance from DES because the property already exceeds the allowed percentage of permitted impervious surface per the CSPA.

The board voted unanimously to deny Parry's request for continuance and to advise Parry that he should resubmit a new application when he has a complete application to file which would include a sketch of the shed, a site map with contour information and the location of the shed, and an erosion control plan.

Thomas & Marilyn Hill, for property located at 203 Bay Point Road, sought a variance to permit the construction of an 8' x 12' garden shed within the side setback.

10/20/08 – Marilyn Hill explained that they want to build an 8 ft. x 12 ft. garden shed in the area they have chosen which would enable the shed to be somewhat concealed from public view and it would be close to the garage. No trees would be cut to accommodate this shed.

Holmes commented that this application was well presented, the requirements were complete and easy to understand and the project was sensitive to the lake.

Wright said that she made a site review and has no issues with the application.

There being no issues or objections, the board unanimously approved the application for a variance to encroach on the 15-ft. setback to build a garden shed as presented.

PLANNING BOARD

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

**Proposed amendments to Zoning Ordinance
-- Public hearing on Wed., Jan. 7 --**

The Newbury Planning Board will conduct a public hearing on Wednesday, Jan. 7, at 7 p.m. in the town office building to receive public input on amendments to the Newbury Zoning Ordinance proposed by the planning board. The proposed amendments to be discussed at this public hearing are summarized below. Copies of the full text of the proposed amendments are available in the town office building.

Proposed amendment #1 – would add a new Article XXII (Small Wind Energy Systems Ordinance) in response to new state legislation that encourages small wind energy systems and requires that ordinances adopted by towns to regulate the installation and operation of small wind energy systems shall not unreasonably limit such installations or unreasonably hinder the performance of such installations.

Proposed amendment #2 – would amend Article VII (Shore Land Overlay District) and Article II (Definitions) to be consistent with changes in the NH Comprehensive Shoreland Protection Act.

Discussion of zoning amendments for Town Meeting 2009

Following are notes from the planning board's work sessions at which the proposed amendments were developed (sorted by topic)

Affordable/Workforce Housing &

Multi-Family Residential Development Opportunities

On Sept. 2, McWilliams informed the board that Newbury is pretty well in compliance with the state's requirements for affordable housing, but the biggest issue in question is density. The density

requirements need to change to allow a greater density to accommodate multi-family residences in certain areas.

Weiler commented that Newbury Center is a good place to change the zoning for affordable housing and multi-family uses because the services available in town would be within walking distance. He stated that the land owned by the Davis family on the westerly side of Route 103 would be a good prospective area for such development.

Powell commented that Newbury Center has higher property values because of the accessibility and the commercial district, therefore it may not be so affordable. The board may need to look away from the center of town. A mile or two out from the center of town the values are not so high in respect to the commercial district. Most people have their own transportation. He suggested that the board should consider encouraging developers to create affordable/multi-family housing by allowing a common septic area to be built. That would eliminate the 2-acre need per dwelling unit. He stated that developers need incentives to create affordable housing.

Freeman said that the views away from the center of town can also increase values, which would offset the added commercial value. Therefore, the board should look at both areas. One thing the Town of Newbury lacks is flat land. There are not that many places where multi-family developments can be sited.

McWilliams advised the board that a building can also go up to three stories as long as it still complies with the height restriction.

Vannatta asked if the cluster development regulations could be modified to incorporate multi-family housing.

McWilliams said that modifying the cluster development regulations to accommodate multi-family housing would be very feasible. Also, over-store apartments could be created.

Williams said that another incentive that would promote affordable housing is to offer tax advantages to developers who create affordable housing.

Freeman suggested that mixed-use zoning should be created in order to accommodate the affordable/ multi-family structures. That way, the locations capable of supporting multi-family housing can be best used. This will also increase the opportunities to develop affordable housing.

Weiler said that a study needs to be conducted to determine how many people need to be within a short distance of a business in order to make the business viable. Otherwise, mixed-use zoning is pointless.

The board referred to the tax maps, topo maps, steep slope maps and USGS maps in discussion of possible locations for mixed-use zoning.

McWilliams advised that the board can also designate a block of land to be zoned for multi-family residential development. He stated that some towns allow duplexes in residential zones in a dispersed pattern without requiring increased acreage. The real estate market will drive the number of duplexes appropriate for an area. The board can require design standards for duplexes so that they do not have the boxy commercial duplex look.

Freeman said that it is important to concentrate development in certain areas to maintain green areas and protect and preserve wildlife and the environment.

McWilliams informed the board that some towns also practice 'land banking' as a way to provide a location for affordable housing. Land banking means that the town would purchase land or donate existing town-owned land for the location of affordable housing. He offered to initiate composite maps with the different layers of land conditions illustrated in order to facilitate determining where in town the land could support multi-family/affordable housing development.

Vannatta suggested a subcommittee should be assigned to narrow down the most appropriate places for multi-family/affordable housing development. The subcommittee should then report back to the board. Freeman and Dezotell volunteered to be on the subcommittee. Geddes will be contacted and asked to participate as well.

Nov. 12 – Freeman commented that there is not much to report, but in researching multi-family housing, it appears as though an overlay district would be a more appropriate method to approaching the need rather than re-zoning.

The board discussed the concept of multi-family housing and recognized that there has to be an incentive for a developer to build affordable, multi-family housing; the building inspector should be consulted and the possibility of land banking should be looked into. There is no one solution.

Due to the complexity of this issue, the board decided to table this ordinance for 2009 but continue to study the subject for a future amendment.

Conservation Subdivision Ordinance

On Sept. 2 McWilliams suggested that the discussion and creation of this ordinance should be placed on the back burner until the Affordable/ Workforce Housing and Multi-Family Residential Development Ordinance is drafted. By verbal consensus, the board agreed.

Sign Ordinance

On Sept. 2 Dezotell asked if the sign ordinance was going to be amended. He has heard a lot of negative comments about the sign ordinance. Powell said that the board of selectmen would like to see the sign ordinance amended to make it more practical for more of a variety of uses.

Small Wind-Energy Systems

On Sept. 2 McWilliams informed the board that the state has passed a new law, HB 1628, that encourages the use of and gives incentives to renewable energy generation. HB 310 gives municipalities the authority to regulate small wind-energy systems. He advised the board to make some adjustments to the zoning regulations regarding structure height to accommodate the height of windmills. There are some ordinances already in place that can be used as models.

Weiler commented that this law was put together without consideration for such things as noise. Dezotell said that he was recently at an event that had windmills for alternate energy use, and they did not make a lot of noise.

Vannatta said that he heard there was a concern about windmills relative to birds. Powell stated that the bird issue pertains to the very large windmills that power hundreds of homes; the smaller ones are not a problem to birds. Williams commented that not that many RPMs are needed to be a danger to birds.

McWilliams said that he will put a small wind-energy system ordinance draft together.

Oct. 7 – The board commenced discussion of small wind-energy systems. Powell asked why the town needs to regulate certain situations when the state already has regulations in place. He asked why the town can't just adopt what the state RSAs have already laid out.

Weiler commented that the purpose of the state law is to prevent the town from being overly restrictive.

Williams said that the state does not give specific standards. It is more difficult to have to go through the state ordinance. It is easier to work on a local level, and it is easier for the building inspector/code enforcement officer to enforce. The new state law is specific about putting the enforcement under the jurisdiction of the building inspector. Without local regulation, the building inspector has no teeth.

The board reviewed the Sept. 22 draft of Art. XXII Small Wind Energy Systems (SWES) ordinance and made changes. McWilliams said that having this ordinance in place will allow people to be able to install a SWES without going to the ZBA for a height variance.

Nov. 12 – Work continued on the Small Wind Energy Systems Ordinance. The setback was changed to a standard 200' from the property line. Specific impacts need to be identified and listed, proposed paragraph 22.2.7.3 can be eliminated because there are no

airports anywhere near Newbury, the color of the unit should be unobtrusive, and the penalties need to be spelled out.

Powell suggested putting this amendment off for a year since the state already has an ordinance regulating SWES. This ordinance is very complicated and the board does not know enough about it to regulate it. He suggested that the board focus on straightening out issues surrounding existing ordinances such as the sign ordinance before including more.

Freeman said that setbacks are needed for safety.

McWilliams commented that HB 310 was passed which encourages municipalities to look at alternative energy sources and make provisions for them. The ordinance actually helps someone who wants to erect a SWES because with the ordinance in place, they will not have to go to the ZBA.

Vannatta commented that it is good to be proactive. The ordinance can always be tweaked later if necessary.

Freeman stated that wind farms should be prohibited as sight pollution.

McWilliams said that he will add a definition for commercial wind farms and add a provision to the ordinance to prohibit wind farms.

Consensus of the board was that the board has invested a lot of time and expense into drafting this ordinance and should move forward with proposing it as a zoning amendment.

Suggestions from SAWC

At the Oct. 7 meeting, Geddes reminded the board that the Sunapee Area Watershed Coalition (SAWC) had submitted some suggested changes for consideration.

Shoreland Overlay

On Oct. 7, McWilliams advised the board that one item to be addressed in discussing zoning amendments was changes to be consistent with the newly adopted state Comprehensive Shoreland Protection Act (CSPA).

Nov. 12 – McWilliams advised the board that he is suggesting subtle changes to be made in the shoreland regulations in order to stay in compliance with the new CSPA.

Nov. 18 – McWilliams advised the board that in concept he tried to take the amendments the state enacted on April 1 and July 1 and incorporate them into Newbury's local ordinance. It is not done verbatim, but consistency between the two was the objective.

Powell commented that tree cutting is a state issue. He said that any time the town has had a problem or question, the state has been very good about responding; it makes sense to have one group enforcing the tree cutting.

Freeman said that she is concerned if the town is not involved. People on the lake are notorious about chopping down trees. It is easier to check on permits on a local level than seek assistance from the state.

Powell said that there are many "watchdogs" plus the LSPA watching property owners and keeping tabs on tree cutting along the shore. The board of selectmen hears from them quite frequently.

Freeman said that is why tree cutting along the shore should be controlled on a local level. If the town is not involved, to whom would those "watchdogs" effectively report violations?

The board continued discussing the merits of keeping and regulating shoreland activity on a local level versus yielding regulation and enforcement to the state.

Vannatta asked the board to vote by a show of hands on whether or not the board should continue the process of updating this ordinance on a local level and maintain a local shoreland ordinance. Majority in favor; one opposed.

The board reviewed the draft revisions of the Article VII Shore Land Overlay District and made changes and clarifications.

Powell asked if 7.8.2 – Creation of Access Rights – prohibits a property owner from giving a deeded right of way to another party.

McWilliams said yes, and that it is there not to restrict property rights but to prohibit funneling.

Weiler suggested that a single lot should be allowed one easement to the water for another party.

Consensus of the board was that one single access should be allowed per lot.

Powell asked why, since the town has no authority regarding activity in the water, we need 7.8.3.4, which refers to separate boating and swimming areas.

Consensus of the board was to delete 7.8.3.4. – Boating and swimming areas.

other recent planning board administrative topics...

Surveying of Land Boundary Lines

On Oct. 7, Vannatta informed that board that he has received a letter from the NH Land Surveyors' Association asking for all planning boards to be cognizant of the fact that only land surveyors can determine land boundary lines. Apparently, there have been plans approved by planning boards that were drawn up by engineers. Plans involving boundary lines must be stamped by a land surveyor, not an engineer.

Capital Improvements Program

On Oct. 21, the board reviewed the proposed Capital Improvements Program (CIP) for 2008. Ivor Freeman, chairman of the CIP committee, presented the plan and mentioned that the committee had good support from all of the department heads who have capital expenditures. He explained that there were some changes made from last year, but mostly everything stayed pretty level. The planning board voted unanimously to accept the CIP as presented.

New deeds to record lot-line changes

Nov. 12 – Powell expressed concern that subsequent to a subdivision or any other process which changes a lot line there is no process in place to guarantee a new deed is recorded to reflect those new lines.

The board agreed that the regulations need to be amended to say that before the board will send a mylar to be recorded, the new deeds must be submitted. The new deeds and the mylar will be sent to the Merrimack County Registry of Deeds together.

Avenues to the Zoning Board of Adjustment

Nov. 12 – The board discussed the different avenues by which an applicant may apply to the zoning board of adjustment for a hearing and agreed upon the following:

1. An applicant may be denied a building permit and be referred to the ZBA by the building inspector, or
2. The planning board may see an issue in a planning board application that needs ZBA approval and the applicant may be sent to the ZBA by the planning board.

*Summaries of recent planning board hearings
(see official minutes at town office)*

CASE 2004-006: Angel Hawk Subdivision

The planning board continues to deal with issues relating to this subdivision. Those interested should read the full minutes, available at the town office, of the meetings where the topic was discussed. It was recently a topic on the following planning board meeting dates: Sept. 16, Oct. 7, Oct. 21, Nov. 12 and Nov. 18.

CASE 2007-025: NH Dept. of Resources and Economic Development / New England Handicapped Sports Assoc. – Conceptual Site Plan Review – Recreation Facility

10/21/08 – William Johnson, chairman of the NEHSA building committee, presented a map of the proposed entrance and building. Last November he discussed with the board the needs for a lodge that provides close access to the beginner slopes to accommodate the special needs of disabled patrons. At that time, a plan was presented that showed the location of a new facility alongside a lower trail

adjacent to the rope tow. The road access, which is dictated by the NH Dept. of Transportation, was designed to connect the facility near the ski slope with a 23-space handicapped parking area and a remainder of 77 standard parking spaces. Issues of impact of access road parking, steep slopes and wetlands were covered. Johnson asked if there were any issues now and if this project needed zoning board of adjustment approvals before applying for site plan review,

McWilliams said that Johnson needs a referral from the planning board to go to the ZBA due to the building construction on the steep slope and filling of wetlands.

The board expressed a consensus that this is a doable project, but before seeing a preliminary site plan review, the board would like to have the necessary ZBA approvals in place.

Case 2008-XXX: Conceptual Site Plan Review – George and Ann Dunnett

10/21/08 – The Dunnetts propose to operate a ski and snowboard shop out of the building owned by Herb Smith at 1485 Route 103, aka Bob's Country Store, formerly the Mount Sunapee General Store. They own and operate a ski shop in Ludlow, Vt., at Okemo Mountain and would like to do the same in Newbury. He explained that he has leased the building from Herb Smith on a 6-month trial basis.

Vannatta explained that he suggested that Dunnett should discuss this proposal with the board as a whole to determine if this change constitutes a change in use from what was previously approved, therefore needing a site plan review hearing.

McWilliams advised that the use is permitted in the business district. Article 3.1.3 states that site plan review is necessary for 'a change in use or layout of multi-family or non-residential property or building(s) which involves changes in traffic flow, parking, drainage, water, sewer, or other utilities, fuel storage or toxic material storage.' He stated that he does not see where site plan review is necessary for this use.

Freeman asked if board members thought it would be necessary to hold a site plan review hearing since there has been a change since the last site plan was presented with gas pumps. The gas pumps are now gone, which will affect the traffic flow and parking layout. Even though the effect may be positive, it is still a change.

The sense of the board was that a site plan review hearing would not be necessary to update the site plan layout to reflect the removal of the gas pumps. It was further the sense of the board that this proposal is not a change in use that requires a site plan review hearing.

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

9/16/08 – At a previous hearing, Galluzzo was denied a conditional use permit and was advised to consider a smaller house with less impact on the wetlands. This is a lot that is part of the original Rolling Hills Development that had been approved in 1973 and has been taxed as such since then. It is a 2.1-acre lot on Chalk Pond Road, and at the back of the lot, but not on the lot, is Blodgett Brook. This lot is 91% wetlands, which was delineated by a wetlands scientist. There are two intermittent streams that run down either side of the property. The land is severely constricted by the wetlands and streams. There is no area on this lot that is not within the 75-ft. wetland buffer. These plans have been in the making for approximately two years. State permits have been obtained. There is an approved septic system permit with a waiver granted from the state for a clean solution system, and there is only one place on the lot that it can be built and that is within the driveway area. The driveway was designed in a horseshoe shape in order to minimize the impact on the wetland and create a safer egress onto the road. There is a wetlands board permit granted for the fill beside the house. The permanent impact on the wetland is 370 sq. ft. and the temporary impact is 590 sq. ft. The actual proposed developed area is a little less

than 0.2 acre. The house is proposed as 28 ft x 30 ft, which has been reduced from the previous proposal.

Galluzzo commented that he has been paying taxes on a buildable lot for over 18 years. He informed the board that when he appealed to the town to tax him on an unbuildable lot, the town administrator told him 'there is no such thing as an unbuildable lot.' Therefore, he is trying to create a plan that works for this property. He is aware that this application still has to go to the ZBA for a waiver from the setback from Chalk Pond Road and a use variance due to filling in the wetlands.

Freeman commented that she is satisfied that this project could not be done with any less impact than what was presented at this hearing. She also commented that the town administrator's comment that there are no non-buildable lots is not true.

The board voted in the majority that the conditional use permit be approved with the state permits as presented.

CASE 2008-008: Site Plan Review – Thomas & Kerry Behrens – Mountain Edge Academy Daycare – 1380 Route 103

9/16/08 – This proposal was heard on July 15 on a conceptual basis. The board voted unanimously to approve the site plan proposal for the Mountain Edge Academy as presented, contingent upon the required state approvals.

CASE 2008-010: Conceptual Lot-Line Adjustment – Bradley LaClair – Park 10

11/18/08 – LaClair proposed creating two building lots (0.33 ac and 0.62 ac.) from three existing lots of record (0.13 ac, 0.62 ac and 0.20 ac.). The building lots are proposed to share a 450+/- ft. driveway. There is an existing well approx. 50 ft. behind the playground that would service one of the proposed homes. The second home would need to dig a new well. Both homes would need new septic systems.

Among the comments: Freeman said that the board cannot make it a requirement that LaClair cannot cut, but it would be a tremendous negative impact on the playground and wetland below. McWilliams advised that the board could negotiate with the applicant regarding building envelope size and limitations on clearing. Williams asked what kind of covenants could be supplied to protect the land and the neighboring properties that would be passed onto subsequent owners. McWilliams suggested a site walk of the property.

CASE 2008-017: Final Lot-Line Adjustment – Emily Welsh & Sarah Harris – Shultis Farm Road off South Road

9/16/08 – The subject adjustment involves an area to be annexed that falls along an interior boundary/driveway. This hearing followed a conceptual hearing on Aug. 19. The board voted unanimously to approve the lot-line adjustment as presented.

CASE 2008-018: Site Plan Review – Gerald Bundy – 1230 Route 103 – Granite Hill Stone

9/16/08 – This application deals with a cottage industry. The proposed driveway is currently an existing logging road and a state driveway permit has already been issued. Bundy explained that the area where the building is proposed to be built is very level and will require minimal site work.

Bundy said that he currently has no employees and plans to keep it that way, but he would like a contingency of one employee in case circumstances change in the future.

Bundy explained that he receives approximately one delivery every couple of weeks, in a medium-sized truck, of stone for his mill work for columns, fireplaces, moldings, etc.

Vannatta said that the ZBA had approved a special exception with conditions on September 8, 2008 for Bundy to operate his business in a residential district. The conditions are that there is to be no on-site

retail service and the special exception is contingent upon site plan review approval.

The board voted unanimously to approve the application for site plan as presented.

CASE 2008-019: Final Lot-Line Adjustment – Emily Welsh and James Lord & Joanne Dionne – Shultis Farm Road off South Road

10/21/08 – The purpose of this lot-line adjustment is to return 0.04 acre to the Lords that was lost in a prior land dispute. The board unanimously approved the lot-line adjustment as presented.

CASE 2008-020: Final Lot-Line Adjustment – Emily Welsh – South Road & Morse Lane

10/21/08 – This lot-line adjustment is to amend the lot-line adjustment that was approved last spring. Welsh explained that there was a misunderstanding about the actual location until after the initial approval. The lot-line adjustment was unanimously approved as presented, with the addition of the notation per Section 7.1.9. on the plan.

Letter of Thanks and Appreciation

The Newbury Board of Selectmen would like to share this letter received in November.

On behalf of the people of Blodgett Landing and the Cottage Owners Association in this wonderful town of Newbury, New Hampshire, I would like to express sincere gratitude, appreciation and heartfelt thanks to several town employees who make living here fun and enjoyable.

First is Tim Mulder who works at the wastewater treatment plant and helps to take our trash to the dump, assists with pile clean up on the roads in the spring, painted the pump houses beautifully this year, and has endured many tasks over the years that are not the most enjoyable dealing with the Blodgett sewer.

Next is Bob Lumibao, the new guy at the dump, who also takes the trash away here at Blodgett Landing. Great job, Bob. He has good trainers in Churchill Hezelton and Wilbur Willis. Our continued thanks to Church and Will for their jobs well done through the years.

Third is Cal Prussman who plows, sweeps, paves, sands and salts all the roads here, puts signs up, delivers sand for the kids, and assists with drainage issues in Blodgett's as well. He is so appreciated and we give him our special thanks for many, many, many jobs well done.

Our gratitude to those who set up the bubblers, fix the dock, ladders and posts at Big Dock here in Blodgett's.

Fourth, Captain Kenny Burnell, volunteer fireman of the area, gets special thanks day after day, month after month, and year after year for helping us keep the area protected from fire. He is the one man usually first on the scene at ambulance calls and all calls for that matter and we are grateful.

Fifth, Linda Plunkett does her job so well that she deserves an award every day for all that she does. Thank you, Linda.

Sixth, Dennis Pavlicek for managing it all and keeping it all together.

*Sincerely, Kara Obey, President,
Cottage Owners Association of Blodgett Landing*

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