

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

Businesses, residents contribute to Newbury

The following businesses and residents have responded in recent months with support for various projects and programs in Newbury. We would like to acknowledge their community involvement and support.

Contributions towards the summer concerts in the harbor and fireworks on Old Home Day:

- Mt. Sunapee Resort
- Elliot Hansen Associates
- Lake Sunapee Bank
- Lumber Barn
- Old Hampshire Designs
- Baker Hill Golf Club
- Mountain Edge Resort & Spa
- McGray & Nichols
- Freeman Architects
- Newbury Plastering Co.
- New York Life Insurance
- James Sadowski
- Dean LeBaron
- Irving Oil, Newport
- New London Copy Specialists
- Bob's Beacon Marina
- George Neuwirt Construction
- 3-Seasons Landscaping
- Carroll Concrete
- Screwie Lewiez
- Tall Pines Realty/Insurance
- Messenger Construction
- Rainbow Garage
- Lauridsen Auto Body
- Black Bear Sportswear
- Ayer & Goss
- Ward Cedar Log Homes
- Watermark Marine Construction
- Coldwell Banker Milestone Real Estate
- Market Basket
- Double Diamond Café
- Ralph Verni
- Christine Daniels
- Inna Moore
- DLB Realty Trust
- Virginia Mars
- Marinus Kaashock
- McLaughlin Family Fund
- Joan Wight
- Nancy Guay
- Douglas Whelan
- Robert Saturley
- Harvey Cohen
- Arnold Wood
- Harriet Fingeroth
- Lake Sunapee Dawgz
- Ralph Sweetland
- Patricia Waldeck
- And the contributors to the jar by the town clerk's window

Inside: Old Home Day schedule→

The town thanks the following businesses for donations as part of the pedestrian improvement project in the harbor area:

- Benches:** Outspokin' Bicycle & Sport Shop
Mount Sunapee Resort
Lake Sunapee Bank
Mountain Edge Resort & Spa
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
Country Houses Real Estate
Lumber Barn
Bob's Beacon Marina
Rainbow Garage
Marzelli's Deli
Newbury Quick Stop
Sugar River Savings Bank
Ledyard Bank

UPCOMING EVENTS

- | | | |
|------|----------|--|
| Mon. | July 6-9 | Library – bidding on gift baskets, see page 5 |
| Tue | July 7 | Planning board work session, 7pm, town office |
| Thu. | July 9 | Old Home Day planning meeting, 7pm, town ofc |
| Thu. | July 9 | Harbor concert 7 p.m., see page 1 |
| Fri. | July 10 | Free Navy Band concert, see page 2 |
| Sat. | July 11 | Newbury Old Home Day, see page 2 |
| Mon. | July 13 | Board of selectmen meeting, 6:30pm, town office |
| Thu. | July 16 | Harbor concert 7 p.m., see page 1 |
| Sat. | July 18 | Harbor concert 1-3 p.m., see page 1 |
| Thu. | July 23 | Harbor concert 7 p.m., see page 1 |
| Mon. | July 27 | Library – Poetry Jam, 7 p.m. |
| Mon. | July 27 | Board of selectmen meeting, 6:30 p.m., town ofc. |
| Thu. | July 30 | Harbor concert 7 p.m., see page 1 |
| Sun. | Aug. 2 | Historical Soc. – Vanishing Newbury, see page 5 |
| Thu. | Aug. 6 | Harbor concert 7 p.m., see page 1 |
| Mon. | Aug. 10 | Board of selectmen meeting, 6:30pm, town office |
| Thu. | Aug. 13 | Harbor concert 7 p.m., see page 1 |
| Fri. | Aug. 14 | Family picnic at Fishersfield Park, see page 4 |
| Fri. | Aug. 14 | Historic Home Tour Gala, see page 6 |
| Sat. | Aug. 15 | Historic Home Tour, see page 6 |
| Sat. | Sept. 12 | Conservation easement workshop, see page 6 |

Summer concerts in Newbury harbor

- Thursday, July 9 Tammy Jackson (country) – 7 p.m.
 - Thursday, July 16 Tall Granite Jazz Band (jazz) – 7 p.m.
 - Saturday, July 18 High Ground Band (country/rock) – 1-3 p.m.
 - Thursday, July 23 Chill Set (modern rock) – 7 p.m.
 - Thursday, July 30 The Flames (classic rock) – 7 p.m.
 - Thursday, Aug. 6 Lunch at the Dump (folk rock) – 7 p.m.
 - Thursday, Aug. 13 East Bay Jazz Ensemble (jazz) – 7 p.m.
- The rain date for the Thursday evening concerts will be the following Wednesday.*

~Celebrate Newbury~ Old Home Day 2009

Friday evening, July 10

7 – 9 pm Free concert by the Northeast Navy Showband at Mount Sunapee Resort, under the tents rain or shine. See article at right.

Saturday, July 11

- 7:45 Tin Man Triathlon registration begins in the harbor. Sign-up fee of \$10 with free T-shirt to first 75 entrants.
- 8:30 The race begins with a 200-yard swim, then a quick bike ride to Fishersfield Park and ending with a one-half-mile run around the playing fields to the finish line.
- 9 – 3 Free kayak rides in the harbor courtesy of Sunapee Outfitters
- 9 – 4 Farmers market, artisans fair, entertainment, animals, refreshments, music and lunch, all by the playground.
- 9 – 5 Civil War encampment by the town office where visitors see the life of soldiers in those days complete with drills, rifle practice and recruiting efforts. They welcome questions.
- 10 – 4 Free admission to the grounds and main house at The Fells for Newbury residents and employees. Also on Sunday as part of Thank You, Newbury days.
- 10 – 2 Books and ice cream for sale by the Friends of the Library plus bidding in their silent auction of several themed gift baskets. Bidding closes and winners announced at 2 p.m.
- 10 – 2 Center Meeting House will be selling souvenirs, raffle tickets on Peter Helwing's watercolor *Newbury Harbor* and Historic Home Tour tickets, by the library
- 10:30-3:30 Lake Sunapee Dawgz hotdog cart by the library
- 11 – 12 Free bicycle safety checks for school-aged kids at Outspokin' Bicycle and Sport Shop
- 11 – 1 Newbury's own Shelly Candidus will be signing copies of the recently released book *Newbury*, a pictorial history, by the library. Historic photo postcards also for sale.
- 11 – 4 Fire & Police dept. exhibits, equipment demos, vehicles on display and the grills set up for burgers.
- 12:30-1:30 Creatures of the Night by Squam Lakes Natural Science Center at the town office.
- 1 – 3 Free boat tours around the harbor will embark from the town dock, thanks to the loan of a pontoon boat by Bob's Beacon Marina and Sargent's Marina.
- 1:45-2:45 Animals with Bad Reputations by Squam Lakes Natural Science Center at the town office.
- 2 – 4 Kids' Fun Area by the playground with games, activities, craft making and prizes.
- 4:00 Ribbon-cutting ceremony in the harbor to dedicate the new sidewalk and harbor area enhancements.
- 4:30 – 5 Autographed copies of the pictorial history book *Newbury* and postcards for sale by dinner tents behind town office
- 4:30 – 6 Mink Hills Band will play bluegrass music in the town office courtyard.
- 5 – 6:30 Pig roast and chicken barbecue behind the town office, under the tent. See ticket info below.
- 5 – 9:30 50/50 raffle tickets for sale, 1 for \$1, 10 for \$5, during dinner and at the concert/fireworks, to benefit the concerts and fireworks.
- 7:30 Concert by Bruce Marshall Group with blues and pop at the harbor gazebo
- Dusk **FIREWORKS** light the sky over Newbury Harbor!

In the event of Rain... fireworks will be moved to Sunday, July 12. Everything else forges ahead as scheduled...barring deluge.

Free concert: Northeast Navy Showband, July 10

As a prelude to Old Home Day, the CMH is offering a free concert at Mount Sunapee Resort. The Northeast Navy Showband will perform on Friday, July 10 beginning at 7 p.m. under a big tent on the grounds at the resort, rain or shine.

The Northeast Navy Showband is a highly entertaining ensemble consisting of 17 of the U.S. Navy's finest professional musicians. This versatile and sought-after group plays jazz, big band, rock and roll and patriotic selections. The band is comprised of five trumpets, four trombones, five saxophones, rhythm section and vocalists.

"This free concert is our Center Meeting House gift to unite and enrich the lives of those in our community," said Gloria Whelan, CMH events chair.

Offered prior to the concert is a 'Summer Sizzling Buffet' in Spruce Lodge from 5 to 6:30 p.m. Tickets are \$20 per person and must be bought in advance. There's been a great response to the buffet. The CMH had 181 prepaid reservations as of June 29. "If anyone else wants to join us at the buffet, we may be able to accommodate you," said Whelan. Give her a call at 763-3461.

Ribbon-cutting ceremony, 4 p.m.

The board of selectmen invites everyone to the dedication of the pedestrian improvements project, better known as 'sidewalk project,' in the harbor at 4 p.m. during Old Home Day.

Mother Nature managed to upset a work schedule that would have easily made the date, but although everything may not be completely finished, the ribbon cutting will proceed as scheduled.

With the grass growing, the landscaping planted and the 'streetscape' taking shape with benches and lightposts – complete with hanging flower baskets thanks to the Newbury Beautification Committee – the project certainly has a more finished look, and many have told town officials how great it looks.

Wherever the project stands, the crews will clear the area for Old Home Day to free up the space and parking.

OHD dinner – tickets available

There will be a pig on the spit and chicken on the grill for dinner under the tents behind town office from 5-6:30 p.m. Your choice of barbecued pork or grilled chicken comes with Caesar and pasta salads and drink with cake for dessert. Hotdog dinners are available for children.

There will be 400 tickets sold for the pig roast (\$6 if bought ahead, \$7.50 on site), 200 tickets for grilled chicken (pre-buy \$5, \$6.50 on site) and 100 hotdog dinners for children (\$2 / \$2.50). Tickets are available at the town office. Tickets sold on site only while they last. Once the tickets are gone, it will be sold out with no more tickets available. Look for the ticket table at the farmers market in the morning and in the town office parking lot in the afternoon on July 11.

Got at hour or two? Help still needed!

The best way to take advantage of everything Old Home Day has to offer is to be a part of it, even for as little as an hour. Please contact either Dennis Pavlicek (763-4940 x204) or Travis Dezotell (763-4940 x210) to find out when, where and how. Or stick around after dinner and help clear up, pack up and police the area. More help is usually needed on Sunday morning as well with final clearing up and storing chairs and tables back in town office.

Any and all are also welcome to join the last Old Home Day planning meeting on Thursday, July 9, at 7 p.m. in the town office meeting room.

From the desk of the Newbury Board of Selectmen

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

2009 Green-up Day #2 – Selectmen will be out on Route 103 between Village Road and Route 103A to clear the roadside of trash on Saturday, July 18 at 8 a.m. If your neighborhood roads could use a touch up as well, join in – grab a bag and spruce ‘em up.

Summer informational meeting – On Saturday, Aug. 1, at 8 a.m. town personnel will be available for this annual meeting to review activities of the town and its departments and answer residents’ questions. It will be held in the town office building.

Volunteer appointment – On June 15 the selectmen signed an appointment letter for Claire Vannatta to be the second Newbury representative for the Upper Valley Lake Sunapee Regional Planning Commission. Her fellow Newbury representative is Nancy Marashio.

Blodgett Wastewater Treatment Facility – Stantec Consulting Services, Inc., engineers for the Blodgett sewer project, had a review meeting with DES on May 27. A month later, after incorporating comments from that meeting, the firm has submitted design plans and specifications for the wastewater treatment facility upgrade to DES for review. All are working together to expedite the approval process to meet time requirements for the ARRA-funded project. It is hoped the project can go out for bids on July 27.

At a status meeting with selectmen on June 15 representatives from Stantec said that a chain-link fence will be needed around the new project. There will be more discussion on this. Stantec will come back to the board in the late summer with the final design for the pump stations, the next phase of the project.

Community garden plots still available – Vegetables are growing in several plots of the community garden in the upper field at Fishersfield Park. If you would like to try your hand at agriculture in a convivial atmosphere, stop by town office and sign up with Donna Long at the selectmen’s office window. The plots, each 20 feet by 20 feet, are \$20 each for the season. The garden is located in the upper field of Fishersfield Park on Old Post Road opposite the transfer station. Loam has been spread and compost added and tilled in preparation for the plants. Water is available on site. Anyone with questions can contact Dick Wright at 938-2414.

Capital Improvements Program – Meetings have been scheduled for town department heads to provide input to the CIP committee regarding their projected plans for growth and development needs over the next six years.

Forms were distributed on which to list all CIP projects, equipment and any other expenditures in categories including vehicles, machinery and property.

On Aug. 5 the committee will review highway dept., general government, cemetery, transfer station and parks & recreation. Scheduled on Aug. 12 are police dept., library, fire dept., emergency management and Blodgett sewer.

Members of the CIP committee are Jim Powell, Ivor Freeman, Tom Vannatta, Deane Geddes, Dennis Pavlicek and Ron Williams.

Vets hall repair – In June the selectmen reviewed three bids to do repair work on the Veterans Hall and awarded the contract to Sweet Shelters which had the low bid. The work includes replacing support posts with pressure-treated wood and work on the lattice work under the structure.

Raffle approved – Selectmen approved a request from the South Newbury Union Church to hold a raffle on church grounds on Saturday, August 8.

Landfill test – The semi-annual report on the test wells in the old landfill shows all normal results, as usual for some years now.

Milfoil monies – The Lake Sunapee Protective Assoc. has requested payment of the \$5,000 appropriated at town meeting for the control and prevention of invasive milfoil on Lake Sunapee.

Center Meeting House – Doug Whelan gave the select board an update on the progress at the Center Meeting House on June 15. He said they are still in the process of restoring the building. There are a couple of fundraisers planned including a buffet at Mount Sunapee Resort on July 10 and an historic home tour on Aug. 15 with a preview gala the evening before. Whelan said this is a big fundraiser getting statewide attention including being featured in two NH magazines. He said the committee hopes to have raised \$800,000 by the end of this year.

The selectmen said they would like to have an easement or written agreement to document the existing verbal agreement between the town and the CMH for the presence of and access to the leach field on the CMH property which services town buildings. In return, the town grants permission for the Center Meeting House to use the parking lot and the bathrooms at the town office and to allow the CMH to put a walkway from the parking lot to the meeting house. The town attorney will draw up an agreement for both parties.

Transfer Station – The selectmen have been discussing operations at the transfer station, particularly as to a more workable layout. After a meeting at the site with Gobin, the vendor that provides the compactors, selectmen decided to move the second compactor behind the first (by the office building) and relocate the plastic/tin collection container. It’s hoped this will improve traffic flow, largely by removing the confusion of which compactor is in use and where to park. It’s an ongoing process and the selectmen will continue their efforts to further improve operations, efficiency and ease of use.

FAMILY SERVICES

Family services director Gail Bostic reports that there is still lots of food left from the Care and Share Day at the mountain so there is no immediate need for food donations.

She would like to thank the people of Newbury for being so generous. “It is so nice to receive a phone call from someone in town who anonymously offers to donate money so that a family in town can attend the Old Home Day barbecue or do something else that they ordinarily would not be able to do,” she said.

HIGHWAY DEPARTMENT

Highway administrator Cal Prussman reports that with the paving of Baker Hill and Haynes roads coming in under budget, Gillingham Drive will be reclaimed from Sutton Road up 1,250 feet. The work will be done in September.

The crew is flushing culverts and working on Old Province Road where they’re removing the chip seal from bad spots. Prussman said they’ll leave it gravel for now and work on the drainage. The town will apply for a hazard mitigation grant but nothing is guaranteed.

POLICE DEPARTMENT

Summer tips and reminders

- > Harbor parking is one way traveling from east to west and will include a considerably safer environment for pedestrians.
- > Parking includes the addition of spaces now linked by the new sidewalk to the west of the harbor area by the information booth and caboose.
- > The parking area to the east of the safety services building (between it and the Veterans Hall) is one way as well – with traffic flowing west to east.
- > All of the parking improvements include angled parking for safety and ease of use. Look for more improvements as the project reaches fruition.
- > Boat parking and dock regulations remain as always.
- > Remember that permits are required for outdoor burning and fireworks, and the town's noise ordinance restricts activity after 10 p.m.
- > As mentioned previously, summer is the time for dog issues and chapter 10 in the town ordinances regulates dogs. If you have animals, please familiarize yourself with the state and local rules governing them.

PARKS & RECREATION

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

Two new offerings!

Newbury Walking Club – Come enjoy our new half-mile of lakeside sidewalk while meeting new people and getting some exercise. Dates and times aren't set yet – please contact Travis, Dezotell, recreation coordinator, with your input, to register your interest or for information. He can be reached at 763-4940 x210 or travis@newburynh.org.

Fishersfield Family Picnic in the Park on Aug. 14 – Mark your calendar now for this casual family fun evening. It's set for Friday, Aug. 14, 5 p.m. to dusk. Bring your family and a picnic, spread your blanket and join in the fun. Snack shack will be open. Plan for pick-up games of whatever strikes your fancy.

Full schedule of outdoor fun

All programs are filling fast. Please call Travis Dezotell at 763-4940 x210 or email him at travis@newburynh.org for questions, sign up or feedback. Sign-up forms are available at the town office, the library and on the town website.

Mom's Afternoon-off Camp

Dates: Tuesdays & Thursdays, June 30 – Aug. 6
Time: 1-3:30 p.m. Ages: 5-13
Places: Fishersfield Park and Newbury harbor dock (see schedule)
Cost: \$8 per day or \$75 to hold a space every day for the summer
Camp rotates between Fishersfield Park and the harbor beach area. All beach days will be overseen by a Red Cross-certified lifeguard as well as the regular counselors. Camp will consist of hiking, playing, swimming and sports with a focus on building and maintaining a love of the outdoors. Daily spaces can be booked in advance.

Projects in Nature Camp

Dates: July 13-17 Time: 9 a.m. – 12 noon
Cost: \$40 per child, space limited Ages: 6-13
Places: The Fells on Monday, Wednesday and Friday
Fishersfield Park on Tuesday and Thursday
Each day of camp will consist of an outdoor search for the materials or major ideas behind the project for the day, followed by time to create and finalize the project. There will be a project exhibit on Friday at 11:40 a.m. at The Fells. The focus for this camp is to find

creative ways to experience the wild world around us and to participate in the state initiative, "No child left inside," promoting outdoor experiences for our youth.

Swim Program

Dates & July 6-10 at town dock in Newbury harbor
Places: July 13-17 at town dock in Blodgett's Landing town dock
Times: Lessons run from 11 a.m. – 2 p.m., see sign-up sheets for age/timing of lesson.
Ages: 4 and up
Cost: \$24 per child for one week, \$40 for both weeks.
Multiple siblings/same family will be \$20 / child per week.

Hiking & Ecology Camp

Dates: Aug. 3-7 Time: 9 a.m. – 12 noon
Place: The Fells Ages: 6-13
Cost: \$40 per camper, space is limited

This outdoors-based camp features lots of hiking focusing on watershed ecology and fisheries biology. Campers should bring a towel, sneakers and rain gear. Indoor locations are available but we try to be outside if at all possible. This camp focuses on creating a love for the outdoors and a respect for the nature around us. Different local naturalists and scientists visit the camp throughout the week.

Wednesday youth day trips

Newbury Recreation in conjunction with New London Rec is offering day trips on several Wednesdays (and one Thursday), some specific to 1st to 5th graders, others available for 6th to 8th graders.

Grades 1-5

July 1 Canobie Lake Park (\$25 for ticket and transportation)
July 8 Imax Theater & Space Center (\$20)
July 29 Jenness State Beach, Rye (\$12)
Aug. 12 Whales Tale Waterpark (\$20)

Grades 6-8

July 1 Bromley Adventure Park & Ropes Course (\$30)
Meet at exit 12 Park & Ride at 8 a.m.; pickup at 5 p.m.
July 23 Hike Mt. Monadnock (\$15)
(Thur.) Meet at exit 12 Park & Ride at 9 a.m.; pickup at 5 p.m.
July 29 Paddle the Connecticut River (\$25)
Meet at exit 12 Park & Ride at 9 a.m.; pickup at 5 p.m.

Wednesday Night Soccer

Dates: July 8 – Aug. 12 Place: Fishersfield Park
Times: Players entering grades 6-8 practice from 5:30 to 7 p.m.;
Entering grades 9 and up practice 7-8:30 p.m.
Cost: \$5 per session

This weekly soccer night for middle and high school-aged players will bring in college and high school coaches to help players prepare for the upcoming season. Sessions will deal with skills, formats of play and mental approach.

Unitor Soccer Camp

Dates: Aug. 10-14 Time: 8:30 a.m. – 12 noon
Place: Fishersfield Park Ages: 5-17
Cost: \$65 per camper (comes with T-shirt and soccer ball)
Unitor Soccer Schools based in New Hampshire brings the best of local coaching from the high school to collegiate level to our brand-new soccer field at Fishersfield Park.

Youth Tennis

Youth tennis lessons are still a possibility – there's a potential coach in the offing. Contact Dezotell to register interest in participating.

Adult Coed Summer Tennis League

A fun tennis league to get your feet wet with competitive tennis and meet some new friends. Free, sign up at the selectmen's office. This intermediate-level league will operate in a round-robin format; players agree over the phone upon the time to play.

NEWBURY PUBLIC LIBRARY

Trustees: Liz Tentarelli, chair; Pam Ritchie, secretary; Pat Sherman, treasurer. Friends of NPL: Liz Moulton, president; Paula Falkowski, secretary; Ken Tentarelli, treasurer; directors: Mickey Noyer, Jackie Keegan, Suzanne Levine

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

Poetry Jam

The next poetry jam, moderated by award-winning poet and Newbury resident Dianalee Velie, is on Monday, July 27, 7 p.m.

Book Discussion

Book discussions are usually held the first Monday of the month at 7 p.m. At press time the date and book selection for August were not yet confirmed. Check at the library or the website for details. Books will be available at the library.

Tie-dye & Pizza

The first gathering for the young adults (entering sixth grade and above) summer program is Tuesday, July 7 at 2 p.m. Everyone should bring a white T-shirt. Janet Rucker will go over plans for the six summer sessions and there will be a focus on helping the kids stay on track with their summer reading lists. Several sessions will include help writing book reports and all will have the support of snacks.

Fun with French

Delphine Hill is again offering her popular program for children in grades 1-5. It will run from 4-4:45 p.m. on Tuesdays from July 7 through Aug. 4. There is a \$10 fee for the 5-week session per child. The group is limited to 15 children.

Story Hour

Preschoolers and their caregivers start gathering at 10:15 a.m. on Wednesday mornings and the story starts at 10:30.

Stories and Ice Cream for Hot Summer Days

What's not to like about this program, geared to the K-5 crowd, from 3-4:15 p.m. on Wednesdays from July 15 through Aug. 12. No registration required for this one, just show up for book reading, a craft activity and ice cream.

Three Nights at the Library

Three Monday evenings in July are booked for the kids. All begin at 6:30 p.m.

On July 13 there's a PJ story time and teddy bear sleepover. Will the bears stay tucked in after everyone goes home?

On July 20 everything will be Topsy/Turvy Upside/Down and filled with silly stories and songs.

July 27 is for Summer Eats with Kathleen Stowell and the kids looking at what we eat in summer and what animals in the wild eat and what they put away for winter. As usual, there will be fun activities too.

Friends: Books, Baskets & Ice Cream

From 10 a.m. – 2 p.m. on Old Home Day, July 11, be sure and swing by the library for a mini book sale – just big enough to shore up your beach reading supply. [Note: Feel free to bring any books you'd recommend as a good summer read to donate to the sale.]

And what's a summer gathering without ice cream?! They hope to sell out, so be sure to come early and get your licks in.

Don't wait for Old Home Day to get your bids in on the amazing gift baskets the Friends have filled for a silent auction running all week. Bidding will continue on Old Home Day until 2 p.m. when the winners will be announced.

Basket themes include: Everything Chocolate (sponsored by the library staff), Cooking with Children (story hour parents), Ode de

Poetry (Dianalee Velie), Italian (Ken Tentarelli), Kids' Teddy Bear Picnic (Jackie Keegan), Bed & Breakfast (The Wests), Go Green (Liz Moulton) and All Things Maple (Paula Falkowski).

The baskets will be displayed in the library the week prior to Old Home Day, so you can come into the library any time that week, Monday – Thursday, to place a bid. Bidding will continue on Old Home Day and the winning bidders will be announced at 2 p.m.

When you stop by the library during Old Home Day for the book sale and ice cream, be sure to see if your bids need a boost.

BEAUTIFICATION COMMITTEE

The Newbury Beautification Committee placed flags in its flower barrels and around town. They used others to line the parade route for the 4th of July parade in South Newbury.

Their next project is preparing Caesar salad to serve at the Old Home Day barbecue.

Joy Nowell said they are hoping that all 10 of the new planters – donated by local businesses – which have been waiting to be moved to the harbor will be able to be in place for Old Home Day. The plants in them have been growing while waiting over by the playground.

A new NBC website is currently under construction by associate member Stu Hale which will have links, information, pictures, etc.

NBC has also donated a subscription to *Organic Gardening Magazine* to the library.

HISTORICAL SOCIETY

www.newburyhistorical.org

Board of Directors: Robert Morris, Margie Weiler, William Weiler, Alice Lynn, Mary Thayer, Shelly Candidus, Deane Geddes, Dennis Pavlicek, Barbara Steward

Book captures Newbury's history in pictures

The pictorial history book, *Newbury*, has been published by Arcadia Publishing as part of its *Images of America* series. It is available for sale at the library, town office and several local businesses. If you want your copy autographed, author Shelly Candidus will be at Old Home Day with her pen at the ready.

Through text and more than 200 captioned pictures, the book relates both milestones and everyday life in Newbury from its incorporation in 1778 to the centennial year of 1978. Topics include the establishment of early farms and community buildings, the attraction of Lake Sunapee and Mount Sunapee, the wonderful era of railroads and steamboats, the settlement of Blodgett's Landing, the impact of the automobile, the development of town government and businesses and the bicentennial celebration.

A packet of 15 postcards containing selected photographs from the book is also for sale.

Produced by the Newbury Historical Society, the book was written by Shelly Candidus. Pictures were searched out, documented and scanned by Bill Weiler. Several townspeople provided vintage pictures from private and family collections, and many came together to make the final picture selections. Signed copies of the book and the postcard packets will be sold by the historical society during Newbury's Old Home Day on July 11.

The book sells for \$21.99 and postcards for \$7.99.

Vanishing Newbury – Aug. 2

Historian and author Tracy Messer will present *Vanishing Newbury* on Sunday, August 2 in the town office building at 2 p.m.

So what has vanished? The 1858 map of Newbury shows roughly 205 buildings of which only 110 remain. At one time Newbury had 14 public school buildings and seven mills, none of which are in use today for their intended purpose. Only one of the three churches survived and now one post office serves the town compared to the five of yesteryear.

Discover the fascinating path the town has taken in Messer's PowerPoint presentation of then-and-now contrasts in the Town of Newbury as he addresses the loss of so many structures.

The program is open to the public as part of the Then and Now series put together by the organizations that make up the Partners Around Lake Sunapee (PALS).

The presentation follows the society's annual meeting which will start at 1 p.m. and is open to all members. One significant agenda item will be a vote for approval of the society's new bylaws.

CENTER MEETING HOUSE

In addition to the free concert and benefit buffet on July 10, the Center Meeting House has two events and a raffle planned for the summer, with proceeds to be used for the next phase of its restoration project – to repair and raise the bell tower back up to its place atop the 1832 Center Meeting House.

Raffle: 'Newbury Harbor' watercolor

Raffle tickets are on sale for a chance to win the wonderful watercolor 'Newbury Harbor' by Newbury's noted artist Peter Helwing of Bay Point Road. The drawing for the painting will be held at the conclusion of the second fundraiser, the Historic Home Tour, at 5 p.m. in the vestibule of the Center Meeting House on Saturday, August 15.

Tickets for the raffle are \$5 each and three for \$10 and will be on sale July 10 during the Navy band concert and pre-concert buffet as well as at the Historic Home Gala and Tour on August 14 and 15. Carolyn Stanley, who is chairing the raffle, also has plans to sell them at the harbor concerts and during Old Home Day. Anyone interested in helping to sell raffle tickets please contact Carolyn or Tiff Stanley at 763-5286 or c_stanley1@myfairpoint.net. Tickets are also available from CMH board members.

Historic Home Tour Aug. 15, Preview Gala Aug. 14

A grand summer tour of eight historic lake and farm homes in the Lake Sunapee area will be offered on Saturday, Aug. 15 from 9 a.m. to 4 p.m. through a partnership of the Center Meeting House of Newbury and the New Hampshire Preservation Alliance. Tickets are \$15 in advance and may be ordered by calling 763-2840 or 927-4006. Tickets may be purchased the day of the tour at the town office for \$20.

The tour's first stop is the meeting house itself, where visitors can see the unusual reverse-pulpit interior, learn about the history of the building, and see the progress of restoration to foundation, roof and the historic Asher Benjamin-style bell tower, removed for restoration and now on the meeting house lawn until funds can be raised to return it to its rightful place.

Tour stops include two Adirondack-style lodges on Lake Sunapee, two Victorian-style cottages in historic Blodgett Landing, site of early spiritual revival meetings, and two farmhouses and a Federal-style home in South Newbury, with many special features and original furnishings.

A gala preview party at the Stone Barn, once part of the Hay estate, The Fells, and now converted into a home, will be held Friday evening, Aug. 14. The elegant garden party from 5 to 8 p.m. will include a classical guitarist, hors d'oeuvres and desserts. Guided tours of the interior of the Stone Barn will be given at the gala but will not be available during the home tour the following day. The cost of the gala is \$60 by confirmed reservation in advance. All events take place rain or shine.

Tour tickets will be sold during the Navy band concert and at Old Home Day. They will also be available at Marzelli's Deli in Newbury, Morgan Hill Bookstore in New London and Bayberry Barn in North Sutton.

CONSERVATION COMMISSION

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

Meeting time now 4:30 – The commission has changed its regular meeting time to 4:30 p.m. on the second Tuesday of each month.

Conservation easement workshop – Sept. 12

While reviewing the newly completed wildlife action plan this spring, members of the conservation commission considered ways to create and maintain contiguous corridors of undeveloped land for wildlife and protect critical habitats.

Many landowners in Newbury and the region have created conservation easements to achieve protection of various aspects of our natural environment. Several good-sized parcels of privately owned land in Newbury are located in key areas for wildlife conservation.

The members decided education and awareness could best motivate action, and have scheduled a workshop on conservation easements for Saturday, Sept. 12 from 9 a.m. to 12 noon.

Attendees will learn what an easement entails and the benefits of placing land in conservation easements. A comparison of conservation easements to current use will be explained along with the long-term benefits of easements and the importance of land preservation. A continental breakfast will be served.

In addition to professionals to explain the process and easement options and to answer questions, plans are to include residents who have created easements on their own properties to provide their personal perspectives.

"This will be an educational and informative workshop on the nitty-gritty, what one woman calls the 'dollars and sense,' on easements and how valuable they can be for the land owner," said Katheryn Holmes. "It's a way to love your land forever and help keep our town's rural character for future generations."

Cutting in buffer zone – On May 12 Holmes advised the board that she received a request to cut 19 trees in the buffer zone. Upon a site review, it was evident that 17 of the trees are dead and need to come down. Holmes said that she will write a reminder on the request that stumping is not allowed so close to the lake.

If you are considering cutting any trees in the buffer zone – which is within 250 feet of a lake, pond or stream – you must first fill out an application. The forms are available from the selectmen's office.

Paving at state beach – In May the commission discussed proposed paving at the state beach, for which DRED was requesting a permit from DES. At the June meeting Holmes informed the board that the state beach project passed without having to come for any town permits or hearings. The work was already in progress to pave the parking area and install level spreaders.

Town forest -- Selectman Powell and Town Administrator Pavlicek attended the June 9 meeting to discuss the town forest. Powell said that in 2007 the town decided to make part of Fishersfield Park a town forest and part of the warrant article, at the request of the conservation commission, was that the commission would manage the town forest. The responsibilities of managing a town forest are laid out in RSAs 31:110 – 31:113 which Powell handed out for reference. Managing the resources includes timber cutting and keeping the forest in a good, healthy state. Pavlicek noted that the land was timbered off prior to purchase, therefore it will probably not be ready for harvesting for a while.

Discussion included identifying boundaries, possibly surveying and developing a forest plan. Powell advised the commission members that the board of selectmen is available to support them in any way possible. He pointed out that there are mechanisms to help with

funding that can be set up through a warrant article at town meeting, e.g., a town forest fund separate from the conservation fund.

Crickman said that he has been in touch with Van Webb who works with the six town forests in Sunapee. Webb has volunteered to come to the Newbury Conservation Commission on July 14 to give a presentation of how Sunapee manages its forests.

LAND USE BOARDS

Please note –

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

ZONING BOARD OF ADJUSTMENT

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

Alternate appointed

On May 11 the zoning board, by unanimous vote, appointed Peter Fichter as an alternate member.

Improving application process

The board has decided to convene its meetings at 7:15 p.m., conduct administrative business and begin hearings at 7:30 p.m. Second, hearings should not be scheduled until all of the application material is complete and in hand. Holmes suggested the implementation of a revised checklist to ensure that applications are clear to the applicant and complete when they are filed with the land use coordinator. Wright volunteered to edit the applications to the ZBA to facilitate the application process and will email drafts to the board members for future discussion.

At work sessions in May and June the board members discussed guidelines for applicants and a checklist for applicants outlining required materials and criteria. It's recommended that applicants consult with the land use board coordinator, Denise Walter, before completing the application to clear up any questions and ensure the application process is complete.

Prior to publishing the public notice of a hearing, the ZBA chairman and the land use board coordinator plan to review the application packet to make certain that it contains all the necessary documents for the hearing process.

Summaries of recent ZBA hearings, some from draft minutes. See full and approved minutes at town office.

John Recinito, for property located at 6 Shore Drive, sought a variance to permit construction of a new two-story garage within the rear and side setbacks of the property.

5/11/09 Recinito presented his plans and application, explaining that his lot is approximately 100 ft. x 100 ft. with a cottage in the center. There is an existing 22 ft. x 18 ft. garage at the rear corner of the property that is approx. 20 ft. high. He is proposing to take down the existing garage and replace it in the same location with a larger, 30 ft. x 28 ft. x 24 ft.-high garage. It is a nonconforming building on a nonconforming lot. The existing garage is approx. 6 inches off the back and side property lines. He explained that he could build the garage and maintain the 15-ft. setback, but he would like to rebuild it in the corner of the lot to preserve the open space of his backyard.

After further discussion, input from abutters and deliberation, the board voted unanimously not to grant the variance. Reasons included: The applicant did not satisfy the requirements of Art. 16.7.2.2.1, Art. 16.7.2.2.2 and Art.16.7.3; this application does not follow the spirit

of the ordinance; the applicant did not submit a detailed enough design plan on which to base a decision and no DES permit was applied for or granted.

Victor & Elizabeth Laro, for property located at 26 Allwood Drive, sought an area variance to permit construction of a garage within the side setbacks of the property.

6/8/09 V. Laro presented their plan to construct a pre-built 24 ft. x 26 ft. x 26.1' ft.-high, two-car garage. There is currently a garage attached to his house, but it is inadequate and cannot hold two vehicles. He currently uses the existing garage for one vehicle and tractor storage. He would like to build the new garage on the right-hand side of the driveway since that is the most convenient place to site the garage and it will blend in with the character of the lot.

Holmes explained that when this subdivision began, the pins for lot boundaries were put in the wrong place, therefore the configurations as the lots are mapped are not correct. The proposed garage cannot be placed on either side of the house due to the placement of the well and the septic system.

The abutter who shares the sideline under consideration has no problem with the proposed location of the garage.

Azodi asked at what point the board considers a situation a hardship to not have garage space. He questioned the necessity to have so much garage space.

Holmes said that the hardship that the board has to stay focused on is that the applicant could not expand the existing garage due to the layout of the utilities, well and septic, and there is no other place on the lot that would efficiently site this garage with minimal impact. It is not up to the board to determine if more space is necessary. The board should be concerned with hardship of the land, not hardship of personal desires.

Holmes said that the reason the building inspector directed Laro to the zoning board is because there was no place else to site the garage, and encroaching on the sideline setback was the least of all evils.

The board voted unanimously to grant the area variance submitted by the Laros as presented this evening with the condition that proper erosion control measures should be used.

PLANNING BOARD

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

Affordable Housing

5/5/09 Dezotell gave an update on the affordable housing committee. There are currently five members on the committee and they will be getting together in about a month to begin assessing if there is an affordable housing issue and if so, what to do about it. A report could be ready by September.

McWilliams advised that if there is going to be an amendment to the zoning regulations to address affordable housing, it needs to be written, reviewed and ready to be presented to the public in order to be noticed in December for a first public hearing in January.

5/19/09 McWilliams advised the board that House Bill 321 [which addresses requirements relative to affordable housing] is working its way through the senate. If passed, it would delay the effective date of legislation until January 1, 2010. However, that would still give the board time to notice a public hearing for zoning amendments if desired.

Sign Ordinance

5/5/09 McWilliams presented several versions of sign ordinances – some model ordinances for state organizations and others actual ordinances used in other communities. Geddes suggested that a subcommittee be assigned to review the topic in depth and propose a sign ordinance to the board for review.

Volunteers for the sign ordinance subcommittee were Jim Powell, Deane Geddes and Bruce Healey. Business people will also be asked to participate.

6/2/09 Powell reported that the sign committee met and is reviewing the information that was provided by McWilliams and trying to narrow down what is pertinent to Newbury. The committee members are dividing up a list of business people in the community and talking to them for input. It's hoped there will be a proposal finalized in the fall.

Healey asked McWilliams if there were special conditions that New Hampshire recognizes regarding amortization of signs. McWilliams explained that in some states amortization of signs is constitutionally accepted, but New Hampshire does not recognize amortization of non-conforming signs. A non-conforming sign has the same rights as a non-conforming lot. As long as it is being used without a set time lapse or change in size or location, the sign may continue to be used. Powell added that if a sign needs to come down to be fixed, it does not lose its grandfathering status as long as it is replaced within a year.

Subdivision Regulations - Enforcement

5/5/09 Freeman said that she feels strongly that something is needed in the subdivision regulations to hold certain parties responsible for the renewing of bonds so that the Angel Hawk situation does not happen again. Also, a mechanism in the town office should be created so that there is no lapse in coverage. There was a tickler system put in place so that the land use coordinator could keep track of expiring securities, but that system fell short. She expressed concern that the town does not have any means of authorizing or triggering the board to call a letter of credit even if it wanted to. There should be something in the regulations that allows the town to call the letter before the expiration date if there is not a new one in place by that time. In addition, the bond or letter of credit should be required to cover the full period of construction or, if it is going to be renewed on a yearly basis, then it needs to be renewed 30 days prior to expiration.

The board discussed various methods of alert for expiring securities. Weiler suggested using a contract at the approval of a subdivision which outlines what the board expects of the developer, when it should be completed and requirements for assuring a letter of credit is kept up to date. The contract should also advise the developer of the potential expense involved and require proof of financial viability.

Freeman stated that a contract would also benefit the board because then all of the requirements would be in one place on one document instead of scattered throughout the meeting minutes. Weiler and Freeman volunteered to research what can be done to protect the town regarding surety, letters of credit, bonding, etc., and report back to the board on June 2.

Fish & Game development of Wild Goose boat launch

6/2/09 Vannatta asked for input regarding whether or not the planning board should publicly take a position on the Wild Goose boat launch as a board.

Powell said that the conservation commission has weighed in on the application and the board of selectmen has spoken out regarding the safety issues of the access. He cautioned the board members to keep in mind that the town is very split in opinion over this proposal. There are many people for and many people against the development of this boat launch. The board has a responsibility to the entire community, not just conservationists.

Freeman said that the most responsible way is for the board to evaluate the proposal as if it were a site plan review coming to the board and stay focused on the issues within the site plan review regulations; then it should be appropriate.

The sense of the board was that Vannatta and McWilliams should review the most recent site plan submitted by Fish and Game as if it

were an application to the board and draft a response for the board to review at its June 16 meeting. The deadline for comments to the state is June 26.

6/16/09 Vannatta advised the board that he and McWilliams have reviewed the plans and application for the Wild Goose boat launch and have drafted a letter in response. The board reviewed the draft and made recommendations for changes. It was suggested that a statement be added at the end of the letter which indicated that based on the information the board has seen so far, Newbury could not grant a site plan approval for this boat launch under its current regulations.

Town Counsel Opinion – Paper Roads

6/2/09 [Town counsel's opinion was sought relative to case 2008-010, see below.] McWilliams said that, generally speaking, town counsel Bart Mayer's legal advice to the board is that the surface of a public right of way cannot be considered toward lot size. In addition paper roads that were never accepted by the town still need to remain in place so property owners who would potentially be serviced by those roads can still access their lots and likewise the surface area of those rights of way cannot be counted toward lot size.

Therefore, the surface area of Spring Street and Hemlock Street [in Park 10] cannot be counted toward lot size. If someone wants to build on a back lot, they would have to go to the ZBA for a variance because they do not have road frontage on a recognized public right of way. Paper roads do not qualify as providing frontage unless they are brought up to town specifications.

Geddes asked if a lot owner could purchase a right of way from another land owner to gain access to their lot. McWilliams said that they could, but the access would not create road frontage as required by the zoning regulations. If you were creating a new subdivision, you would prefer to not have the lots divided by a road or right of way, therefore the board should avoid that type of situation if possible.

McWilliams advised the board that Mayer stated that there are a lot of lots in the Park 10 development that are considered unbuildable without a zoning board variance.

2009 CIP Committee

6/2/09 Vannatta advised the board that the CIP committee for 2009 has been organized. The members include Ivor Freeman, Ron Williams, Deane Geddes, Tom Vannatta, the board of selectmen and Dennis Pavlicek. The CIP committee will begin meeting in July 2009.

Summaries of recent planning board hearings, some from draft minutes. See full and approved minutes at town office or website.

CASE 1993-009: Public hearing on a request by PSNH to trim and cut trees along two designated scenic roads, Cheney and Old Province roads

5/19/09 Dave Crane, arborist for Public Service of New Hampshire (PSNH), was present to discuss the trimming necessary on two scenic roads. PSNH is on a four-year cycle of maintenance. The last time Cheney Road was trimmed was in 2005. He explained that 80% of the trimming in Newbury this year is on scenic roads.

The trimming specifications are to remove trees that are 4" in diameter or more or trees that are at least within 8 ft. to the side, 10 ft. below or 15 ft. above the power lines. These clearances anticipate the average growth over four years and the bending of limbs in a winter storm so that the limbs do not make contact with the power lines. Large trees are removed on a case-by-case basis with consideration being given to dead and diseased trees. All property owners are contacted prior to trimming and/or removing trees and their wishes are taken into consideration as much as possible.

Weiler said he would like to urge Crane to leave the trees looking decent and shaped so that they are not left looking like those on

South Fruit Street in Concord. Crane stated that they are aware of the problem and would keep the comment in mind. He pointed out that Fruit Street was not part of PSNH's territory and therefore PSNH was not responsible for that cutting/pruning.

Crane informed the board that scenic roads tend to have more than twice the amount of outages as other roads. PSNH's policy is to talk to the landowner, but sometimes it results in trees that don't look good especially on dirt roads because the landowner wants as much left as possible for screening and dust control. As long as the lines can be cleared, the landowner's wishes will be honored.

The board voted unanimously to approve the request by PSNH to cut and trim trees near the power lines on Cheney and Old Province roads.

CASE 1993-009: Public hearing re PSNH request to trim and cut trees along Gillingham Drive, a designated scenic road

6/16/09 Dave Crane, PSNH arborist, was again present to discuss the trimming necessary on Gillingham Drive. He explained that PSNH is on a four-year cycle of maintenance and Gillingham Drive was last trimmed in 2005. He went over their guidelines as before. Asplundh is contracted by PSNH to do the cutting, which will begin at the northern end of town. Crane estimated they would reach Gillingham Dr. in approximately one month.

Responding to a resident, Crane said that generally, everything less than 4" in diameter is left unless it is dead or decaying or poses a threat to the power lines. The specifications stated are for the primary conductors which are the lines on the streets, not the lines going to individual homes. The house lines have less voltage and service individuals instead of groups of individuals. Typically, those limbs are taken only if they are rubbing on the lines or wearing the protective coating off the line. There is a cost analysis that is used to determine if a tree is worth taking down or not. If there is a tree on a service line to a house, PSNH would be happy to take a look at it. If it is not a big expense or looks as though it would take a lot of time, sometimes PSNH works out a deal with the home owner that PSNH will have it taken down if the home owner agrees to do the clean-up.

One resident asked for clarification regarding the town's right of way from the center of the road. Vannatta explained that typically, a town road is 2 rods wide or approximately 33 ft.

Crane explained that only PSNH and the town highway dept. are restricted to perform maintenance on scenic roads. Property owners are allowed to do whatever cutting or maintenance they want as long as they don't offend any other existing regulations.

Crane stated that leaving stumps behind is not normal practice for PSNH. The Audubon Society likes the stumps left behind for wildlife. Usually PSNH takes the tree down to the ground. If a stump was left behind, it may be that the tree was cut as a quick fix during a widespread power outage and PSNH forgot to go back and remove it the rest of the way.

The general nature of complaints to PSNH deal with clean-up, which PSNH tries very hard to avoid; excessive trimming complaints, and inadequate trimming complaints. Neither extreme, excessive trimming nor inadequate trimming, is something PSNH tries to achieve.

The board unanimously approved the application from PSNH to prune and trim trees along Gillingham Drive.

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, including May 5, June 2 and June 16.

CASE 2008-010: Annexation – Bradley LaClair – Park 10 Road – three lots into two lots

5/19/09 (This hearing was continued from April 21.) The board discussed an opinion received from Bart Mayer, town counsel, regarding the status of the Park 10 paper roads. It was counsel's opinion that Park 10 Road, which bisects one of LaClair's lots, should not be considered as part of the lot size calculation.

Freeman said that she interprets counsel's opinion to say that paper roads could be abandoned by the town except where they are the only access to a lot. Therefore, they are still in force and could be used as access roads or driveways. The town has no right to cut off someone's access to their lot.

McWilliams said that Spring St. does not meet the frontage requirement because it is the wrong kind of frontage by definition, i.e., private easement vs. public right of way. The lots have two nonconforming aspects, size and frontage. This annexation is not making the situation worse; it is making it better by providing access via the proposed 20-ft. right of way.

The sense of the board was that research needs to be done to find out the status of Spring Street since it passes between two lots owned by the same person. Also, clarification is needed regarding Art. 15.2 of the zoning ordinance as to nonconforming lot provision.

McWilliams agreed to discuss this annexation application and the pertinent road issues in detail with counsel.

The board voted to continue this hearing until June 16.

6/16/09 Vannatta advised the board that McWilliams had been in contact with Bart Mayer, town counsel, regarding the interpretation and Mayer's opinion of LaClair's application [see section above re paper roads]. Roger Rodewald was present representing LaClair. Rodewald presented a set of plans which did not include the area of the road and right of way as part of the lot size, per Mayer's legal opinion. The proposed plan annexed three lots totaling 1.159 acres into two lots, one at 0.298 acre and the other at .861 acre. The smaller lot would be considered the "back lot" and would be serviced by a 20-ft.-wide right-of-way off Park 10 Road along the westerly side of the 0.861-acre "front lot". The water source for the back lot would be from an existing spring. Rodewald also presented a plan that showed the potential building envelope for the back lot.

Discussion included the fact that the lot in the back has no frontage from a legal standpoint so would have to be granted a variance from the ZBA prior to receiving a building permit.

McWilliams reported that in general, Mayer's opinion was that these are very small lots and he questioned the viability of creating two building lots from them.

Rodewald said that he thought these lots were grandfathered and therefore automatically buildable lots. He stated that he does not understand why a variance is necessary.

Weiler explained that not all lots are necessarily buildable. If all of the building requirements are not able to be met due to some constriction of the lot, then it is not buildable.

McWilliams clarified that a variance would be necessary to build on the back lot whether a permit was applied for under the existing conditions or after the proposed annexation due to the classification of the right-of-way. He explained that LaClair has a couple of options: 1) Appeal to the ZBA for a variance to build on the lot and then return to the planning board for annexation approval, 2) merge all three lots into one building lot, or 3) leave it as is.

Freeman asked if the ZBA has authority to override the RSAs. McWilliams said no and explained there is a provision in the RSAs which gives authority to the ZBA to grant a variance if it sees fit.

The sense of the board was that in order to give Rodewald enough time to seek a variance, draft new plans and return to the planning board, the time limit for approval after final application should be extended. Rodewald was in agreement.

The board voted to continue this hearing until Sept. 15 at 7:15 p.m.

**CASE 2008-021: Final Site Plan Review – Joan Morena –
Cottage Industry - Therapeutic Massage – Rollins Road**

5/19/09 The board reviewed the site plan submitted by Morena and found all required elements present and addressed. The board signed the site plan.

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