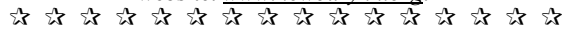


NEWBURY UPDATE

Welcome to the special Town Meeting issue of Newbury Update, offered to give residents a preview of the warrant and some background information. Copies are available at the town office building, library and transfer station, but we strongly encourage you to 'get your copy' at the town website: www.newburynh.org.



Ballot Voting – Tues. March 8 – 1-7 p.m. – Safety Services Bldg.

To vote on the first 3 articles on the warrant – candidates for town office (no contested races this year) and proposed zoning ordinance and building code amendments, summarized on page 3.

Town Meeting – Wed. March 9 – 7 p.m. – White Star Auction Hall

On Rte. 103 in South Newbury, where residents will discuss and vote on the town budget and other warrant articles, summarized below.

Be sure to pick up a Town Report, at the town office and library no later than Feb. 28, for even more information.

Town Warrant – 2005

A preview of the articles to be addressed at Town Meeting follows with a little background information and explanation.

Article 4. To see if the town will vote to raise and appropriate the sum of \$2,662,162 for general operations:

ANNUAL BUDGET	2004	2005
1. Executive	\$103,274	\$117,811
2. Elections	8,681	3,725
3. Financial Admin	123,818	187,837
4. Legal Expenses	33,010	43,000
5. Personnel Admin	285,055	267,390
6. Planning	43,650	38,961
7. Zoning	9,193	8,609
8. Genl Govt Bldgs.	33,193	38,203
9. Cemeteries	20,341	20,755
10. Insurance	45,705	44,000
11. Other Genl Govt.	2,320	2,800
12. Police Dept	254,156	280,826
13. Fire Dept	80,955	78,061
14. Forest Fire	620	1,000
15. Code Enforcement	25,240	22,916
16. Emergency Mgmt	20	100
17. Highway Maint	447,491	417,581
18. Highway Reconst	192,450	186,500
19. Street Lighting	14,500	13,225
20. Transfer Station	212,070	213,688
21. Health Agencies	26,459	25,962
22. Welfare	15,385	15,385
23. Information Booth	6,486	6,830
24. Parks & Rec	30,085	31,880
25. Library	60,088	65,323
26. Conservation Comm	600	600
27. Historical Society	250	250
28. Tax Antic Notes	2,600	1,000
29. Sewer Dept	162,390	128,195
30. Bond/Note Principal	30,000	192,000
“ “ Interest	8,400	88,056
“ “ Issuance Costs	12,500	0
31. Ambulance Deductibles	1,000	0
32. Safety Comm Svcs.	30,590	33,743
33. Cap Outlay Loaders P&L	18,627	0
Cap Outlay Improvemts	32,460	85,950

34. Miscellaneous	15	0
TOTAL:	\$2,373,677	\$2,662,162

>>> Even though the total budget is up by 12%, a majority of that increase is debt service costs for the town office and highway garage construction. The budget without the debt service went up only 1.82% since the Selectmen and Budget Committee found cost savings of more than \$80,000 in other departments. In addition, revenues have increased significantly – estimated to be up \$100,000 over 2004 – and we will not have to put aside as much money for abatements as we did last year. The new equalization rate is expected to be 73% and based on the projected valuation rate for 2005 along with the back-up numbers, Dennis Pavlicek said he expects the town portion of the tax rate, if all the articles presented by the selectmen pass, to go down in 2005 by approximately \$0.03 per thousand, to \$4.17 per \$1000.

>>Annual Budget Notes<<

Some additional explanations on individual budget line items:

2. Elections: only one this year.
3. Financial Admin: includes \$50,000 for first half year of joint assessor. Newbury is 'hosting' the assessor so we carry the total payment in our budget but the amount will be offset by revenues from New London and Sunapee. This joint assessor approach will reduce costs by doing revals in-house as well as providing more standardized and consistent assessments within the three towns. In addition, we no longer have to put \$30,000 per year in a capital reserve fund for revaluation.
4. Legal: to cover several property tax appeals to Superior Court
5. Personnel Admin: reflects reduced unemployment insurance costs. The board switched from Primex to NHMA for unemployment compensation as of Jan. 1, 2005; unemployment insurance rates are lower from NHMA, who will also lock in rates for 3 years.
Selectmen reviewed the Consumer Price Index report for the northeast region (with indexes and the percentage of increase of costs of goods and services from Nov. 2003 to Nov. 2004). The increase was 3.8%. Roughly \$23,000 will cover cost-of-living increases and benefits for town employees. The board agreed to this increase. Merit increases will be addressed after April 1, after department heads review of every employee on their annual date of hire. The dept. head recommendations will then be reviewed with the Board of Selectmen for final approval.
6. Planning: includes increase in legal expenses from \$600 to \$1200, and plans for updating the town Master Plan, on which preliminary work will be done in 2005. A contract with UVLSRPC for up to \$25,000 covers consulting by Ken McWilliams and Master Plan work. \$10,000 designated for Master Plan work in 2004 applied to contract.
8. Genl Govt Bldgs: mowing and fuel costs, heating and electric for new addition, some increase in repair line, general landscaping around town office with help of Beautification Committee. Town buildings will be painted by adult diversion workers, with no cost for the labor.
10. Insurance: Workers' comp and property liability rates locked in with NHMA for 3 years, at rates lower than previously with Primex.
12. Police Dept: salary increases; MRI contract for search for new

police chief and department assessment; weapons are being replaced and upgraded (most were 10 years old, manufacturer's maximum recommended for reliability).

13. Fire Dept: All dept. phone lines now switched to Verizon, which should result in cost savings. New maps needed, will be provided as part of the proposed new mapping system. Training costs include special courses at the spring training conference at Mt. Sunapee, plus six EMT refresher courses and one EMT-Basic course with all testing, additional special courses and CPR.
Town Warrant continued...

15. Code Enforcement: reduced hours and mileage. A new schedule of building permit fees, prepared to better cover the expanded scope of services, will go into effect after Town Meeting if passed and will recoup the approx. 70% of costs attributable to that work.

16. Emergency Mgmt: reflects more realistic figure for potential need, e.g. training, mileage.

17/18. Highway: amount of overtime lowered; no shimming this year because it's fairly caught up and one year won't have big impact; effort to keep budget under control with South Rd. (see warrant article 11 below) being such a large project.

21. Health Agencies: reduced cost for New London Hospital ambulance based on change to charging all towns on per-call basis vs per capita as before.

23. Information Booth: reduction in salaries due to reduced hours (from 8 to 6 per day) and addition of \$2,500 for repairs. Work is needed on the bottom of the booth to retard rotting. Planned is putting it on a slab or raising it and adding skirting.

24. Parks & Rec: a new line item for \$1,000 for "Trails" includes money for signs at Fishersfield for safety and informational purposes, plus bridge or culvert work needed to go over wetlands. It was suggested the Conservation Commission be contacted for assistance and/or partnership in the development of trails at Fishersfield. Line also includes \$3500 for BNSYS; \$12000 maintenance, upkeep, mowing, wages and supplies in harbor/caboose/etc. area, \$3000 landscaping and lawn maint.; \$6000 concerts (half offset by revenue), and allocation for swim lessons which is offset by revenue.

25. Library: includes salary increases

29. Sewer Dept: rebuilding of drying beds work completed. The engineering consultant's test report will show infiltration of water into the system, primarily from manholes. Some work on them has been done, much more is needed. There are about 50 manholes and the cost is roughly \$3,000 - \$4,000 per manhole. Note: This line item is completely offset by user fees.

30. Bond/Note: debt service for 10-year bonds on construction of highway garage and town office expansion.

31. Ambulance Deductibles: established to cover people without insurance; eliminated because there was only one claim since set up.

32. Safety Communication Services: contract for 2005 services from New London Dispatch: \$27,633. Also includes repair/replacement of Fire Dept pagers etc.

33. Capital Outlay: paving at new highway garage and town offices, and re-overlay at library and safety services building.

Article 5. To see if the town will vote to raise and appropriate the sum of \$145,500 to be placed in the following capital reserve funds
Fire Dept. -- \$49,000 Highway Dept. -- \$81,000 Police Cruiser -
- \$12,500 Ambulance -- \$3,000

>>>Increases of \$4000 for fire dept, \$21,000 for highway, based on recommendations of the Capital Improvement Plan (CIP) committee, to ensure funds available when needed as calculated for equipment replacement. Article still down overall from 2004's \$150,600 with elimination of \$30,000 for reval., no longer needed with joint assessor.

>>>Approx. tax rate impact: \$0.29 per \$1000

Article 6. To see if the town will vote to raise and appropriate the sum of \$18,000 to be placed in the following existing RSA 31:19-a maintenance expendable trust funds previously established.

Docks -- \$3,000 Town Office Equipment -- \$5,000 Town Buildings -- \$5,000 Milfoil Control -- \$5,000

>>>The increase from \$500 to \$5,000 for milfoil control is to allow a more aggressive stance in addressing the problem, in concert with Sunapee and New London.

>>>Approx. tax rate impact: \$0.04 per \$1000

Article 7. To see if the town will vote to raise and appropriate the sum of \$53,000 for a new Tax Map system. The Tax Map system will include color ortho photos from a flyover this spring along with a 911 Map, Zoning Map, Buffer Zone Map, color digital Tax Maps, Street Map and GIS software. These maps will also be utilized in our new Master Plan, saving additional costs to the Town.

>>>This will replace an outdated paper-based system, time-consuming to work with and difficult to update. This will be more precise with digital accuracy, easier to update on computer. A new base map of the town would be created from flyover photos taken in late April. Base data would then be added to create the new maps. All structures over 20 feet square would be shown and setbacks noted. The town will own the data, which can be manipulated on the GIS system by using different scales, overlays, etc. There are many possibilities to add data categories as needed by the town. Map and lot numbers will not have to be changed due to scale changes. System is compatible with current equipment.

>>>Approx. tax rate impact: \$0.10 per \$1000

Article 8. To see if the town will vote to raise and appropriate the sum of \$340,000 to purchase property known as the "Bald Sunapee Garden Center," 927 Route 103 (Map/lot# 020-073-257) and furthermore to authorize the use of the December 31, 2004 Undesignated Fund Balance in that amount for this purpose.

The Board of Selectmen is thinking long-range and concentrating on the harbor part of town where commercial and municipal development is centered. The location of this property adjacent to the library and town offices makes it an ideal spot for future expansion. The police dept will need additional space in a few years, the property could provide immediate additional parking for the library. The price is reasonable now; the property will go up in value. As to interim plans for its use, a committee studying all town-owned buildings is examining all possibilities at this time. The property could also provide a good location for a small play area for children.

[Undesignated fund balance is accumulated from unspent appropriations and excess revenues over past years that are kept to handle emergencies. The state Dept. of Revenue Administration recommends it be 5-10% of the overall budget. Last year we appropriated a fair amount of overlay to pay for tax abatements, since we had just gone through a revaluation and saw what happened in New London.]

>>>Approx. tax rate impact: none

Article 9. To see if the town will vote to raise and appropriate the sum of \$70,250 for the purchase of replacement sanders and plows and authorize the withdrawal of \$70,250 from the Highway Equipment fund.

>>>Initially, following the CIP, there would have been a \$130,000 appropriation for a new dump truck this year. Prussman advised the board that the dump truck was in decent enough shape and he'd rather defer that and instead apply funds to replace worn-out equipment – sanders, plows and wing plows. He presented an inventory and condition of all the highway equipment and quotes and the board approved the change.

>>>Approx. tax rate impact: none

Article 10. To see if the town will vote to raise and appropriate the sum of \$46,700 for a new diesel fuel pump and tank. The location will be at the New Highway Garage.

>>>Currently there is a tank at the old garage site, but not up to EPA standards if moved, and not large enough to efficiently provide for current fleet. The new tank will have a 2,000-gallon capacity and be available to the fire dept. The quote includes the cost of a roof and concrete pad.

>>>Approx. tax rate impact: \$0.09 per \$1000

Article 11. To see if the town will vote to raise and appropriate the

sum of \$100,000 to replace a box culvert on South Road.

>>>This project will replace the existing box culvert at the top end of South Road, and in the process straighten out that portion of the roadway and increase the width of the box culvert to match the width of the road. Since road is scheduled for repaving, it makes sense to fix the culvert now rather than tear up a newly paved road. In line with the 5-year plan for highways.

>>>Approx. tax rate impact: \$0.20 per \$1000

Town warrant continued...

Article 12. To see if the town will authorize the Planning Board to require preliminary review of "Major Subdivisions" in accordance with RSA 674:35, I and to make it the duty of the Town Clerk to file a certificate of notice with the Merrimack County Registry of Deeds showing the date the Planning Board has been so authorized in accordance with RSA 674:35, II.

>>>The selectmen recommend approval of this Planning Board requirement for a preliminary review procedure for major subdivisions. It is better and easier for the town to have a chance to review plans before they get too close to final and it's easier to accommodate changes and suggestions.

Article 13. To see if the town will vote to raise and appropriate the sum of \$20,000 to offset the cost of a new ambulance for Bradford Rescue and to authorize withdrawal of \$20,000 from the Ambulance Capital Reserve Fund

>>>Bradford Rescue Squad provides ambulance transport for the southern end of the town. In 2004, Newbury accounted for 25 percent of BRS' calls. A squad committee researched suppliers and surveyed other towns; the chosen vehicle was the most highly recommended. The cost of \$106,690 is less than that paid 10 years ago. Newbury is being asked for \$20,000 toward the purchase.

>>>Approx. tax rate impact: none

Article 14. To see if the town will vote to raise and appropriate the sum of \$14,010 to construct a boundary wall at the Marshall Cemetery.

>>>Removing the barbed wire fence behind the cemetery will enlarge the grounds. This new wall will clearly mark the boundary.

>>>Approx. tax rate impact: \$0.03 per \$1000

Article 15. To see if the town will vote to raise and appropriate the sum of \$1,400 to be placed in the Cemetery Maintenance Trust Fund and authorize the transfer of \$1,400 from the December 31, 2004 undesignated fund balance for this purpose. Said sum represents the sale of cemetery lots in the prior fiscal year.

>>>Housekeeping article to place intended funds in the cemetery trust fund.

>>>Approx. tax rate impact: none

Article 16. To see if the town will vote to raise and appropriate the sum of \$157,500 to pave approximately one mile of Old Province Road beginning at the Old Post Road end. It is currently a gravel road that requires constant maintenance. (By petition.) (Not recommended by the Selectmen.)

>>>Approx. tax rate impact: \$0.31 per \$1000

☆☆☆☆

Working to Protect Newbury's
Rural Character and Control Growth

In the Town of Newbury Master Plan of 1997, residents expressed a strong desire to preserve the town's rural character

In the past two years, the Planning Board and the Selectmen have heard many citizens express concern about Newbury's future as a rural community because of increased development, development pressure due to Mt. Sunapee and the Lake, as well as the way in which land is subdivided. The Selectmen have seen a steady rise in the demand for services in town resulting in steady increases in town budgets directly related to growth.

Development pressure has resulted in a steady rise in the number of major subdivisions and building permits per year.

Much of the land easily developed and suitable for subdivision has already been developed in Newbury.

As a result, our board now sees development proposals for land with sensitive site characteristics such as wetlands, steep slopes, ledge escarpments, historic features, wildlife habitat and the like. These sites are much more difficult to develop and can require blasting and other extreme measures to build roads. Significantly, wildlife habitat is being interrupted, preventing the natural movement of animals.

These developments made the Planning Board realize that it no longer had the necessary tools to safeguard environmental quality and rural character. A review began of our regulations and following are the proposed changes, on which we've held several public hearings to garner comment.

The purpose of these zoning changes is to regulate the density, distribution and building envelope of development and construction within the Residential District so as to:

- 1) Reinforce the goals of the Town of Newbury Master Plan to preserve its rural character,
- 2) Promote construction of housing which maintains and strengthens traditional New England settlement patterns of compact villages surrounded by open, rural landscape,
- 3) Promote the economical and effective use of services and resources, including roads and highways, fire protection and police protection,
- 4) Preserve natural, scenic and historic resources,
- 5) Protect and minimize the fragmentation of natural areas, critical habitat and productive forest, agricultural land and open space.

It is the intent of these regulations to limit development density on land where fragile features and critical natural resources are located. The goal is to balance individual property rights with the protection of the Town's community assets and rural character through appropriate and sensitive land use.

This is an innovative zoning approach, in that, rather than designating multiple zoning districts within the designated Rural Residential District, minimum lot size and maximum density for a site is based upon the unique characteristics of the parcel of land. It takes into account steep slopes, aquifers, wetlands, flood plains and deer wintering areas as well as road access and proximity to protected open space.

Other regulatory work completed includes additional Zoning Ordinance amendments to clarify language and definitions and changes to the Land Subdivision Control Regulations to improve clarity and ease of use.

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Following are the ballots for 2005 amendments to the Newbury Building Regulations and Zoning Ordinance as proposed by the Newbury Planning Board. The board's rationale for each is included. At the polls on Tuesday, March 8, you will be asked to vote 'yes' or 'no' on whether you are in favor of adopting each amendment.

AMENDMENTS TO THE BUILDING REGULATIONS

Amendment 1: Amends Art. III., B. 10. to delete the existing building permit fee schedule and replace it with the requirement to pay a fee determined by the Newbury Building Permit Fee Schedule as promulgated by the Planning Board.

Rationale: The purpose is to provide the Planning Board with greater flexibility in adjusting the fee schedule based on actual costs incurred in performing the various types and complexities of inspections on construction projects.

Amendment 2: Revises Article XI (Enforcement) to cite the applicable state statutes pertaining to enforcement and penalties of a Building Code.

Rationale: The purpose of this amendment is to update the Building Code to include the current references to the state statutes relative to enforcement and penalties of a Building Code.

AMENDMENTS TO THE ZONING ORDINANCE

Amendment 1:

A. Amends Art. V (Residential District) to:

1) revise the purpose section to incorporate the rationale for the provisions pertaining to managing density and establishing building envelopes;

2) add a provision on Building Envelopes; and

3) revise the provisions for determining the minimum lot size and density requirements by incorporating a section that first determines the developable area and then determines the permitted development density.

B. Amends Art. IV (Business District), Paragraph 4.8 Minimum Lot Size/Density Requirement to provide that the minimum lot size/density for residential development in the Business District will follow the requirements as set forth in the Art. V Residential District.

C. Amends Art. II (Definitions) to add definitions for Building Envelope, Deer Wintering Areas, Density and Developable Area.

Rationale: The purpose is “to regulate the density, distribution and building envelope of development and construction within the Residential District so as to:

1) reinforce the goals of the town’s Master Plan to preserve its rural character;

2) promote construction of housing that maintains and strengthens traditional New England settlement patterns of compact villages surrounded by open, rural landscape;

3) promote the economical and effective use of services and resources, including roads and highways, fire protection and police protection;

4) preserve natural, scenic and historic resources; and

5) protect and minimize the fragmentation of natural areas, critical habitat and productive forest, agricultural land and open space.

It is the intent of these regulations to limit development density on land where fragile features and critical natural resources are located. The goal is to balance individual property rights with the protection of the town’s community assets and rural character through appropriate and sensitive land use.

Rather than designating multiple zoning districts within the designated Rural Residential District, minimum lot size and maximum density for a site shall be based upon the unique characteristics of the parcel relative to the presence of Steep Slopes (equal or greater than 25%), Aquifers, Wetlands, Flood Plains and Deer Wintering Areas as well as highway access, distance to the town center, and proximity to protected open space.

Amendment 2:

Amends Art. VIII (Wetlands Conservation Overlay District) to:

1) establish a setback of 75 feet from Wetlands greater than 10,000 sq. ft. in size;

2) remove forestry and cultivation & harvesting of crops as permitted uses in Wetlands;

3) reduce the Wetland area counted in the calculation of effective lot size from 40% to 0%

Rationale: To provide greater protection for Wetlands by establishing a setback from Wetlands and reducing the density of residential development by not counting Wetlands as part of the developable area; and to remove uses that may be harmful to Wetlands.

Amendment 3:

Amends Art. IX (Steep Slopes Conservation Overlay District) to reduce the steep slope area counted in the calculation of effective lot size from 20% to 0%.

Rationale: To further reduce the density of development in steep slope areas that will support and reinforce the purpose of the Steep Slopes Conservation Overlay District. As stated in Art. 9.0, “The purpose of the Steep Slopes Conservation Overlay District is to limit the intensity of development on steep slopes in order to manage the intensity of use which can be harmoniously, appropriately and safely located on steep slopes; protect surface waters from sedimentation, turbidity, runoff of storm water and effluent from sewage disposal systems; and maintain ecological balance.”

Amendment 4:

Amends Art. X (Flood Plain Overlay District) to:

1) prohibit new development in the flood plain;

2) add a section discounting flood plain areas in the calculation of effective lot size; and

3) change ‘Building Inspector’ to ‘Code Enforcement Officer.’

Rationale:

1) Prohibit new development in an unsafe and environmentally sensitive flood plain area;

2) lower the density of development in flood plain areas by discounting those areas from the calculation of effective lot size and

3) make a clarification to reference the current position of Code Enforcement Officer to replace the former position of Building Inspector.

Amendment 5:

A. Amends Art. XII (Cluster Development) to:

1) redefine the purpose of the article;

2) provide density bonus incentives:

a) for increasing the percentage of preserved open space within the Cluster Development and

b) for creating affordable housing units within the Cluster Development and

3) amend the Standards section for Cluster Developments to:

a) add a provision for the protection of natural and cultural resources and

b) establish a minimum open space standard of 40% in a Cluster Development.

B. Amends Art. II (Definitions) to add definitions of Affordable Housing and Low- and Moderate-Income Person/Family.

Rationale:

1. Redefine and provide greater clarity for the purpose behind Cluster Developments;

2. Encourage the use of the Cluster Development approach to land development by providing density bonuses for an increased percentage of open space or provision of affordable housing units within the Cluster Developments; and

3. Strengthen the standards for a Cluster Development by incorporating a provision for the protection of natural and cultural resources and establishing a minimum percentage of open space within a Cluster Development.

Amendment 6:

Amends Art. XX (Aquifer Protection Overlay District) to delete excavation of sand and gravel as a permitted use, to include excavation of sand and gravel with mining of land as a prohibited use and to prohibit lawns in excess of one-half acre per every two acres.

Rationale: Sand and gravel excavations are a land use that can potentially be harmful to an underlying aquifer as a result of exposing the groundwater table to direct contamination from surface storm-water runoff and poorly managed refueling operations resulting in spills of petroleum products which can contaminate the aquifer. Existing sand and gravel operations located within the Aquifer Protection Overlay District would be “grandfathered” as non-conforming uses. The size of lawns over aquifers is proposed to be limited to minimize the potential impact of fertilizers on the aquifer. Since fertilizers will inevitably be used to maintain green lawns, the intent is to limit the size of the area where fertilizers are used.

Amendment 7:

Replaces the word “may” with “shall” in Art. 4.10.1 which places the responsibility on the property owner to apply for a special exception for an accessory apartment.

Rationale: To clarify that applying for a special exception for an accessory apartment is required by the property owner and not optional at the property owner’s discretion.

Amendment 8:

Revises Art. 7.2.2 to add Cunningham Brook to the list of permanent streams that are included in the Shore Land Overlay District.

Rationale: Cunningham Brook was identified by the Newbury Conservation Commission as a permanent stream that was inadvertently left off the list of streams included in the Shore Land Overlay District.

Copies of the zoning ordinance with changes indicated are available for the asking at the town offices.