

**Planning Board**  
**January 2, 2008**  
Approved February 19, 2008

**Members Present: Barbara Freeman, Chair; Bill Weiler, Vice-Chair; Travis Dezotell; Deane Geddes; Ron Williams; Ken McWilliams, Advisor; Bruce Freeman, Observer.**

Mrs. Freeman opened the Building Code/Zoning Amendment Public hearing at 7:10 p.m. and read the public notice.

The Planning Board's Amendment to the Building Regulations proposes to delete Article III. B. 1. This section of the Newbury Building Regulations was adopted before the state adopted the International Residential Code. Now that the state has adopted the latest version of the International Residential Code, there is no need to continue its adoption on a local level. The cover sheet "Important Notice" for the Newbury Building Regulations will be updated to reference this code.

There were no questions or comments from the public.

Mr. Williams made a motion to place this amendment on the ballot for March 2008 Town Meeting. Mr. Geddes seconded the motion. All in favor.

The Planning Board's first Amendment to the Zoning Ordinance proposes to add a new article on Stormwater Management to guide landowners and contractors into practices which will reduce pollution and erosion caused by rain water and snow melt with the goal of moving storm water into the ground instead of over it. In addition to the new Article XXI (Stormwater Management), the amendment would add new definitions to Article II (Definitions), amend Section 7.8 Erosion Control in Article VII (Shore Land Overlay District), amend Section 6.16 Erosion Control and Drainage in Article VI (Blodgett Landing Cottage District) and delete Section 18.7 Erosion Control in Article XVIII (Skyline/Hillside Conservation Overlay District). The purpose of this new article is to guide landowners and contractors into practices which will reduce pollution and erosion caused by rain water and snow melt. The goal is to move storm water into the ground instead of over it.

Gay Sheary asked Mr. Hirshberg to explain this ordinance.

Mr. Hirshberg explained that this process is to incorporate erosion control components and site stabilization into construction sites of 15% or greater slope. It will be concurrent with the building permit process, which will require the owner/builder to think out the construction process. These are proposed standard practices that are applied that need to be thought out, be put down on paper before construction begins and inspected throughout the building process. This is basically part of a watershed protection plan to protect lakes, ponds, streams and abutting property owners of a construction site.

Mrs. Freeman commented that this ordinance also puts controls in place that make sure that Stormwater run-off does not leave the building site.

Sylvia Johnson commented that Lake Sunapee suffers terribly from run-off into the lake from properties in the upland areas.

Mary Thayer asked if this ordinance is applicable to only new construction or also old construction. She commented that there is a lot of run-off through her property from lots in the uplands.

Mrs. Freeman explained that this ordinance only applies to new construction.

Mr. Hirshberg added that this ordinance also puts the requirements on individual lots, not just new subdivisions. He stated that if there are erosion problems from other lots, those situations should be reported to D.E.S., and D.E.S. will investigate the situation. He informed the Board and the Public that one of the suggestions in the proposed ordinance to address water overflow is a rain garden, which is a garden designed with specific types of vegetation to absorb run-off before it leaves a site and thereby reduces the volume of water.

David Thayer asked the Board if the Town has the manpower to enforce this proposed ordinance.

Mr. Hirshberg commented that one of the things that is written into this ordinance is that it gives the Board of Selectmen the authority to charge a fee or require a bond which would help fund more time for the building inspector to be on the job to oversee the building sites; or the funds could be used for bonding in lieu of corrective actions by the Town.

There were no further questions from the public.

Mr. Weiler made a motion to place this amendment on the ballot for March 2008 Town Meeting. Mr. Williams seconded the motion. All in favor.

Mr. Hirshberg informed the Board that part of the requirement for the grant to draft this ordinance is that this ordinance should be shared with other entities like SAWC. Therefore, there is a meeting with SAWC scheduled on January 10, 2008 at Colby Sawyer College to present this proposed ordinance.

The Planning Board's second proposed amendment to the Zoning Ordinance proposes to amend Article X (Flood Plain Overlay District), add and amend definitions in ARTICLE II (Definitions) and Amend ARTICLE XVI (Board of Adjustment). These changes are needed in order for the Town to remain in compliance with the National Flood Insurance Program and for residents to continue to be able to purchase flood insurance. The proposed amendments to the floodplain regulations are necessary for the Town's

regulations to meet minimum requirements of the National Flood Insurance Program (NFIP). This program makes flood insurance available to any resident in a community that adopts and enforces floodplain regulations that meet the minimum requirements of NFIP. These changes are needed in order for the Town to continue to participate in the NFIP and for residents to continue to be eligible to purchase flood insurance.

There were no questions or comments from the public.

Mr. Weiler made a motion to place this amendment on the ballot for March 2008 Town Meeting. Mr. Dezotell seconded the motion. All in favor.

The Board reviewed the minutes of December 4, 2007 and made corrections.

Mr. Weiler made a motion to approve the minutes of December 4, 2007 as corrected. Mr. Dezotell seconded the motion. All in favor.

#### **CASE: Adm1-061: Masterplan – Implementation Chapter**

Mrs. Freeman informed the Board that Gerry Gold sent a letter to the Board stating that there is a permanent stream that was left out of the Masterplan. This particular stream runs down Mt. Sunapee into the lake somewhere in the vicinity of the information booth.

Mr. Weiler explained that the purpose of the shoreland overlay district was originally designed to protect the lakes and now includes streams. The approach that was taken was to choose the permanent streams as those indicated on the USGS map. Since then, there have been requests to add streams to the shoreland district. The Board has taken the requests under advisement and has gone out in the dry months of the year to determine if the relative stream is permanent or intermittent. He stated that the Masterplan should not be showing proposed streams, only those that have been voted on at Town Meeting as permanent streams.

Mrs. Freeman stated that she will write an email to Mr. Gold and explain to him the procedure for changing the designation of a stream from intermittent to permanent.

The Board reviewed the Implementation Chapter and made corrections and changes.

Mr. Weiler made a motion to adjourn. Mr. Williams seconded the motion. All in favor.

Meeting adjourned at 8:45 p.m.

Respectfully submitted,  
Linda Plunkett  
Recording Secretary