

## 2006 NEWBURY MASTER PLAN

### CHAPTER II

#### NATURAL RESOURCES

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##### **Recommendations: Forest Resources**

1. The Conservation Commission should study and evaluate whether additional safeguards are needed relative to forestry practices which can cause significant adverse impacts on stream and lake water quality if storm water drainage is not adequately managed. The Commission should consider the use of Low Impact Development (LID) techniques to reduce stormwater runoff and sedimentation from forestry practice. The Commission should bring any recommended amendments to local land use regulations to the Planning Board for consideration and any recommended changes to the state laws governing forestry practices to the attention of the local legislators.
2. The Planning Board should reevaluate the standards and controls provided by the Subdivision Control Regulations and the Site Plan Review Regulations relative to management of storm drainage generated by new subdivision and site developments respectively. In particular, clearing of lots for development needs to be incorporated into surface water drainage plans to ensure proper management of storm water flows generated by developments. The Planning Board should consider incorporating the use of Low Impact Development (LID) techniques to reduce stormwater runoff and sedimentation into the Subdivision Regulations and the Site Plan Review Regulations.
3. The Planning Board should consider expanding the boundaries of the Skyline/Hillside Conservation Overlay District aimed at protecting the Town's scenic quality and rural character. The Planning Board should study and monitor the effectiveness of the administration and enforcement of the provisions of the Skyline/Hillside Conservation Overlay District, and, if needed, make recommendations to improve techniques to administer and enforce the provisions of the District.
4. To curb the practice of forest clear-cutting prior to subdividing or developing a parcel, the Planning Board should incorporate a standard into their regulations restricting the subdivision or development of a parcel for five years if it has been clear-cut.
5. The Planning Board should study developing and incorporating site development design standards into the Zoning Ordinance and/or Subdivision Control

Regulations which would preserve rural character. These site development design standards would include protection of significant natural and open space resources through development of siting standards for maximum building envelopes. A building envelope area is defined as the area within the lot which conforms with all setback and buffer requirements, and includes enough developable land to accommodate the construction of a typical rural lot, including a house, driveway, on-site wastewater disposal system and a water well.

Defining a maximum building envelope area will assist in managing the amount of tree removal and site disturbance on lots in new developments. It would permit the Planning Board some measure of management over the location and siting of new homes, particularly when trying to preserve natural features such as open fields, agricultural resources, wetlands, streams, ponds, groundwater, wildlife, natural communities & rare plant species, scenic resources, skylines and ridge lines, steep hillsides, and flood plains.

The Planning Board should consult the following publications, among others, in developing such subdivision design standards to preserve rural character:

- “Preserving Rural Character” - Planning Advisory Service Report # 429; and
- “Dealing with Change in the Connecticut River Valley: A Design Manual for Conservation and Development” - Yaro, Robert D., et al.

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### **Recommendations: Agricultural and Open Space Resources**

1. The Newbury Conservation Commission should work closely with the local and state land protection organizations to preserve some of this remaining scarce resource through the use of conservation easements or fee simple acquisition.
2. The Town should consider amending the Zoning Ordinance to give the Planning Board the authority to require an alternative development layout, such as that provided by the Cluster Development Ordinance, in lieu of the standard suburban lot layout, in instances where the Planning Board feels a proposed development may adversely affect significant natural or historic resources such as an important parcel of agricultural or other open space land.
3. Agricultural resources are another natural resource that can be preserved through the use of maximum building envelopes for new lots. Refer to Recommendation #5 under **Forest Resources**.

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### **Recommendations: Earth Mineral Resources**

1. Once the updated Soil Survey of Merrimack County is available, then the Planning Board should have maps prepared identifying the locations of construction materials in Town.
2. The Planning Board should consider developing and adopting local earth excavation regulations for new or expanded gravel pits. These local earth excavation regulations should establish operation and reclamation standards which exceed the minimums established by the state law governing local earth excavations (RSA 155-E).

It is important that excavation operations be performed with care. Plans for excavations should consider impacts on aesthetics, wildlife, ground and surface waters, air quality, roads, adjacent land uses, and the character of the surrounding area. Restoration plans and security to ensure implementation of those plans are needed for every excavation.

3. Until the Planning Board develops and adopts local earth excavation regulations, the Planning Board should carefully review each application for a new or expanded earth excavation to ensure the operation will comply with the provisions of RSA 155-E, including the Minimum and Express Operational Standards, the Minimum Express Reclamation Standards, Incremental Reclamation and Prohibited Projects.

In reviewing an earth excavation application for a new or expanded gravel pit, the Planning Board should call upon any outside engineering or environmental consultants, including the Natural Resource Conservation Service, at the applicant's expense, for advice on potential adverse impacts of the proposed operation and recommendations on how to mitigate those impacts, and review of the proposed reclamation plans.

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### **Recommendations: Wildlife and Rare Plant Species Resources**

1. The Planning Board should refer any subdivision or site plan review application which is proposed within the three broadly outlined areas identifying the possible occurrence of rare plant species (as located on Map II-7: Rare Plant Species and Natural Communities) to the New Hampshire Heritage Program at the N.H. Department of Resources and Economic Development for review and comment on any potential impacts on these rare plant species.
2. The Newbury Conservation Commission has developed a community inventory of wildlife and their essential habitat requirements to supplement the deer wintering area information developed by the N.H. Fish & Game Department. This inventory can then serve as the basis for development of a wildlife habitat overlay

map which can be used to evaluate the potential wildlife habitat impacts of new development proposals. The inventory could also serve as the basis for changes to zoning regulations and/or subdivision regulations so that any adverse impacts from new developments on remaining essential wildlife habitat are minimized.

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### **Recommendations: Scenic Resources**

1. The desired image of rural character can best be achieved by reversing the pattern of strip suburban residential development along the existing rural road system. For larger parcels, a less suburban pattern of residential development can be accomplished by creating interior roads providing access for new lots and creating open space along the existing rural road system. Alternatively, minor subdivisions of small parcels creating new lots fronting and accessing on the existing rural road system can increase the setback for new structures from those roads. The preferred pattern of residential development would be to promote open space along the existing road system, and develop residential uses behind these field or forest open spaces adjacent to the rural roads.

Scenic resources are another natural resource that can be preserved through the use of maximum building envelopes for new lots. Refer to Recommendation #5 under **Forest Resources**.

2. The Planning Board should consider expanding the boundaries of the Skyline/Hillside Conservation Overlay District aimed at protecting the Town's scenic quality and rural character. The Planning Board should study and monitor the effectiveness of the administration and enforcement of the provisions of the Skyline/Hillside Conservation Overlay District, and make recommendations to improve techniques to administer and enforce the provisions of the District.
3. Newbury should continue to participate in the Scenic and Cultural Byway Study along Route 103 and to pursue funding to implement such a scenic byway. This could include funding for items such as conservation or scenic view easements and acquisition and development of scenic view pull-offs or turn-outs.

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### **Recommendations: Water Resources: Brooks, Ponds and Lakes**

1. Newbury, along with the other communities in the Lake Sunapee Watershed, should continue to participate as part of the Sunapee Area Watershed Coalition's effort to develop a watershed management plan. This study, projected to be

completed by the end of 2007, is funded through a NH Department of Environmental Services Pilot Grant. The purpose, in part, is to study the link between water quality and the increase in impervious surface coverage resulting from land use development.

2. Consider the feasibility of increasing the shoreline buffer width to the one hundred foot minimum to increase protection of surface waters in Newbury as recommended by the publication: "*Buffers for Wetlands and Surface Waters - A Guidebook for New Hampshire Municipalities, Revised May, 1997*".
3. The Zoning Ordinance should be amended to require that shoreline buffer zone ground covers and shrubs be left intact to the fullest extent practical.
4. Strengthen the Zoning Ordinance to decrease the nutrient loading into water bodies associated with the use of fertilizer.
5. Steps the Town can take to ensure that development is not sited or constructed in a way that will lead to sedimentation of surface waters include:
  - A. strengthening the Town's zoning and subdivision regulations to ensure that proper care is taken to prevent erosion and sedimentation during and after construction when development occurs on moderate slopes (15%-25%), by requiring erosion/sedimentation control plans for these steeper areas. The Planning Board should consider incorporating the use of Low Impact Development (LID) techniques to reduce stormwater runoff and sedimentation into the Subdivision Regulations.
  - B. adopting driveway regulations with standards to limit the grade of and control runoff from driveways that can themselves be a source of erosion problems; and
  - C. strengthening the Site Plan Review Regulations to ensure that larger construction projects, including those involving reuse or redevelopment of a site, do not generate erosion and sedimentation during or after construction.
6. Carefully study the potential impacts of centralized wastewater treatment and disposal, including the anticipated density and character of development that would result and the associated water quality impacts.
7. Cooperate with the State's efforts to control pollution associated with boating.

8. Cooperate with the State's efforts to eliminate the introduction and spread of nuisance species in lakes.
  9. The Town and State should provide ongoing opportunities for those responsible for road construction and maintenance to learn about cost effective methods for reducing the amount of polluted runoff that enters surface water from roads, and sand and salt storage areas.
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**Recommendations: Water Resources: Floodplains**

1. Continue to update Newbury's land use regulations as needed to meet FEMA's minimum requirements for participation in the National Flood Insurance Program.
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**Recommendations: Water Resources: Wetlands**

1. The Planning Board should study and monitor the effectiveness of the administration and enforcement of the provisions of the Wetlands Conservation Overlay District, and, if needed, make recommendations to improve techniques to administer and enforce the provisions of the District.
  2. Low Impact Development (LID) techniques should be used to manage stormwater runoff adjacent to wetlands to assist in the process of filtering potential pollutants from the runoff.
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**Recommendations: Water Resources: Groundwater Resources**

1. Newbury's Zoning Ordinance and Site Plan Review Regulations should be reviewed to ensure that existing and future private supply wells throughout town are protected from activities that are associated with hazardous substances. Local land use boards should closely scrutinize nonresidential land use proposals through Special Exception and Site Plan Review processes for potential adverse impacts on the groundwater

The Planning Board recommends there be a study done in conjunction with the NH Department of Environmental Services of what groundwater resources for private wells should be protected in Newbury and how to protect those resources. The Planning Board encourages property owners to test existing wells for water quality and install treatment systems as needed.

2. When given the opportunity, Newbury should participate in regional hazardous waste collections to provide a practical, cost-effective means of disposal.
3. Since potential public supply well sites are limited in Newbury, consideration should be given to land banking a well site for future needs.
4. The Town and State should provide ongoing opportunities for those responsible for winter road maintenance to learn about safe, cost-effective methods for reducing the use of road salt.

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