

APPROVED APPROVED APPROVED APPROVED APPROVED

**MINUTES OF THE NEW CASTLE PLANNING BOARD
Wednesday, November 29th, 2023 – 7:00 p.m. (Macomber Room)**

Public Hearing for Applicant Christine’s New Castle, LLC, 136 Wild Rose Lane, Tax Map 3, Lot 8A, for a Conditional Use Permit for construction of a detached Accessory Dwelling Unit on the grounds in the general location of the existing detached garage. Zoning Ordinance 6.6.

Public Hearing for Ross Conley, LLC, 24 Salamander Lane, Tax Map 18, Lot 32, for a Conditional Use Permit for work within the tidal buffer zone to repair an existing seawall and revetment. Zoning Ordinance 9.2.5.

Public Hearing on a proposed amendment to the Zoning Ordinance Section 9.2.10 Local Shoreland Permit to also include DES Wetland Permit approvals as well.

Public Hearing on a proposed amendment to the Subdivision Regulations 5.2.2.2 to eliminate the wording requiring posting Public Hearings in a newspaper and replacing it with publishing it on the Town’s website instead.

Members Present: Darcy Horgan, Chair; Anne Crotty; Nancy Euchner; Lorne Jones; Rich Landry; Kate Murray.

Members Absent: Bill Stewart.

Others Present: Jim Cerny; David Severance; Eric Weinrieb, Altus Engineering, LLC.

Chair Horgan called the meeting to order at 7:00 p.m. Noting a quorum, Chair Horgan indicated that the voting members are herself, Anne Crotty, Rich Landry, Kate Murray, and Lorne Jones. Nancy Euchner is an alternate.

1. Welcome to Nancy Euchner as a new Alternate member of the Planning Board.

Chair Horgan welcomed Nancy Euchner as the newest alternate member of the Planning Board.

2. Announcement of the resignation of Iain Moodie from the Planning Board.

Chair Horgan announced that Mr. Moodie had to resign from the Planning Board because he no longer met the requirements to serve on a Town Board. A new Planning Board liaison will be needed for the Conservation Commission.

3. Public Hearing for Applicant Christine’s New Castle, LLC, 136 Wild Rose Lane, Tax Map 3, Lot 8A, for a Conditional Use Permit for construction of a detached Accessory

**Dwelling Unit on the grounds in the general location of the existing detached garage.
Zoning Ordinance 6.6.**

Chair Horgan noted that the Board needs to vote to accept applications as complete. In other words, the Board needs to ascertain whether there is sufficient information in the packet presented to make a decision on the application. Chair Horgan stated that abutters have been notified and the fees have been paid for this application. *Ms. Murray motioned to accept the application for Applicant Christine's New Castle, LLC, 136 Wild Rose Lane, Tax Map 3, Lot 8A, as complete.* Mr. Landry seconded. Motion passed unanimously.

Eric Weinrieb of Altus Engineering presented on behalf of the Applicants, who were unable to be present at this meeting. The Applicants were previously before the Planning Board in September for work within the wetland buffer. They now have a shoreland permit and expect to have the wetlands permit from NHDES tomorrow. Once they have wetlands permit, they will file the septic permit with the State.

The Applicants are proposing to construct a new house on the lot. The lower garage will be maintained as is and used for maintenance equipment. The garage on the upper level at the turnaround area is proposed to be razed and replaced with a new 1,200 square foot detached ADU. Mr. Weinrieb explained that the architect had previously designed the ADU in excess of 1,200 square feet, which is not permitted by the zoning requirements. The new structure will be in almost the same location as the existing building. There will be a single septic system with a common septic tank and new leach field. No work will be within the 50 foot buffer, and no wetlands will be impacted.

Mr. Weinrieb went through the criteria for a Conditional Use Permit per Section 6.6.5. The ADU is within a low density residential zoning district, which allows single-family dwellings and one ADU per property. The ADU will be a detached structure, which is permitted. Both the principal dwelling and the ADU comply with all of the building setback requirements, lot, and building coverage requirements. The parcel is more than two times the minimum lot size in the zoning district. There are two designated parking spaces for the ADU. Both the primary and accessory dwelling units will be connected to the newly constructed water main on Wild Rose Lane. A new state of the art, advanced treatment septic system will be installed 76 feet from the tidal waters and will meet all criteria. The property owners intend to occupy the primary dwelling as their principal residence, and have no intention of subdividing the lot or renting out the ADU. The architecture of the ADU will be in keeping with that of the principal house. The proposed ADU will not exceed 1,200 square feet and will have two bedrooms. Both the primary and accessory dwelling units are new construction that is code compliant. The work will not commence until all local, state, and federal permits are received.

Mr. Weinrieb noted that the ADU was previously going to be a bit closer to the resource, but NHDES wanted it further away from the resource and to maintain more natural vegetation. The door with the walkout depicted on the plans will no longer be constructed.

Ms. Murray expressed concern that the ADU will be turned into a condo because this has happened in the past with other ADU applications. Mr. Landry noted that part of the ADU requirements is that it remain in common ownership.

Chair Horgan opened the public hearing at 7:27 p.m. Hearing no comments from the public,

Chair Horgan closed the public hearing at 7:27 p.m. and opened discussion back up to the Board.

Ms. Murray and Chair Horgan both appreciated how the structure has been pulled out of the 100 foot buffer.

Ms. Murray motioned to approve the application for Applicant Christine's New Castle, LLC, 136 Wild Rose Lane, Tax Map 3, Lot 8A, for a Conditional Use Permit for construction of a detached Accessory Dwelling Unit adjacent to the driveway, as presented in the Altus Engineering plans dated November 1, 2023. This approval is conditioned upon the following: 1) the lower level walkout from the rear of the ADU is removed, and 2) approval of all state and federal permits and approval of the septic design for the site. Approval is based on the Applicant having met all criteria for a Conditional Use Permit for an Accessory Dwelling Unit as stipulated in the New Castle Zoning Ordinance Section 6.6.5. Mr. Landry seconded. Motion carried unanimously by a vote of five to zero.

4. Public Hearing for Ross Conley, LLC, 24 Salamander Lane, Tax Map 18, Lot 32, for a Conditional Use Permit for work within the tidal buffer zone to repair an existing seawall and revetment. Zoning Ordinance 9.2.5.

Chair Horgan noted that the applicant had informed Duncan Mellor from Civilworks New England that he wanted to make changes to the plan. These changes would require re-doing the plan, so the applicant requested to continue this hearing.

Mr. Landry motioned to continue the Public Hearing for Applicant Ross Conley, LLC, 24 Salamander Lane, Tax Map 18, Lot 32, for a Conditional Use Permit for work within the tidal buffer zone. Mr. Jones seconded. Motion carried unanimously.

5. Public Hearing on a proposed amendment to the Zoning Ordinance Section 9.2.10 Local Shoreland Permit to also include DES Wetland Permit approvals as well.

Chair Horgan stated that this request came from Building Inspector Russ Bookholz. The amendment would give the Building Inspector authority to inspect anything in Town that has been approved by the State. It will allow the Building Inspector to enforce what is included in applications, such as buffer protections.

Chair Horgan opened the public hearing at 7:43 p.m. Hearing no comments from the public, Chair Horgan closed the public hearing at 7:43 p.m.

The proposed new language is in bold and underlined below.

Chair Horgan motioned to advance the following Zoning Ordinance amendment to a warrant article at the Town meeting in May 2024:

9.0 OVERLAY ZONING DISTRICTS

9.2 WETLANDS CONSERVATION DISTRICT

9.2.10 Local Shoreland/Wetlands Permit

If a State Shoreland Permit is required under RSA 483-B; or a DES Wetlands Permit is required under RSA 482-A, a local Shoreland/Wetlands Permit shall also be required, and may be obtained through the Building Inspector/Code Enforcement Officer's office.

Ms. Murray seconded. Motion carried unanimously.

6. Public Hearing on a proposed amendment to the Subdivision Regulations 5.2.2.2 to eliminate the wording requiring posting Public Hearings in a newspaper and replacing it with publishing it on the Town's website instead.

Chair Horgan explained that the public hearing notice requirements have changed. By RSA, applicants are no longer required to publish in a newspaper. The RSA now allows for the applicant to post in two places in Town, plus a third place, which can be the Town's website if clearly posted on the front page.

Chair Horgan opened the public hearing at 7:50 p.m. Hearing no comments from the public, Chair Horgan closed the public hearing at 7:50 p.m.

The proposed new language is in bold and underlined below.

Chair Horgan motioned to approve the following amendment to the Subdivision section of the Zoning Ordinance:

SECTION 5

5.2 FORMAL APPLICATION

5.2.2 Public Hearing and Notice Requirements

*5.2.2.2 The public shall be given notice at the same time by posting the hearing notice at the New Castle Town Hall, ~~and at the Town Bulletin Board at the New Castle Post Office~~ **and on the Town of New Castle's website**, ~~and shall be published in the Portsmouth Herald or other newspaper of general circulation in the Town.~~*

Mr. Jones seconded. Motion carried unanimously.

7. Approve minutes to the October 25, 2023 meeting of the Planning Board.

Mr. Landry moved to approve the minutes as amended on page 2 for the Planning Board meeting on October 25, 2023. Ms. Crotty seconded. Motion carried unanimously.

8. Continued discussion on Zoning Ordinances that may need revising.

Chair Horgan announced that the public input session on the Master Plan draft will be held in the Macomber Room on November 30, 2023 at 7:00 p.m. The draft is available on the Town website. All residents are encouraged to attend the session.

Mr. Landry discussed the building area ordinance and its purpose, which is to keep the uniform character of the Town and prevent overbuilding. He felt that square footage has nothing to do with design, and design is what dictates whether a house gives a sense of overcrowding. Mr. Landry shared an example of the application from 26 Laurel Lane that went before the ZBA last night. The applicants in that case requested a building area of 6,979 square feet where 5,537 square feet existed and 4,905 square feet is allowed. Mr. Landry felt that the architect did a great job of designing the house so that the increase in square footage is barely visible, and he showed the renditions from all perspectives of the house. Board members agreed that they did not have an issue with the way the revised house will look.

Mr. Landry suggested that if an application will exceed the building area requirement, perhaps the applicant should have to come before the Planning Board for a design review or something similar. Board members discussed having a design review committee and what the pros and cons would be. In Mr. Landry's experience, this type of committee is for commercial properties and not residential ones. Mr. Landry will work on getting feedback on this topic from the Rockingham Planning Commission.

9. Old Business.

None.

10. New Business.

The next Planning Board meeting will be held on Wednesday, January 3, 2024 at 7:00 p.m. at the Town Hall.

11. Adjourn.

There being no further business, Ms. Murray moved to adjourn the meeting. Ms. Crotty seconded. The motion carried, unanimously, and the meeting adjourned at 8:59 p.m.

Respectfully Submitted,

Meghan Rumph
Recording Secretary