

MINUTES OF THE NEW CASTLE CONSERVATION COMMISSION
Tuesday, March 5th, 2024 – 5:00 p.m. (Town Hall)

76 Beach Hill Road, Tax Map 10, Lot 34. Applicant: WEDC Revocable Trust.
Representative: TF Moran, Inc. Proposed: Raze existing house and replace with new house and new leach field.

350 Portsmouth Avenue, Tax Map 14, Lot 01. Applicant: Kittery Point Yacht Club.
Representative: Ambit Engineering, Inc. Proposed: Conditional Use Permit for work within the 100 foot wetland buffer.

Members Present: Beth Barnhorst; Jim Cerny, Interim Chair; Tom Chamberlin; Tony Coniglio; Jim Rini; Conni White, Consultant.

Members Absent: None.

Others Present: Mike Cerbone, TMS Architects; Corey Colwell, TF Moran, Inc.; Jason Cook, TF Moran, Inc.; Christina Englander; Tim Giguere, TMS Architects; Paul Legere; Steve Riker, Ambit Engineering, Inc.

1. Call to Order.

Mr. Cerny, serving as Interim Chair, called the meeting to order at 5:00 p.m. Voting members are Ms. Barnhorst, Mr. Chamberlin, Mr. Coniglio, Mr. Rini, and Interim Chair Cerny.

2. Approve minutes of the January 9, 2024 meeting.

Mr. Chamberlin made a motion to approve the minutes of the January 9, 2024 meeting as submitted. Mr. Coniglio seconded. Motion carried unanimously.

3. Applications.

- A. 76 Beach Hill Road, Tax Map 10, Lot 34. Applicant: WEDC Revocable Trust.**
Representative: TF Moran, Inc. Proposed: Raze existing house and replace with new house and new leach field.

The Commission conducted a site walk prior to the meeting. Present at the site walk were Beth Barnhorst, Tom Chamberlin, Tony Coniglio, Jim Rini, and Conni White. Also present were Jason Cook and Corey Colwell from TF Moran, Tim Giguere and Mike Cerbone from TMS Architects, and homeowner Christina Englander.

During the site walk, Ms. Englander explained that the home has been in her husband's family since his great uncle built the house. The Englanders have been staying at the house every

summer, and they purchased the home in 2022 to keep it in the family. The existing house has deteriorated and has numerous problems, including mold, water leaks, poor insulation, and cracks in the foundation.

The Englanders would like to build a new house outside of the flood zone that conforms to FEMA flood regulations. The house will be moved 14 feet further back from Piscataqua River. The elevation of the house is proposed to increase from 18 feet to 21.5 feet. The existing sea wall that runs along Bull Toad Pond will be extended to protect both the resource and the home. The landing area of the driveway next to the garage will be converted to pervious paver. There will be a drip edge along the northern part of the house. Water runoff will be directed via gutters to the pervious pavers and stone infiltration areas. Under the proposed deck will be a stone bed to allow for further infiltration.

At the meeting, Mr. Cook presented further information. The Englanders wish to create a new house while respecting the land and surrounding area. They hope to move the house further away from Bull Toad Pond and the Piscataqua River. The house will be seven feet further away from the pond, and will be five feet further away from the river. The house will be pushed outside of the flood zone and will be raised 3.5 feet. The front of the existing house is in line with the proposed deck. The existing sea wall will be extended along the pond to provide further protection to the house. The wall will be kept the same style and height. The applicants are proposing a Septi-Tech advanced treatment system with a pre-treatment chamber. The existing leach field will be removed and a new leach field will be placed further away from the pond and river.

The existing driveway is paved with a large turnaround area. The proposed driveway will be smaller, with a large portion consisting of pervious pavers to allow water infiltration. There will be a stone drip edge along the north end of the house, which will route water through a perforated pipe toward the driveway, where there will be a stone bed under the pervious pavers. Gutters on the roof will direct water to a stone bed under the deck. The deck will have gaps to allow water infiltration. Overall, the peak rate flows of water runoff will be improved as a result of the project. The proposed landscaping around the site includes plantings along the pond, between the driveway and pond, between the house and the river, and between the deck and porch area to serve as a natural buffer for water infiltration coming off the roof.

Ms. Barnhorst expressed concern about the hot tub shown in the plans, and asked how the water will be changed. Mr. Giguere noted that the covered porch will be 81.9 feet away from the resource, whereas the existing porch is 77 feet away. Ms. Barnhorst was also concerned about the pervious paver driveway being properly maintained, as it is not effective if it is not maintained. Mr. Colwell responded that the applicants can submit a maintenance handbook as part of the submission to the Planning Board.

Mr. Coniglio asked about the net change in impervious surface. Mr. Colwell stated that it will be 107 square feet higher post-construction, and will increase from 14.87% to 15.14%, which is still under the 20% allowed. Mr. Cook confirmed that the deck is being counted as impervious.

Ms. Barnhorst pointed out that the lot does not have a lot of existing plantings, and she worried about trees being removed so close to multiple water sources. Mr. Cook explained that the

project will go through NHDES Shoreland and Wetland application processes. Mr. Colwell added that there are two to three trees, specifically a birch tree and a red pine, that may need to be removed to make room for construction, but all are outside of the 50 foot wetland buffer. 48 plants are proposed in the landscaping plan. The goal is to add more vegetation to the lot to aid in stormwater treatment. Mr. Rini suggested that the proposed planting area along the wall can be widened and the gaps can be filled in. Mr. Colwell agreed to these suggestions. He added that the infiltration area under the deck will capture a lot of the water, and the test pits done in front of the garage showed water infiltration at eight minutes per inch, which is very good.

Mr. Rini discussed the gutters and felt that much of the water will drain east and west based on the proposed drawings. Mr. Giguere responded that the front or northern part of the house will have a drip edge, and there will be gutters on the south end. They can look into adding gutters on the eastern side of the house. Mr. Colwell pointed out that the main portion of the house is a gable end, so there would no be runoff on the eastern end. The covered porch will have a wrap-around gutter.

Mr. Coniglio asked if the metal fence would be kept. Ms. Englander responded that she would be open to removing it. He also asked why the proposed pervious part of the driveway is not made larger. Mr. Cook stated that a transition point from pervious to impervious was chosen because of the natural change in the driveway, and the driveway gets steeper as it gets closer to the road, so water would runoff if there were pervious pavers in that section.

Ms. Barnhorst commented that the proposed house will be more non-conforming and with a bigger house footprint. Mr. Colwell noted that the Zoning Ordinance is what governs the allowable square footage of living space, and the lot would actually support more square footage under the ordinance than what is being proposed. The allowable building area is 7,857 square feet, and proposed is 6,966 square feet. The entire lot is upland, and the applicants will actually be decreasing nonconformities by pulling the house further away from the wetland. In addition, they will not require any zoning relief.

Mr. Cerny opened the public hearing at 5:34 p.m. Conni White asked where the water in the basement will get pumped in the event of a big storm. She noted that the pond drains to the beach, and the Great Island Commons beach, which sometimes needs to be closed because of nitrogen levels. It is important to keep the pond as clean as possible and limit water runoff into the pond. Mr. Cook responded that it would get pumped out of the basement into the grass. Ms. White would like to see some kind of catch basin used, and would like the Commission to consider a natural well or pump system to get rid of the water. Mr. Cook stated that the goal would be to discharge water to the front of the house away from the pond and river, so they could look into installing a drywell in the front. Paul Legere noted that the drywell could be used for discharge from the hot tub as well. Hearing no further comments from the public, Mr. Cerny closed the public session at 5:38 p.m.

Mr. Rini motioned to recommend approval of the application for WEDC Revocable Trust, 76 Beach Hill Road, Tax Map 10, Lot 34, per the TF Moran, Inc. plans dated February 12, 2024 and June 27, 2023, to raze the existing house and replace with a new house and leach field. This recommendation is conditioned upon the following: 1) gutters be installed on the eastern and southern portions of the structure; 2) a more intricate and developed landscape plan be presented

for approval to the Conservation Commission; 3) an adequate drywell/catch basin be installed to the east of the home; 4) a maintenance plan be developed for the pervious portions of the driveway; and 5) that the hot tub utilize salt water and that any discharge be drained into the drywell/catch basin. Mr. Coniglio seconded. Motion carried unanimously by a vote of five to zero.

B. 350 Portsmouth Avenue, Tax Map 14, Lot 01. Applicant: Kittery Point Yacht Club. Representative: Ambit Engineering, Inc. Proposed: Conditional Use Permit for work within the 100 foot wetland buffer.

Steve Riker of Ambit Engineering, Inc., a division of Haley Ward, Inc., presented on behalf of the Kittery Point Yacht Club (KPYC). The KPYC has a pending wetland application before the DES. The DES will be looking for comment from the Conservation Commission, and the Planning Board will also want comments for the Conditional Use Permit application. The KPYC purchased a property that has 555 feet of frontage and no existing structures. A topographic study was conducted and used new drone technology to show different features, such as mud flats and exposed ledge. Water depths were also examined.

Marsh elder, considered an endangered species in NH, was located on the site, so the dock will be designed around this. There are no eel grass or shellfish beds associated with this portion of the Back Channel. According to Mr. Riker, the Natural Heritage Bureau had no concerns with the project other than requesting that orange construction fencing be put around the marsh elder during the construction.

Mr. Riker presented the NHDES permit plan showing the proposed tidal docking structure. The fixed pier portion must be pile supported, with the piles being at least 12 feet apart. This particular dock will have piles 15 feet apart with a six foot by 50 foot fixed wood pier supported by the piles. There will be a four foot by 40 foot gangway that can be removed in the winter, and a T-shaped float to land the gangway on. The landing float and main float will be secured by dolphin piles. Float stops are required by DES so that the float does not rest on the mudflat at low tide, and will instead rest on the float stop. Mr. Riker presented details for the pier section and float stops. The main float is eight feet wide by 150 feet long. The overall length of the dock is 112 feet long, which is measured from the highest observable tide line where the fixed pier starts. Mr. Riker showed how far away the dock will be from the property line extended. It must be at least 20 feet away, and will be 154 feet to 254 feet away from the property lines.

The dock is primarily constructed from a barge using a vibratory hammer. No impact hammering will be used for the installation of the piles. The process will likely take about one year from start to finish. Mr. Coniglio asked if there are any plans to build structures to access the dock. Mr. Riker confirmed that there are no such plans. Mr. Chamberlin added that there is no space for any structure because of the setbacks. Mr. Riker agreed and pointed out that there is no buildable envelope on this lot. Mr. Cerny asked if the dock will primarily be used as a dingy dock. Mr. Riker responded that it will be used for the sailing school because their dock across the street is unsafe due to the strong water currents in the Piscataqua River.

The application needs to be approved by the NH Governor's Council because the dock will be placed in a public trust area. The Army Corps of Engineers needs to issue authorization as well.

The KPYC must demonstrate that the dock is designed to an elevation that is resilient to sea level rise.

Mr. Cerny opened the hearing to the public at 6:13 p.m. Paul Legere asked about the contours, and expressed concern that the dock will block the area from kayakers and paddleboarders at low tide. Mr. Riker responded that the plans have been before the local Harbormaster, and he had no concerns about navigability. Mr. Legere noted that while this area isn't navigable for boaters at low tide, it is for kayakers. He encouraged everyone to keep in mind that the dock would eliminate an entire channel, and the driving piles will block navigability. The DES should be reviewing this application due to the blockage of this channel. There was also discussion about the docking structure. Mr. Riker confirmed that no portion would be removed in the winter. The construction would likely take place between November and March to protect the sturgeon population. Members also expressed concern about the impacts on the identified protected species and habitat of marsh elder, eel grass, common tern, Atlantic sturgeon, and short-nosed sturgeon. Hearing no further comments from the public, Mr. Cerny closed the public hearing at 6:26 p.m.

Mr. Rini motioned to recommend approval of the application for Kittery Point Yacht Club, 350 Portsmouth Avenue, Tax Map 14, Lot 01, per the Ambit Engineering, Inc. plans dated October 11, 2023, for a tidal docking structure within the 100 foot wetland buffer, with the understanding that the floating dock will likely rest within one of the navigable channels at low tide and may impact wildlife movement. Ms. Barnhorst seconded. Motion carried unanimously by a vote of five to zero.

4. New Business.

A. RPC training at 3:15 p.m., before the regularly scheduled April 2, 2024 meeting.

Interim Chair Cerny announced that the Rockingham Planning Commission will conduct a training session with the Conservation Commission before the April meeting.

Ms. Barnhorst introduced Paul Legere, who will serve as a new alternate on the Commission.

The next Conservation Commission meeting will be held on Tuesday, April 2, 2024 at 5:00 p.m. at the Town Hall.

5. Adjourn.

Mr. Rini moved to adjourn the meeting. Mr. Cerny seconded. The motion carried, unanimously, and the meeting adjourned at 6:34 p.m.

Respectfully Submitted,

Meghan Rumph
Secretary