

Citizen's Guide to Building Within The New Castle Wetlands Conservation District

This is a guide for New Castle homeowners who are interested in undertaking a project that is within the New Castle Wetlands Conservation District. It is intended only as a guide to assist in understanding the steps necessary to obtain approvals from the Town's various land use boards. This guide covers the most common scenarios, and may not be applicable to all proposed projects.

1. **Review Section 9.2 Wetlands Conservation District in the New Castle Zoning Ordinance Book—available at the Town Hall and/or on the Town's [Website](#).**
2. **Meet with the Building Inspector regarding your proposed project.**
 - After reviewing the plans, the Building Inspector will issue a letter identifying any potential Town Zoning Ordinance, wetland or building code issues with the proposed project, as well as specifying any State permits that may be required. (Notwithstanding, it is the applicant's responsibility to comply with all Town land-use ordinances and regulations.) Depending upon your situation, you will at a minimum, need to meet with the Conservation Commission to receive a letter of recommendation/non-recommendation. In either case, your next step will be to apply to the Planning Board for a Conditional Use Permit (CUP). In some cases, you may also be required to obtain a variance from the Zoning Board of Adjustment (ZBA). The ZBA handles any special request to build within areas that are prohibited by the Zoning Ordinance.
 - If permits are required from the NH Department of Environmental Services (NHDES) you may obtain these from the New Castle Building Inspector or by visiting the [DES website](#) or by calling the DES Wetlands Bureau at (603) 271-2147. Please note the NHDES Wetlands Bureau has jurisdiction of the 100' Tidal Buffer Zone (TBZ) and the 250' Protected Shoreland per the Shoreland Water Quality Protection Act (SWQPA) as measured from the Highest Observable Tide Line (HOTL). The Wetlands Bureau also has jurisdiction over non-tidal wetlands, but has no jurisdiction over a "buffer" from non-tidal wetlands. Buffers to non-tidal or freshwater wetlands are enforced by municipalities via respective Zoning Ordinances.
3. **Meet with the New Castle Conservation Commission.**
 - Contact the Conservation Commission Chairperson to schedule a site walk and a hearing to review plans and submittals for the proposed project.
 - After the Conservation Commission review process, the Commission will issue a letter to **recommend** or **not to recommend** the project to the New Castle Planning Board (and the New Castle Zoning Board of Adjustment if a variance is required).

(Note: The Minimum Impact Application for the State of NHDES Wetlands Bureau requests signatures from both the Conservation Commission and the Town Clerk before submission to

the Department of Environmental Services (DES). The DES approval process *can* occur simultaneously to the Town's evaluation process. In any instance, NHDES approval **DOES NOT** ensure Town approval--or eligibility for a building permit--for the proposed project.

4. **Meet with the New Castle Zoning Board of Adjustment (if a variance is required).**

The role of the ZBA is to determine whether or not a variance should be granted given that the project violates one or more of the New Castle Zoning Ordinances. If a variance is granted from the ZBA which allows a deviation from the Zoning Ordinance, the Planning Board will then review the site specific concerns of the overall project. This is to ensure that the execution of the proposed project complies with all aspects of the Wetlands Conservation District ordinance as defined in section 9.2.

See the Citizen's Guide for the New Castle Zoning Board of Adjustment, available at the Town Hall or on the Town's [Website](#).

5. **Meet with the New Castle Planning Board.**

- Contact Planning Board Chair to schedule a public hearing. (In certain circumstances, at the Chair's discretion, a work session with the Planning Board may be requested prior to a public hearing.)
 - a. Compile all plans and submittals and provide 10 copies of each to the Secretary at the Town Hall at least 21 days prior to the scheduled meeting with the Planning Board. (NOTE: See list of required plans and submittals at end of this document.)
 - b. For all public hearings, appropriate public notice is required. A list of abutters and related advertising fees must be submitted to the Secretary at the Town Hall at least 14 days prior to the scheduled public hearing.
 - c. The Planning Board will not hold a public hearing if it has not received the letter of recommendation/non-recommendation from the Conservation Commission.
 - d. At the public hearing, you or your representative will make a presentation of your proposed project. The Planning Board may ask questions and then the public will be invited to ask questions and/or comment about the proposed project.
- After the public hearing, the Planning Board will either:
 - a. Issue a Conditional Use Permit with or without special conditions as per section 9.2.5.
 - b. Deny your request and provide the rationale for their decision.

6. **When all New Castle land use boards and the NH Department of Environmental Services have reviewed and approved the proposed project, obtain a Building Permit from the New Castle Building Inspector.**

Note: If your property is located in the Historic District, your project must also receive approval from the Historic District Commission (HDC) before a building permit will be issued. The HDC approval process is separate and distinct from the Wetlands Conservation District approvals outlined above. The approval process for both the Historic District and the Wetlands Conservation District may take place at the same time.

**LIST OF PLANS AND SUBMITTALS REQUIRED FOR APPROVALS IN THE
WETLANDS CONSERVATION DISTRICT**

1. An overview of the property, drawn to scale or with all dimensions clearly labeled, showing:
 - The scale, if any, used on the plan(s);
 - A north-pointing arrow indicating orientation;
 - The footprint and site conditions (size, location, and configuration) of all existing and proposed structures on the property;
 - Other existing site conditions (such as driveways, parking areas, etc);
 - The boundary or delineated edge of all surface waters and wetlands drawn by a certified soil scientist;
 - The location of the highest observable tide line, where applicable;
 - Location of the 50', 75', 100', and 250' setbacks;
 - The distance of the project from the highest observable tide line or from any wetland;
 - Existing and proposed topography;
 - Shaded or hatched areas indicating the total square footage of temporary and permanent impact to wetlands, surface waters or their banks, area within 100 feet from the highest observable tide line, or other jurisdictional area;
 - The distance from existing and proposed work to abutting property lines. (For waterfront projects, show the distance from the imaginary extension of property lines over surface waters);
 - The general shape of the shoreline (if applicable) with the length of frontage;
 - The type of construction and the materials to be used;
 - The "construction sequence," which describes the relative timing and progression of all work, pre-construction through post-construction;
 - Proposed methods of erosion or siltation control. If work is done in water, turbidity controls should be included in plans;
 - Indicate the names of the surveyor/soil scientist who delineated the wetlands and prepared the plans;
 - Impervious surface calculations (percentage of area);
 - Drainage Plan for all impervious surfaces – Any and all stormwater runoff mitigation;
 - Location of any Subsurface Waste Disposal Systems;
 - Tree Cutting Plan (when applicable)
2. Photographs showing existing conditions and any pertinent features.
3. Letter of recommendation/non-recommendation from the New Castle Conservation Commission.
4. When applicable, Notice of Decision from the New Castle ZBA.