

MINUTES OF THE NEW CASTLE CONSERVATION COMMISSION
Tuesday, May 5th, 2020 – 4:00 p.m. (Via Zoom)

Conditional Use Permit for work at 12 Cranfield Street (Tax Map 17, Lot 33).

Conditional Use Permit for work at 15 Shaw Circle (Tax Map 10, Lot 11).

Members Present: Conni White, Chair, Lynn McCarthy, Vice-Chair, Beth Barnhorst, Darcy Horgan, Ron Pascale, Brandon Tanguay.

Members Absent: Tom Chamberlin, Brian Mack, Bill Marshall, Jim Rini.

Others Present: Sergio Bonilla; Adam Butler; Darryl and Lisa English; Retta Fitch, TMS Architects; Etoile Holzaepfel; Steve Joselow and Margaret Lamb; Bill Stewart, Selectman, New Castle, NH.

Chair White called the meeting to order at 4:07 p.m. Ms. McCarthy made a motion to approve the March minutes. Ms. Barnhorst seconded. Motion carried unanimously.

1. Applications.

A. Conditional Use Permit for work at 12 Cranfield Street (Tax Map 17, Lot 33).

Ms. Fitch of TMS Architects presented the latest version of the plan, which no longer has a garage and will instead have a shed to the south of the house outside the 50 foot setback. There will also be a concrete generator pad, an AC pad and a buried propane tank on the south side and outside the 50 foot setback. The impervious front walkway and asphalt driveway will be taken away and turned into pervious pavers. There will be 138 square feet of temporary disturbance associated with the propane tank. Given the materials selected, the driveway and walkway will not require de-icing in the winter. There will be a 9.2%, 902 square foot reduction in impervious surface area for the lot. The proposal will promote optimal infiltration of water and will be beneficial to the neighboring Driscolls to the northeast. The Applicants will also have mitigation in the form of plantings, specifically Virginia rose and seaside goldenrods, in the area of the yard facing the water. Ms. Fitch felt that the integration of these woody species on the waterfront will be aesthetically pleasing.

Mr. Bonilla stated that the Applicants are looking for a favorable recommendation for a 30 day expedited review to the NHDES and to the New Castle Planning Board for a conditional use permit. He noted that Eben Lewis of the NHDES felt that everything was favorable from the NHDES perspective. Mr. Bonilla added that all of the documentation for the coastal vulnerability assessment has been completed and sent to the NHDES. The purpose of the assessment is to show that the proposal can withstand rising sea levels. Overall, he emphasized how the proposal has been scaled way back with everything being pulled outside of the 50 foot buffer.

There were no questions from Commission members. Ms. Barnhorst motioned to accept the plans for 12 Cranfield Street, dated 04/21/2020, as submitted, and to provide a favorable recommendation

to the NHDES. Ms. McCarthy seconded. Ms. Barnhorst, Ms. White, Ms. McCarthy, Mr. Tanguay, and Mr. Pascale all voted in favor. Motion passed unanimously.

Ms. Horgan advised that the case will go before the Planning Board next month.

B. Conditional Use Permit for work at 15 Shaw Circle (Tax Map 10, Lot 11).

Mr. Butler went over the plan, which entails removing the front entry vestibule with a 42 square foot roof overhang. The Englishs' are proposing adding a new overhanging roof, which will connect the garage to the new front door. The net coverage would be an additional 40 square feet of roof but no structure on the ground. There will also be a three foot by three foot HVAC condensing unit to the left of the house in the garden area where the small propane tank currently is. The condenser will have a concrete pad about three inches thick. Mr. English commented that they would like to have a paved permeable driveway, which would probably be at least 200 square feet. His next door neighbor will do the landscaping plan once the dumpster is removed from the Englishs' driveway. The Applicants will likely be removing more lawn as well.

Ms. White noted that the Conservation Commission has already conducted a walk-through of the site. She has been talking to the Applicants about the sump pump and commented that they will look into redirecting the pump as inexpensively as possible.

Ms. Barnhorst expressed concern that there is no landscaping plan right now, especially since the lot is nonconforming. Ms. White responded that she does not see the need for a full engineering/architectural plan because the Applicants have not added any square footage to the building. Ms. Barnhorst pointed out that the Applicants are adding a pad and roof totaling 50 square feet. Ms. Horgan stated that the Conservation Commission has no requirement for full plans and that the drawings that have been submitted are sufficient for the Commission. She added that it is up to the Town Planning Board and ZBA to determine whether the plans are sufficient. Ms. Horgan also felt that the planting plan is not part of the application. Mr. Tanguay expressed concern that there were a lot of premises upon which the approval would be based and that the Commission does not have documentation for. Mr. Butler responded that the sump pump was only being discussed because it was brought up as a concern to the Englishs.

Ms. White acknowledged that a lot of times the Conservation Commission looks at planting plans, but the Englishs' plan of adding an overhang will not impact the resource at all. Ms. Barnhorst felt that the Commission needs to be consistent with each applicant. Mr. English pointed out that they need to come before the Commission again for further work, such as the driveway. Ms. Horgan cautioned that if a member votes no to the application just because there are not full plans, this reasoning would not hold up before a judge because it is not Conservation Commission criteria. There must be a conservation reason for voting no. Ms. McCarthy agreed with Ms. White that there would not be any impact to the resource.

Mr. Tanguay wanted to have a small bond given how work has already been done at the site without coming before the Conservation Commission first. Ms. English responded that the work they have been doing has been after they got a building permit. Mr. Tanguay expressed concern about the Building Inspector issuing a permit without requiring the Applicants to go before the Commission first.

Mr. Tanguay motioned to make a positive recommendation to the Planning Board in support of the application for 15 Shaw Circle and the associated site plan dated 03/31/2020, with the condition that an escrow deposit or other suitable security in the amount of \$1,000.00 be established, and that the Conservation Commission has the right to review the construction as of August 30, 2020. The escrow amount would be released upon the Conservation Commission's confirmation that the construction matches the approved site plans. Ms. White seconded. Ms. Barnhorst, Ms. White, Ms. McCarthy, Mr. Tanguay, and Mr. Pascale all voted in favor. Motion passed unanimously.

Mr. Stewart did not see the need for the Conservation Commission to review the plan after construction. He felt that the Building Inspector should be doing the post-construction review. Ms. McCarthy agreed and did not understand why the Commission needed to ask for a \$1,000 assurance that the roof go up. Ms. White agreed with Ms. McCarthy. Mr. Tanguay commented that the \$1,000 was in case the work is not done in compliance with the presented plans. Mr. English asked if the \$1,000 could be for the permeable driveway and be released when the driveway is complete. Ms. Horgan felt that this would muddy the waters.

The plan will next go to the Planning Board for a conditional use permit.

2. New Business.

None.

3. Unfinished Business.

None.

4. Announcements.

None.

5. Adjourn.

Ms. McCarthy moved to adjourn the meeting. Mr. Pascale seconded. The motion carried, unanimously, and the meeting adjourned at 5:00 p.m.

Respectfully Submitted,

Meghan Rumph