

**MINUTES OF THE NEW CASTLE CONSERVATION COMMISSION**  
**Tuesday, June 30<sup>th</sup>, 2020 – 5:00 p.m. (Recreation Building)**

**Conditional Use Permit for work and landscape plan for 15 Shaw Circle (Tax Map 10, Lot 11).**

**Members Present:** Conni White, Chair, Beth Barnhorst, Tom Chamberlin, Darcy Horgan, Ron Pascale, Jim Rini.

**Members Absent:** Bill Marshall, Lynn McCarthy, Vice-Chair, Brandon Tanguay.

**Others Present:** Adam Butler; Lisa English; Dave McGuckin, Town Selectman; Iain Moodie, Town Building Inspector.

Chair White called the meeting to order at 5:04 p.m. Mr. Rini made a motion to approve the May minutes as submitted. Ms. Barnhorst seconded. Motion carried unanimously.

Chair White took a moment to honor Brian Mack, who recently passed away. He served on the Conservation Commission for nearly 30 years.

**1. Applications.**

**A. Conditional Use Permit for work and landscape plan for 15 Shaw Circle (Tax Map 10, Lot 11).**

Adam Butler updated the Commission on the plans for Darryl and Lisa English's home at 15 Shaw Circle. The house has been slowly listing into the wetlands. Renovations were done in the 1980s or 1990s to the house, which included framing and blocking to improve the look of the house on the inside. However, the foundation was not corrected and has not settled since. Mr. Butler noted that the foundation is close to four inches off level. The Applicants looked at options such as digging out the foundation, draining out water and putting in a new foundation. Ultimately, they have settled on removing material along the rear foundation to get to the footings. A trench approximately three feet in width would be dug to accommodate access to the footings. The trench would be about five feet deep along the back of the main house, and two to three feet deep along the back of the garage and kitchen, where the foundation is much shallower. A Helical Pile system would be used to install piles into the foundation. The excavated material would then be used to refill the areas that were dug up.

Mr. Butler feels that this is the least intrusive way to secure the foundation and prevent it from sinking further. The Helical Pile system is used in ecologically sensitive areas throughout the country, and is a relatively quick, affordable, and less disruptive way to support the house. Mr. Butler explained that the pile system is used in wetlands to do board walks, and felt that it is a good fit for this application.

A tracked Bobcat mini excavator will be used due to the narrow area between the house and the wetlands. In addition, there will be a silt fence made of coconut coir installed along the entire border of the lawn and wetland. The coconut coir absorbs runoff and adds nutrients to the soil. It can either be removed or left after work is completed. Tarps will be utilized to cover excavated material and prevent runoff in case of rain. Permanent impacts to the property include the addition of crushed stone at the rear of the house, specifically in the area along the back of the garage and kitchen, as well as under the reconstructed deck. The crushed stone will be at least 12 inches deep and will improve drainage. Mr. Butler noted that the Englishs are looking to make the entire parcel permeable, with a drywell for a sump pump, pervious pavers, and a rain garden to deal with street runoff.

Mr. Butler explained that the project will be done in two stages. The back of the house will be dug down about 5.5 feet, and the excavated materials would go in the backyard and be tarped. The section by the garage and kitchen only requires digging approximately 2.5 feet, and tarps can be utilized to cover the materials as well. Mr. Butler noted that the space is very tight, with only about 7.5 feet between the house and where the land starts to slope down to the wetlands. He added that they will not be digging down much beyond the foundation, and that it should be a fairly quick project. As long as the digging goes smoothly, everything should be put back together within a week. They can backfill to some degree as they go.

Mr. Butler described the existing foundation as a concrete block foundation on footings. Iain Moodie, Town Building Inspector, felt that the foundation is perfectly capable of holding what is above it, and that the problem is what lies below the foundation. If something is not done, he stated that a whole new foundation will be needed. The proposed Helical Pile system is the best possible solution. He is in support of the application, and expressed that this is not an ask; it is a need.

Ms. Barnhorst raised concern about an excavator being so close to the wetlands. Mr. Butler noted that the excavator only needs about 3 feet to work, and that a good portion of the foundation is only about 2.5 feet down, which a mini excavator can handle. They will only drill until they hit resistance, which will not be very deep into the ground. The most vulnerable part is behind the garage, where the space is quite tight. Everything else can be hand-dug, he commented. Mr. Butler explained that the bucket of the excavator gets dropped, the drilling mechanism is added on, and the machine stays in place. There will be no machines going in and out of the site, and the same company will be doing everything, so there will be no need to wait for concrete to cure. A canopy will cover the trench in case of rain.

Ms. Horgan asked about the deck. Mr. Butler described that there is a deck on the back of the house that has two bad footings. They would be driving one more piling down in the corner and rebuilding the deck as it was originally. Ms. Horgan clarified that the deck is not part of the application before the Commission at this meeting.

Mr. Rini motioned to recommend approval of the installation of the Chance Helical Pile Foundation system at 15 Shaw Circle, Tax Map 10, Lot 11, for the Applicants Darryl and Lisa English, with the permanent use of coconut coir log to protect runoff into the wetlands and a tarp system to prevent water runoff. Mr. Chamberlin seconded. Motion passed unanimously.

## **2. New Business.**

Chair White announced that Pam Cullen requested that all Conservation Commission members register at the Town Hall so that there is a clear record of who is a fulltime member and who is an alternate.

Chair White and Ms. Horgan discussed procedures for the Conservation Commission moving forward. Chair White emphasized that when making a recommendation, the Commission needs to focus on explaining why and be mindful that the Commission's purview is on protecting the wetlands. Ms. Horgan added that she spoke with the Town lawyer, who emphasized the importance of each Board staying within their lane, as each land use Board has its own purview.

In a previous case that came before the Commission, members used criteria for a conditional use permit in issuing a decision. However, the Planning Board grants conditional use permits, not the Conservation Commission. It is not up to the Commission to make decisions on Planning Board criteria. Likewise, it is up to the Zoning Board of Adjustment to determine whether to grant a variance to do work within the 50 foot buffer. Ms. Horgan explained that the Commission cannot use criteria that it is not mandated to use in making a decision on a particular case.

Chair White stated that it is most helpful to look at what is on the site and what would be a conservation impact, such as how the site plans would impact the wetland. The Commission must specify a real conservation reason why a proposal should or should not be allowed to proceed. For example, this can be done by siting an endangered species in the area of the project site, or by having an expert weigh in. If there is concern about work being done with the 50 foot buffer, the Commission must be more specific as to why it would be detrimental to the resource. The Commission should weigh in on any planting plans as well, as this would be helpful input for other Boards. Ms. Horgan added that when turning down an application or approving it with conditions, it is important to have specific reasons why. It is also critical to refer to the date of the plans in any motion. Mr. McGuckin suggested using the NH Municipal Association resources for Boards for further information on what falls within each Board's purview.

## **3. Unfinished Business.**

None.

## **4. Announcements.**

Chair White announced that there is a Coastal Resiliency grant issued by the DES for approximately \$150,000. The Town is planning on applying for the grant to be able to do a study of the existing culvert on Pit Lane to determine its condition. Tracy Degnan of the Rockingham County Conservation District will be assisting with the application process.

## **5. Adjourn.**

Ms. Barnhorst moved to adjourn the meeting. Mr. Rini seconded. The motion carried, unanimously, and the meeting adjourned at 6:25 p.m.

Respectfully Submitted,

Meghan Rumph  
*Secretary*