

MINUTES OF THE NEW CASTLE CONSERVATION COMMISSION
Tuesday, December 7th, 2021 – 5:00 p.m. (Macomber Room)

25 Seabreeze Lane, Tax Map 13, Lot 21. Applicant: Andrew Hunt. Representative: TF Moran. Proposed: outflow structure maintenance project.

149 Wild Rose Lane, Tax Map 3, Lot 2A. Applicant: DNH Estates. Representative: Ragusa Contractors, Altus Engineering. Proposed: new single-family dwelling and septic, pool, hardscape, and other landscaping.

Members Present: Conni White, Chair, Beth Barnhorst, Tom Chamberlin, Lynn McCarthy, Vice-Chair, Iain Moodie.

Members Absent: Jim Rini.

Others Present: Jay Aube, TF Moran, Inc.; Russ Bookholz, Town Building Inspector and Code Enforcement Officer; Jackie and Robert Estabrook; Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts, P.A.; Chris Ragusa, CM Ragusa; Eric Weinrieb, Altus Engineering.

Chair White called the meeting to order at 5:04 p.m.

1. Applications.

A. 25 Seabreeze Lane, Tax Map 13, Lot 21. Applicant: Andrew Hunt. Representative: TF Moran. Proposed: outflow structure maintenance project.

Jay Aube, certified wetland scientist and environmental permitting specialist at TF Moran, Inc. presented on behalf of applicant Andrew Hunt. A historic drainage pipe going from the wetland to the beach area was installed in the 1960s. The pipe has collapsed and no longer functions as originally intended. During large storm events, water is unable to drain and backs up onto the Hunts' property. Mr. Aube described how a mini excavator would carefully remove the crushed drainage pipe and replace it in-kind. The pipe will be the same footprint, size, hydrologic capacity, and height and pitch of the existing pipe. This is very important for the NHDES Wetland Permitting process, as they look at the engineering plans to ensure that there will not be an increase in flow to the wetland or to the beach area.

Mr. Aube explained how the wetland is unique in that it is freshwater but very close to the saltwater resource. The overall health score of the wetland is not very high because it is surrounded by invasive species.

The existing pipe is made of asbestos, with the left section being slightly skewed and consisting of metal. The pipe will be shortened so that the exit can be better maintained with time. Given that the pipe would not extend as far as it does now, Ms. Barnhorst asked if this would contribute to erosion over time. Mr. Aube responded that this would not be the case because during storm

events that raise the water level high enough, the water will slowly drain out, and the volume of water will not be enough to cause erosion. Ms. Barnhorst also asked if the water coming out of the pipe has been tested. Mr. Aube said that it has not. Chair White added that because the pipe drains into a public place, it creates a concern. She would like more information, specifically to look at erosion factors and have the water tested to make sure it is not contributing to the bacteria in the water that results in beach closures. Mr. Moodie shared concerns about the pipe potentially contributing to beach closures. Chair White would also like the Select Board to be informed about the project. Mr. Aube responded that he would look into the quality of the water coming out of the pipe. He added that he is not sure if there is a better alternative to alleviate the flooding. Given the upcoming NHDES wetland study in January 2022, it may be best to pause and wait for that study to take place.

Mr. Moodie motioned to table the application for the outflow structure maintenance project of Andrew M. Hunt, 25 Seabreeze Lane, Tax Map 13, Lot 21, until: 1) further studies are done in conjunction with the wetland study commencing in January 2022, 2) water quality tests are performed, and 3) approval of the project by the New Castle Select Board is secured. Ms. Barnhorst seconded. Motion carried unanimously.

B. 149 Wild Rose Lane, Tax Map 3, Lot 2A. Applicant: DNH Estates. Representative: Ragusa Contractors, Altus Engineering. Proposed: new single-family dwelling and septic, pool, hardscape, and other landscaping.

Eric Weinrieb of Altus Engineering presented the project for DNH Estates, LLC. The applicants are seeking Conservation Commission recommendation for a Conditional Use Permit that will go before the Planning Board. Mr. Weinrieb explained how test pits have been performed for the septic system, and showed the developed site plans and detailed existing conditions plans. He demonstrated the highest observable tide line (HOTL), mean high water elevation, and varying flood zones on the site plans. The site has several 100 year flood zones. The existing carriage house is entirely in Zone AE13, and parts of the existing main house are in Zone AE12. Zone AE is one of the 100 year flood zones, and Zone X is outside of the 100 year flood zone. Mr. Weinrieb explained how in order to improve/renovate over 50% of the value of the house, the house must be completely in compliance with the new FEMA maps, which would require raising the structure significantly. Currently, the septic system lies in the freshwater wetland buffer zone, and the carriage house sits just outside of the freshwater wetland.

The applicants are proposing a two bedroom guesthouse using the existing entryway. Mr. Weinrieb explained how they have worked with the Portsmouth Department of Public Works to ensure that the new water line will have stubs going to the structure and there will be no need to cut into the road again. The primary living area will be entirely outside of the 100 year flood zone. The septic system will be out of the wetland buffer. The proposed pool will be in the tidal buffer zone but outside of the freshwater buffer.

The existing lawn will be converted into meadow, which will require tilling the soil, bringing in new loam, and using seed mixes that have a percentage of plants that grow to 24" and 48" in height. This low planting area will create a softer look. The tennis court will be removed as well.

Ms. Barnhorst expressed concern about using herbicide to kill the grass given the wildlife who frequent this area. She asked if there would be a fence. Mr. Weinrieb responded that there would not be a fence. Ms. McCarthy was also concerned about using herbicide so close to the resource. Chris Ragusa, general contractor for the project, explained how they are using a landscape architect who is very experienced working in these sensitive areas, and they will work with the NHDES to use the safest products.

Mr. Weinrieb described how there will be 19 geothermal wells to reduce the impact on the grid. A 2,300 square foot rain garden area will treat water runoff from the built-up environment and most of the parking area. This will be a significant improvement because there is currently no onsite water treatment, and the existing drain line discharges into the ocean. There will be a green living roof over the garage, which will consist of a mix of grasses and plantings.

Two new septic systems will be constructed, one being a stand-alone for the guest house. Both are advanced wastewater treatment systems (AOS systems) that consist of a septic tank, aeration chamber, and settlement chamber, which pumps up into a stone leach field. The leach field will remain in the 100 year flood zone, but will be raised up from the current height.

Mr. Weinrieb outlined the stages of the various permits needed for the project. A detailed wildlife habitat assessment was provided as well, which is now required by NHDES for any wetland permit. The applicants have filed a NHDES Wetlands Permit, Shoreland Impact Permit, and Alteration of Terrain Permit. They have not filed the permit for the septic system yet, as they would like to get approvals for the other permits first. The Alteration of Terrain Permit requires that the applicants demonstrate temporary and permanent erosion control measures and stormwater treatment. Mr. Weinrieb showed the grading plan and noted how the existing ledge outcrop will remain. The septic area will be blended into the ledge outcrop, and there will be a catch basin to capture water and carry it to the rain garden. This will ensure that abutting properties will not be adversely impacted.

Chair White asked about water mitigation strategies for the part of the house that faces the lighthouse. Mr. Weinrieb responded that the entire hard mortar wall between the waterfront and the lawn area will be rebuilt and raised up slightly, while keeping the same grade on both sides of the wall. The water will be infiltrated into the soil. Chair White noted that the State now likes to see an additional three foot buffer along the waterfront, and she would like to have low-lying buffer plantings along the wall. Ms. McCarthy added that fertilizer cannot be used in this area.

Chair White asked if there would be more water going toward the ocean given the different structure design, specifically with the varying rooflines. Mr. Weinrieb said that each watershed was modeled in the Alteration of Terrain Permit. Mr. Bookholz, Town Building Inspector, agreed that there will be much less water coming off the new roof versus the current roof.

Ms. Barnhorst asked why any of the house would be in the 100 foot setback. Attorney Tim Phoenix responded that this is a tradeoff. Physically, the old house is falling apart, one septic system was discharging into the river, and the other septic system was in the freshwater wetland setback. The applicants are giving beneficial tradeoffs compared to the existing conditions and their effect on the resource. The improvements include moving the carriage house outside of the

flood zone, adding a rain garden, removing the tennis courts, adding geothermal heating and cooling systems, and adding solar panels. All occupied space in the proposed house will be outside the flood zone. The driveway to the guesthouse will use permeable pavers, and a large portion of the current impermeable paved driveway will be removed. Attorney Phoenix emphasized how the design intent is to respect the wetland and flood zone buffers and use water treatment strategies to address water that is below ground within the setbacks. He added that the Zoning Board of Adjustment previously gave approval for a height variance, and that the new building will be a lower elevation than the existing house.

Ms. Barnhorst struggled to understand why the house could not be moved outside of the flood zone. Mr. Weinrieb explained that they are working with a developed parcel, so they are not working in a natural area. The house will be well beyond the 50 foot buffer zone. Mr. Bookholz added that the applicants are greatly improving the site, and it would not be fair to require them to move the house completely outside of the setback. Attorney Phoenix noted that several ZBA members were impressed by the level of improvement in the site. He added that the owners would be willing to add a native planting buffer along the seawall as well. Mr. Weinrieb pointed out that many of the mature trees on the site will be maintained, and there will be no tree removal within the 100 foot buffer. Mr. Ragusa explained that they have been working with an arborist. Some trees will be removed, and part of the property cannot have trees because of a view easement.

Mr. Chamberlin asked about the impervious surface area calculations. Mr. Weinrieb said that there will be a 1,400 square foot increase in impervious surface area within the 100 foot buffer. There will be 6,000 square feet of meadow in the freshwater buffer. The lawn area will be cut nearly in half.

Chair White felt that the applicants have done a great job improving the site and mitigating water coming off the house. She would like to have a four to six foot wide buffer planting bed along the inside of the newly built retaining wall to filter any runoff and prevent fertilizer from running into the water.

Ms. McCarthy was opposed to the house being within the 100 foot buffer. Ms. Barnhorst agreed, and while she appreciated the site improvements, she was very concerned about building new structures within the 100 foot buffer. Mr. Moodie understood this concern, but felt that the Conservation Commission has not pushed for this extent of site improvements. He did not believe that the property would be improved any more by moving the house further back. Chair White commented that the Commission has been very firm against building within the 50 foot buffer, but they have not been as firm about building within the 100 foot buffer. The current house is 94 feet into the buffer and the proposed structure will be 82 feet into the buffer.

Mr. Moodie motioned to recommend acceptance of the application of DNH Estates, 149 Wild Rose Lane, Tax Map 3, Lot 2A and 2B, per the plan set issued by Altus Engineering, Inc. dated November 23, 2021. This motion is subject to the following conditions: 1) that there be no tree removal inside the buffer areas, 2) that a planting area with a minimum width of three feet and comprised of native species be added along the length of the sea wall, 3) that the Applicant follow NHDES best practices for soil preparation, and 4) that the Applicant provide an estimate

in writing of the landscape plan for the Planning Board to make a bond recommendation. Chair White seconded. Motion carried by a vote of three in favor and two opposed, with Ms. McCarthy and Ms. Barnhorst opposed.

2. Approve minutes from November 2, 2021 meeting.

Ms. McCarthy made a motion to approve the minutes for the November 2, 2021 meeting as submitted. Ms. Barnhorst seconded. Motion carried unanimously.

3. New Business.

This meeting is the final meeting for Vice-Chair Lynn McCarthy, who will be stepping down from the Commission.

4. Adjourn.

Mr. Chamberlin moved to adjourn the meeting. Ms. Barnhorst seconded. The motion carried, unanimously, and the meeting adjourned at 6:50 p.m.

Respectfully Submitted,

Meghan Rumph
Secretary