

**MINUTES OF THE NEW CASTLE CONSERVATION COMMISSION**  
**Tuesday, May 7<sup>th</sup>, 2019 – 5:00 p.m. (Macomber Room)**

**Members Present:** Lynn McCarthy, Chair, Conni White, Vice-Chair, Beth Barnhorst, Tom Chamberlin, Darcy Horgan, Brian Mack, Ron Pascale, Jim Rini.

**Members Absent:** Bill Marshall, Brandon Tanguay.

**Others Present:** John Chagnon, Ambit Engineering, 200 Griffin Rd. Unit 3, Portsmouth; Robert Durkee, 51A Laurel Lane, New Castle; Steve Riker, Ambit Engineering, 200 Griffin Rd. Unit 3, Portsmouth; William Ross, William Ross Design, 405 Southside Rd., York, ME; Thomas Shippee, 171 Picketpocket Road, Brentwood; Paul and Donna Urbanek, 49 Laurel Lane, New Castle.

**1. Approve Minutes.**

Chair McCarthy called the meeting to order at 5:13 p.m. and asked attendees to sign in. Mr. Mack made a motion to approve the April minutes as submitted. Mr. Rini seconded. The motion carried unanimously.

**2. Work Session / Applications.**

John Chagnon of Ambit Engineering presented the application for Thomas Shippee, owner of 152 Portsmouth Avenue (Tax Map 16, Lot 9), to review and recommend new construction within the 250 foot buffer. The proposal is for 5,977 square feet of permanent impact for construction of a single family residential structure, an attached garage, a driveway, a porous patio, stormwater management structures, and associated landscaping. There would be 19.3% of impervious surface area on the site.

Two previous work sessions were held with the Commission, and the application does not include any significant changes to the previously discussed plans. The layout and grading plans remain the same, and there are no changes to the vegetation planning previously presented by Robbi Woodburn. The utilities will come off from Portsmouth Avenue, and include underground electric and sewer. The water line and utilities design have been approved by the Town Department of Public Works and have been presented to Eversource.

A drainage analysis has been completed and shows that all treatment benchmarks are being met. There will be a rain garden on the southern side of the proposed home, which has been sized to treat the runoff water from the proposed driveway and the front part of the roof of the house. The plan also calls for a stormwater chamber system behind the house, which will handle runoff from the back roof. There will be a pipe connecting to a swale which will be graded to handle larger events. The proposal includes pervious technologies such as a porous patio and walkway, and a portion of the driveway is to be constructed using porous pavement. The proposed structures, driveway, and garage would be located outside the 100 foot tidal wetland buffer that had

previously been developed. The 100 foot buffer would pass through the proposed porous patio, a stormwater chamber system, and associated grading on the swale.

A shoreland permit has been filed with the NH Department of Environmental Services (DES). Mr. Shippee is requesting recommendation to the Planning Board for impacts within the 100 foot buffer, as well as recommendation to the NH Wetland Bureau for a minimum impact expedited wetland application. Mr. Shippee hopes to begin construction in June, pending approval of the Planning Board and the DES.

Mr. Rini motioned to recommend to accept the plans for the Shippee residence dated 4/19/2019 that include both the drainage and landscape plans with the condition of a bond to assure that the landscape plan is executed as per diagramed, and a second condition that Commission members be permitted to return two years after completion of the house to evaluate the landscaping plan. Ms. Barnhorst seconded. The motion passed unanimously.

The Commission heard the applications of Robert and Cynthia Durkee of 51A Laurel Lane (Tax Map 11, Lot 26), to review and recommend approval for a new dock, a porous driveway and walkway, and landscaping. Steve Riker of Ambit Engineering presented two wetland applications, one for site improvements and another for a tidal docking structure.

The first application qualifies for a NHDES minimum impact expedite. This application is for construction of a porous paver driveway and porous bluestone walkway. The current driveway is gravel. There would be 221 square feet of temporary impact and 712 square feet of permanent impact. The proposed impacts are to the previously developed 100 foot tidal buffer zone. There would be a reduction in impervious surface area from 33.5% to 22.5%.

The second application is for a NHDES major impact wetland permit application for construction of a docking structure consisting of a 4 foot by 10 foot accessway, a 4 foot by 24 foot fixed wood pier, a 3 foot by 30 foot aluminum gangway, and a 10 foot by 20 foot float, with an overall structure length of 64 feet. The dock will have two slips on 45 feet of frontage along the Piscataqua River. There would be 40 square feet of temporary impact and 386 square feet of permanent impact to the previously developed 100 foot tidal buffer zone. Mr. Riker noted that the proposed location of the dock is the only place where it could go, and the structure has been designed to be the shortest possible while providing water under the float throughout the tide cycle. The float will be supported by float stops to keep the float at least 18 inches off the mud. The float and gangway will be temporary docking structures that would be removed in the winter. Mr. Riker stated that per DES regulations, there must be a ratio of at least one foot in height above ground to one foot of pier width. Therefore, there will be an accessway of five wooden steps to get four feet above the salt marsh elevation. The Durkees will also be requesting that the NHDES waive the 20 foot setback requirement to the extended property line.

Mr. Riker added that they have recently added plantings to the eastern side of the property. Ms. White asked if Mr. Durkee would consider planting a swath two to three feet wide above the stonewall on either side of the accessway to the dock. She recommended using saltwater hardy plants, to which Mr. Durkee was receptive.

Mr. Mack inquired about the material below the pavers. Mr. Riker was unsure about the drainage should water go through the 32 inches of pavers, but noted that maintenance is required on the pavers once per year.

Ms. Barnhorst expressed concern that the lot was previously subdivided, and questioned whether there will be more docks as people continue to subdivide lots. She asked if there was a way to move the dock. Mr. Riker responded that moving the dock would put it on somebody else's property, and the dock must be the length depicted in the designs in order to ensure the floats are off the mudflat. He further commented that a 10 by 20 foot slip is all that would be allowed at the dock. Ms. McCarthy questioned the water depth under the float at high tide. Mr. Riker estimated that the bottom of the pier is at elevation 13 feet, and the highest observable tide line is at 9.90 feet.

Paul and Donna Urbanek of 49 Laurel Lane spoke in opposition of the proposed projects as abutters to the Durkees. The Urbaneks have resided here for seven years, and raised concerns about the accumulative impact to the environment of multiple docks being permitted in the area. They felt that any boat at the proposed dock would extend into their property and would be directly in front of their house, which would affect their enjoyment of the water views and the navigability to use their boat ramp. Ms. Urbanek noted that there is a fresh water culvert that runs between the two properties, and asked if the dock would impact the water that many ducks enjoy drinking there. Mr. Urbanek expressed concern about water drainage issues, citing previous regrading of land that resulted in water going down the Urbaneks' driveway. He would like the Durkees to maintain the water runoff on their property. Discussion ensued about the authority of the Conservation Commission to recommend approval or denial of a dock and the NHDES authority to adhere to such recommendations. Commission members understood the Urbaneks' concerns about the impact of the proposal on the use and enjoyment of their own property; however, it is ultimately up to the NHDES to determine whether or not a dock should be granted.

Mr. Rini recommended to accept the plans of the Durkee residence dated 4/19/2019 that include blue stone porous paver replacement of the walkway and porous paver replacement of the gravel driveway, as well as two to three feet wide of native buffer plantings on either side of the proposed steps to the pier, extending to the property lines, with the condition that the Commission be able to return in one to two years to evaluate the buffer plantings. Mr. Mack seconded. The motion passed unanimously.

A work session was held for 120 Wild Rose Lane, Last House LLC (Tax Map 3, Lot 8B-1) to discuss a subdivided lot with a conceptual design. Mr. Chagnon of Ambit Engineering and Mr. Ross of William Ross Design presented the plans. Ruth Gray is buying the property and plans to tear down the existing house and replace it with a new home. The existing house is outside the 100 foot buffer and sits on 4.35 acres. The lot is partially in flood hazard zone AE. Mr. Chagnon noted that the lot was subdivided into two lots in 2016, and has a deeded right of way going to the house, consisting of partially paved driveway. The existing driveway would have to be maintained because of the class B wetlands on the sides.

The preliminary design calls for a replacement structure that is two stories with a big deck in the front. It would be a classic shingle style home consisting of four to five bedrooms. The house

would move back from the buffer and would be less nonconforming, according to Mr. Ross. The house elevation is currently 13.6 feet with the garage at 11.75 feet. The new house would have to be raised up to provide protection from flooding and meet FEMA requirements. A large portion of the deck would be removed and moved backward. The proposed deck would be within the existing footprint of the house but outside of the buildable area depicted in a map distributed by Mr. Ross. There would be no basement, as Mr. Chagnon noted that the lowest floor has to be above the base flood elevation. He added that the owner would like to have lawn and buffering plantings. The septic system would use advanced onsite solutions.

Mr. Chagnon did not believe that the drainage would impact abutters or the wetland resource. There is a 100 foot by 20 foot depression on the land that is a pocket of wetland, which may need to be filled as part of the construction. Mr. Chagnon noted that this would require a conditional use permit and Department of Environmental Services permission. He would like for the Commission to conduct a site walk and discuss acceptable deck and yard impacts. The site visit has been scheduled for 4:00pm on Monday, May 20<sup>th</sup>.

### **3. New Business.**

Ms. Barnhorst reminded those in attendance of the warrant article for the “Safe Path” sidewalk that will be voted on at the upcoming Town meeting. The sidewalk would go from Beach Hill Road to Pit Lane and would cost \$400,000, 80% of which would be refunded to the Town thanks to a federal grant.

### **4. Unfinished Business.**

None.

### **5. Announcements.**

Ms. McCarthy announced that Ms. White will be the new Chair of the Conservation Commission. Ms. McCarthy will be the Vice-Chair.

### **6. Adjourn.**

Ms. Barnhorst moved to adjourn the meeting. Mr. Pascale seconded. The motion carried, unanimously, and the meeting adjourned at 7:14 p.m.

Respectfully Submitted,

Meghan Rumph