

**APPROVED**

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**MINUTES OF THE NEW CASTLE CONSERVATION COMMISSION**  
**Tuesday, August 2<sup>nd</sup>, 2022 – 5:00 p.m. (Town Hall)**

**334 Portsmouth Avenue, Tax Map 14, Lot 11. Applicant: Kittery Point Yacht Club & Island Club. Representative: Kevin Glaser. Proposed: Buffer plantings.**

**70 Mill Pond Road, Tax Map 4, Lot 3-45. Applicant: Denis and Carolyn Cloutier. Proposed planting in 100 foot tidal buffer zone.**

**17 Seabreeze Lane. Applicant: Steve and Suzanne Cook. Representative: Tom Emerson. Proposed: Addition.**

**Members Present:** Conni White, Chair, Beth Barnhorst, Jim Cerny, Tom Chamberlin, Iain Moodie.

**Members Absent:** Rebecca Audet, Jim Rini.

**Others Present:** Russ Bookholz, Building Inspector and Code Enforcement Officer; George Chianis; Denis Cloutier; Tom Emerson, Studio B-E Architecture; Marc Jacobs, Certified Soil Scientist; Joe Morone; Alex Ross, Ross Engineering, LLC; Barbara Stepanek; Mike Sievert, Horizons Engineering, Inc.; Robin Woodburn, Woodburn & Company Landscape Architecture LLC.

**1. Call to Order.**

Chair White called the meeting to order at 5:10 p.m.

**2. Approve minutes from April 12, 2022 meeting.**

Ms. Barnhorst made a motion to approve the minutes for the April 12, 2022 meeting as submitted. Mr. Chamberlin seconded. Motion carried unanimously.

**3. Review.**

**A. 334 Portsmouth Avenue, Tax Map 14, Lot 11. Applicant: Kittery Point Yacht Club & Island Club. Representative: Kevin Glaser. Proposed: Buffer plantings.**

Conservation Commission Chair White and members Ms. Barnhorst, Mr. Chamberlin, Mr. Moodie and Mr. Rini conducted a site walk along with Town Building Inspector Russ Bookholz. The consensus was to allow what is growing to continue to grow. The Kittery Point Yacht Club will plant grass seed and clover in the buffer area. The Island Club will allow the existing plants to continue growing and will add plants at their own discretion.

#### **4. Applications.**

##### **A. 70 Mill Pond Road, Tax Map 4, Lot 3-45. Applicant: Denis and Carolyn Cloutier. Proposed planting in 100 foot tidal buffer zone.**

Conservation Commission members, along with Mr. Bookholz, conducted a site walk with project engineer Mike Sievert of Horizons Engineering and landscape architect Robin Woodburn of Woodburn & Company Landscape Architecture. Mr. Sievert and homeowner Denis Cloutier demonstrated how the 100 foot buffer cuts into the corner of the house and part of the existing deck. They propose to remove the patio and fire pit that were previously added, along with the constructed wall. The patio and wall area will be restored to the original condition, which was grass. Ms. Woodburn explained that they will re-loam and seed the area. They will put sod down and staple it to provide stability from erosion, which Mr. Bookholz pointed out. The grass area will be mowed a few times per year as in the past. Mr. Cloutier will be applying for a Wetland Bureau application for the permitting of the deck, and a Shoreland permit for permeable pavers within the 100 foot setback. Mr. Rini asked about the back gutter. Mr. Cloutier explained that it ties into the gutter on the original house, and will have crushed stone drip lines measuring two feet wide to filter the water into the land.

At the Conservation Commission meeting, Mr. Sievert explained the project history. The Cloutiers had built a firepit that was not allowed by the homeowner's association. The Cloutiers will be restoring the 100 foot buffer back to grass. Mr. Sievert demonstrated the temporary and permanent restoration areas on the plan. Ms. Woodburn distributed a planting plan. The area beyond the drip edge will be regraded back to the natural slope, and the area will be re-sodded to have grass. Ms. Woodburn added that there will be pervious walkways, and the driveway will go from impervious to pervious surface. Mr. Sievert explained that the Conservation Commission needs to sign off on the proposed plans as part of the Wetland and Shoreland permits.

Joe Marone, member of the Mill Pond Homeowner's Association Board, expressed that the concern of the homeowner association is to restore the site to the original condition. George Chianis was present with Barbara Stepanek, both of 60 Mill Pond Road. Mr. Chianis noted that they live next door to the Cloutiers. He showed pictures of the slope area with wildflowers, and asked whether the wildflowers will be restored to the site. Ms. Woodburn responded that they can add a wildflower mix if desired. Chair White felt that it would be best to leave the slope as it is, and she did not have a problem with it being mowed twice per year. She felt that this will stabilize an area that was previously disturbed. The problem with planting wildflowers is that it would require ripping out what is currently there to re-seed it, which would be worse than leaving the area.

Mr. Moodie noted that the silt fence is overloaded and needs to be re-done. Mr. Bookholz stated that he will be doing another site walk for the Town Shoreland permit, and the silt fence would also be addressed at that time.

Mr. Moodie motioned to recommend approval of the Horizons Engineering, Inc. plan dated May 22, 2022, project number 21622, as presented for Applicants Denis and Carolyn Cloutier, 70 Mill Pond Road, Tax Map 4, Lot 3-45, to restore the area between the 50 and 100 foot setbacks with sod to pre-existing conditions. All new soil is to be compacted, and the sod is to be rolled and

stapled. The Woodburn & Company landscaping plan L-3 dated July 29, 2022 is to be submitted to the NHDES. Ms. Barnhorst seconded. Motion carried unanimously.

## **5. Work Session.**

### **A. 17 Seabreeze Lane. Applicant: Steve and Suzanne Cook. Representative: Tom Emerson. Proposed: Addition.**

Alex Ross of Ross Engineering was present along with architect Tom Emerson. Mr. Bookholz stated that there were violations at the property that have since been taken care of. Eben Lewis of the NHDES came down to the site and instructed Mr. Cook to leave everything alone. If there is any more disturbance, a wetland violation will be filed. Mr. Bookholz did a site walk with Mr. Cook and noted that Mr. Cook was not to touch anything on the shoreland. The homeowner was asked to not spray any more Roundup, clear cut plants, move rocks, or build without the necessary permits.

Marc Jacobs, certified soil scientist, delineated the high tide mark and inland wetlands on the property. Mr. Bookholz reminded that inland wetlands have a 50 foot setback that must be adhered to. The applicants would need a Shoreland permit and most likely a Wetland permit, which would likely be a minimum impact expedited permit. Mr. Bookholz explained that the hot tub that was added in the 50 foot setback will need a variance or conditional use permit. The hot tub was added to the stone patio that was previously approved a few years ago, but the homeowners did not get a permit for the hot tub, so it has since been disconnected.

Tom Emerson, representative and architect for the Cooks, explained that the housework will be 150 to 250 feet away from the wetland buffer. There will be a new septic system that will be moved over to the front of the house. There will be a new pervious paver driveway, and the garage will be moved to the back of the house. The rest of the house will go up on the existing footprint, with a floor added above the wrap-around porch. A portion of the house that falls in the 50 foot setback is intended to be raised as well.

Chair White requested to see a plan showing how the water runoff will be addressed for the garage. The applicants will come back before the Conservation Commission, and then will go before the ZBA and Planning Board.

## **6. New Business.**

Chair White reminded members Mr. Chamberlin, Mr. Cerny and Ms. Barnhorst that they need to go to the Town Hall to renew their terms on the Conservation Commission.

**7. Adjourn.**

Ms. Barnhorst moved to adjourn the meeting. Chair White seconded. The motion carried, unanimously, and the meeting adjourned at 5:50 p.m.

Respectfully Submitted,

Meghan Rumph  
*Secretary*