

Planning Board Notice of Public Hearings

Posted on March 12, 2021

NEW CASTLE, NH PLANNING BOARD NOTICE OF PUBLIC HEARING ON ZONING ORDINANCE AMENDMENT

Pursuant to RSA 675:3 and 675:7, notice is hereby given that the New Castle Planning Board will hold a Public Hearing at 7pm on Wednesday, March 24, 2021 via Zoom on the following proposed amendment to the Zoning Ordinance. This change will bring the New Castle Zoning Ordinance in compliance with State Statutes.

Strike through means deleted text, **bolded and underlined text means added text.**

6.3 MARINAS, DOCKS AND PIERS

~~6.3.1~~ Marinas, boatyards, yacht clubs and permanent or seasonal docks, piers, wharves, floats, and their accessory structures shall be permitted by Special Exception. Request for a Special Exception under this provision shall be made to the Board of Adjustment prior to applicants filing for approval by federal and/or state regulatory agencies. Special Exceptions under this section shall be granted only after review and recommendation by the Conservation Commission to the Board of Adjustment. However, the Board of Adjustment is not bound by the decision of the Conservation Commission.

~~6.3.2~~ Such exceptions shall be found by the Board of Adjustment to comply with the requirements of Section 4.3—Special Exceptions and the following review criteria:

- ~~1.—General. In reviewing applications for Special Exceptions under this section, the Board of Adjustment shall balance private property interests with the public's interest in its tidal shore by fostering the right of people to the natural, scenic, historic and aesthetic qualities of their environment and protecting the public health, safety and general welfare as it may be affected by any of the projects described in 6.3.1 above.~~
- ~~2.—Specific Review Criteria. The specific review criteria with respect to docks, piers, wharves and floats are:~~
 - ~~1.— All docks, piers, wharves and floats must be designed to minimize visual impact and to avoid degrading the environment;~~
 - ~~2.— All docks, piers, wharves and floats must be designed so as not to represent a hazard to navigation, including that of fishing craft, small pleasure boats and kayaks, or to obstruct public rights of passage or access;~~
- ~~3.— All docks, piers, wharves and floats must be designed so as to minimize to the greatest extent possible, any impact on the value of abutting properties;~~
- ~~4.— Only one dock, pier, wharf or float is permitted for each property;~~
- ~~5.— A dock, pier, wharf or float must not be located within 20 feet of any abutting property lines on land or the imaginary extension of these lines over the surface waters of any abutter to the property from which it is proposed to have a dock, pier, wharf, or float. To the degree practicable, these structures should be located in the center of the owner's property and the imaginary lines extended over the surface waters from the center of that property;~~
- ~~6.— The maximum permissible width of a dock, pier or wharf is 6 feet. The maximum area of a float is 400 square feet;~~
- ~~7.— The maximum permissible height of a dock, pier or wharf is 5 feet above mean high water except where the possibility of extreme storm tides requires a higher level;~~
- ~~8.— The property from which it is proposed to establish docks, piers, wharves or floats must have a minimum of 60 feet of tidal shoreline frontage;~~

9. ~~In determining the maximum allowable length of a pier, the Board of Adjustment shall consider the property's shoreline frontage, the visual impact of the proposed pier, avoidance of damage to the environment, the width of the waterway, the location of the proposed docks and piers on the waterway, the length of the neighboring docks and piers and the protection of neighboring property values. The maximum aggregate length of a dock, pier, wharf and float as measured from the seaward face to mean high water line shall be as determined by the Board of Adjustment but may exceed 100 feet only after a finding that unusual circumstances exist.~~
10. ~~All structures constructed under these criteria shall be maintained. Maintenance shall be such that the structure shall conform to reasonable safety standards. Failure to maintain the structure for five years in a condition that is functional and intact constitutes abandonment. The owner will be obligated to restore or remove the abandoned structure.~~

3. Requirements for Marinas: Marinas shall be permitted subject to a finding that all of the following conditions are met:

1. ~~The marina is a part of a planned unit development consisting of at least ten acres of land and least 1,000 feet of shoreland;~~
2. ~~It is designed so as to result in the least amount of alteration of water area;~~
3. ~~Supporting marine facilities such as winter storage yards are located inland;~~
4. ~~Pilings or cribbings are used to elevate marine structures rather than solid fill;~~
5. ~~Pump out facilities for boat sewage are provided and connected to the municipal sewer system.~~

6.3 DOCKS

6.3.1 Private Docks and Water-Related Structures (Personal Use):

1. All docks, wharves, piers and other water-related structures are permitted by the New Hampshire Department of Environmental Services, fall under state jurisdiction, and shall comply with the requirements and restrictions of RSA chapter 482-A and Administrative Rules Env-Wt, as may be amended. This includes, but is not limited to, the requirements that:
 - a. The applicant for a permit under RSA chapter 482-A submit an original plus 4 copies of a completed application form and all required attachments under RSA chapter 482-A and Administrative Rules Env-Wt to the Town Clerk. The Town Clerk shall send a copy of the form and attachments to the Selectboard, the Planning Board, and the Conservation Commission, and shall retain one copy to be made accessible to the public.
 - b. The applicant shall provide written notice of the proposed project to all abutters, as defined in the Administrative Rules Env-Wt 101 (as may be amended), and as required by RSA 482-A:3, unless exempted in such rules.
2. In making its recommendations, the Conservation Commission shall consider the size and depth of the water area, boat traffic already existing in the area, protection of water quality, wildlife habitat and public safety, protection of endangered plant species, and any other relevant information. The Conservation Commission shall meet on the application to provide a non-binding recommendation to NH DES, which has jurisdiction over permitting.

6.3.2 Commercial Docks and Water-Related Structures:

1. **A proposal for commercial use of water-related structures, including but not limited to condominium docking facilities, yacht clubs, or marinas, must comply with all of the requirements in Section 6.3.1, must be a use that is permitted in the underlying use district; and shall be subject to Site Plan Review by the Planning Board.**

A full copy of the proposed amendment is posted on the Town's website under the "News" tab and available at the New Castle Town Office, 49 Main Street, during regular business hours. The Town Office is currently appointment only, so please call at 431-6710.

Instructions on how to access the Zoom session of the Planning Board on March 24, 2021 can be accessed on-line on the agenda for the meeting which will be posted the week of March 14, 2021.

**NEW CASTLE, NH PLANNING BOARD
NOTICE OF PUBLIC HEARING ON BUILDING CODE ORDINANCE AMENDMENTS**

Pursuant to RSA 675:3 and 675:7, notice is hereby given that the New Castle Planning Board will hold a Public Hearing at 7pm on Wednesday, March 24, 2021 via Zoom on the following proposed amendment to the Building Code Ordinance:

PROPOSED AMENDMENT TO THE BUILDING CODE ORDINANCE

~~Strike through means deleted text, **bolded and underlined text means added text.**~~

BUILDING CODE

Section 13 Permits

- (c) A copy of a building permit must be posted by the applicant at the work site ~~within two business days after it is issued. (May 2003)~~ **prior to start of work. (May 2021)**

PROPOSED AMENDMENT TO THE BUILDING CODE ORDINANCE

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BUILDING CODE

Section 15 Appeal Procedure

If the applicant for a permit under this code is dissatisfied with any decision rendered by the Building Official, the permit applicant may appeal in writing, stating the points in contention to the ~~Selectmen~~ **ZBA**. The ~~Selectmen~~ **ZBA**

shall meet with the permit applicant and the Building Official to discuss the matter and shall render a decision within a reasonable period of time not to exceed thirty (30) days.

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ZONING ORDINANCE

2.0 Definitions

2.3 DEFINITIONS

2.3.13a Building Area

Building Area: The gross floor area of all buildings on a lot including garages, detached buildings, ~~and covered porches and including 50% of the area of walkout basements,~~ **finished areas of the basement,** but excluding patios; ~~and~~ **decks.** ~~and~~ **Storage sheds of less than 80 square feet** **are also excluded.**

Example for a 15,000 Square Foot Lot:

15,000

- **4,000 (50%)** -----> 2,000

11,000

- **5,000 (25%)** -----> 1,250

6,000 (15%) -----> **900**

4,150 Square Feet Max Building Area

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4.0 District Regulations

Density and Dimensional Chart

Maximum Building Area per Lot	1 st 4,000sf of lot: -50% of lot area 4,000sf – 9,000sf of lot area: -25% of area	Same as RESIDENTIAL DISTRICT	Same as RESIDENTIAL DISTRICT	Same as RESIDENTIAL DISTRICT	Same as RESIDENTIAL DISTRICT	Same as RESIDENTIAL DISTRICT	Same as RESIDENTIAL DISTRICT	Same as RESIDENTIAL DISTRICT
(See Ex in Def Section)	Lot area above 9,000sf.: -15% of area							

Building Area Posting Notice
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