

# Final \*\*\*Final\*\*\* Final

Planning Board Meeting  
7:00 p.m. Town Hall  
Wednesday, November 29, 2017

**Public Hearing for a Conditional Use Permit for applicants Richard and Heidi Reilly, 29 Shaw Circle, Map 10 Lot 13 for a second floor addition to an existing residence, garage and mudroom within the wetland setback**

**Members Present:** Darcy Horgan, Margaret Sofio, Kate Murray, Tom Hammer, Bill Stewart, Geof Potter, Rich Landry

**Others Present:** Richard and Heidi Reilly

**Members Absent:** none

Chair Darcy Horgan called the meeting to order at 7:00 p.m.

**1. Public Hearing for a Conditional Use Permit for applicants Richard and Heidi Reilly, 29 Shaw Circle, Map 10 Lot 13 for a second floor addition to an existing residence, garage and mudroom within the wetland setback.**

Applicant Richard Reilly, 29 Shaw Circle, described plans for renovating an existing one story home in which he and Heidi Reilly have resided for two years. Plans call for adding a second floor addition, 2-car garage and mudroom. Because a portion of the existing structure is within the Wetlands Buffer, a variance to Article 7.5, Section 7.5.1 of the Zoning Ordinance to expand a pre-existing, nonconforming structure within the 50' Wetlands Buffer was sought and granted by the ZBA, subject to approval from the New Castle Planning Board and the Conservation Commission. A second floor will be added to the portion of the structure within the wetlands setback, but there will be no change to the footprint within the Buffer Zone.

While septic is not shown in the renovation plans, Mr. Reilly explained that plans for a new septic design have been approved by NH DES as a contingency in the event of the existing system (circa 1958) failure. The new design relocates septic from within the Wetlands Buffer zone to outside the setback. Mr. Reilly noted that it may be more efficient to install the new system at the time of the renovation.

Members noted that decommissioned septic systems can be filled with sand to stabilize the ground.

Characterizing the existing foundation as suspect, Mr. Tom Hammer questioned whether the existing footings are large enough to support a two-story structure indicating that if the plans evolve to require a new foundation, its construction would increase the disruption to the Wetland Buffer Zone. Mr. Reilly responded that a structural engineer looked at the existing block

foundation and would continue to work with them throughout the project to ensure that the work is sound. The engineer's opinion was that a block foundation was "nearly as good" as a poured foundation relative to weight bearing and indicated to the applicants that there were several ways the foundation could meet the code. Responding to Mr. Hammer, Mr. Reilly indicated that the drawing set was presented to the Building Inspector who, he believed, would determine whether utilizing the old foundation complied with code. Mr. Hammer noted that while the plan set has an architect's stamp, it doesn't describe methods of construction. Mr. Reilly indicated that their intent was to take the roof off and build up on the existing structure. (A new foundation would be installed for the mudroom and garage portion of the project outside of the setback.) Chair Horgan expected that, if the scope of the project changed to require a new foundation, it would return to the Building Inspector.

Mr. Bill Stewart read the ZBA statement to clarify the matter for the Planning Board's consideration:

"The existing foundation will remain. It will involve removing the roof and building upward a portion of the front porch addition will be inside the setback. To compensate, the back deck will be moved from partially inside to completely outside the 50'."

Therefore, if it becomes necessary for the project to deviate from the approved variance, the applicants would be required to return to the ZBA.

Mr. Hammer would have liked to see a letter from the structural engineer stating that the structure is sound and an outline for remedial steps in the event of unanticipated structural support needs. Chair Horgan thought the plan set was sufficient for the matter before the Board, but that more detail would be required in the event of a return to the ZBA for a new foundation.

Chair Horgan noted that the Conservation Commission fully reviewed the request --including the request and applicant's agreement to position gutter runoff to the side opposite the wetlands-- and reiterated that the Board must base its approval on the plans that are presented.

*Mr. Hammer moved to approve the application for Richard and Heidi Reilly, 29 Shaw Circle, Map 10, Lot 13 as submitted on the TMS plans dated August 9, 2017 and per approval by the ZBA on October 24, 2017.*

*This is conditioned on the understanding that any removal of the existing foundation or substantial alteration to the foundation which requires excavation in the wetland setback would need additional review. It is further conditioned upon proper erosion controls being installed for the duration of the project.*

*Ms. Kate Murray seconded the motion. Motion carried unanimously.*

Responding to a clarifying question from Mr. Reilly, members agreed that any work to reinforce the existing foundation walls would be allowed under the (above) approval.

Members discussed the process for projects that are anticipated to require multiple Board approvals and proposed that the Building Inspector provide notice when those applications appear.

Chair Horgan closed the Public Hearing at 7:57 p.m.

## **2. Review and approve the minutes to the October 25, 2017 meeting**

Ms. Murray motioned, seconded by Ms. Margaret Sofia, to approve the minutes of the October 25, 2017 meeting as written. Motion carried, unanimously.

## **3. Update from all members on assigned ordinance changes**

### Personal Wireless Service Overlay District

Lead Member: Ms. Sofio

Co-location of new equipment with existing equipment, which, in New Castle, is present in the church steeple, requires only Building Code compliance and is deemed approved if no action is taken in 45 from application. No Planning Board or ZBA approval is necessary.

Much of the area in New Castle is exempted from cell tower location due its historic designation. Mr. Stewart wondered whether there is an opportunity to exempt more land. Mr. Stewart believed wireless equipment approval was the jurisdiction of the Select Board.

Next Steps: Ms. Sofio to propose ordinance language.

### B&B and Inn Ordinance

Lead Member: Mr. Potter

Mr. Geof Potter distributed a draft proposal for a single ordinance, in which B&B's are a subordinate form of inn, including a number of possible regulations for consideration.

Next Step:

Members to review Mr. Potter's proposal for discussion at the December meeting.

### Violation Enforcement and Penalties

Lead Member: Mr. Landry

Mr. Rich Landry noted little enthusiasm for Zoning Ordinance enforcement in his discussions with both Building Inspectors. Both inspectors, however, are on board with the suggested Building Permit addition, although there was some hesitation over the responsibility for addressing potential violations with the Permit holders.

(Proposed addition in bold:

I hereby certify that I am familiar with all pertinent codes relating to the above specified work, and that all work shall be performed in compliance with these codes, also that I am familiar with the town of New Castle Zoning Ordinance, Codes and Regulations. **I further certify that I understand the issuance of a building permit does not relieve the applicant / owner of responsibility to fully comply with all applicable to ordinances, codes and regulations, and if a violation is discovered at any time the owner may be required to obtain appropriate relief or take corrective action.)**

Members reiterated the need for a full time Building Inspector/ Zoning Official. The Select Board will need to consider the issue --and the budget-- because citizen complaints will eventually end there. Ms. Sofio suggested that it is the Planning Board's role to make a recommendation to the Select Board. Mr. Landry will follow up with a conversation with Mr. Stewart.

Chair Horgan noted that the Tree Committee is also looking into issues of enforcement.

It was further suggested that the town should require a site plan review for every project that exceeds the existing footprint. Members also judged the town's Building Permit fees to be comparably low. Higher fees might fund a staff position.

#### **4. New Business**

Mr. Stewart highlighted three proposed land use projects:

- a. The town land between Neals Lane and Pit Lane might be a good spot for a town park.
- b. Using all or part of a \$16,000 a highway block grant plus \$14,000 in privately raised funds, the town is planning an extension of the sidewalk from Wild Rose Lane to the Town Common property at an estimated total cost of \$26,000- \$28,000.
- c. Funds are being sought, possibly also funded by the (above) grant, to demolish the roadside ledge between the two Shaw Circle roads to improve visibility.

Mr. Stewart further announced that there will be an informational meeting on Monday, December 4, 2017 at the Recreation Center about the water infrastructure project.

#### **5. December meeting date**

The Planning Board agreed to meet on December 20, 2017.

Chair Horgan advised that it is time to begin to review of proposed ordinance changes.

#### **6. Adjourn**

Mr. Hammer moved to adjourn the meeting. Ms. Murray seconded. Motion carried, unanimously. Meeting adjourned at 8:32 p.m.

Respectfully Submitted,  
Anne Miller, Secretary