

1                   **APPROVED    APPROVED    APPROVED**

2                                   **Planning Board Meeting**  
3                                   **7:00 p.m. Town Hall**  
4                                   **Wednesday, October 25, 2017**

5  
6   **Members Present:** Darcy Horgan, Geof Potter, Rich Landry, Margaret Sofio, Kate Murray

7  
8   **Members Absent:** Tom Hammer, Bill Stewart

9  
10   **Others Present:** Andy Schulte

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12  
13   Chair Darcy Horgan called the meeting to order at 7:03 p.m. and noted the presence of a  
14   quorum with voting members: Chair Horgan, Ms. Margaret Sofio, Ms. Kate Murray, Mr. Rich  
15   Landry, Mr. Geof Potter

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17                   **1. Review and approve minutes of the meeting on September 28, 2017**

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19   *Ms. Sofio MOVED, and Mr. Landry SECONDED, to APPROVE the minutes of the SEPTEMBER*  
20   *28, 2017 meeting as AMENDED. Motion CARRIED unanimously.*

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22                   **2. Update from all members on assigned ordinance changes**

23  
24   Violation Enforcement and Penalties

25   Lead Member: Mr. Landry

26  
27   Mr. Landry has explored the issues surrounding zoning violations: how they're caught, how  
28   they're enforced (or not) and what can be done with the ordinance and building permit  
29   application to prevent repeat problems.

30  
31   At the core of the matter, is the absence of a requirement that the Building Inspector include a  
32   zoning review in the application review process. As follow-up to Mr. Landry's September 28,  
33   2017 report, he presented a proposed change to the Building Permit in order to place the onus  
34   for compliance on the builder and owner and give the Town the ability to require a remedy.

35  
36   *Existing:*

37   I hereby certify that I am familiar with all pertinent codes relating to the above specified work,  
38   and that all work shall be performed in compliance with these codes, also that I am familiar with  
39   the town of New Castle Ordinance, Table of Uses, and all other dimensional Regulations.

40  
41   *Proposed* (addition to appear in bold):

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

1 Ms. Sofio, while supportive of the end result, cautioned that for the average citizen-applicant,  
2 the need to understand the entire ordinance may be an excessive and daunting requirement.  
3 Mr. Landry believed the burden for code knowledge should fall to the contractor and noted that  
4 it's the current Building Permit language that requires the applicant to certify their familiarity and  
5 compliance with the ordinance. The proposed language is only remedial. If the proposed  
6 change were to be restricted to Major Building Permits (400+ sf) only, larger Minor Building  
7 Permit project violations (i.e. an addition in the wetlands) could slip through.

8  
9 Members discussed that enforcement often relies on neighbors but the process is unclear.

10  
11 **Next Steps:**

- 12 • Review the proposed change with the Building Inspector.
- 13 • Consider whether the added language should refer to fines.
- 14 • Review the process for identifying violations and imposing fines.
- 15 • Communicate a grievance process for complainants, possibly as a handout made  
16 available at Town Hall.

17  
18 Tree Cutting

19 Lead Member: TBD

20  
21 The Tree Protection and Preservation Committee is established, led by Co-Chairs, Jane Finn  
22 and Burt Cohen, to explore possible actions including the designation of Scenic Byways and  
23 tree cutting permits. It is advisory to the Planning Board. They have met twice,

24  
25 B&B and Inn Ordinance

26 Lead Member: Mr. Potter

27  
28 Mr. Potter described the need for ordinance revisions to account for inns that practice a new  
29 business model of unstaffed buildings with guest key codes for access. B&B's are different,  
30 because by definition, they are within an occupied home. AirBnB is not the same as a B&B, but  
31 is a room rental marketplace.

32  
33 The proposed ordinance should regulate the zoning districts in which inns and B&B's are to be  
34 allowed, including the consideration of whether they may be sited in residential districts, for  
35 example on Wild Rose Lane.

36  
37 **Next Steps:**

- 38 • Propose ordinance language for the Board's consideration.

39  
40 Fences and Retaining Walls

41 Lead Member: Mr. Potter

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43 New Castle ordinance doesn't currently recognize fences and retaining walls in their definition of  
44 structure. Most municipalities separate fences and walls from their definition of a structure;  
45 some include them in their definition of an accessory structure—which is defined as not having  
46 a principal use and being connected to some other, defined structure. Mr. Potter suggested the  
47 Town might consider an enhanced definition of structure to also include accessory structures.  
48 Sometimes a wall is defined as a partition with a foundation v. a fence, which is a partition for  
49 enclosure or separation without a foundation.

1 Current New Castle Ordinance does not consider anything below 18” as a structure. Further,  
2 patios attached to a structure are regulated differently than detached patios.

3  
4 Ms. Sofio asked whether retaining walls are differently considered because of their function.

5  
6 Personal Wireless Service Overlay District

7 Lead Member: Ms. Sofio

8  
9 An ordinance change needs to address the co-location of services because of the FCC’s  
10 requirement for quick turnaround of those permit applications. NH State law provides relevant  
11 language that can be adapted for the Town’s use.

12  
13 Next Steps:

- 14 • Propose ordinance language for the Board’s consideration.

15  
16 **3. New business**

17  
18 Chair Horgan opened the meeting for public comment at 7:26 p.m.

19  
20 Mr. Andy Schulte, 107 Main Street, asked the Board to consider adding or strengthening the  
21 ordinance to set a minimum dwelling unit, including condominium unit, size. Mr. Schulte  
22 suggested adding a “minimum dwelling area per unit” to Table 1 on page z-19. The Board noted  
23 that it would be logical to tie the minimum dwelling areas to the ADU ordinance size restrictions.

24  
25 Mr. Landry had had a conversation with ZBA Chair, Todd Baker, about the need to streamline  
26 the use of similar terms for “dwelling unit.” Mr. Landry will follow up to clarify Mr. Baker’s  
27 concern.

28  
29 At 7:46 p.m., hearing no further public comment, Chair Horgan brought the meeting back to the  
30 Board.

31  
32 **4. November meeting date**

33 The November meeting was moved to November 29, 2017, 7:00 p.m.

34  
35 **5. Adjourn**

36 Ms. Murray *MOVED*, and Ms. Sofio *SECONDED*, to adjourn the meeting. The  
37 motion *CARRIED*, unanimously.

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39 Meeting adjourned at 7:56 p.m.

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41 Respectfully Submitted,  
42 Anne Miller, Secretary