

# APPROVED APPROVED APPROVED

**Planning Board Meeting  
7:00 p.m. Town Hall  
Wednesday, February 21, 2018**

**Members Present:** Darcy Horgan, Margaret Sofio, Tom Hammer, Geof Potter

**Others Present:** none

**Members Absent:** Kate Murray, Bill Stewart, Rich Landry

Chair Darcy Horgan called the meeting to order at 7:03 p.m.

## **1. Approve minutes of the December 20, 2017 meeting**

*Ms. Margaret Sofio moved to ACCEPT the minutes of the December 20, 2017 meeting of the Planning Board as written, Mr. Tom Hammer seconded. Motion carried unanimously.*

## **2. Approve minutes of the January 24, 2018 meeting**

*Mr. Geof Potter moved to ACCEPT the minutes of the January 24, 2018 meeting of the Planning Board as written. Mr. Tom Hammer seconded. Motion carried unanimously.*

## **3. Ordinance 9.5.9 Colocation Procedure**

Pursuant to the Board's discussion about the FCC regulation regarding the approval process for the co-location of wireless services, Members reviewed proposed changes to Sections 9.5.9 and 9.5.5 of the Zoning Ordinance with the intent of placing the amendments on the ballot at Town Meeting in May, 2018.

*Ms. Sofio moved to APPROVE the addition of Section 9.5.9, Colocation Procedure, and the change to Section 9.5.5.1, Conditional Use Permit for PWSFs, of the Zoning Ordinance as written below. Mr. Potter seconded the motion. Motion carried by unanimous vote.*

Chair Horgan opened the Public Hearing at 7:10 p.m. Seeing no members of the public present, Chair Horgan closed the Hearing at 7:11 p.m.

*Ms. Sofio moved that the addition of Section 9.5.9, Colocation Procedure, and the change to Section 9.5.5.1, Conditional Use Permit for PWSFs, of the Zoning Ordinance as written below, be placed on the*

*ballot as a warrant article at the town meeting on May 8, 2018. Mr. Hammer seconded the motion. Motion APPROVED by unanimous vote.*

#### 9.5.9 Colocation Procedure

*An applicant for colocation of an antenna or antennas on an existing PWSF shall comply with RSA 12-K:10 and 11, the Telecommunications Act of 1996, all pertinent F.C.C. regulations, and the requirements of New Castle Ordinance sections 9.5.6.1.c, 9.5.6.2, 9.5.6.3 and 9.5.6.4. No applicant pursuant to this Section shall be required to file for a Conditional Use Permit pursuant to section 9.5.5. For the purpose of reviewing a colocation application under RSA 12-K:10, the Authority shall be the Building Inspector.*

#### 9.5.5 Conditional Uses:

##### *1. Conditional Use Permit*

*All applicants for PWSFs under this ordinance, except applicants for colocation under Section 9.5.9, shall apply to the Planning Board for site plan review in accordance with the requirements of the Town site plan review regulations. The Planning Board shall act upon an application for siting by applying its site review regulations as well as the provisions of this ordinance and shall process application in accordance with the procedural requirements of its site plan review regulations and RSA 676:4. All decisions rendered by the Planning Board shall be in writing and any denial of an application to site a facility shall be in writing and shall be based upon substantial evidence contained in the written record. The Planning Board may impose conditions in granting a conditional use permit pursuant to this subsection to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed facility on adjoining properties and to effectuate the intent of this ordinance. The siting of a Personal Wireless Service Facility is permitted in the Personal Wireless Service Facility Overlay District by conditional use permit which may be*

*granted by the Planning Board based on the following criteria and pursuant to the following procedure.*

#### **4. Ordinance Section 9.2.5.2.i, Conditions in the Wetlands Conservation District**

Pursuant to the Board's discussion regarding the performance security for projects within the Wetlands Conservation District, Chair Horgan read and Members reviewed the proposed amendment to Section 9.2.5.2.i of the Ordinance.

*Mr. Geof Potter made a motion to APPROVE the change to Section 9.2.5.2.i, Conditions in the Wetlands Conservation District as written below. Ms. Sofio seconded the motion. Motion carried, unanimously.*

Chair Horgan opened the Public Hearing at 7:13 p.m. Seeing no members of the public present, Chair Horgan closed the Hearing at 7:14 p.m.

*Mr. Potter made a motion that the change to Section 9.2.5.2.i, Conditions in the Wetlands Conservation District as written below, be placed on the ballot as a warrant article at the town meeting on May 8, 2018. Mr. Hammer seconded. Motion APPROVED unanimously.*

### **SECTION 9.2 WETLANDS CONSERVATION DISTRICT**

#### **9.2.5.2 Conditions:**

- i. Where required by the Planning Board, the applicant shall agree to submit to the Town a performance security, in a form and amount satisfactory to the Planning Board to ensure that all construction and any required restoration and/or mitigation per section 9.2.5.5.d or 9.2.5.2.h, is carried out in accordance with the approved design plans and stated conditions. At the time the applicant submits its performance security, the applicant shall also execute and submit to the Planning Board a "Site Access Agreement". The security and Site Access Agreement shall be submitted and approved, prior to the commencement of any work and prior to the issuance of any permit authorizing construction. The form of security posted shall be "self calling" to insure that if no certificate of completion of the required restoration and/or mitigation work is received within one (1) year, and if no extension approved by the Planning Board is obtained and submitted, the security is automatically paid over to the Town of New Castle.*

*At the time of approval, the Planning Board shall specify the documentation which*

*shall be required in order to release the security to the applicant.*

*In order for security to be released, the applicant shall submit in writing to the Planning Board a request for the release of security along with evidence that all work has been completed in accordance with the approved plans and stated conditions. The Planning Board shall review the submitted materials and vote on the request to release the security. The Planning Board, or its designee, has authority to enter any property which is the subject of the work, to conduct inspections to ensure the required work has been satisfactorily completed per the approved plans and stated conditions.*

*If the Planning Board is not satisfied that all work is complete and complies with the approved plans, the security shall remain in place with the Town. The Planning Board shall specify a time in which work shall be completed to cure the defects in the work, after which the applicant may resubmit a request for the release. If after the second request the Planning Board is still not satisfied that work is complete, the Planning Board shall have the discretion to use the security to cause the work to be completed or vote to extend the period to cure any defect. If the Planning Board elects to use the security to complete the work, the Town of New Castle, its employees agents and contractors, have authority to enter the property which is the subject of the work, with reasonable notice to the owner, to complete the required construction, restoration and/or mitigation work.*

## **5. Public Hearing for Impervious Surface definition**

At 7:15 p.m. Chair Horgan opened the Public Hearing for the new definition of Impervious Surface that was previously approved by the Board. Hearing no comment from the public, Chair Horgan closed the Hearing at 7:16 p.m.

*Mr. Potter moved that the following new definition to the Zoning Ordinance, as written below, be placed on the ballot as a warrant article at the town meeting on May 8, 2018 with the assigned number as noted and all subsequent definitions renumbered accordingly. Mr. Hammer seconded the motion. Motion APPROVED unanimously.*

### **2.3.35 Impervious Surface**

***Impervious Surface:*** A modified surface that cannot effectively absorb or infiltrate water, including but not limited to, decks, patios, driveways, parking areas, walkways, tennis courts, swimming pools and hot tubs, unless such structures have been designed to effectively allow for water to infiltrate or be absorbed. Roofs are always considered impervious surfaces regardless of infiltration systems.

## **6. Public Hearing for Lot coverage definition, Section 2.3.38**

At 7:17 p.m. Chair Horgan opened the Public Hearing for the new definition of Lot Coverage that was previously approved by the Board. Hearing no comment from the public, Chair Horgan closed the Hearing at 7:18 p.m.

*Ms. Sofio moved that the change to Section 2.3.38, Definition of Lot Coverage, be changed as written below, and be placed on the ballot as a warrant article at the town meeting on May 8, 2018. Mr. Potter seconded the motion. Motion APPROVED unanimously.*

## **SECTION 2.0 DEFINITIONS**

### **2.3.38 Lot Coverage**

***Lot Coverage:*** That percentage of the plot or land area covered by impervious surfaces including but not limited to paved, bricked, or gravel areas, buildings or other structures, decks, patios, driveways, walkways, sheds, tennis courts, swimming pools and hot tubs.

Aware of their work in progress on related projects, Chair Horgan will send this information to Ambit Engineering for their information. The Building Inspector can hold new applications, filed within 120 days of Town Meeting, that would be impacted by pending warrant item Ordinance amendments until the matter is decided by Town Meeting ballot. Chair Horgan will inform the Building Inspector of such pending warrant items.

## **7. Public Hearing for changes to Subdivision Regulation Sections 5.1.3.4, 5.2.1, and 6.2.4.17**

Chair Horgan opened a Public Hearing for comment on minor changes shown below in bold and approved by the Board on February 7, 2018, to Subdivision Regulation Sections 5.1.3.4, 5.2.1, and 6.2.4.17 at 7:20 p.m. Hearing no comment, the Hearing was closed at 7:21 p.m.

*Mr. Hammer made a motion that the changes in the Subdivision Regulations in Sections 5.1.3.4, Design Review, 5.2.1, Application Filing, Submission and Acceptance Procedures, and Section 6.2.4.17, Required Information, as written below, be placed on the ballot as a warrant article at the town meeting on May 8, 2018. Ms. Sofio seconded the motion. Motion APPROVED unanimously.*

### **5.1.3 Design Review**

**5.1.3.4** Those wishing to engage in pre-application design review shall submit a "Request for Pre-application Review" (Attachment 1) and associated fees not less than **21 days** before a regularly scheduled meeting of the Board. The request shall include.....

## **5.2 FORMAL APPLICATION**

### **5.2.1 Application filing, Submission and Acceptance Procedures**

*Applications for subdivision shall be filed with the Planning Board. (See “Application Form for Subdivision of Land”, Attachment 2). Additional forms are available at the Town Hall. A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Board (or its designee) at least **21 days** prior to the next scheduled meeting of the Board. Applications determined to be incomplete shall not be accepted by the Board for jurisdiction.*

## **SECTION 6 – PLAN REQUIREMENTS**

### **6.2.4 REQUIRED INFORMATION**

*6.2.4.17 All floodplain information, including contours of the 100 year flood elevation, based upon the **most recently amended and accepted** Flood Insurance Rate Map for New Castle, as prepared by the Federal Emergency Management Agency.*

## **8. Old Business**

### **a. Building Permit Application changes**

While not requiring Board approval, the following changes (new, in bold) that were proposed by Mr. Rich Landry and discussed by the Planning Board have now been incorporated into the Building Permit Application forms.

*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.***

### **b. Ordinance amendments for next year**

Chair Horgan suggested that in the coming year the Board work on plans to incorporate a definition for “inn” in the Ordinance.

## **9. Adjourn**

*Ms. Sofio motioned to adjourn the meeting, Mr. Hammer seconded, and the motion was unanimously approved.*

Meeting adjourned at 7:30 p.m.

Respectfully Submitted,

Anne Miller, Secretary