

*****FINAL*****

**Planning Board Meeting
7:00 p.m. New Castle Town Hall
Wednesday, June 26, 2019**

Public Hearing for a Conditional Use Permit for John and Jean Shields 41 Mainmast Circle, Map 9, Lot 17 for redevelopment of a lot to include a new single-family residence with attached garage and other site improvements.

Members Present: Darcy Horgan, Lorne Jones, Kate Murray, Rich Landry, Bill Stewart

Others Present: Steve Riker, John Shields, Brad Jones

Members Absent: Tom Hammer, Margaret Sofio

Chair Darcy Horgan opened the meeting at 7:02 p.m., indicated the presence of a quorum, and identified the meeting's voting members as herself, Ms. Kate Murray, Mr. Rich Landry, Mr. Lorne Jones. (Note: Mr. Bill Stewart arrived after the meeting started and became the 5th voting member.)

1. Public Hearing for a Conditional Use Permit for John and Jean Shields 41 Mainmast Circle, Map 9, Lot 17 for redevelopment of a lot to include a new single-family residence with attached garage and other site improvements.

Project Presentation

Mr. Steve Riker, representing applicants John and Jean Shields, described the petition for a Conditional Use Permit for work within the 100' Tidal Buffer Zone. The project represents a tear down and rebuild of a single family home that is currently located entirely within the 100' Tidal Buffer Zone on a lot that is primarily within said buffer.

A new single family home, to include a new 2-car garage, is proposed to be similarly located on the lot. External features include a porous asphalt driveway, a new walkway similar to the existing, a porous patio at the rear of the home (Lavenger Creek side) under a 2nd floor deck, and stairs to access and egress the deck and patio.

Stormwater management improvements include a reduction in impervious surfaces, from the existing 23.9% coverage to a proposed 19.2% coverage; a buffer planting area on the slope toward Lavenger Creek to replace what is currently (periodically) mown lawn; a stone drip apron fed by downspouts sited at the rear of the garage.

Mr. Riker identified the buffer planting schedule (dated 4/2/19) that was included in Board Members' packets.

As shown on Sheet C3, there will be grading associated with the addition of the porous driveway, as well as some grading off the front and rear of the house. Shown on Sheets D1 and D2 are the details of the Siltsoxx, porous concrete walkway, buried electric/communication cable, and water service, porous patio, retaining wall, sewer connection and porous pavers.

Other Approvals

The applicants received a variance for relief from Ordinance Section 4.2.1 from the Zoning Board of Adjustment (ZBA) on May 28, 2019 to allow for a 28 s.f. footprint inside the front yard setback where there is currently 30 s.f.

The applicants met twice with the New Castle Conservation Commission (NCCC), first for a work session and then, on April 9, 2019, when they received the Commission's recommendation for approval with the stipulation that the applicant post a performance bond to cover the proposed buffer planting plans and that one deciduous tree of at least 1 1/2 " diameter be planted near the location of the proposed stairs at the southeast corner of the lot. The stipulated tree has subsequently been added to the plan set.

NH Department of Environmental Services (NHDES) granted a Wetlands Permit on May 20, 2019 and a letter from U.S. Army Corp of Engineers stating that their authorization is not required was received on May 24, 2019.

Chair Horgan read the NCCC recommendation and affirmed the ZBA notice of decision.

Board Q & A

In order to accommodate the addition of a 2-car garage, the plans call for shifting the whole foundation by several feet, which will necessitate a new foundation. The intent is to use the same sewer connection but replace its 50 year old pipe to the town's main that runs along the back of the property.

Plans include a 500+ s.f. reduction in impervious surface, primarily attributable to the conversion of the driveway to a pervious surface. Runoff will go to a drip zone instead of running across the ground and in to Lavenger Creek.

Mr. Stewart emphasized that the shoreline area is home to marsh elder, a rare and threatened plant species that should be protected. Mr. John Shields noted that there is a 10' wide space in the marsh elder which is where he launches his kayak.

The slope drops about 6' from lawn to creek. It is currently vegetated with grasses, wildflowers, and invasive species; those will be replaced with native plants.

Public Hearing

Chair Horgan opened the Public Hearing at 7:25 p.m. Mr. Brad Jones, an abutter, credited the applicants for their effort. Hearing no further public comment, Chair Horgan closed the Hearing at 7:26 p.m.

Members credited the project for its reduction in impervious surfaces and stewardship of Lavenger Creek.

Based on the cost estimate of \$4700 for buffer plantings and +/- \$500 for a deciduous tree, the Board estimated an amount of \$5000 for the performance bond.

Mr. Landry made a motion to approve the Conditional Use Permit for John and Jean Shields, 41 Mainmast Circle, Map 9, Lot 17 with the condition of them posting a \$5000 performance bond to cover the proposed buffer plantings and site restoration per the plan C-2 dated 4/5/19.

Ms. Murray seconded the motion and it passed unanimously.

2. Review and approve minutes of the May 22, 2019 meeting of the Planning Board.

Ms. Murray made a motion to approve the minutes of the May 22, 2019 meeting of the Planning Board as amended; Mr. Landry seconded it. The motion carried, unanimously.

3. Old Business

Mr. Stewart reminded members of NHDES Lavenger Creek dock hearing on June 27, 2019 at 3:00 pm.at 222 International Drive.

4. New Business

Members discussed performance bond procedures. Mr. Landry described that typically a small cash bond will be held in an escrow account; large bonds, involving an insurance company, usually require Select Board sign off.

Performance bonding should be used judiciously. The process will rely on the bondee to initiate bond release. While the NCCC doesn't need to track the bonds, they do need to keep an eye on them. Chair Horgan will speak with the Town Accountant to understand how the escrow accounts are recorded. Mr. Stewart described that the Town is installing new automated building permit software. He hopes to be able to add a tickler to track performance bonds associated with building projects. Failing that, the Ordinance could be revised to place the onus on the bondee to collect the bond, or it becomes town property.

Upon completion of the bonded work, the bondee will initiate the bond release process via an engineer-certified notice of completion with details and pictures. A town official, usually the Building Inspector, will inspect. Upon satisfaction, the Building Inspector will either release the bond or report to the Planning Board for their vote to release. If the work is not done by the bondee, the intent is for the town to step in and execute the plan using the bond money.

Mr. Landry will look for an example of an entry rights agreement and once the new software system is in place, Chair Horgan will speak to the Building Inspector and the Town's attorney to create one.

5. Adjourn

Ms. Murray moved to adjourn the meeting, Mr. Stewart seconded, and motion carried unanimously.

Meeting adjourned at 8:06 p.m.

Respectfully Submitted,

Anne Miller, Secretary