

APPROVED
MINUTES OF THE NEW CASTLE PLANNING BOARD
Wednesday, May 26th, 2021 – 7:00 p.m. (via Zoom)

Public Hearing for approval of a conversion from a Carriage House to an Accessory Dwelling Unit for applicants Todd and Melanie Baker, 23 Main Street, Map 13, Lot 6.

Members Present: Darcy Horgan, Chair, Tom Hammer, Lorne Jones, Iain Moodie, Kate Murray, Margaret Sofio, Bill Stewart.

Members Absent: None.

Others Present: Todd and Melanie Baker, Wally Mallett, Fred Pulitzer.

Chair Horgan called the meeting to order at 7:02 p.m. and informed attendees that the public body is holding an emergency meeting electronically pursuant to Executive Order 2020-04, Section 8, and Emergency Order #12, Section 3. Noting a quorum, Chair Horgan indicated that the voting members are herself, Ms. Murray, Ms. Sofio, Mr. Moodie, and Mr. Jones. Mr. Stewart is an alternate. Mr. Hammer has recused himself.

1. Public Hearing for approval of a conversion from a Carriage House to an Accessory Dwelling Unit for applicants Todd and Melanie Baker, 23 Main Street, Map 13, Lot 6.

Todd Baker presented the proposal to convert the existing carriage house to an Accessory Dwelling Unit (ADU). The Bakers' home was built in 1820 and was purchased by the Bakers in 2009.

The carriage house is detached and has its own entrance. The first floor consists of a two car garage and an attached tool shed. There is an interior staircase leading to a second floor apartment. The apartment is about 600 square feet and has one bedroom and bathroom. There is heat and electricity, but the apartment has not been connected to water and sewer since approximately 1994. At that time, the Town had requested that the accessory apartment above the garage be disconnected from water and sewer as part of the subdivision of the Lilac Ledges neighborhood.

The goal is to renovate the carriage house to make it a functional place, and the Bakers would move in there for a period of time while extensive work is done on the main house. It is the Bakers' intention for the structure to be a guest house and not a rental.

Mr. Baker noted that the Town Building Inspector denied the building permit because a conditional use permit was required as well as approval from the Historic District Commission. The Bakers are requesting to have approval for the carriage house to be a dwelling. The proposal has minimal changes, and the footprint of the structure will remain the same. The entry points would change, with the entrance moved to the north side of the building. The existing double

doors leading into the attached tool shed will be replaced with a single door. The double hung window in the second floor kitchen would be replaced with smaller awning windows.

The Bakers have a shared driveway with the other three neighbors who are part of the Lilac Homeowners Association. The Bakers have access from Main Street as well. The house sits on .55 acres. Mr. Baker went through the criteria for a Conditional Use Permit and how each one is met. The Bakers have ample parking, with approximately seven spaces available in the back and two out front. He added that their lot is in the R-1 residential district, where an ADU is a permitted use. Mr. Baker noted that the home is served by public water and sewer, and is connected to the street by way of a pumping tank on the property. He stated that engineers had examined the system and determined that the capacity is more than ample to accommodate water use from the carriage house. The Bakers would also be going before the Water and Sewer Commission.

Ms. Murray sought clarification about the doors. Mr. Baker confirmed that the north elevation will have an access door for people entering the ADU, and he is proposing to add a door to the east elevation for access to the garage.

Mr. Moodie asked why Mr. Baker was pursuing an ADU as opposed to a second dwelling. He noted that the R-1 residential district allows for two units. Chair Horgan noted that a two unit residence would have to be attached to the main house. Mr. Moodie pointed out that approval from the Planning Board would also allow future owners to be able to rent out the carriage house. He wondered whether a Conditional Use Permit expires when ownership changes, or if it is granted to the property deed. Mr. Moodie commented that he likes the plans on paper and believed the space should be utilized.

Ms. Sofio asked about conditions put on the property when the initial subdivision was established. Mr. Baker explained that there were conditions in the homeowners' subdivision agreement signed by the previous homeowner, and they are meeting those conditions. The municipal approvals needed for his proposed ADU are a Conditional Use Permit from the Planning Board, and meetings with the Historic District Commission and Water and Sewer Commission. He said that it also may be necessary to meet with the Fire Chief to discuss renovations to incorporate a fire suppression system.

Chair Horgan opened the public hearing at 7:37 p.m. Fred Pulitzer spoke in opposition to the ADU. He owns the house at lot 1 of Lilac Ledges. Mr. Pulitzer felt that the ADU presented problems and would create additional safety issues for the street. The carriage house sits at the end of a private, narrowly paved driveway with two curves in the middle. He did not feel that this meets the right of way requirements, and noted that widening the driveway would be subject to covenants. By approving the ADU, there would be two additional vehicles allowed, which would alter the equal sharing criteria to the detriment of the other three lots in the neighborhood. The traffic impact would be double over what was initially approved at the time of the original subdivision in the 1990s. Mr. Pulitzer added that he is concerned that the ADU would set a precedent for other lot owners to establish ADUs in the future. He also pointed out that at a Planning Board meeting in 1995, one of the conditions for approval of the original Udaloy subdivision was that the apartment use be abandoned and the sewer disconnected.

Wally Mallett spoke in support of the Bakers' request for an ADU. He stated that he lives across the street and the only change he would see is that two windows would be changed to one doorway. He had no objections to the proposal.

Chair Horgan read from two letters received in support of the ADU. Alyson and Brandon Tanguay, 15 Main Street, live next door to the Bakers. They felt that the proposal to renovate the existing carriage house in lieu of tearing it down and building a new structure would be much less disruptive. The Tanguays share membership in the Lilac Ledges Homeowners Association with the Bakers, Pulitzers and Hamblett. They noted that to alleviate neighbors' concerns about the increased traffic in their shared driveway, the Bakers have promised to restrict occupation of the ADU to intermittent personal guests only. The Association documents may be amended to reflect this so that if the property ownership changes, there will be protections against the potential for short-term renters, which the Tanguays feel may be problematic. The Tanguays stated that the Bakers are reasonable and accommodating neighbors, and they are in support of the proposal.

David and Amy Kovick, 26 Main Street, also wrote in support of the application. They live across the street from the Bakers and shared that the Bakers discussed their plans with them and the Kovicks had no concerns. They felt that the proposal is very reasonable in terms of its intended use, and feel that it accommodates the various interests of the relevant Town Boards, the neighborhood, and the Bakers' own objectives.

Chair Horgan addressed Mr. Pulitzer's concerns that were outlined in his letter to the Town Building Inspector. She stated that the Planning Board's hands are always tied based on what is in the current RSAs, and the Bakers' request for an ADU is allowed by Town and State RSAs. According to the current law, the ZBA does not issue approval for ADUs, and the Planning Board is the appropriate body to go to for approval. She added that safety issues are carefully considered by the police and fire departments, and by the Building Inspector, none of whom have raised any safety concerns with this application.

Hearing no further comments from the public, Chair Horgan closed the public hearing at 7:55 p.m. and opened discussion back up to the Board. Ms. Sofio felt that the ADU fits the requirements and purposes as per the Zoning Ordinance, and would convert unused space into something useable for family and visitors. She did not think that people walking by the property would notice anything different. Mr. Moodie noted that detached ADUs are permitted by RSA 674:73. Ms. Murray agreed with Ms. Sofio and appreciated that the application was well thought out and presented.

Ms. Murray motioned to approve as submitted the proposal for a Conditional Use Permit for Todd and Melanie Baker, 23 Main Street, Map 13, Lot 6, for the conversion from a Carriage House to an Accessory Dwelling Unit, per the Port City Design plans dated 02/19/2021. Ms. Sofio seconded. Ms. Murray, Ms. Sofio, Mr. Moodie, Mr. Jones, and Chair Horgan all voted in favor. Motion carried unanimously.

2. Approve the minutes to the Planning Board meeting on April 28, 2021.

Ms. Murray moved to accept the minutes as written for the Planning Board meeting on April 28, 2021. Mr. Moodie seconded. Ms. Murray, Ms. Sofio, Mr. Moodie, Mr. Jones, and Chair Horgan all voted in favor. Motion carried unanimously.

3. Discuss first steps on the Town's Master Plan update.

Chair Horgan stated that the Master Plan is revised every ten years, and the revised document is due in 2022. She gave the Planning Board a homework assignment. She requested that each Planning Board member come up with at least two people in Town whom they would recommend to serve on a Master Plan committee and give those names to her.

4. Discuss meeting in-person for the June 23rd meeting.

Chair Horgan announced that the next Planning Board meeting will be held in-person in the Macomber Room on June 23, 2021 at 7pm.

5. Old Business.

Chair Horgan stated that the Palmer subdivision application for 34 Oliver Street has been withdrawn by the Applicant.

6. Adjourn.

There being no further business, Ms. Murray moved to adjourn the meeting. Mr. Moodie seconded. The motion carried, unanimously, and the meeting adjourned at 8:11 p.m.

Respectfully Submitted,

Meghan Rumph
Recording Secretary