

MINUTES OF THE NEW CASTLE PLANNING BOARD
Wednesday, October 27th, 2021 – 7:00 p.m. (Recreation Center)

Continuation of the Public Hearing for approval of a Conditional Use Permit for construction within the 100' tidal buffer and approval for construction of an ADU for applicants Paul and Donna Urbanek for the property at 49 Laurel Lane, Map 11, Lot 25. Project consists of adding a new garage with an ADU above the garage, replacing a deck with a 3-season porch, and replacing the existing gravel driveway with a porous pavement driveway.

Members Present: Darcy Horgan, Chair; Lorne Jones; Rich Landry; Kate Murray; Iain Moodie; Margaret Sofio; Bill Stewart.

Members Absent: Tom Hammer.

Others Present: Brent Cole, Granite Engineering; Jeff Merritt, Granite Engineering; Paul and Donna Urbanek.

Chair Horgan called the meeting to order at 7:00 p.m. Noting a quorum, Chair Horgan indicated that the voting members are herself, Mr. Jones, Mr. Moodie, Mr. Landry, and Ms. Sofio.

1. Continuation of the Public Hearing for approval of a Conditional Use Permit for construction within the 100' tidal buffer and approval for construction of an ADU for applicants Paul and Donna Urbanek for the property at 49 Laurel Lane, Map 11, Lot 25. Project consists of adding a new garage with an ADU above the garage, replacing a deck with a 3-season porch, and replacing the existing gravel driveway with a porous pavement driveway.

Brent Cole and Jeff Merritt of Granite Engineering presented on behalf of Paul and Donna Urbanek. Mr. Cole noted that there were three items that there were questions about at the last Planning Board meeting. He has made a few changes to the plans based on the comments at the September meeting. The stone trench on the west side of the property has been shifted off the property line so it will not interfere with the neighboring property. Three additional test pits were dug in the location of the proposed stormwater practices and confirmed that they are above the historic seasonal high water table and would have adequate separation. Mr. Cole also spoke with Town Building Inspector Russ Bookholz about the Applicants' sewer system. Mr. Bookholz confirmed that he had no issues with the system as designed. Mr. Cole also went before the New Castle Water and Sewer Commission to present a brief overview of the project. Chair Norm Houle provided a letter confirming that at this time, the Commission does not believe there will be an adverse effect on the water and sewer systems, though the letter does not constitute any approval of the plans.

Ms. Sofio asked about the porous pavement, and noted that John Chagnon of Ambit Engineering had previously stated that the water table is only one inch below where the porous pavement would be. Mr. Cole clarified that the stormwater is treated in the layer below the porous

pavement before reaching the seasonal high water table. Mr. Jones asked if the driveway would have issues with water freezing and thawing. Mr. Cole did not believe the driveway would be impacted, and he referred to plans that showed the projected water levels over the next several decades.

Mr. Moodie confirmed that the wetland on the north side of the house does not require a setback because it is not a registered wetland. This was a concern previously brought up by Mr. Chagnon. Another concern from the last meeting was that the proposed parking spaces were not clearly shown. Mr. Cole showed a new exhibit depicting where the necessary parking spaces are marked out. Mr. Moodie stated that he spoke with Mr. Bookholz, who felt that the septic tanks are appropriate for the location of the Urbaneks' home and noted that they are only two years old. Mr. Moodie also stated that Mr. Bookholz felt the test pits were adequate. Chair Horgan shared that she also met with Mr. Bookholz, and he was satisfied that all concerns from the last Planning Board meeting have been adequately addressed.

Mr. Moodie raised a concern about the date of the planting plans that the Conservation Commission had. The Planning Board's version of the plans is dated August 19, 2021, but the notice of recommendation from the Conservation Commission references a set of plans dated July 12, 2021. Mr. Merritt clarified that the original plan set had the July date. Mr. Cole stated that Commission members had discussed taking out the blueberry plants. He confirmed that the landscape plan has not changed since the Applicants last went before the Conservation Commission.

Chair Horgan noted that the Conservation Commission had recommended an escrow amount of \$30,000. Mr. Cole presented a quote from the landscape architect for materials and installation of three plants. The quote came to \$3,230, so the Applicants would like the requested escrow amount to be lowered. Mrs. Urbanek pointed out that the planting schedule at the time of the Conservation Commission meeting was about \$10,000, but Wicki Rowland noted that some of the plants that the Applicants were going to install would not survive because they are not salt water tolerant. Mrs. Urbanek stated that they then chose trees similar to those of the abutter so as to create a congruous appearance. Mr. Urbanek added that he has a list of escrow amounts for four other properties in town for landscape plans and the escrow amounts requested if that would be helpful. Chair Horgan replied that the Board determines the escrow amount on a case-by-case basis, as each project is unique.

Chair Horgan opened the public hearing at 7:35 p.m. Hearing no comments from the public, Chair Horgan closed the public hearing at 7:35 p.m. and brought discussion back to the Board. Chair Horgan clarified that this application is for two Conditional Use Permits, so there will need to be two separate motions.

Mr. Landry motioned to approve the Conditional Use Permit for the construction of an ADU for applicants Paul and Donna Urbanek for the property at 49 Laurel Lane, Map 11, Lot 25. This approval is conditioned upon approval of any water or sewer plans submitted to the Water and Sewer Commission for this application prior to the start of construction. Ms. Sofio seconded. Motion carried unanimously.

Board members had extensive discussions about the escrow amount and what it would

encompass. Ms. Sofio cited Section 9.2.5.2 of the New Castle Zoning Ordinance, which covers security bonds. Chair Horgan stated that the escrow amount is to cover the plants needed for stormwater mitigation on site, and that the Board should not put an escrow amount on aspects pertaining to the engineering plan. Mr. Moodie pointed out that part of the escrow is to ensure that the site is stabilized and cleared to accept rain. For example, the bond should include the cost of the geo-grade system shown on the plans, which is to stabilize the soil under a high traffic area in the back of the house. While the landscape plan calls for minor plantings, the concern of the Conservation Commission is also the actual extent of the construction on site and ensuring that the project will improve the site. Mr. Landry added that the escrow is not just to ensure that the plantings are completed, but that drywells are installed and grading is done in a way that is stable, for example. He stated that the escrow amount should not be based solely on the plantings, but felt that \$30,000 was probably too high. Mr. Stewart noted that in New Castle, the escrows are typically used just for plantings.

Mr. Moodie motioned to approve the Conditional Use Permit for construction within the 100 foot tidal buffer for applicants Paul and Donna Urbanek for the property at 49 Laurel Lane, Map 11, Lot 25, consisting of replacing a deck with a 3-season porch and replacing the existing gravel driveway with a porous pavement driveway per the plans by Granite Engineering dated October 19, 2021. This approval is subject to the following conditions:

- That all State and Federal permits that may be required are received prior to the start of construction.*
 - That the Water and Sewer Commission approves any water or sewer plans submitted to the Commission for this application prior to the start of construction.*
 - Submittal of a performance security pursuant to the standard Planning Board performance security form, in the form of a surety, Letter of Credit or cash, approved by the Town Counsel, in the amount of \$10,000 to ensure that storm water permeation remedies are completed, soil stabilization is completed per the engineering plans as submitted, and the planting plan given final approval by the Conservation Commission is installed per the Labrie Associates' final design.*
 - Prior to the release of the performance security, the Applicants' engineer shall submit a report and letter confirming that all work was done in accordance with the plans.*
- Mr. Landry seconded. Motion carried unanimously.

2. Review and approve minutes to the September 29, 2021 meeting of the Planning Board.

Mr. Landry moved to approve the minutes as amended for the Planning Board meeting on September 29, 2021. Mr. Jones seconded. Motion carried unanimously.

3. Update on Master Plan progress.

Chair Horgan stated that the first meeting of the Master Plan Committee took place, and the next meeting is scheduled for November 11, 2021. The Committee Chair will be named at the next meeting, and members will begin discussing the chapters to be included in the new Master Plan.

4. Old Business.

None.

5. New Business.

Chair Horgan stated that the next Planning Board meeting will be held on Wednesday, November 17, 2021 at 7:00 p.m. at the Macomber Room at the Recreation Center.

6. Adjourn.

There being no further business, Ms. Sofio moved to adjourn the meeting. Mr. Jones seconded. The motion carried, unanimously, and the meeting adjourned at 8:32 p.m.

Respectfully Submitted,

Meghan Rumph
Recording Secretary