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MINUTES OF THE NEW CASTLE PLANNING BOARD

Wednesday, December 22nd, 2021 – 7:00 p.m. (Macomber Room at Recreation Center)

Public Hearing for a Conditional Use Permit for applicant DNH Estates, LLC for the property at 149 Wild Rose Lane, Map 3, Lot 2A. Project consists of demolition of an existing home, guest house and tennis court and construction of a new residence with a new septic system that partially impacts the 100' tidal setback. In addition, applicant seeks a Conditional Use Permit for an Accessory Dwelling Unit (ADU) in place of an existing guest house.

Members Present: Darcy Horgan, Chair; Tom Hammer; Lorne Jones; Rich Landry; Kate Murray; Iain Moodie.

Members Absent: Margaret Sofio; Bill Stewart.

Others Present: Scott Dylla; Robert Estabrook; Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts, P.A.; Chris Ragusa, CM Ragusa; Eric Weinrieb, Altus Engineering.

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. Moodie, Ms. Murray, Mr. Landry, and Mr. Hammer. Mr. Jones is an alternate.

1. Public Hearing for a Conditional Use Permit for applicant DNH Estates, LLC for the property at 149 Wild Rose Lane, Map 3, Lot 2A. Project consists of demolition of an existing home, guest house and tennis court and construction of a new residence with a new septic system that partially impacts the 100' tidal setback. In addition, applicant seeks a Conditional Use Permit for an Accessory Dwelling Unit (ADU) in place of an existing guest house.

Engineer Eric Weinrieb presented on behalf of Applicants Scott and Melodie Dylla. Also present on behalf of the Applicants were Attorney Timothy Phoenix and builder Chris Ragusa. Mr. Weinrieb noted that work will also take place on Lot 2B, which is a vacant adjacent lot that is owned by the Dyllas under a separate entity. Mike Cuomo has performed wetland delineations and a site survey has located all features on the property. The Applicants are proposing to raze the existing house and guesthouse, and remove the existing tennis courts and a significant portion of pavement. The new home will have a pool, sport court, and underground garage. The project includes a new two bedroom guesthouse. Mr. Weinrieb noted that the driveway will follow the same general pattern to maintain many of the trees on the property. In addition, a prominent specimen tamarack plant will be maintained.

The Dyllas had an environmental site assessment performed when they first bought the property. If they had chosen to renovate the existing home rather than tearing it down, they would have had to comply with all the current FEMA rules. This would have meant raising the existing

structure by several feet. The existing carriage house has a septic system approved by the State within the 50 foot wetland buffer. The Applicants are proposing two new state of the art AOS septic systems, one for the two guest bedrooms in the new carriage house and one for the main five bedroom house. The systems will be raised above the 100 year flood elevation. The living quarters of the proposed home are outside of the 100 year flood zone, which pushed part of the structure into the 100 foot buffer, thus creating the need for the Conditional Use Permit. Relief has been obtained from the Zoning Board of Adjustment for a height variance. The Applicants also received the Alteration of Terrain Permit from the State this week. Comments on the Shoreland Permit application were received from Eben Lewis at the NHDES, and Mr. Weinrieb stated that he is working on the responses to that feedback.

The Applicants are also proposing to repair and replace the existing stone wall on the edge of the lawn area. Mr. Weinrieb commented that the Conservation Commission has signed the NHDES Wetlands Permit application. In response to the Commission's suggestions, Mr. Weinrieb distributed a new plan showing the addition of buffer areas between the lawn and water area. The lawn area that will be converted to natural meadows will use an herbicide that is essentially vinegar to kill the existing lawn material. This is compliant with NHDES best management practices. The Commission also wanted a bond for the buffer restoration work, to which the Applicants are amenable.

Mr. Weinrieb described the stormwater management on site. There will be a green roof that will route water to an underground treatment area. Water from the lawn will be diverted to the proposed meadow and rain garden. There will be a stone drip edge along the building that will capture water runoff from the structure.

Mr. Dylla spoke about the plans for the house. The goal was to move the house outside of the 100 year flood zone while maintaining mature trees on the property. The plans currently call for the removal of just five small trees. There will be a curve in the driveway in order to maintain the tamarack plant. All stone from the wall will be kept so that the wall maintains the same look, but will be much more functional. The old well will be kept to maintain the historic look, and the existing gate will be refurbished.

Attorney Phoenix provided an overview of his memorandum. He highlighted how the Conservation Commission voted to endorse the project and were very pleased by the Dyllas' offer to put native plantings along the wall behind the house. Over 20,000 square feet of manicured lawn will be converted to natural meadow. The house will be about four feet lower than the existing structure, though a zoning variance was needed because the height is measured by the average grade on the lowest side, which was lower because of the proposed underground garage. A portion of the existing home and the entire carriage house are in the flood zone, which would require lifting the structures if they were to be preserved and renovated. The proposed house will be 82 feet from the highest observable tide line. The guest house will be moved entirely outside of the flood zone and wetland buffer, where it is currently only 53 feet from the wetland. The septic for the main house used to discharge straight into the water, and the septic system for the carriage house was in the wetland buffer. The Dyllas will be using a geothermal heating and cooling system. A significant portion of the driveway will be removed, and the driveway to the proposed guest house will be a permeable surface. Attorney Phoenix noted that the house cannot be moved to a different location without creating other problems. He concluded

that the proposal is a vast improvement environmentally, and the wetland and river will be much better protected.

Attorney Phoenix went over the requirements for a Conditional Use Permit for the Accessory Dwelling Unit (ADU). The proposed ADU will be detached from the main home, is compliant with the square footage limitations, and will be outside of the flood zone, wetland buffer, and shoreland buffer. The ADU will have its own new septic system located above the flood zone and outside of the wetland and shoreland buffers. The ADU has been specifically designed to be in keeping with the look and feel of the primary home.

Chair Horgan read the Notice of Decision from the Conservation Commission. The Commission recommended approval with the following conditions: 1) that there be no tree removal inside the buffer zones, 2) that a planting area with a minimum width of three feet and comprised of native species be added along the length of the sea wall where there is no meadow, 3) that the Applicant follow NHDES best practices for soil preparation, and 4) that the Applicant provide an estimate in writing, using the future landscape plan, for the Planning Board to make an escrow amount to be established to guarantee the installation of the landscape.

Ms. Murray asked if the sea wall will be the same height. Mr. Weinrieb responded that it will be raised six inches to one foot. Ms. Murray also wanted to know if the walkway will stay. Mr. Dylla stated that the walkway will be maintained but will be re-routed. Ms. Murray wondered how long the meadow will take to mature. Mr. Weinrieb responded that it will probably take a few years before it is well established, and that it will be mowed annually. The native grasses that will be used are drought resistant, so there will be no need for irrigation or fertilizer. Ms. Murray commented that the style of the proposed home is totally new architecturally to New Castle, but she appreciates the energy efficiency and environmental efforts. Mr. Dylla noted that the materials used for the proposed structures will be the same as what other houses in the area have, but the form will be different.

Mr. Hammer asked about Zone X. Mr. Weinrieb explained that this is the area outside of the 100 year flood zone. The existing house is partially in Zone AE, whereas the entire living space in the proposed home is in Zone X. Mr. Dylla showed where the flood zones were on the plans. Mr. Hammer asked if the new FEMA flood maps affected the project. Mr. Weinrieb stated that the draft maps came out in 2014 and did not change upon final issuance in January 2021, so they were working with the current plans from the beginning of the project. Mr. Hammer also asked about the highest observable tide line. Mr. Weinrieb explained that the HOTL is based on actual elevations, wrack lines, and current observations completed by a wetland scientist. The HOTL is not established by the federal government.

Mr. Hammer questioned what the current and proposed impervious surface areas are compared to what is allowed. Mr. Dylla stated that all impervious areas are under the allowable amounts within Lot 2A. Some Board members expressed that they would have liked to see a table outlining the current, proposed, and allowable pervious and impervious surface areas, as the table provided on the Conditional Use Permit plan did not specify what was allowed. Chair Horgan noted that the table showed the impervious surface area in the conditional use permit buffer is increasing from 3,900 square feet to 5,284 square feet. Mr. Weinrieb explained that this includes part of the sea wall and the gym and wine cellar. It also must include the cantilevered roof.

Chair Horgan asked about the erosion control measures that will be used. Mr. Weinrieb described the temporary and permanent measures. The temporary measures include silt fences and silt sock along the edges of the construction work, a stabilized construction exit, and barriers along the perimeters of the worksite. Many of these barriers will degrade naturally. The permanent measures include the stone drip edges with gravel base underneath for roof water runoff, catch basins around the house that will discharge to the surface and run into the rain garden, and permeable paved surface leading to the proposed guest house. Most of the runoff from paved areas will go into the rain garden. Mr. Weinrieb explained how the rain garden will work. Chair Horgan also asked how many feet of plantings were added per the Conservation Commission's request. Mr. Weinrieb said that 200 linear feet of plantings were added to the plans. Mr. Ragusa added that no manicured lawn will be touching the sea wall anymore.

Ms. Murray asked for more information about the water table and how it will be managed with the underground rooms. Mr. Dylla noted that the proposed features such as the wine cellar and gym are not completely underground. Mr. Weinrieb explained that they will be using an elaborate system to capture the water pitching down to the garage area, which will have a trench drain over a covered portion of the structure. There will also be a catch basin with duplex pump chambers to direct water to the rain garden. This will be tied into the generator system on the property.

Mr. Jones asked if there will be blasting. Mr. Ragusa responded that there will be ledge removal, which will involve drilling and blasting.

Mr. Jones wondered if the Applicants have any plans to inhibit the flow of animal traffic on the property. Mr. Dylla stated that his intention is to make the property more natural and inviting for wildlife, and he has no plans for fencing.

Mr. Weinrieb pointed out the area on Lot 2B that has a view easement where nothing can be built. Mr. Dylla noted that this lot is buildable, but he purchased it to ensure that it not be built on. Mr. Moodie commented that the project may be much easier if the lots were combined. Mr. Dylla responded that combining the lots adds a lot of complexity, and everything done on Lot 2B must be approved by the Glassmeyers, who have the view easement. Mr. Moodie also noted that the house could be a lot smaller. Mr. Dylla stated that the house complies with all requirements. Attorney Phoenix added that the size was a concern of the Conservation Commission as well, but the majority of the Commission members agreed that any encroachments are minimal in exchange for the environmental benefits of the proposal. The benefits include ones required by the various boards as well as voluntary ones, such as the use of solar panels and geothermal systems. Chair Horgan stated that the Town ordinances allow one to build within the 100 foot buffer, and it is the role of the various land-use boards to make sure such construction is done responsibly.

Chair Horgan opened the public hearing at 8:29 p.m. Hearing no comments from the public, Chair Horgan closed the public hearing at 8:29 p.m. and brought discussion back to the Board. Chair Horgan shared that a town resident had submitted an email objecting to the Public Hearing being held tonight given the proximity to the holidays. The resident felt that this was underhanded. The resident also objected to tearing down a historic home and replacing it with a contemporary one. Chair Horgan noted that she responded to the email, explaining that the

hearing was held at the normal time in the month. Ms. Murray added that the house is not in the historic district. Chair Horgan thanked the Applicant and presenters for the thoughtfully compiled materials and packets. She appreciated all the work that has gone into the project and in protecting the wetlands.

Mr. Landry motioned to approve the Conditional Use Permit application for an Accessory Dwelling Unit (ADU) for applicant DNH Estates, LLC for the property at 149 Wild Rose Lane, Map 3, Lot 2A. Ms. Murray seconded. Motion carried unanimously.

Mr. Landry motioned to approve the application for a Conditional Use Permit for construction within the wetland buffer by applicant DNH Estates, LLC for the property at 149 Wild Rose Lane, Map 3, Lot 2A per the Altus Engineering plan set dated November 23, 2021 and amended with sheet OSP-1 dated December 17, 2021. This approval is conditioned upon the following: 1) approval by all necessary State and Federal agencies; 2) that there be no tree removal inside the buffer zone; 3) that a planting area with a minimum width of three feet and comprised of native species be added along the length of the sea wall where there is no meadow; and 4) that the applicant follow NHDES best practices for soil preparation. Mr. Moodie seconded. Motion carried unanimously.

**2. Review and approve minutes to the October 27, 2021 meeting of the Planning Board.
Review and approve minutes to the November 17, 2021 meeting of the Planning Board.**

Ms. Murray moved to approve the minutes as amended for the Planning Board meeting on October 27, 2021. Mr. Landry seconded. Motion carried unanimously. Mr. Moodie moved to approve the minutes as written for the Planning Board meeting on November 17, 2021. Mr. Hammer seconded. Motion carried unanimously.

3. Update on the Master Plan Committee activities.

Mr. Jones shared that the Committee met at the beginning of the month and will be moving forward with a town-wide questionnaire. The aim of the questionnaire is to collect residents' thoughts on major topics such as the environment and traffic.

4. Old Business.

None.

5. New Business.

None.

6. Adjourn.

There being no further business, Mr. Landry moved to adjourn the meeting. Mr. Hammer seconded. The motion carried, unanimously, and the meeting adjourned at 8:52 p.m.

Respectfully Submitted,

Meghan Rumph
Recording Secretary