

APPROVED APPROVED APPROVED APPROVED APPROVED

**MINUTES OF THE NEW CASTLE PLANNING BOARD
Wednesday, October 26, 2022 – 7:00 p.m. (Town Hall)**

Public Hearing for a Conditional Use Permit for applicant Beth P. Griffin, 26 Laurel Lane, Map 16, Lot 4 for designation of an existing pool house to an Accessory Dwelling Unit.

Public Hearing for a Subdivision Application for applicants Ronald Richard Pressman and Mary Henderson Pressman, 34 Oliver Street, Map 16, Lot 40 to subdivide an existing 79,299 square foot lot into two single family residential building lots including a new private right-of-way for access and frontage for both parcels.

Public Hearing for a Conditional Use Permit for applicant William A. Lomas, 54 Portsmouth Avenue, Map 11, Lot 37 for work within the 100 foot buffer of the Class A Wetland, River Road. Project entails removing some pavement, adding a deck, conversion of a carport to a screened in porch, adding a front porch and bump out and adding a garage.

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

Members Absent: Margaret Sofio; Bill Stewart.

Others Present: Joanne Armitage; Elyse Barry; Deb Callahan; Jim Cerny; Amy Gworek; Beth and Arden Griffin; Christine Haskell; Etoile Holzaepfel; Len Korn; Bill Lomas; Chris Mulligan, Bosen & Associates PLLC; Elaine Nollet; 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, Rich Landry, Iain Moodie, Kate Murray, and Lorne Jones. Tom Hammer is an alternate.

1. Public Hearing for a Conditional Use Permit for applicant Beth P. Griffin, 26 Laurel Lane, Map 16, Lot 4 for designation of an existing pool house to an Accessory Dwelling Unit.

Beth Griffin presented the application to designate her existing pool house as an Accessory Dwelling Unit (ADU). The Griffins have a pool and built a pool house with a bedroom upstairs. The upstairs is called a playroom in the building permits. The home is for sale, and Russ Bookholz, Town Code Enforcement Officer and Building Inspector, informed Ms. Griffin that in order to consider this as a bedroom, the pool house would have to be turned into an ADU. The door must have an alarm on it given the proximity to the pool.

Ms. Griffin explained that New Hampshire passed a law in 2017 related to ADUs, which encouraged them in the state, particularly where the structure is pre-existing, as in Ms. Griffin's case. In her opinion, her application comes down to a name change, from pool house to ADU. There are already several ADUs on Laurel Lane, according to Ms. Griffin, so the precedent has already been set in her opinion. She added that she is now thinking of taking her house off the market, and would like to have that option with the ADU.

Ms. Griffin noted that an ADU must have some cooking facilities such as a hot plate. The structure already has a toaster oven and microwave. Ms. Murray asked whether this would count as a kitchen. Mr. Landry responded that it would. The ADU also requires additional parking spaces. Ms. Murray asked where these would go. Ms. Griffin explained that the house has a two car garage with paved spots and a cobblestone spot. The cobblestone spot would be extended four feet to make it an official sized parking space. Chair Horgan added that this must be designated as a legal parking space before receiving any building permits.

Chair Horgan stated that an ADU, by State law, must be allowed by Towns as long as all criteria are met. In going through the criteria, she believed that Ms. Griffin has met all of them. Ms. Griffin just needs to demonstrate the additional parking spot, which she has plenty of room for. Mr. Moodie reminded that at least one of the units must be owner occupied, so it will not be possible to rent out both the house and the pool house.

Chair Horgan opened the public hearing at 7:10 p.m. Arden Griffin, 26 Laurel Lane, is Beth's daughter. She clarified that the pool house does have a fridge already.

Christine Haskell, is the daughter of abutters Sherry and Rob Weston at 2 Laurel Lane, and is currently living at the house. She had concerns about turning the pool house into an ADU, as it is very close to the lot line. When the structure was originally built, she stated that her parents had spoken with the Building Inspector at the time about the building remaining only a pool house. It was never supposed to be a residential unit. Ms. Haskell felt that there is no reason for the pool house to become an ADU at this time since the principal house is for sale. The structure does not provide more affordable housing, which is one of the reasons for allowing ADUs according to the State website. Furthermore, it was zoned to be a pool house, not an ADU. She noted that her parents' home had an ADU for her grandparents, where they resided until they died. This would not be the case with Ms. Griffin's proposal. Mr. Moodie questioned that if the zoning variances were granted for the structure to be a pool house, how could it now become an ADU. Chair Horgan clarified that the bullet points on the State website discussing elderly parents aging at home and providing affordable housing are indicative of the thought process behind allowing ADUs, but are not the actual requirements for an ADU. She noted that the Town had to write an ADU section in the ordinance in 2017 in order to comply with State law, and ADUs are allowed by State law.

Etoile Holzaepfel, 29 Laurel Lane, lives immediately across the street from the Griffin property. She stated that the structure was built in 2017 as a pool house, and she felt that it was intended to be a playroom/pool house, and not a place to reside. She did not believe that the ADU met the aesthetic continuity with the principal dwelling unit as a single family dwelling, given that it is 50 to 60 feet from the garage and not close to the main dwelling. Ms. Holzaepfel did not think it was right to have two dwellings on a 0.44 square foot lot. She expressed concern that there

would be no restriction on the number of people who could reside in the ADU or if it could be rented out as a short-term rental, like an Airbnb. She felt that the ADU would have a very negative impact on the people who live in the neighborhood, particularly by altering the character of the neighborhood and impacting noise levels. Laurel Lane is a dead-end street that already has four ADUs, and it would be a diminution of Ms. Holzaepfel's property values and those of her neighbors by allowing Ms. Griffin's ADU. Ms. Holzaepfel did not believe it is a fair approach to designate the structure as an ADU for the purpose of enhancing the property value. She argued that there would be no way to maintain the residential character of the property by approving the structure as an accessory dwelling.

Elyse Barry and Len Korn, 21 Laurel Lane, live directly across the street from the Griffins. Ms. Barry stated that she has never objected to anything on Laurel Lane in the 21 years she and her husband have lived there, but they have concerns with this particular request. Specifically, they are concerned about the aesthetics of the structure and by it being turned into a rental, which would raise questions about who would live there and for how long. Ms. Barry pointed out that the Town Ordinance states that ADUs shall maintain the aesthetic continuity with the principal residence. She agreed with Ms. Holzaepfel that there is such a large space between the house and the pool house, and there is no direct path to get to the pool house. Ms. Barry speculated that there will need to be a path created from Laurel Lane to the existing gate in order to get to the pool house. The structure was not built to be a dwelling, rather, it was built to be a pool house and serve as a recreational area. When the pool house was built, the Griffins did not put in a kitchen because it was never intended to be a residential dwelling, according to Ms. Barry. The additional parking space that is needed to make the structure an ADU would make the property look like a parking lot, and no one else's front lawn on the street looks like this. She appreciated that having the ADU permit would add to the marketability of selling the home, but questioned what limitations there are to ensure the pool house could only be a long-term rental. Ms. Barry was extremely opposed to the ADU being a short-term rental. The pool house has not posed a problem for abutters, but by turning it into an ADU, it has ramifications that would affect Ms. Barry's property adversely.

Len Korn, 21 Laurel Lane, added that when the pool house was built, it was never presented as an ADU and never came before the Planning Board, so neighbors never had an opportunity to weigh in on their concerns. He did not feel that it was fair to create a structure on the property and change the use later on. The neighbors were told that it would be a pool house, but now with the owners selling the property, they will not even be there.

Hearing no further comments from the public, Chair Horgan closed the public hearing at 7:28 p.m.

Mr. Moodie addressed the short-term rental concerns. The Town Zoning Ordinance does not have a provision allowing for a short-term rental at this time, so the ADU would have to be a long-term rental. If a short-term rental started happening, the neighbors would have recourse to challenge this. The dwelling is allowed by State law, and if all criteria are met, it is permissible. It is an existing structure and the homeowner is just changing a small detail to make it a second dwelling.

Chair Horgan agreed with Mr. Moodie. ADUs are permitted now, and an existing structure can be changed to an ADU if it meets all criteria. Airbnbs are not allowed in Town with the current ordinances, and the Code Enforcement Officer would shut it down if the ADU was listed on Airbnb or a similar site. The Town is not in the process of changing the ordinance to allow for Airbnbs or other short-term rentals. Mr. Hammer acknowledged both sides of the case, but concluded that State law trumps everything. The Town ordinance specifically says that detached ADUs are allowed.

Chair Horgan stated that the application met the criteria of a detached ADU. As far as aesthetic criteria, she felt that this is very subjective. But, if the pool house was allowed in 2017, she did not see how there are now grounds for the Planning Board to say the building is not allowed because it does not meet the aesthetics. The Board would have received complaints about aesthetics if this was an issue before. Chair Horgan agreed that this application allows for two residences on one lot, but the State law allows this. The Planning Board's hands are always tied by State law, she concluded.

Mr. Jones asked if the Board could put limitations on the use so that an ADU is only allowed for aging family members, to provide affordable housing, etc. Mr. Landry responded that these were just reasons for the State to pass ADUs by showing their potential benefits. He felt that neighbors have recourse if the pool house is later rented out as a short-term rental. Mr. Jones asked if zoning variances that may have been granted are superseded by the structure being designated as an ADU. Mr. Landry confirmed that this is the case.

Ms. Murray had three concerns. She did not like how the application seemed to be in a gray area given that the house is going to be sold, and felt it would be better to wait for the house to be sold before designating the pool house as an ADU. She was concerned about the streetscape with that much parking area being on the street. Ms. Murray also heard the concerns about short-term rentals, and said that she would hate for this to become a real issue since she was aware of short-term rentals in Town, despite this not being allowed. She felt that it was like a game by calling the structure a playroom as opposed to what it really is. Mr. Moodie noted that by designating it as an ADU, it will be taxed appropriately.

Mr. Hammer asked about the permeable and impermeable calculations that are needed, and would like to see these to determine what kind of parking would be appropriate for the ADU. Mr. Moodie responded that Mr. Bookholz would take care of this in the permitting process, and would require a driveway permit and appropriate permeability of the parking area. Chair Horgan reiterated that the Board can only rule based on what the State law allows.

Mr. Landry motioned to approve the application for a Conditional Use Permit for applicant Beth P. Griffin, 26 Laurel Lane, Map 16, Lot 4 for designation of an existing pool house to an Accessory Dwelling Unit. Mr. Moodie seconded. Motion carried by a vote of three to one, with one abstention. Mr. Jones abstained because he was not in favor of the spirit of the application, though he recognized that it met the requirements. Ms. Murray voted against the proposal in order to recognize that this is a very sensitive area and that the neighbors have serious concerns.

2. Public Hearing for a Subdivision Application for applicants Ronald Richard Pressman and Mary Henderson Pressman, 34 Oliver Street, Map 16, Lot 40 to subdivide an existing 79,299 square foot lot into two single family residential building lots including a new private right-of-way for access and frontage for both parcels.

Mr. Moodie recused himself from this case, as he is an abutter to the Applicants. Mr. Hammer will take Mr. Moodie's place as a voting member for this case.

Eric Weinrieb of Altus Engineering presented alongside Mary Pressman. The previous owner came before the Planning Board a few years ago for a two-lot subdivision, which was ultimately not approved for various reasons. The Pressmans have since purchased the property and have remapped the wetlands and existing conditions on site. Mr. Weinrieb showed on a site map where there is a tidal wetland just off the property that was not previously mapped. Because of this tidal wetland, a wetland permit is required for work within the 100-foot buffer and a shoreland permit for work within the 250-foot buffer.

The existing home has a gravel driveway and is serviced with overhead power lines, which cut through another property. There is also a sewer easement tying the home into municipal sewer. The Applicants would like to have underground conduits so that if the owners would like to renovate the house in the future, they would not need the overhead power lines. The Pressmans propose to keep the existing home and barn on Lot 2 and reconfigure a new private right-of-way that will provide access and frontage for both parcels. The new, paved right-of-way will be 220 feet long by 20 feet wide and will have a hammerhead turnaround. There will be a new water service line across the right-of-way. The new lot will be serviced with new utilities from Oliver Street. Portions of the existing gravel drive, hardscape patios and walks, and all of the tennis court will be razed. The Applicants are not proposing to do any work inside the buffer at this time.

Mr. Weinrieb went over the proposed drainage area, which will be a reconstruction of the existing culvert in the middle of the building envelope. The catch basin will pick up roadway drainage. Mr. Weinrieb described the stormwater management system, which will reduce peak flows and treat runoff from the site's impervious areas prior to leaving the site. The design allows for water to be pitched onto Lot 1 and directed into the culvert. Water is currently draining to the right of the barn. Although the project does not require an alteration of terrain permit from the DES, Mr. Weinrieb has designed it to comply with those requirements, and distributed a full stormwater maintenance and operation plan. The plan looks at pre- and post-development rainfall events, which the engineers boosted up to get an idea of what could happen in the future.

The Applicants are requesting two waivers, one from Section 6.2.4.15 High Intensity Soil Survey, and one from Section 7.2.1.3 Dead-End Street and Cul-De-Sacs. Mr. Weinrieb explained that high intensity soil surveys are generally used for lot sizing when a subsurface waste disposal system is proposed, and can help with the delineation of poorly drained soils. Given that a wetlands scientist has recently mapped the tidal and freshwater wetlands, and that the home will be on municipal water and sewer, the goals of the high intensity soil survey have been accomplished already. The other waiver request is to not require a turn-around area with a minimum radius of 50 feet. Instead, the Applicants propose a modified hammerhead design,

which they believe meets the requirements to allow emergency response vehicles to safely access the property. Mr. Weinrieb added that Mr. Bookholz has met with him and felt comfortable with this waiver, as he felt that there will be adequate space to turn around at the existing home.

Ms. Murray asked about the elevated private road that is proposed. Mr. Weinrieb explained that it will be compacted, with the crown remaining in the road. Members discussed the water runoff on site. Mr. Weinrieb clarified that a little water will be retained on the property. Mr. Landry pointed out that the water runoff on the neighbors' properties will not be changed, and if anything, will be improved. Mr. Weinrieb agreed, particularly since there is currently no treatment of the water running off into neighboring yards. Ms. Murray asked about the proposed catch basin. Mr. Weinrieb demonstrated where this is located, which is a depressed area that collects water. The surface of the catch basin is grass, and there is a four-foot sump to allow sediment to collect. A hood on the top will catch oil and trash.

Chair Horgan asked what the existing driveway will be replaced with. Mr. Weinrieb responded that much of it will remain on the house lot, and then depending on when the new house is built, there will be vegetated loam and seed. Chair Horgan noted that the proposed road is a private right-of-way that will be built according to town standards. Mr. Hammer asked how Lot 2 will have 100 feet of frontage. Mr. Weinrieb referred to one of the submitted plans that shows 120 feet of frontage proposed for the second lot.

Chair Horgan asked about trees that will be removed. Mr. Weinrieb explained that there will be two ashes, one maple, and a Norway maple that will be removed. These trees are in what will be the turnaround area. Some of the trees are old, and many are diseased and will die in the short term anyways. One of the plans in the submitted set shows all trees that are to be removed. Ms. Murray asked about the trees along the existing driveway. Mr. Weinrieb responded that these would not be touched.

Mr. Jones recalled that the last time this property was before the Planning Board for a subdivision with the previous owner, there was talk of a cemetery being beneath the tennis court. Mr. Hammer noted that if this is discovered during construction, the work would have to stop. Mr. Weinrieb stated that this was the first he had heard of a cemetery being on the property. Chair Horgan clarified that there was nothing submitted in advance of this public hearing addressing this subject.

Chair Horgan opened the public hearing at 8:25 p.m. Joanne Armitage, 86 Portsmouth Avenue, spoke. She lives in the house directly across from the barn, and had concerns about the trees in that area falling on her house. She wondered if it would be an option to take the trees down from behind the barn, as many of them are dead. Ms. Pressman acknowledged this concern and would work with Ms. Armitage on the matter. Ms. Armitage felt that the Pressmans are well-attuned to the town and thinks the property will be keeping with the aesthetics of the neighborhood.

Elaine Nollet, 56 Oliver Street, was very supportive of the Pressmans' application. She appreciated how they have worked extensively with abutters and explained the plans.

Iain Moodie, 62 Portsmouth Avenue, also spoke in favor of the application, which he felt is an improvement to the existing conditions. He believed the application was very well presented and covered any concerns he had.

Jim Cerny, 44 Portsmouth Avenue, was completely supportive as well. He did not have any concerns about the Pressmans' plans for the existing house. As a former cemetery trustee, Mr. Cerny felt that there is a very low probability that a cemetery is found under the existing tennis court. Even if one is found, there are procedures established by the State to follow.

Deb Callahan, 26 Oliver Street, was very supportive of the plans and the explanations of Mr. Weinrieb and Ms. Pressman. Bill Lomas, 54 Portsmouth Avenue, was also supportive of the subdivision application.

Amy Gworek owns a house at 41 Oliver Street, and was the previous owner of the property under review. She appeared before the Planning Board for a subdivision application before the house was eventually sold to the Pressmans. She felt that the Board members should do a full reading of the drainage analysis report that Altus Engineering had performed. Her only concern about the application was about the turn around for a firetruck. Ms. Gworek did not understand how a firetruck could get over the bridge where the driveway connects to the house in the back. Mr. Weinrieb explained that the road would be 20 feet wide with a 55-foot wide flare. The gravel area will start at 20 feet wide and will taper down to the existing driveway width. Mr. Weinrieb added that he has had in-depth conversations with Mr. Bookholz and met with him on site, and he felt that the proposal was more than adequate. Ms. Gworek thought that this should be looked at again since it was a hinderance for her when she previously came before the Planning Board. She also asked if all of the trees along Oliver Street would be taken down. Mr. Weinrieb stated that part of the stone wall has to be taken down to create the new right-of-way, and the stone wall would be relocated to a different area on the site. He added that the Applicants' intent is not to take down those trees, and he would only take down trees that are needed for the new driveway.

Hearing no further comments from the public, Chair Horgan closed the public hearing at 8:37 p.m. Ms. Murray asked about the features that were not picked up in the previous site plan. Mr. Weinrieb explained that a culvert and the small tidal wetland were not shown on the original site plan. He added that a landscape architect went out with a surveyor to denote every tree.

Chair Horgan asked about the maintenance on the shared private right of way and the new culvert drainage system. There will eventually be two separate owners who will form a homeowner's association. The culvert will require inspections for proper functioning. Chair Horgan requested a condition that the inspection reports be submitted to the Town Building Inspector. She proposed there be an inspection report done once per year. Mr. Weinrieb added that this would likely go into the homeowner's association plan to memorialize the report as a condition. The inspection would typically be done twice a year, but where the owners have a landscaper, the site would end up being checked more regularly. Mr. Landry stated that realistically, the culvert would likely not need to be pumped for 20 years. Chair Horgan noted that the owners need to agree that the Town will have no maintenance responsibility for the private right-of-way. She also requested a condition that the subdivision application be reviewed by Town Counsel. Chair Horgan gave an escrow form to the Applicants to sign for Counsel review.

Mr. Hammer felt that the Pressmans have gone above and beyond with their application in providing the drainage analysis plan. He proposed a condition of approval that the homeowner's association recognize its responsibility to maintain drainage on the two lots, and that if a problem arises, the owners of the two lots understand that they are responsible to address it. Members also discussed the two requested waivers, and did not have any issues with either waiver.

Mr. Landry motioned to approve the following waivers to the subdivision application requirements for applicants Ronald Richard Pressman and Mary Henderson Pressman, 34 Oliver Street, Map 16, Lot 40:

Section 6.2.4.15 High Intensity Soil Survey

Section 7.2.1.3 Dead-End Street and Cul-De-Sacs

Mr. Hammer seconded. Motion carried unanimously by a vote of five to zero.

Mr. Landry motioned to approve the Subdivision Application for applicants Ronald Richard Pressman and Mary Henderson Pressman, 34 Oliver Street, Map 16, Lot 40 to subdivide an existing 79,299 square foot lot into two single family residential building lots including a new private right-of-way for access and frontage for both parcels, per the plans by Altus Engineering dated September 30, 2022. This approval is subject to the following conditions: 1) review by the New Castle Town Attorney and submittal of any forms or documents deemed necessary by Town Counsel prior to the issuance of a building permit, and 2) periodic inspections of the drainage system as requested by the Town. Mr. Hammer seconded. Motion carried unanimously by a vote of five to zero.

3. Public Hearing for a Conditional Use Permit for applicant William A. Lomas, 54 Portsmouth Avenue, Map 11, Lot 37 for work within the 100 foot buffer of the Class A Wetland, River Road. Project entails removing some pavement, adding a deck, conversion of a carport to a screened in porch, adding a front porch and bump out and adding a garage.

Mr. Moodie recused himself from this hearing, as he is an abutter to the applicant. Mr. Hammer will be a voting member on this case.

Attorney Chris Mulligan of Bosen & Associates presented with applicant Bill Lomas. Ray Bisson, the project surveyor, could not be at the meeting this evening. Attorney Mulligan went over the proposed improvements to the existing nonconforming lot and structure. The existing shed in the buffer will be removed. The existing carport will be converted to a covered porch, with the pavement underneath removed. The pavement in the rear of the property will be removed and replaced with a deck that has crushed stone underneath. There would be a four-foot bump out added to the front entrance, with a farmer's porch next to it. The proposal also calls for a detached garage in front of the property.

The existing home is entirely within the 100-foot wetlands buffer. Any changes to the home would necessarily be within the 100-foot buffer and require a conditional use permit. Mr. Lomas received setback variances from the ZBA last week. A side setback variance was needed for the proposed deck and farmer's porch, and a rear yard setback was needed for the proposed deck. In

addition, Mr. Lomas received a variance for the lot coverage, which exceeds the allowable 20%.

Attorney Mulligan noted that when the project is completed, the actual lot coverage will decrease slightly. A significant amount of pavement exists on the current property. A fair amount of the driveway in the front will be removed, and all of the existing pavement in the 100-foot wetlands buffer will be removed. The impervious coverage will decrease as well, from 38.9% to 37.6% by the end of the second phase of the project. Attorney Mulligan pointed out that there is a storm drain that runs through the property and drains into the wetlands in the rear. This drain dumps thousands of gallons of water into the wetlands, so any changes to the water runoff on the site would be minimal compared to what already happens. The proposal will improve absorption on the Lomas' lot given the removal of a sizable amount of existing pavement.

Chair Horgan read the Conservation Commission recommendation of approval, which was conditioned upon the submission of a stormwater management plan. Attorney Mulligan stated that the surveyor has been working with Mr. Bookholz on what would be necessary for this. They came up with a plan that calls for 18 inches of crushed stone to go underneath the proposed deck, and a French drain to take water off the gutters. A drip edge would go around the entire perimeter of the house as well. Attorney Mulligan distributed a preliminary stormwater management plan.

Ms. Murray asked how high the deck will be off the ground. Mr. Lomas responded that it will be about 3.5 steps off the ground. Attorney Mulligan added that the deck will be spaced apart so that water can go between the boards and percolate in the gravel underneath the deck. Mr. Lomas will be using special screw-in posts to minimize disturbance. Chair Horgan reminded that the Planning Board can put conditions on how the water runoff is handled and what materials will be used, but they can only comment on work within the 100-foot buffer.

Attorney Mulligan added that the applicant still needs a variance from the ZBA for a proposed condenser and chimney for a new fireplace. Ms. Murray asked when the project phases are expected to be complete. Attorney Mulligan estimated that the whole project will be completed in two years. Mr. Lomas added that the bulk of the pavement will be removed in phase two, including the concrete walkway out front. All pavement in the wetlands buffer will be removed.

Chair Horgan asked why the proposed garage would be two stories. Mr. Lomas responded that the intent is to have it be an accessory dwelling unit so that his children could live there and assist as he and his wife grow older. Chair Horgan also asked what would be under the farmer's porch. Mr. Lomas explained that the farmer's porch would likely be on sonotubes, and the bumpout in the front would be on a foundation.

Chair Horgan opened the public hearing at 9:29 p.m. Jim Cerny, 44 Portsmouth Avenue, spoke. He previously submitted a letter to the Conservation Commission in support of the application. Mr. Cerny shares a side of the property with the Applicant. He noted that he performed calculations of the water runoff handled by the existing drainage off Route 1B, and even with the high volume of water, he does not see it ponding up in the wetlands behind the Cerny and Lomas properties. Mr. Cerny agreed with Attorney Mulligan that any improvements to the site will have a minimal impact given the existing runoff coming from the road.

Elaine Nollet, 56 Oliver Street, pointed out that the wetland located on her lot and the Pressmans' lot is manmade. She was in support of Mr. Lomas's application.

Iain Moodie, 62 Portsmouth Avenue, shared that he was also present for this application at the Conservation Commission meeting, but recused himself as an abutter to Mr. Lomas. He felt that the water runoff situation will be improved with this application, and he did not believe that the salinity level in the wetland would worsen with the proposal. The water runoff plan is in progress, though it has not been submitted to Mr. Bookholz. Mr. Moodie stated that he would like to see the water management plans, and would like to know what will happen to water that ends up in the basement of the property. He felt that Mr. Lomas should make arrangements with abutters regarding the deck maintenance. Overall, given the considerable amount of asphalt on the lot, Mr. Moodie believed that the end effect of removing much of the pavement will be an overall improvement.

Hearing no further comments from the public, Chair Horgan closed the public hearing at 9:37 p.m. and opened discussion up to the Board. Ms. Murray commented that she was glad that phase two of the project would be imminent and not far out in the future. Chair Horgan shared that her main concern was how much impervious surface is on the site. The site started as nonconforming, and she would like to see that whatever pavement is added will be pervious, as that will improve the conditions of a site that is already well over the allowable impervious surface area. She acknowledged that the property is difficult to begin with, but wanted a requirement that any additional surfaces within the 100-foot setback be pervious. Mr. Hammer's overall concern was about precedent. The water from the impervious deck has to run off somewhere, and the deck would be very close to the lot line. He pointed out that the end improvement in impervious surface only amounts to about a 100 square foot reduction.

There was extensive discussion over the allowable impervious area. Attorney Mulligan felt that the Planning Board did not have jurisdiction over alterations outside of the 100-foot buffer.

Mr. Hammer motioned to approve the application for a Conditional Use Permit for applicant William A. Lomas, 54 Portsmouth Avenue, Map 11, Lot 37 for work within the 100 foot buffer of the Class A Wetland, River Road per the plans by Stonewall Surveying dated September 18, 2022, and the supplemental plan depicting placement of a fireplace and two condensers handed out at the Planning Board meeting of October 26, 2022. This approval is conditioned upon all of the recommendations stipulated in the October 18, 2022 notice of recommendation by the Conservation Commission, to be completed prior to commencement of work. Mr. Landry seconded. Motion carried unanimously by a vote of five to zero.

4. Vote on designating Kate Murray as Vice Chair of the Planning Board.

Chair Horgan stated that the Planning Board must have a Vice Chair per State RSA. Chair Horgan motioned to name Kate Murray as Vice Chair of the Planning Board. Mr. Landry seconded. Motion carried unanimously by a vote of four to zero.

5. Review and approve minutes to the June 22nd, July 27th, August 24th and September 28th meetings of the Planning Board.

Mr. Landry moved to approve the minutes as written for the Planning Board meeting on June 22, 2022. Mr. Jones seconded. Motion carried unanimously.

Mr. Hammer moved to approve the minutes as written for the Planning Board meeting on July 27, 2022. Ms. Murray seconded. Motion carried unanimously.

Mr. Landry moved to approve the minutes as written for the Planning Board meeting on August 24, 2022. Mr. Jones seconded. Motion carried unanimously.

Mr. Hammer moved to approve the minutes as written for the Planning Board meeting on September 28, 2022. Mr. Jones seconded. Motion carried unanimously.

6. Old Business.

None.

7. New Business.

Chair Horgan announced that the next Planning Board meeting will be held on Wednesday, November 30, 2022 at Town Hall.

8. Adjourn.

There being no further business, Mr. Landry moved to adjourn the meeting. Mr. Jones seconded. The motion carried, unanimously, and the meeting adjourned at 10:16 p.m.

Respectfully Submitted,

Meghan Rumph
Recording Secretary