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**MINUTES OF THE NEW CASTLE PLANNING BOARD
Wednesday, February 22, 2023 – 7:00 p.m. (Town Hall)**

Public Hearing for a Conditional Use Permit for applicants Steve and Suzanne Cook, 17 Seabreeze Lane, Map 13, Lot 20, for disturbance within the 50 foot Wetland Buffer.

Second Public Hearing on a proposed amendment to the Building Code Ordinance Section 13 (a) to establish a dollar amount under which maintenance and repair would be considered “normal”.

Public Hearing on a proposed amendment to the Building Code Ordinance introductory paragraph stating that New Castle has adopted the Building and Fire Codes as amended by the State of NH.

Public Hearing on a proposed amendment to the Building Code Ordinance Section 1, Code Adoption, stating that New Castle has adopted the Building and Fire Codes as amended by the State of NH.

Public Hearing on a proposed amendment to the Zoning Ordinance 9.3.7 Application Procedure for the Historic District Commission establishing a five day deadline for decisions of the Commission to be recorded with the Town Clerk.

Members Present: Darcy Horgan, Chair; Lorne Jones; Rich Landry.

Members Absent: Iain Moodie; Kate Murray; Margaret Sofio; Bill Stewart.

Others Present: Steve Cook; Christopher Mulligan, Bosen & Associates, PLLC; Curt Springer; Alex Ross, Ross Engineering, LLC.

Chair Horgan called the meeting to order at 7:00 p.m. Noting a quorum, Chair Horgan indicated that the voting members are herself, Lorne Jones and Rich Landry. Chair Horgan asked for the Applicant’s approval to proceed with three of five voting members hearing the case. Mr. Cook confirmed that he wanted to proceed.

1. Public Hearing for a Conditional Use Permit for applicants Steve and Suzanne Cook, 17 Seabreeze Lane, Map 13, Lot 20, for disturbance within the 50 foot Wetland Buffer.

Attorney Christopher Mulligan and Alex Ross, engineer for the project, were present along with Applicant Steve Cook. Mr. Ross presented plans showing the tidal wetlands and inland wetlands on the lot. Marc Jacobs has delineated the wetlands and Mr. Ross surveyed them. No work is being done in the 100 foot setback from the high tide mark. A small corner of the house falls within the 50 foot setback to the Class B inland wetlands, which necessitates Planning Board

approval. A big part of the project involves replacing the old septic system with a new pre-treatment system that is located outside of the 100 foot wetland setback. Mr. Ross explained how several test pits were dug on site, with Russ Bookholz, Town Building Inspector, present. In addition, the Conservation Commission held multiple meetings, including a site walk. The original plan was for the septic system to be located in the back since there is more room there and a neighbor had done the same thing with their system. The Conservation Commission preferred everything to be out front, which the Cooks have accommodated. Mr. Ross noted that the Applicants have received a Shoreland Permit for work within the 250 foot setback and approval for the septic system from the State.

The current home has a garage, asphalt driveway and a very old septic system. The existing garage would be removed and replaced with one that is connected to the house. The Cooks are proposing a pervious paver driveway and a new septic system with pre-treatment. They are focused on doing everything they can to protect the nearby wetlands. With the new septic system, everything will leave the house and go into a septic tank, which will then flow into a pre-treatment tank prior to going into the leach field. Mr. Ross explained that effluent becomes much cleaner with pre-treatment, and the end result will be very beneficial for the surrounding wetlands.

Attorney Mulligan stated that the vast majority of improvements and developments will be well outside of the 50 foot buffer. The only change to the existing conditions within the 50 foot buffer will be to the existing patio and corner of the existing structure. All other proposed improvements and changes to the property will fall outside of the 50 foot buffer. The Cooks will be substantially rebuilding the back portion of the house. Attorney Mulligan concluded that the modern septic system with pre-treatment will be a great benefit to the wetlands, and the amount of relief needed is very minimal. He felt that there would be an overall net improvement to the wetlands.

Chair Horgan clarified that a Conditional Use Permit is only needed for disturbance within the 50 foot wetlands setback, which Mr. Ross confirmed. He noted that the existing house is about 100 years old and is supported by brick piers and very small concrete footers. Most of the structure sits directly on ledge. When working on the house and installing new framing, it will be important to have a solid foundation that is pinned to the ledge, Mr. Ross explained. Therefore, they will remove the existing brick piers and clean up the ledge, then epoxy rebar into it to make the footers and concrete foundation. Mr. Ross believed the project will likely require a mini excavator with typical construction equipment.

Chair Horgan noted that the Conservation Commission weighed in on the application because they needed to give a recommendation to the NHDES. Chair Horgan read the Commission's letter of recommendation from October 18, 2022, which requested that the permeable driveway have at least a biannual maintenance plan to keep its permeable nature. She noted that the recommendation regarding the permeable driveway does not fall under Planning Board purview.

Chair Horgan opened the public hearing at 7:13 p.m. Hearing no comments from the public, Chair Horgan closed the public hearing at 7:13 p.m. Mr. Jones felt that the permeable driveway is a nice enhancement, and Chair Horgan agreed. Chair Horgan also appreciated how the septic will be moved to the front of the house. Mr. Landry felt that the application is relatively simple,

citing the small area of temporary disturbance of approximately 30 square feet.

Mr. Landry motioned to approve the Conditional Use Permit application for Steve and Suzanne Cook, 17 Seabreeze Lane, Map 13, Lot 20, as presented in the plans from Ross Engineering, LLC dated February 1, 2023, based on the fact that the application meets all conditions of Section 9.2.5 of the New Castle Zoning Ordinance for a Conditional Use Permit and that the proposal will be a net benefit to the site. Mr. Jones seconded. Motion carried unanimously by a vote of three to zero.

2. Second Public Hearing on a proposed amendment to the Building Code Ordinance Section 13 (a) to establish a dollar amount under which maintenance and repair would be considered “normal”.

Chair Horgan explained that this proposal changes the dollar amount that is specified for when a permit is required. Mr. Jones asked if \$2,000 is a reasonable number, and wondered if it should be increased to \$5,000. Chair Horgan responded that Building Inspector Russ Bookholz had originally wanted to revise this amount to \$1,500. Mr. Bookholz is seeking to avoid people residing a whole house when they claimed they would just be repairing a few clapboards, for example. Chair Horgan said that it would be a good idea to monitor what building permit applications are for to see if the \$2,000 is reasonable or too onerous, in case the dollar amount should be changed again next year. Mr. Landry pointed out that if the dollar amount is raised to \$5,000, a contractor may say that the project is less than what it actually will be. Chair Horgan also noted that painting was previously included in the Ordinance but is now being completely removed.

Chair Horgan opened the public hearing at 7:24 p.m. Curt Springer, 98 Cranfield Street, agreed with the proposed amendment. Hearing no further comments from the public, Chair Horgan closed the public hearing at 7:24 p.m.

~~Strike through means deleted text,~~ **bolded and underlined text means added text.**

Mr. Jones motioned to advance the following Building Code Ordinance amendment to a warrant article at the Town meeting in May 2023:

BUILDING CODE

Section 13 Permits

- (a) A permit will not be required ~~for painting nor~~ for normal maintenance and repairs- **for work below \$2,000 including materials and labor. Painting shall not require a permit from the Building Inspector.** (March 2, 1976, **May 2023**)

Mr. Landry seconded. Motion carried unanimously.

3. Public Hearing on a proposed amendment to the Building Code Ordinance introductory paragraph stating that New Castle has adopted the Building and Fire Codes as amended by the State of NH.

Chair Horgan stated that this proposal will remove references to the 2009 International Building Code. Mr. Bookholz had noted that this will bring the New Castle Building Code more in line with reality and with current State codes. The 2009 codes are outdated and not used anymore. The Town has adopted the building and fire codes of the State.

Chair Horgan opened the public hearing at 7:29 p.m. Curt Springer agreed with the proposal and noted that it is good housekeeping. Hearing no further comments from the public, Chair Horgan closed the public hearing at 7:29 p.m.

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Mr. Landry motioned to advance the following Building Code Ordinance amendment to a warrant article at the Town meeting in May 2023:

BUILDING CODE

Be it ordained by the Town of New Castle at its Town Meeting held on March 7, 1972, further amended by its Town Meeting held on June 27, 1975, its Town Meeting held on March 2, 1976, its Town Meeting held on April 1, 1978, its Town Meeting held on May 13, 1980, its Town Meeting held on May 11, 1982, its Town Meeting held on May 14, 1985, ~~and its Town Meeting held on May 14, 1996, and its Town Meeting held on May 13, 2008, and at its Town Meeting held on May 13, 2014,~~ **and its Town Meeting held on May 9, 2023** pursuant to the provisions of the New Hampshire Revised Statutes Annotated Chapter 156-A as amended that the ~~2009 issue of the INTERNATIONAL BUILDING CODE and the 2009 issue of the INTERNATIONAL RESIDENTIAL BUILDING CODE as amended is adopted for the Town.~~ **Town of New Castle has adopted the Building and Fire codes as amended by the State of New Hampshire.**

Mr. Jones seconded. Motion carried unanimously.

4. Public Hearing on a proposed amendment to the Building Code Ordinance Section 1, Code Adoption, stating that New Castle has adopted the Building and Fire Codes as amended by the State of NH.

Mr. Landry explained that Mr. Bookholz wanted to change this language in the Ordinance because states adopt new codes every three years or so. With this wording, the Town will not have to change this section of the Ordinance every time there is a code change, since it will adhere to whatever the state has adopted.

Chair Horgan opened the public hearing at 7:33 p.m. Curt Springer felt that the amendment makes sense and was in favor. Hearing no further comments from the public, Chair Horgan closed the public hearing at 7:33 p.m.

~~Strike through means deleted text, **bolded and underlined text means added text.**~~

Mr. Jones motioned to advance the following Building Code Ordinance amendment to a warrant article at the Town meeting in May 2023:

BUILDING CODE

Section 1 Code Adoption

1. (a) ~~The 2009 International Building Code and the 2009 International Residential Code are hereby adopted by reference for the Town of New Castle.~~ **The Town of New Castle has adopted the Building and Fire Codes as amended by the State of New Hampshire.** (May 2008; May 2014, **May 2023**)

Mr. Landry seconded. Motion carried unanimously.

5. Public Hearing on a proposed amendment to the Zoning Ordinance 9.3.7 Application Procedure for the Historic District Commission establishing a five day deadline for decisions of the Commission to be recorded with the Town Clerk.

Chair Horgan explained that this proposed amendment was brought about because of State RSAs, which require a decision to be recorded within five days. In order to be in compliance with State law, the Town needs to amend Zoning Ordinance Section 9.3.7.3 b and c and Section 9.3.7.4.c.

Chair Horgan opened the public hearing at 7:36 p.m. Curt Springer stated that this came up as he was in the process of appealing a Historic District Commission decision. He is in favor of bringing the Zoning Ordinances into compliance with State RSAs. Hearing no further comments from the public, Chair Horgan closed the public hearing at 7:37 p.m.

~~Strike through means deleted text, **bolded and underlined text means added text.**~~

Mr. Landry motioned to advance the following Zoning Ordinance amendment to a warrant article at the Town meeting in May 2023:

ZONING ORDINANCE

9.3.7 Application Procedure:

3. Hearings and Notices:

- b. The Commission shall issue a Certificate of Approval or Notice of Disapproval within ~~ten~~ **five** days of the final hearing date unless the applicant shall agree to an extension in writing.
- c. Failure to render a decision within ~~ten~~ **five** days of the final hearing date or failure to render a decision within 70 days of the filing of a completed application, shall be deemed to constitute approval by the Commission, unless the applicant shall agree to an extension in writing.

4. Notice of Approval or Disapproval:

c. Notice of Filing of Decision

All decisions of the Commission shall be made available for public inspection within ~~72 hours~~, **five days** and placed on file with the town clerk.

Mr. Jones seconded. Motion carried unanimously.

6. Approve minutes to the January 25, 2023 meeting of the Planning Board.

Mr. Landry moved to approve the minutes as written for the Planning Board meeting on January 25, 2023. Chair Horgan seconded. Motion carried unanimously.

7. Old Business.

None.

8. New Business.

Chair Horgan announced that the next Planning Board meeting will be held on Wednesday, March 22, 2023 at 7:00 p.m. at the Town Hall.

9. 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 7:40 p.m.

Respectfully Submitted,

Meghan Rumph
Recording Secretary