

APPROVED APPROVED APPROVED APPROVED APPROVED

**MINUTES OF THE NEW CASTLE PLANNING BOARD
Wednesday, September 27th, 2023 – 7:00 p.m. (Town Hall)**

Public Hearing for Applicants Christine’s New Castle, LLC, 136 Wild Rose Lane, Map 3, Lot 8A for a Conditional Use Permit for disturbance in the 100 foot tidal buffer to raze and replace an existing residence and garage with a new single-family residence and separate cottage with associated site improvements. Included in the application is construction of a new septic system.

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

Members Absent: Bill Stewart.

Others Present: Dwayne and Christine Baharozian; Eric Weinrieb, Altus Engineering, LLC; Robin Woodburn, Woodburn & Company Landscape Architecture 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, Mr. Moodie, Mr. Jones, Ms. Crotty, and Ms. Murray. Mr. Landry is an alternate.

1. Public Hearing for Applicants Christine’s New Castle, LLC, 136 Wild Rose Lane, Map 3, Lot 8A for a Conditional Use Permit for disturbance in the 100 foot tidal buffer to raze and replace an existing residence and garage with a new single-family residence and separate cottage with associated site improvements. Included in the application is construction of a new septic system.

Eric Weinrieb of Altus Engineering presented on behalf of the Applicants. The lot has a shared driveway cutting off to go to the abutting Grays’ home. There is an existing loop driveway near the house that will remain. The existing maintenance garage and putting green on the lower level of the site will remain. The proposal is to raze the existing house, as it is dated and has low ceilings. The current house is oriented toward Fort Stark as opposed to Little Harbor. The new house will be turned to face the water, and will be located outside of the 100 foot tidal wetland buffer. There will also be a pool, patio, and pickleball court. The existing garage will be replaced with an Accessory Dwelling Unit (ADU). The ADU plan needs to be revised so that it complies with the requirement that it be under 1,200 square feet. The Baharozians will return to the Planning Board for a conditional use permit for the ADU once those plans are finalized.

Mr. Weinrieb explained that there is wetland partially on the neighboring Glassmeyer property, and outcrops of ledge throughout the lot. This prohibits the placement of a septic system. Test pits were dug and the best soils on site were found close to the existing system. The existing system is an old, antiquated stone and pipe system that is fairly close to the wetlands (approximately 66 feet away). The applicants propose to replace the septic system with an

advanced treatment system, called AOS. This is a state-of-the-art system that uses a pretreatment chamber, and is the same system used across the street at the Dyllas' property. The septic system will not impact any of the resource area. The corner of the leach field will be 76 feet away from the buffer. Chair Horgan wanted to be sure that Mr. Weinrieb went through the septic system plans with Town Building Inspector Russ Bookholz, as there are limitations that must be followed. Mr. Weinrieb confirmed that he has gone through these plans with Mr. Bookholz, and that the plans comply with the requirement that the septic system be at least 75 feet beyond the buffer. Mr. Weinrieb also confirmed that no work will be done within 50 feet of the tidal waters.

The Conservation Commission held a site walk on September 5, and subsequently recommended approval of the plans with the condition that a landscape plan be prepared. Mr. Weinrieb noted that the proposal requires a wetland permit for work within the 100 foot buffer, a shoreland permit for work within the 100 to 250 foot buffer, and a septic system permit from the State. Since the total site disturbance is under 50,000 square feet, an alteration of terrain permit is not needed. They have not applied for the septic system permit yet. The wetlands and shoreland permits have been applied for already. According to Mr. Weinrieb, the NHDES has said that the application does not have enough natural buffer, so landscape architect Robbie Woodburn will work on this.

Mr. Weinrieb went over the stormwater management in the proposed project. Where the roof pitches down to grass surfaces, there will be stone drip edges. Water will also run across the lawn and vegetated areas to get treatment before being discharged into the resource. The existing stonewall between the property and the water also serves as a natural buffer for additional treatment.

Robbie Woodburn was present to share conceptual plans for screen and buffer plantings. She just came on board a week prior to the meeting, so she did not have detailed plans ready. The plan Ms. Woodburn presented showed existing vegetation that will remain unaltered, and proposed native meadow wildflowers and grasses, which will be mowed once per year to keep invasive species under control. The proposal calls for the lawn grass to be cut low in some areas and slice the native grass and wildflower seed mix in the area. This way, the soil will not be disturbed. There will be areas of undisturbed vegetation, natural lawn, and a mix of evergreen screen plantings to the east and northeast of the property.

Mr. Weinrieb explained that the State DES had emailed about the plan being deficient in the points system, so Ms. Woodburn would be addressing this. The State is requesting a planting plan to address their concerns, which Ms. Woodburn is working on. Chair Horgan asked about the trees that will be removed. Mr. Weinrieb confirmed that the three large trees next to the proposed pickleball court will need to come down. Six trees associated with the main house and four next to the cottage also need to be removed. He stated that some of these trees are not healthy.

Mr. Moodie asked about the cottage. Mr. Weinrieb noted that the cottage is not in the 100 foot buffer and is therefore not part of the conditional use permit application before the Board this evening. The cottage has been included in the impervious surface calculations. He added that Mr. Bookholz wanted to see two parking spaces for the cottage.

Mr. Moodie asked about the native grass planting area on Ms. Woodburn's plans. She confirmed that it will be mowed once per year in the fall so that the seeds from the flowers can get back in the ground. Mr. Moodie preferred having this area cut in the spring so that the milkweed can grow and allow butterflies and chrysalises to come out. He also expressed concern about mowing the native grass area, as this is contrary to the Conservation Commission's general policy of not cutting next to the buffer. Ms. Woodburn responded that if the area does not get mowed, it will be engulfed by invasives within five to ten years.

Mr. Jones noted that a lot of animals migrate across Wild Rose Lane, and he wanted to know of any plans to put up fencing or other obstructions. The Baharozians confirmed that they do not intend to fence their entire property. The pool must have a fence around it, however. Ms. Murray stated that this is an opportunity to have more natural plants instead of significant lawn, as this is a sensitive area. She would like to see the area more naturalized. The Baharozians confirmed that they do not fertilize or irrigate the area currently and will not do so in the future.

Mr. Jones asked about the old well. Mr. Weinrieb responded that it will remain and the applicants may be able to use it. He noted that a new stub was put in when Portsmouth re-did the water line on Wild Rose Lane, so when the house construction is complete, the Baharozians will have new water service running adjacent to the driveway.

Chair Horgan opened the public hearing at 7:29 p.m. and read a letter from Scott and Melodie Dylla, 149 Wild Rose Lane, in support of the request. Shedd Glassmeyer of 166 Wild Rose Lane also submitted a letter in which he commended the original effort to renovate the house, though he felt it was unfortunate that the special home will be torn down. Mr. Glassmeyer was apprehensive about seeing a series of structures, including a guest cottage, a much larger house, and a pool house, looking over the property. He hoped that the two sport courts can be located in a way that reduces the noise. Mr. Weinrieb confirmed that he spoke at length with Mr. Glassmeyer and discussed his concerns, which the applicants will try to accommodate.

Hearing no further comments from the public, Chair Horgan closed the public hearing at 7:34 p.m. and opened discussion back up to the Board. Chair Horgan read the letter of recommendation from the Conservation Commission. The Commission recommended approval, with the condition that a landscape plan is presented by October 31, 2023 to include some areas of native plantings in the 100 foot buffer to compensate for the removal of the mature pine, Norway maple and silver maple trees, and to include native plantings around the sport court. Mr. Moodie felt that Ms. Woodburn's plan satisfies the Conservation Commission's recommendation.

Mr. Jones motioned to approve the Conditional Use Permit of applicants Christine's New Castle, LLC, 136 Wild Rose Lane, Tax Map 3, Lot 8A, per the Altus Engineering set of plans dated August 29, 2023, with the additional planting plan by Woodburn and Company dated September 27, 2023, for disturbance in the 100 foot tidal buffer to raze and replace an existing residence and garage with a new single-family residence with associated site improvements. This approval is conditioned on the following: 1) that all State permits, including wetland, shoreland and septic permits are granted by DES, 2) that a more formal planting plan be submitted and accepted by DES, and 3) that the Applicants file a New Castle Shoreland Permit. Approval is based on the Applicants having met all of the conditions of Section 9.2.5 of the New Castle

Zoning Ordinance for a Conditional Use Permit. Mr. Moodie seconded. Motion carried unanimously by a vote of five to zero.

2. Approve minutes to the August 23, 2023 meeting of the Planning Board.

Ms. Murray moved to approve the minutes as written for the Planning Board meeting on August 23, 2023. Ms. Crotty seconded. Motion carried unanimously.

3. Announce joint training session with ZBA scheduled for November 14th at 5pm.

Chair Horgan announced that Jen Rowden from Rockingham Planning Commission will be holding a training session with the ZBA and Planning Board on November 14th. It will either be virtual or in-person.

4. Continued discussion on Zoning Ordinance definitions on building area and impervious surfaces.

Mr. Moodie and Mr. Landry are working on revising the definitions of building area and impervious surfaces in the Zoning Ordinance. Chair Horgan suggested meeting with Building Inspector Bookholz as well. The topics will be revisited at the next Planning Board meeting. Mr. Landry noted that a lot of people do not understand what building area means. Mr. Moodie suggested changing the term to building volume. Mr. Landry felt that it is valuable to have an impervious surface definition, but stated that if maintenance plans are submitted and being followed, pervious surfaces can work.

Chair Horgan reiterated that the Board needs to be on the same page about what is included in the definition, such as attics, living spaces, etc. The intent of what is in the Ordinance now should not be changed, which is to contain the volume of structures on a lot so that the structures are not being maxed out in size.

5. Old Business.

None.

6. New Business.

Chair Horgan announced the dates for the remaining Planning Board meetings this year. The meetings will be held on Wednesday, October 25, 2023 at 7:00 p.m., Wednesday, November 29, 2023 at 7:00 p.m., and Wednesday, December 27, 2023 at 7:00 p.m. All meetings will be at the Town Hall.

7. Adjourn.

There being no further business, Ms. Crotty moved to adjourn the meeting. Ms. Murray seconded. The motion carried, unanimously, and the meeting adjourned at 8:18 p.m.

Respectfully Submitted,

Meghan Rumph
Recording Secretary