

1 **APPROVED APPROVED APPROVED APPROVED APPROVED**

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3 **MINUTES OF THE NEW CASTLE PLANNING BOARD**

4 **Wednesday, March 22, 2023 – 7:00 p.m. (Town Hall)**

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7 **Public Hearing for applicants RJM Jr., Trustee of RJM Jr. Revocable Trust and Robin**
8 **Walsh, Trustee of RJM 2012 Irrevocable Trust, 79 Beach Hill Road, Map 10, Lot 26, for a**
9 **Conditional Use Permit for an Accessory Dwelling Unit above an existing garage.**

10
11 **Public Hearing for applicants Ronald Richard Pressman Rev. Trust and Mary Henderson**
12 **Rev. Trust, 34 Oliver Street, Map 16, Lot 40, for a Conditional Use Permit for demolition**
13 **and construction of a new home and driveway within the 100 foot Class A wetland buffer**
14 **setback.**

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16
17 **Members Present:** Darcy Horgan, Chair; Iain Moodie; Margaret Sofio; Bill Stewart.

18
19 **Members Absent:** Lorne Jones; Rich Landry; Kate Murray.

20
21 **Others Present:** Joanne Armitage; Jim Cerny; Ray Martineau; Eric Weinrieb, Altus
22 Engineering, Inc.; Robin Woodburn, Woodburn & Company Landscape Architecture LLC.

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24
25 Chair Horgan called the meeting to order at 7:06 p.m. Noting a quorum, Chair Horgan indicated
26 that the voting members are herself, Mr. Stewart, Ms. Sofio and Mr. Moodie.

27
28 **1. Public Hearing for applicants RJM Jr., Trustee of RJM Jr. Revocable Trust and Robin**
29 **Walsh, Trustee of RJM 2012 Irrevocable Trust, 79 Beach Hill Road, Map 10, Lot 26, for a**
30 **Conditional Use Permit for an Accessory Dwelling Unit above an existing garage.**

31
32 Ms. Sofio recused herself from this case, as she is a direct abutter to the applicant. Chair Horgan
33 confirmed with the applicant that he wished to proceed with three of five voting members
34 present.

35
36 Applicant Ray Martineau explained that he has an existing garage, which he plans on living in
37 while his house is under construction. The garage was built eight months ago and is in the rear of
38 the property. Mr. Martineau's house will be torn down with a new home in its footprint. He
39 explained that for septic reasons, the new home will have to be two bedrooms instead of three if
40 the accessory dwelling unit (ADU) is approved. He has already gone through the NH
41 Department of Environmental Services and consulted with Town Building Inspector Russ
42 Bookholz. Mr. Bookholz informed Mr. Martineau that for the ADU, he needed four parking
43 spaces which cannot be stacked. This required a change in site plan. The driveway and parking
44 spaces will be permeable. Mr. Bookholz has already walked the site and measured out the four
45 parking spaces.

1 Chair Horgan clarified that the existing space over the detached garage is what will be converted
2 into an ADU. She explained that the teardown and rebuild of the existing home had already been
3 approved by Mr. Bookholz over a year ago, but the plans have since changed. Mr. Bookholz
4 suggested turning the garage into an ADU so that Mr. Martineau could legally live in it while his
5 home is being renovated. Because the Applicant has the full intention of rebuilding his primary
6 residence, Mr. Bookholz agreed that he could live in the ADU temporarily because all necessary
7 permits have been received. Mr. Martineau noted that he still has some environmental and
8 abatement work to do, and then the building application will go back to the Town Building
9 Inspector for the tear-down permit. The garage is set up for temporary living, with the exception
10 of a cooking unit that Mr. Martineau will be adding.

11
12 Mr. Moodie asked about the driveway and felt that it would be adding more ground coverage to
13 fit the required parking spaces. Mr. Martineau responded that an engineer designed the parking
14 spaces and driveway, and the DES has seen the updated plans. Chair Horgan asked if a shoreland
15 impact permit has been completed, which Mr. Martineau confirmed he has done and provided to
16 Mr. Bookholz. Chair Horgan felt that the application has met all of the Planning Board's criteria
17 for an ADU. Mr. Stewart added that the application seems straightforward. He shared Mr.
18 Moodie's concern about the adequate parking spaces, but acknowledged that everything has been
19 re-engineered and approved by the Building Inspector. Mr. Moodie asked if zoning variances
20 were required, and Mr. Martineau responded that none are needed.

21
22 Chair Horgan opened the public hearing at 7:17 p.m. Hearing no comments from the public,
23 Chair Horgan closed the public hearing at 7:17 p.m.

24
25 *Mr. Moodie motioned to approve the application for applicants RJM Jr., Trustee of RJM Jr.*
26 *Revocable Trust and Robin Walsh, Trustee of RJM 2012 Irrevocable Trust, 79 Beach Hill Road,*
27 *Map 10, Lot 26 for a Conditional Use Permit for an Accessory Dwelling Unit above an existing*
28 *garage as presented in plans C-2 from Farwell Engineering Services, LLC dated December 7,*
29 *2022, based on the fact that the application meets all criteria for a Conditional Use Permit for*
30 *an Accessory Dwelling Unit as stipulated in the New Castle Zoning Ordinance Section 6.6.5. Mr.*
31 *Stewart seconded. Motion carried unanimously by a vote of three to zero.*

32
33
34 **2. Public Hearing for applicants Ronald Richard Pressman Rev. Trust and Mary**
35 **Henderson Rev. Trust, 34 Oliver Street, Map 16, Lot 40, for a Conditional Use Permit for**
36 **demolition and construction of a new home and driveway within the 100 foot Class A**
37 **wetland buffer setback.**

38
39 Mr. Moodie recused himself from this application, as he is an abutter to the Applicants. Eric
40 Weinrieb of Altus Engineering presented along with Robbie Woodburn, landscaping architect.
41 Chair Horgan confirmed with Mr. Weinrieb that the Applicants are comfortable proceeding with
42 three of the five voting members. Mr. Weinrieb explained that the Pressmans purchased the
43 property last spring. A two-lot subdivision with a drainage easement has been approved by the
44 Planning Board but is not yet recorded. The homeowner association and mylar documents have
45 recently been submitted.

1 The rear lot is where the proposed house will be, and no work is planned for the front lot at this
2 time. The front lot would not require Planning Board or Conservation Commission approval
3 because it is outside of the buffers. The tennis court has been removed, and in its place will be
4 the driveway with a hammerhead turnaround. The driveway will be permeable and will be
5 relocated outside of the buffer area. Mr. Weinrieb explained that the freshwater wetland has
6 previously been disturbed with the Town septic line. The Conditional Use Permit is needed for
7 disturbance to the wetland buffer, although there will be no actual wetland impacts beyond the
8 existing conditions. The proposed house will be partially in the buffer. A section of the retaining
9 wall will be removed. Mr. Weinrieb showed the grading plan and explained how a stone drip
10 edge will go around the perimeter of the house to treat water runoff. Although the parcel is large,
11 58.8% of the lot is encumbered with wetlands. 63.3% of the existing house footprint is in the
12 wetland buffer, and over 50% of the buffer has already been disturbed. The Applicants will
13 reduce the impervious surface area by over 50% and will restore 3,211 square feet of disturbed
14 area within the buffer. The driveway and house will both be moved further away from the
15 resource.

16
17 Ms. Woodburn discussed the proposed rain garden, which will be 745 square feet. The garden
18 will be mostly grass with deeper roots, which is now recommended by the DES. It will not be a
19 traditional blue grass mix. Chair Horgan asked about the maintenance required for the rain
20 garden. Ms. Woodburn responded that very little maintenance is required. Mowing can be done
21 if desired. No irrigation or fertilizing are needed. Over time, water will infiltrate slower in the
22 area of the rain garden.

23
24 Ms. Woodburn also discussed the planting plan. The driveway currently has a large gravel area
25 and fill edge that slopes down into the wetland area. In this area, there are two large Norway
26 spruces which will remain. The two magnolias on the edge of the slope are not appropriate for
27 where they are located, and are proposed to be removed. There are many hemlocks interspersed
28 that are not in good condition due to the lack of sunlight. In addition, several ash trees in the
29 backyard are infected. Northeast Shade Tree LLC has recommended removing these hemlocks
30 and the ash trees due to their poor condition. There is a split pine tree that needs to be removed
31 as well. Ms. Woodburn would like to replant with native species, such as dense native shrub
32 plantings that will give an edge to the rain garden area. Shade trees will be added to the edge of
33 the wetland. There are two oak trees on the lot that will require a clean cut of the roots. The goal
34 is to save these two trees and reduce the harm to them during construction.

35
36 Mr. Stewart asked if Mike Cuomo delineated the tidal versus freshwater wetlands. Mr. Weinrieb
37 confirmed and demonstrated where these are shown on the plans submitted. He pointed out that
38 any site work activities within 100 feet of tidal water require DES wetlands permits, which have
39 been accepted by the NHDES. A shoreland permit is needed for any work within 250 feet of the
40 buffer. Mr. Weinrieb expected the DES to make a decision on the permits shortly. The
41 Conservation Commission already provided their input to the DES on these permits.

42
43 Chair Horgan read the Notice of Decision dated March 14, 2023 from the Conservation
44 Commission. The Commission motioned to recommend approval of the application with the
45 following stipulations: 1) to perform biannual maintenance of the engineered permeable surfaces,
46 2) that a snow fence be utilized during the time of demolition, and 3) that any trees removed
47 outside of the house footprint leave the root ball intact. This is to maintain soil stability and

1 prevent decay.

2
3 Mr. Weinrieb mentioned that the Conservation Commission had expressed interest in
4 maintaining the wildlife corridor by either removing the proposed fence or keeping breaks in the
5 fence. He confirmed that the homeowner was in agreement with this.

6
7 Mr. Weinrieb noted that in the calculations, the patio was not counted as pervious. He added that
8 the vendor who performs the biannual maintenance of the permeable areas will be responsible to
9 provide the maintenance report to the Town. Ms. Woodburn explained the proposed permeable
10 patio design. The existing stone wall holds up the patio on the existing house. The wall will be
11 rebuilt with the same stones and in a slightly different location. The patio will be set with wider
12 joints to allow for water infiltration and will be relocated further away from the buffer.

13
14 Mr. Stewart asked about the 150 foot woodland buffer area and the vegetation count. Ms.
15 Woodburn responded that the Applicants meet the point system for the tree grids in all but two
16 spots, in Zones 11 and 12, where the house and driveway will be located. These two zones will
17 need waivers, as they do not reach 50 points per zone. Mr. Stewart also pointed out that with lots
18 over ½ acre, 50% of the lot must be undisturbed. The Pressmans' parcel is approximately one
19 acre, so Mr. Stewart wanted to confirm the percentage of unaltered state and whether a waiver
20 would be required. He stated that some of the lot is already disturbed, but some is not. Ms.
21 Woodburn responded that the whole area has already been pre-disturbed. She emphasized that it
22 is important to take into consideration the amount of plant material that the Applicants will be
23 adding, and the significant planting buffer that will be created. Mr. Weinrieb noted that a
24 significant portion of the disturbance is the existing house and driveway. The Applicants will
25 need a waiver since they will be over the 50% threshold.

26
27 Chair Horgan opened the public hearing at 7:58 p.m. Joanne Armitage, 86 Portsmouth Avenue,
28 expressed her concerns with the front lot of the subdivision. Many trees are dead in this lot,
29 which is right behind her house. Ms. Armitage wondered if the Pressmans will be doing anything
30 with these trees. Ms. Woodburn explained that the focus is currently on the buffer impacts and
31 not on this other property for now, but the owners are aware of the conditions of these trees and
32 have the intention of removing them at some point in the future. Ms. Armitage also asked about
33 the fence. Ms. Woodburn responded that the plan was to have a six foot split rail fence, though
34 she was not sure what the plan would be now. She assured Ms. Armitage that any plans for a
35 fence will be discussed with her beforehand. Chair Horgan noted that at the Conservation
36 Commission site walk on March 14, Mary Pressman had shared that she was not wed to the idea
37 of a fence. Ms. Armitage stated that she would prefer not to have a fence.

38
39 Jim Cerny, 44 Portsmouth Avenue, commented about the tree removal plans. He said that the
40 previous owner would clear-cut brush and burn it, and would girdle trees rather than remove
41 them. He did not see an issue with the proposed removal of the trees outlined in the presentation.

42
43 Iain Moodie, 62 Portsmouth Avenue, spoke as a member of the public. He felt that a lot of work
44 has gone into this application, yet it is still in the working stages with the Historic District
45 Commission on the home design. He commented that the application process seems to have gone
46 backwards and believed that the HDC application should be decided before the Planning Board
47 makes a decision. Mr. Moodie was concerned about the application being rushed through, and

1 was concerned about the Planning Board giving approval rather than deferring to a future date
2 once the HDC makes a decision. Chair Horgan responded that it is quite common that the HDC
3 process runs parallel to the Planning Board process. The jurisdiction of each board is very
4 different. She disagreed that this application was rushed through the various boards. Mr.
5 Weinrieb recognized Mr. Moodie's concerns, but noted that if the HDC makes substantial
6 requests and/or revisions, this would require the Applicants to come back to the Planning Board
7 with an amended plan.

8
9 Hearing no further comments from the public, Chair Horgan closed the public hearing at 8:12
10 p.m. Mr. Stewart's primary concern is relative to the waivers and whether this would have
11 changed the opinion of the Conservation Commission had they been aware of the waivers
12 needed. He added that he personally did not have a concern with the waivers being requested.
13 Chair Horgan commented that the Conservation Commission had the benefit of walking through
14 the property and discussing the arborist's report at length, although the Commission was not
15 aware that there were a few grid sections that needed waivers. Mr. Weinrieb apologized and took
16 responsibility for this oversight. Mr. Moodie felt that the Commission would have ultimately
17 come to the same conclusion even if they knew of the two waivers that were needed.

18
19 *Mr. Stewart motioned to grant the following waivers under Section 9.2.8.6 of the New Castle*
20 *Zoning Ordinance:*

- 21 1. *For Zones 11 and 12, which do not meet the minimum score of 50 points per zone in the*
22 *Natural Woodland Buffer, as depicted in the Altus Engineering, Inc. plan titled Town*
23 *CUP Tree Survey, dated February 14, 2023.*
- 24 2. *For lots larger than ½ acre, 50% of the Woodland Buffer Zone, excluding areas covered*
25 *by impervious surfaces, must be left in an unaltered state, per the plan set of Altus*
26 *Engineering, Inc. dated February 14, 2023.*

27
28 Ms. Sofio seconded. Motion carried unanimously by a vote of three to zero.

29
30 *Mr. Stewart motioned to approve the application for applicants Ronald Richard Pressman Rev.*
31 *Trust and Mary Henderson Rev. Trust, 34 Oliver Street, Map 16, Lot 40, for a Conditional Use*
32 *Permit for demolition and construction of a new home and driveway within the 100 foot Class A*
33 *wetland buffer setback, per the Altus Engineering, Inc. plan set dated February 14, 2023 and*
34 *with the following conditions:*

- 35
- 36 1) *Applicant have biannual maintenance of the engineered permeable surfaces, with a report*
37 *filed with the Town,*
- 38 2) *utilize a snow fence during the time of demolition,*
- 39 3) *leave the root ball intact for any trees removed outside of the built infrastructure,*
- 40 4) *if a fence is built, that it has breaks for a wildlife corridor, and*
- 41 5) *obtain all necessary state permits.*

42
43 *Approval is based on the applicant having met all of the conditions of Section 9.2.5 of the New*
44 *Castle Zoning Ordinance for a Conditional Use Permit.* Ms. Sofio seconded. Motion carried
45 unanimously by a vote of three to zero.

1 **3. Approve minutes to the February 22, 2023 meeting of the Planning Board.**

2
3 *Ms. Sofio moved to approve the minutes as written for the Planning Board meeting on February*
4 *22, 2023. Mr. Moodie seconded. Motion carried unanimously.*

5 **4. Old Business.**

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7 None.
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9

10 **5. New Business.**

11
12 Chair Horgan announced that the next Planning Board meeting will be held on Wednesday, April
13 26, 2023 at 7:00 p.m. at the Town Hall.

14
15 Chair Horgan shared that Margaret Sofio will be resigning after the April meeting. Rich Landry
16 will serve as the liaison with the ZBA.
17

18 **6. Adjourn.**

19
20 There being no further business, Chair Horgan moved to adjourn the meeting. Ms. Sofio
21 seconded. The motion carried, unanimously, and the meeting adjourned at 8:56 p.m.

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23
24 Respectfully Submitted,

25
26
27 Meghan Rumph
28 *Recording Secretary*