

**APPROVED MINUTES**  
**Planning Board Meeting**  
**7:00 PM New Castle Town Hall**  
**Wednesday, November 20, 2019**

**Public Hearing for a Conditional Use permit for Marcia Patteson Beckett, Trustee of the Marcia Patteson Revocable Trust for the property at 4 Quarterdeck Lane, Map 9, Lot 16 for site improvements within the 100' wetland buffer.**

**Public Hearing for a Conditional Use Permit for applicants Lawrence and Ruth Gray for the property located at 120 Wild Rose Lane, Map 3, Lot 8B-1 for alteration/disturbance within the 100' wetland buffer including demolition of an existing residential structure, construction of a new residential structure with attached garage, new deck and patio, new septic system, reconfiguration of the driveway, grading and associated landscaping.**

**Members Present:** Chair Darcy Horgan, Kate Murray, Rich Landry, Margaret Sofio, Lorne Jones(Alt)

**Members Absent:** Tom Hammer, Bill Stewart

**Others Present:** Steve Riker and John Chagnon of Ambit Engineering, Lawrence and Ruth Gray, and William Ross, Project architect, Barbara Fletcher (Crosby), abutter.

Chair Darcy Horgan opened the meeting at 7:00 PM, noting a quorum, and indicated the voting members: Darcy Horgan, Kate Murray, Margaret Sofio and Lorne Jones.

Rich Landry did arrive in time for the second scheduled Public Hearing.

Chair Horgan stated the Board had advertised the following Public Hearing for this evening.

- 1. Public Hearing for a Conditional Use Permit for applicant Marcia Patteson Beckett, Trustee of the Martha Patteson Beckett Revocable Trust for the property at 4 Quarterdeck Lane, Map 9, Lot 16 for site improvements on an existing structure within the 100' wetland buffer to include construction of a 1<sup>st</sup> story deck and placement of a hot tub.**

Chair Horgan noted that she received a letter from John Chagnon of Ambit Engineering requesting that the Board continue the hearing for an application for a Conditional Use Permit for this evening. It will be heard at a future meeting in order for the applicant to address some Zoning Board of Adjustment ("ZBA") issues, which arose after the publication of the legal notice for this matter. Chair Horgan continued the hearing.

- 2. Review and Approve Minutes to the Planning Board meetings on September 25, 2019 and October 23, 2019.**

After review, Kate Murray made a Motion to Approve the minutes of September 25, 2019 as written. Lorne Jones seconded and the Motion carried unanimously.

Margaret Sofio made a Motion to Approve the minutes of October 23, 2019 as written, which was seconded by Jones. Motion carried unanimously. Minutes from the prior Executive Session held in September will be reviewed and approved in this evening's Executive Session.

**3. Public Hearing for a Conditional Use Permit for applicants Lawrence and Ruth Gray for the property located at 120 Wild Rose Lane, Map 3, Lot 8B-1 for alteration/disturbance within the 100 ' wetland buffer including demolition of an existing residential structure, construction of a new residential structure with attached garage, new deck and patio, new septic system, reconfiguration of the driveway, grading and associated landscaping**

Chair Horgan asked if the applicant was agreeable to having four members hear the application as opposed to a full complement of five members. The applicants agreed.

Steve Riker of Ambit Engineering introduced John Chagnon of Ambit Engineering, the Grays, property owners, and William Ross, the Project Architect. Mr. Riker addressed the submitted plan set and began with sheet one, which is the subdivision plan. He pointed out access to the lot from Wild Rose Lane. The lot in question is labeled 3 8 B1. He noted there is an existing structure on that lot. He pointed out the driveway and the right of way on the other parcel. The lot currently contains an existing residential structure, a detached garage, a gravel driveway, a deck and associated landscape features. The proposal results in a reduction of 1443 sq. ft. (6.7% to 6.0%) of impervious surface on the site under proposed conditions.

The next sheet is the Existing Conditions plan denoting the numerous trees and those marked for removal, in order to accommodate construction. Sheet C-2 is the demolition plan which denotes the complete demolition of the residential structure and the detached garage. Sheet C-3 refers to the buffer zone impact plan. Ambit has done their best to place the structure outside of all applicable buffer zones, both State and Town zones. With respect to the driveway and septic system, Riker fielded questions from the Board regarding the work that will be done within the New Castle buffer zones. The proposal included an attached garage and they have tried to remain within the footprint of the existing structure, and keep it out of the buffer. The plans are color coded to explain in more detail, such as the utilities. Ambit indicated in its cover letter accompanying the CUP application, that due to the configuration of the lot, location of Town of New Castle Wetlands Buffers, and the applicable building setbacks, there is no alternative location completely outside of the wetland buffer that allows site alterations as described. A great majority of the lot is within the applicable Town of New Castle wetland buffers.

The Conservation Commission has provided a letter of recommendation to the Planning Board, dated September 12, 2019. It stated that they voted to recommend approval of the application as presented by Ambit Engineering with the following stipulations:

1. A performance bond (CC proposed a \$20,000 bond-The final amount will be determined by the Planning Board) will be posted to assure the landscape plan is executed as diagramed in the plans.

2. Commission members be permitted to return two years after the completion of the house to evaluate the landscape plan.

Mr. Riker explained that the driveway will be seashells as depicted on the plans. He also pointed out the numerous trees which will remain. He next addressed the impervious surface issue, noting that currently there is 6.7% coverage, whereas with the new plan it will be reduced to 5.9%. He noted that the project meets the setback requirements of the ordinances.

He next addressed the landscape plan. He noted there is a fairly robust plantings plan for the site.

The next sheet C-4, is the Grading and Utility Plan.

The next sheet is C-5 which is a comparison exhibit. This demonstrates that we are placing the home in close proximity to the existing structure. This plan shows the pervious and impervious surfaces currently and what will change with the new construction. There will be some swapping involved.

Septic Design is the subject of the next sheet in the plan set. Ambit is waiting for DES and Shoreline approval, and DES subsurface approval once DES and Shoreline have been done. The septic is an advanced "step above" system, according to Mr. Chagnon.

Mr. Riker went over Sheet D-1, which is the erosion and control notes relating to details on construction. The next seven sheets are the architectural designs by Mr. Ross, who began his presentation. He noted that everything is designed to be less non-conforming than what was originally there. ( Let the minutes reflect Member Landry arrived at 7:24 PM).

He noted that they have pulled back in all directions. They are less nonconforming than the house originally was. The house is not within the 50-foot setback. It is a classical style home with turn of the century shingle style, and is appropriate in location from both the land and the water.

Murray asked for clarification of the pervious/impervious surface matter. Mr. Chagnon noted the structure is larger, and the gravel driveway was reduced. He also spoke of the retaining walls. Murray asked about the drainage issues. He responded it is a drip apron, and noted the driveway slope is pretty much the way it was before. The material for the driveway will not be hard asphalt. The water infiltrates into the ground. Sea level rise was also taken into consideration. The property has Town water, which is tapped off the nearby Crosby property.

Chair Horgan questioned why the leach field had to end up where it is proposed. It is within the 100-foot buffer. Was there no other place to place the leach field? Mr. Chagnon explained the different set backs, and the problem with the soil. He referred her to the septic plan submitted which is outside the 75 foot setback. Of that area, the house takes up a bit of the area. Test pits were conclusive that the site selected was appropriate. Ms. Murray asked about what the plans are for removal of the original septic system.

Mr. Chagnon noted it will have to be dug up and removed. In response to Murray's question about who is responsible for assuring the removal of the old system, Mr. Chagnon indicated he assumed that the Building Inspector should have oversight of the removal. Murray asked to have this as a condition of any approval of the CUP, that the Building Inspector be responsible and have oversight of this process. Chair Horgan made a note to have a discussion of the oversight of the removal of the old system.

Chair Horgan read the Notice of Decision of the Conservation Commission regarding the performance bond regarding the landscaping plan. In the CC minutes, Horgan noted that there was a need for 12" of gravel under the deck on the south. This would be to minimize the impact of run off into the wetland. Chagnon agreed to add this requirement/condition to the plan.

Chair Horgan asked about the status of the use of seashells. Mr. Gray heard some advice and suggestions from the Conservation Commission, and he is rethinking this selection. He realizes the need for pervious materials, and will continue to seek alternative material. There is porous paving material which could be an option. Ms. Murray would like to know what it will be. Discussion ensued among those present about various options. Chair Horgan proposed that as a condition of CUP approval, that consideration be given to selecting a pervious and porous material for the driveway.

Member Jones acknowledged the beauty of the site area, and asked if the applicants were going to construct any barriers to the deer. They replied no. Mr. Gray does not want to disturb their migration patterns. Jones asked about certain tree removal and received assurances. His last question concerned the shared driveway. The property owner said he has no interest in changing it. However Mr. Gray is willing to deal with the neighbor's requests or plans for this driveway after construction is completed. At present, no change is contemplated.

Chair Horgan asked for clarification of parcel ownership and driveways. Mr. Gray said he now owned both parcels of the subdivision and expressed his willingness to put some of the land into a conservation easement or donate the land. The Board expressed their appreciation to the Grays for their potential willingness regarding land donation.

Chair Horgan wanted to review the planting and landscaping plan in order to establish a proper amount for the required performance bond as requested by the Conservation Commission. She explained their interest and the reasons for the performance security, and the need for the Commission to revisit the property in 2 years. The landscape architect's estimate for the plantings was \$53,926. She asked the Grays when they thought the landscaping would be done. After discussion it was agreed that June, 2021 would be the target date. Mrs. Gray said the Conservation Commission was welcome at any time. Chair Horgan explained why a date was important in terms of releasing the bond. She noted that the Town now has a procedure for the bond process. She asked the members for an appropriate amount for the escrow amount. Discussion ensued about establishing the amount of this particular bond.

Ms. Sofio feels that we should only request enough to cover the plantings in the buffered areas, and not the ornamental plantings. This seemed to make sense. Member Landry said he would review the plantings/landscaping plan and associated costs and provide a recommendation.

Chair Horgan opened the Public Hearing.

The first speaker was Barbara Fletcher (Crosby) an abutter representing the four trustees of the Crosby property. She expressed her displeasure about how the matter was advertised as the house has already been demolished. She feels this was misleading. She wanted to know more about the septic system, questioning what happened to the current one when the current house was demolished. She referenced the Conservation Commission Meeting minutes, which she said part of the request for approval contained inaccurate footage figures, as by her calculations the house is four times bigger. She also expressed concern about the Right of Way and how it would affect her utilities, as well as concerns about run-off onto the Crosby property, and runoff into the marsh due to the siting of the house on a higher grade.

Mr. Gray indicated that he applied for a demolition permit and received it. There was not a requirement for a public hearing on the demolition. Mr. Chagnon confirmed it. He said the Building Inspector gave Ambit a list of what they had to do. Mr. Gray noted the septic is still there as are some stone steps. Code compliance has been addressed. Considering her issue of square footage, Mr. Chagnon explained that she was looking at the total square footage of the home as opposed to the size of the footprint. As for the utility question from the Crosby representative, Mr. Chagnon represented some facts, but noted he did not see a deed which would clarify the burying of the lines. Further discussion ensued regarding the Crosby issues between their representative and Mr. Chagnon.

There being no further speakers, Chair Horgan closed the Public Hearing at 8:17 PM., and brought the matter back to the Planning Board for discussion and resolution.

Member Landry reported on the landscaping plan. He believes the total value to be \$28,000. The trigger date will be June, 2021 for the bond release.

*Kate Murray made a Motion to Approve a Conditional Use Permit for applicants Lawrence and Ruth Gray, 120 Wild Rose Lane, Map 3, Lot 8B-1 per the Ambit Engineering plan set dated October 15, 2019. Plans call for the construction of a new residential structure that includes an attached garage, new deck and patio, new septic system, reconfiguration of the driveway, grading and associated landscaping some of which involves alteration/disturbance with the 100' wetland buffer setback. This approval is conditioned by the following:*

- 1. Receipt of permits from the NH Department of Environmental Services.*
- 2. Removal of the existing septic system*
- 3. Placement of 1 to 1-1/2 feet of gravel below the south side deck*
- 4. Submission to the Town of New Castle a Performance Security in the amount of \$28,000 to bond the installation of the wetland buffer border consisting of low bush*

*blueberries, ostrich ferns and hay-scented fern. This landscaping is to be installed and inspected so the bond can be released by June, 2021.*

Sofio seconded, and the Motion carried unanimously.

Chair Horgan gave the Grays the necessary paperwork for the performance bond.

**5. Performance Security.**

Chair Horgan provided copies of proposed forms , policies and procedures to the Members for their comments.

**6. Date for December Meeting.: December 18<sup>th</sup> at 7:00 PM:**

**7. Executive Session on a subdivision.**

Chair Horgan made a Motion to go into Executive Session at 8:55 PM. Murray seconded, and the Motion carried unanimously.

At 9:10, Chair Horgan made a Motion to Close the Executive Session, which was seconded by Sofio. Motion carried unanimously.

There being no further business to come before the Board, Murray made a Motion to Adjourn, which was seconded by Jones. Motion carried unanimously.

Meeting adjourned at 9:15 PM.

Respectfully submitted,

BJ Riordan

Recording Secretary