

## **Citizens' Guide to Building Within The New Castle Wetlands Conservation District**

This is a guide for New Castle homeowners who are interested in undertaking a project that is within the New Castle Wetlands Conservation District. It is intended only as a guide to assist in understanding the steps necessary to obtain approvals from the Town's various land use boards. This guide covers the most common scenarios, and may not be applicable to all proposed projects.

1. **Review Section 9.2 Wetlands Conservation District in the New Castle Zoning Ordinance Book—available at the Town Hall.**
  
2. **Meet with the Building Inspector regarding your proposed project.**
  - After reviewing the plans, the Building Inspector will issue a letter identifying any potential town zoning ordinance, wetland or building code issues with the proposed project, as well as specifying any state permits that may be required. (Notwithstanding, it is the applicant's responsibility to comply with all Town land-use ordinances and regulations.) Depending on your situation, you will, at minimum, need to receive a Conditional Use permit from the Planning Board and may also be required to obtain a variance from the Zoning Board of Adjustment (ZBA). The ZBA handles any special request to build within areas that are prohibited by the Zoning Ordinance.
  - If permits are required from the NH Department of Environmental Services (NH DES) you may get these forms at the New Castle Town Hall. Fill out completely and execute all plans and submittals required with this application. Please note that the NH DES Wetlands Bureau has jurisdiction in the first 100 feet of tidal buffer area and the Shoreland Protection Act has jurisdiction in the tidal buffer area from 100 to 250 feet from the highest observable tide line. The Wetlands Bureau also has jurisdiction in buffer areas surrounding all non tidal wetlands. Detailed information can be found at [www.des.state.nh.us](http://www.des.state.nh.us), the local office of the Wetlands Bureau (603-559-1500) or the Shoreland Office (603-271-2147).
  
3. **Meet with the New Castle Conservation Commission.**
  - Contact the Conservation Commission Chairperson to schedule a site walk and a hearing to review plans and submittals for the proposed project.
  - **After the Conservation Commission review process, the Commission will issue a letter to recommend or not to recommend the project to the New Castle Planning Board (and the New Castle Zoning Board of Adjustment if a variance is required).**

(Note: The Minimum Impact Application for the State of NH DES Wetlands Bureau requests signatures from both the Conservation Commission and the Town Clerk before submission to the Department of Environmental Services (DES). Although the DES approval process *can* occur simultaneously to the Town's evaluation process, in some instances the ZBA or the Planning Board may require that all NH DES approvals be obtained in advance of the Town

review process. In any instance, NH DES approval **DOES NOT** ensure Town approval--or eligibility for a building permit--for the proposed project. )

4. **Meet with the New Castle Zoning Board of Adjustment (if a variance is required).**

The role of the ZBA is to determine whether or not a variance should be granted given that the project violates one or more of the New Castle Zoning Ordinances. If a variance is granted from the ZBA which allows a deviation from the Zoning Ordinance, the Planning Board will then review the site specific concerns of the overall project. This is to ensure that the execution of the proposed project complies with all aspects of the Wetlands Conservation District ordinance as defined in section 9.2.

See the Citizen's Guide for the New Castle Zoning Board of Adjustment, available at the Town Hall.

5. **Meet with the New Castle Planning Board.**

- Contact Planning Board Chair to schedule a public hearing. (In certain circumstances, at the Chair's discretion, a work session with the Planning Board may be requested prior to a public hearing.)
  - a. Compile all plans and submittals and provide 10 copies of each to the Secretary at the Town Hall at least 21 days prior to the scheduled meeting with the Planning Board. (NOTE: See list of required plans and submittals at end of this document.)
  - b. For all public hearings, appropriate public notice is required. A list of abutters and related advertising fees must be submitted to the Secretary at the Town Hall at least 14 days prior to the scheduled public hearing.
  - c. The Planning Board will not hold a public hearing if it has not received the letter of recommendation from the Conservation Commission.
  - d. At the public hearing, you or your representative will make a presentation of your proposed project. The Planning Board may ask questions and then the public will be invited to ask questions and/or comment about the proposed project.
  
- After the public hearing, the Planning Board will either:
  - a. Issue a Conditional Use Permit with or without special conditions as per section 9.2.5.
  - b. Deny your request and provide the rationale for their decision.

6. **When all New Castle land use boards and the NH Department of Environmental Services have reviewed and approved the proposed project, obtain Building Permit from the New Castle Building Inspector.**

Note: If your property is located in the Historic District, your project must also receive approval from the Historic District Commission (HDC) before a building permit will be issued. The HDC approval process is separate and distinct from the Wetlands Conservation District approvals outlined above. The approval process for both the Historic District and the Wetlands Conservation District may take place at the same time.

**LIST OF PLANS AND SUBMITTALS REQUIRED FOR APPROVALS IN THE  
WETLANDS CONSERVATION DISTRICT**

1. An overview of the property, drawn to scale or with all dimensions clearly labeled, showing:
  - The scale, if any, used on the plan(s);
  - A north-pointing arrow indicating orientation;
  - The footprint and site conditions (size, location, and configuration) of all existing and proposed structures on the property;
  - Other existing site conditions (such as driveways, parking areas, etc);
  - The boundary or delineated edge of all surface waters and wetlands drawn by a certified soil scientist;
  - The location of the highest observable tide line, where applicable;
  - Location of the 50', 75', and 100' setbacks;
  - The distance of the project from the highest observable tide line or from any wetland;
  - Existing and proposed topography if slope is to be altered or grades are changed;
  - Shaded or hatched areas indicating the total square footage of temporary and permanent impact to wetlands, surface waters or their banks, area within 100 feet from the highest observable tide line, or other jurisdictional area;
  - The distance from existing and proposed work to abutting property lines. (For waterfront projects, show the distance from the imaginary extension of property lines over surface waters);
  - The general shape of the shoreline (if applicable) with the length of frontage;
  - The type of construction and the materials to be used;
  - The "construction sequence," which describes the relative timing and progression of all work, pre-construction through post-construction;
  - Proposed methods of erosion or siltation control. If work is done in water, turbidity controls should be included in plans;
  - Indicate the names of the surveyor/soil scientist who delineated the wetlands and prepared the plans.
2. Photographs showing existing conditions and any pertinent features.
3. Letter of Recommendation from the New Castle Conservation Commission.
4. When applicable, Notice of Decision from the New Castle ZBA.