

APPROVED

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MINTUES OF THE NEW CASTLE CONSERVATION COMMISSION
Tuesday, December 5th, 2017 – 5:00 p.m.

Members Present: Lynn McCarthy, Chair, Conni White, Vice-Chair, Beth Barnhorst, Tracy Degnan, Rockingham County Conservation District, Darcy Horgan, Bill Marshall, Ron Pascale, Jim Rini, Brandon Tanguay

Members Absent: Rebecca Audet

Others Present: Jane Ballard, Great Bay National Estuarine Research Reserve (GBNERR) and NOAA Fellow, Stephen Eldred, 180 Portsmouth Ave., Charles Hoyt, Charles Hoyt Designs, Marc Jacobs, Certified Wetland and Soil Scientist for Eldred Project, Bernie Pelech, Attorney for Stephen Eldred, Steve Riker, Ambit Engineering, Alex Ross, Engineer for Eldred Project, Bill Stewart, Town Selectman, Anne Whitney, Architect

1. Approve Minutes.

Ms. McCarthy called the meeting to order at 5:06 p.m. and asked attendees to sign in. Ms. McCarthy made a motion to approve the November minutes as written. Mr. Pascale seconded. Motion carried unanimously.

2. Work Session / Applications.

Steve Riker of Ambit Engineering was present to provide an update on the October work session for Lawrence Levitt and Virginia Battles, of 19 Lavenger's Lane (Map 4, Lot 16). The application includes an addition to the garage in the front, reconfiguration of the existing hardscaped front entry stairs, hardscaping in the concrete driveway, removal of a portion of gravel to be loamed and seeded, a cantilevered deck off the 2nd floor master bedroom, removal of four to five feet off the existing deck, conversion of a portion of the deck to a screened-in porch, and a reconfiguration of the proposed stepping stones down to the water. The original wooden walkway to the water will be replaced by a pervious walkway comprised of 11 granite stone risers, which was recommended by the Conservation Commission during the October work session. These stones will act as landings that are ramped down the slope to Lavenger's Creek. There will be an infiltration trench two feet wide by ten feet long on the northeastern side of the house, which will include a six inch perforated pipe where stormwater can infiltrate into the soil. The property owners have also hired a landscape planner to help incorporate the Commission's suggestions from the previous site walk and meeting. The planting plan includes native species to help manage stormwater runoff. The overall impervious surface area will be reduced by 322 square feet, from 30.1% pre-construction to 27.4% post-construction.

Mr. Rini commented that he would like the barrier along the walkway to Lavenger's Creek to be continuous. He also suggested more plantings in the north/northwestern portion of the stipulated area in the easement. The stipulated area falls in the neighboring Pruna property, but the current property owner at 19 Lavenger's Lane, Helen Maldini, has an easement. This area is currently

grass, and is quite steep, so Ms. White recommended planting native shrubs, such as winterberry or bayberry, if the easement permits changes to be made in this area.

Ms. Barnhorst expressed concern over a gravel area being replaced with lawn, and asked about the runoff water direction. She also voiced concern for the proposed screened-in porch structure being added within the 100 foot wetlands setback, as she would like the Conservation Commission to remain consistent with decisions made regarding adding structures within such a delicate tidal zone. Mr. Riker noted that the Department of Environmental Services (DES) would allow the addition because the porch qualifies as an accessory structure, not as a living space. Ms. White added that both the screen porch and deck are hardscape, so the impact of rainfall landing on either surface would be the same. She also pointed out that the additional buffer plantings will help mitigate the water, which Mr. Rini noted would be further helped by the addition of the infiltration trench. Ms. White felt that the new plan would help mitigate the water better than what is currently at the property.

Mr. Tanguay would like conditional use to ensure that the Commission's planting suggestions will be put in place and that there would be security assurance. He suggested approving the landscaping plan with some sort of Escrow Fund.

Mr. Rini motioned to recommend the approval of the plan for the Leavitt residence at 19 Lavenger's Lane, dated September 2017, with the stipulations that:

- 1) the boulders comprising the walkway within the buffer area of Lavenger's Creek are continuous and as close together as possible to help secure the embankment from erosion;
- 2) a portion of native plantings depicted on the landscape plan be configured in the northwestern portion of the stipulated area within the easement to assist with stormwater runoff from the property, if permitted;
- 3) the Town Planning Board establish an Escrow account to hold funds to ensure that the landscape plan is completed per the submitted plan shown on Map C1, dated September 2017, within one year of the Certificate of Occupancy; and that
- 4) the Conservation Commission has permission to visit the property to assess that the landscape plan and water mitigation plan comply with the approved plan within the year of the Certificate of Occupancy.

Mr. Tanguay seconded the motion. The motion did not pass unanimously, as Ms. Barnhorst opposed the proposed screened-in porch.

Mr. Ross was present to share site plans for the boat house at 180 Portsmouth Avenue (Map 15, Lot 5), belonging to Stephen and Katie Eldred. This work session outlined the Eldreds' goal to replace the existing boat house with an accessory dwelling. Mr. Ross stated that the property owners would like to work with the appropriate Town Boards to come up with the best possible design for this historic building, which is in need of major repairs. Town Ordinance requires full code compliance should the desired improvements exceed half the value of the existing structure. Mr. Ross said that the needed repairs would easily exceed this value.

The proposal is to destroy the existing boat house and replace it with a structure that complies with current codes. The level of the wooden floor of the existing structure is 9.5 feet, which would be raised up to 13 feet. Federal Emergency Management Agency (FEMA) flood maps show the flood elevation to be 11 feet for this particular area, so the proposed boat house would be raised to meet full flood elevations. Furthermore, the proposed boat house would have pier supports, allowing for the majority of water to go underneath the structure, and any additional storm water would flow through the boat storage area via breakaway doors.

The proposal would remove the existing ramp but keep the small deck. Mr. Ross noted that the actual amount of structure closest to high tide would be decreased. The proposed boat house would be in the same footprint as the current structure, however the roof would be bigger. Pervious pavers would replace the current gravel driveway, and there would be additional buffer plantings in the wetlands area.

Mr. Hoyt of Charles Hoyt Designs presented his preliminary designs for the new boat house. While the design is still in the schematic stage, there would be an increase in volume in the proposed new structure. Mr. Hoyt noted that he was using inspiration from other structures in New Castle, such as the Piscataqua Cafe, as well as from the Eldred residence up the hill, and from buildings that do not exist in town. He would like to have feedback from the Commission regarding planting suggestions that take into account water mitigation and storm water runoff.

Ms. Horgan asked how many variances the Eldreds would need to obtain. Mr. Pelech would like Town Building Inspector Don Graves to give his input on the building permits needed, but cited one of the variances necessary would be the vertical expansion of a nonconforming structure within the wetlands buffer.

Ms. Barnhorst inquired about the plumbing in the existing boat house. Mr. Ross was unsure if there is currently plumbing, but noted that the Eldreds are planning on adding insulated plumbing to make it a year-long living structure. Ms. Barnhorst would like for the Commission to be provided with an overlay of the current structure and the proposed structure. She expressed great concern about the impact the construction would have on the delicate surrounding environment, and noted that the proposed plan is completely changing the use of the structure, which would no longer be a boat house. Mr. Pelech commented that there would be mitigation plans for stormwater runoff added to the proposal in the future.

Building off Ms. Barnhorst's concerns, Ms. McCarthy observed that the entire proposal may not be allowed because it would require replacing an entire structure that is right on the ocean. Mr. Rini stated that the project is well beyond the scope of the proposal to simply rebuild the boat house on the existing footprint, as it would require utilities and heavy construction within the 50 foot wetland buffer.

Mr. Tanguay commented that the Conservation Commission does not recommend to the Town Planning Board that buildings be expanded within the 50 foot wetland buffer, so the Eldred project would be a "big ask". These sentiments of concern were shared equally amongst all other present Commission members.

Countering these concerns, Mr. Ross noted that because there is already an existing structure at the site, regulations allow for improvements as long as the appropriate code compliances are met. He felt that the project proposal would result in better protection for the wetlands than what the current structure allows.

Mr. Jacobs said that there is an extensive tree canopy between the Eldred house and the boat house, and this canopy would remain largely untouched. According to Mr. Jacobs, the current condition of the structure could be greatly improved with plans including extensive drainage outlets that would improve water runoff. He cited opportunities for buffer plantings and landscape beds at the property. The proposal includes adding in pervious pavers that would mimic the current condition of the existing gravel driveway. Ms. Barnhorst asked about the maintenance of the pervious pavers, which Mr. Jacobs assured could be very easily accomplished. Ms. Barnhorst voiced concern about enforcing this maintenance.

Adding to the Commission's hesitation regarding enforcement, Selectman Stewart cited compliance issues with past approvals and permits at the property. In regard to the protection of the wetland, he noted that previously, there were numerous trees and low bushes acting as a holding area for drainage on the lot, but the vast majority of trees and underbrush have since been cut down when the house was constructed, despite assurance that it would be retained. Furthermore, the current gravel driveway was not shown as a driveway with a curb cut in the original plan. Overall, the Commission members were unanimous in their great apprehensions regarding the entire project.

3. Unfinished Business.

None.

4. New Business.

Tracy Degan, from the Rockingham County Conservation District (RCCD) introduced Jane Ballard, an intern from NOAA (National Oceanic and Atmospheric Administration). Ms. Ballard will be working with the Town of New Castle for a few days a week during a six month period. She has been working on a project that focuses on using economic values, facts, and data to communicate the value of wetlands and coastal habitats and advise on land use practices. Ms. Degan and Ms. Ballard have met with Ms. White, and they composed a working list of outreach ideas to further educate the community on conservation practices. Ms. Degan distributed a handout titled "Coastal Habitats in New Castle and Local Decision Making" which details these ideas. She requested all comments regarding the list of project ideas to be emailed to her by Wednesday, December 20th.

Ms. White commented that she is also willing to help supervise Ms. Ballard, and would like to work with her on creating Powerpoints and brochures to bring to town property owners abutting Lavenger's Creek and the surrounding wetlands. Ms. White also noted that at the May 2019

Town Meeting, Lavenger's Creek should be on the ballot for voters to approve prime wetland designation.

5. Announcements.

Ms. McCarthy stated that Jean Shields, of Mainmast Circle, would like to cut down some trees on her property that are hanging over the house. Ms. McCarthy noted that property owners can remove trees within 25 feet of the house for safety purposes. Ms. Shields's property is along Lavenger's Creek, so Ms. Barnhorst suggested having pictures be provided to the Commission, as well as a written statement from an arborist that asserts that the trees are either dangerous or diseased.

6. Adjourn.

Mr. Rini moved to adjourn the meeting. Mr. Pascale seconded. The motion carried, unanimously, and the meeting adjourned at 6:50 p.m.

Respectfully Submitted,

Meghan Rumph