

Approved: May 28, 2014

**New Castle Planning Board Meeting
Wednesday February 19, 2014
7PM – Town Hall**

Public Hearing: Ordinance Changes to be voted on at Town Meeting in May 2014

Members Present: Chair Darcy Horgan, Ned Robinson, David Houston, Eric Katz, Patty Cohen, Kate Murray

Members Not Present: David McArdle

Also Present: Bill Stewart, Chair of New Castle Conservation Commission, Nancy Borden, Lynn McCarthy, Sharon Houston, Bill Marshall

Chair Horgan called the February 19, 2014 meeting of the New Castle Planning Board to order at 7:08 pm and noted the absence of member David McArdle.

1. Review and approve minutes of November 20, 2013

Minor editorial revisions were made to the November 20, 2013 minutes.

Patty Cohen MOVED to approve the November 20, 2013 minutes as amended; this was SECONDED by Ned Robinson and APPROVED unanimously.

- Review and approve minutes of January 22, 2014

Minor editorial revisions were made to the January 22, 2014 minutes.

Ned Robinson MOVED to approve the January 22, 2014 minutes as amended; this was SECONDED by Eric Katz and APPROVED unanimously.

2. Public Hearing on Ordinance Changes to be voted on at Town Meeting in May, 2014

Chair Horgan opened the Public Hearing on Ordinance changes at 7:10 pm

Discussion of changes to Section 2.3.36 and 6.1.4.2c

Ned Robinson began the discussion regarding the changes associated with “living area” and “building area”. He noted that in 2012 the wording of the ordinance changed from using the term “living area” to using the term “building area”. Mr. Robinson said because of that the definition of “living area” should be deleted from section 2.3.36 since

it is no longer referenced in the ordinance. He further explained that section 6.1.4.2c is being changed to use the term “building area” as it is used in other sections of the ordinance. Mr. Robinson noted that this is being done to make the ordinance uniform.

Chair Horgan asked if any members had comments on these changes.

Patty Cohen noted the changes are “cleaning up” the wording of the ordinance.

Eric Katz noted that the definition of building area includes wording that excludes patios and decks if they are less than 80 square feet. He said he understands the intention of this wording is with reference to storage sheds less than 80 square feet and suggested the wording be changed to reflect that intent.

Mr. Robinson agreed saying it is an error and has the potential of being ambiguous.

David Houston asked if there was any concern regarding the definition of 50% walk out basements.

Ms. Cohen said the Building Inspector noted he has no issues with the interpretation of that definition.

Mr. Robinson said the issue with the definition of the walk out basement was that the definition does not appear in the latest book of ordinances. He said it would be helpful to clear up the wording regarding the storage sheds and suggested changing the wording to “....storage sheds of less than 80 square feet”.

Ms. Cohen noted that the suggested change in wording regarding the “storage shed” was not included in the public posting of ordinance changes.

Mr. Robinson suggested the proposed change regarding “storage sheds” be remembered for changes to ordinances in 2015.

Seeing no further discussion from the members on these proposed changes Chair Horgan asked for public input. There was no public input.

Discussion of changes to Section 9.2.3.3a

Chair Horgan said that the proposed change to this section is the addition of the words “as amended” after the phrase “2005 Wetlands Study” is mentioned to avoid any issues with ambiguity as recommended by the Building Inspector.

Kate Murray asked if there would be any confusion regarding the meaning of “as amended”.

Mr. Robinson said the words “as amended” have a legal meaning that is generally understood and upheld. He said there are specific amendments to the study that this refers to and also any possible future amendments to the study.

Ms. Cohen noted that there may be additional amendments or updates made to the Wetlands Study and this wording would cover those changes.

Bill Stewart (Chair of the Conservation Commission) said that the thinking in changing the wording for that section was to have it include amendments that have happened and also those that may occur in the future.

Discussion of changes to Section 9.2.8.4

Chair Horgan noted this is a proposed change to the fertilizer ordinance as recommended by the Conservation Commission. She read the ordinance as it currently is written and noted the proposed changes: Section I includes the addition of the word “turf”, Section II includes changing the phrase “From 25 to 250 feet only fertilizer containing low phosphate and/or slow release nitrogen may be used.”...: to “Turf fertilizer use beyond the 25 ft. reference line must contain a minimum of 50% slow release nitrogen as a percentage of the total nitrogen content”, Section III includes the notation that “Turf fertilizer use beyond the 25 ft. reference line shall not contain more than 2% phosphorus.”

Chair Horgan noted that the definition of “turf” follows section III.

Mr. Robinson said the change limiting the ordinance to turf fertilizer is good but questioned why it does not apply to golf courses.

Sharon Houston (Conservation Commission member) said that the definition for turf is taken directly from the State’s definition.

Mr. Stewart said the Conservation Commission felt it would be best to use the definition used by the State.

Mr. Katz noted that the Town Park would be exempt from this ordinance under that definition.

Mr. Stewart said the Common would also be exempt. He said the term was put in to be consistent with the State.

Mr. Katz said the proposed language states 2% phosphorus and 50% slow release and asked if that is consistent with the State also.

Mr. Stewart said it is, but noted that the State does still deal with the 250 foot line and New Castles’ proposed wording references its use across the town. He said they felt that would create less ambiguity.

Chair Horgan said if a landscaping company does work in New Castle they will know that they need to use 50% slow release nitrogen fertilizer.

Mr. Stewart said that is correct and noted that they met with the landscapers and they were positive about this change.

Mr. Katz asked if there is a definition of “reference line” anywhere in the ordinance.

Mr. Stewart said “reference line” is defined in Section 9.2.3.1b.

Mr. Katz suggested notifying the landscape companies that do work in New Castle if this change passes at the Town meeting.

Lynn McCarthy (Conservation Commission member) said notifying the landscape companies is scheduled as part of their follow-up program.

Chair Horgan noted that the Conservation Commission has a plan for education regarding fertilizer use that includes ways to communicate to the residents and to the companies.

Ms. Murray suggested writing an article for the newspaper on this issue.

Ms. McCarthy said they plan a press release once the change is approved and also an article for the New Castle magazine,

Discussion of changes to the Building Code Ordinance:

Mr. Robinson noted that the date of the Town meeting should be added (May 13th). He noted that these changes were suggested by the Building Inspector, Don Graves. He said that the Town of New Castle uses the International Building Code and the International Residential Building Code as opposed to the BOCA so any reference to BOCA should be removed from the ordinance. Mr. Robinson said that the proposed change to section 1(a) is to refer to the 2009 International Building Code and the 2009 International Resident Code (rather than 2006) since that is the version of the code that the Town of New Castle is using.

Mr. Katz noted that none of the proposed ordinance changes addresses building heights.

Mr. Robinson said the changes do not address building heights. He said they are leaving any reference to building heights the way they are currently written.

Ms. Cohen said the Building Inspector felt the ordinance was adequate with regard to building height. She said he noted that the definition of story versus grade was the issue.

Mr. Robinson said the Building Inspector felt that section of the ordinance was adequate.

Mr. Katz asked how the Building Inspector will interpret building height; if he will determine it from the lowest point or use an average.

Mr. Houston noted that the definition of grade is the average elevation on the lowest side and that is what the Building Inspector will use.

Ms. Cohen noted that the Building Inspector stated he did not feel there was an ambiguity regarding building height.

Chair Horgan highlighted the remaining proposed ordinance changes: Section 8(d) adds a fee of \$50 for demolition of a building or structure.

Chair Horgan noted further that Section 7.2.5 changes 25 year storm event to 100 year storm event.

In addition, Chair Horgan noted that Section 8.7 also changes 25 year storm event to 100 year storm event.

Chair Horgan asked the Board members for comments and then asked the public for comments.

Having no further comments, Chair Horgan closed the Public Hearing at 7:43 pm.

Eric Katz MOVED to approve the proposed ordinance changes dated February 5, 2014 with the exception of adding the date of the 2014 Town meeting date (May 13th); this was SECONDED by Ned Robinson and APPROVED unanimously.

3. Old Business – No Old Business was discussed at the February 2014 meeting.
4. New Business – No New Business was discussed at the February 2014 meeting.
5. Correspondence – No Correspondence was discussed at the February 2014 meeting.
6. Adjourn

Eric Katz MOVED to adjourn the February 19, 2014 meeting of the New Castle Planning Board at 7:52 pm; this was SECONDED by Ned Robinson and APPROVED unanimously.

Respectfully submitted by,

Sue Lucius, Secretary to the New Castle Planning Board