

1
2 Chair Horgan reported that the NCCC previously approved the project, unanimously.

3
4 The Public Hearing was opened by Chair Horgan at 6:11 p.m. There being no public comment,
5 the Public Hearing was closed at 6:11 p.m.
6

7 *Ms. Murray MOVED to provide a Conditional Use Permit for the property located at 30 Beach*
8 *Hill Road for construction and plantings within the 100' wetland buffer under section 9.2.5, Map*
9 *10, Lot 35, as written, per the plans as received on December 7, 2016. Mr. Landry SECONDED*
10 *the motion. The motion was APPROVED by unanimous vote.*
11

12 **2. Public Hearing and Site Review for applicant Doug and Dan, LLC 3 Walbach**
13 **Street, Map 18, Lot 56 to reconfigure the existing 5 bedroom multifamily home to a**
14 **5 unit Bed and Breakfast Inn.**
15

16 Mr. John Chagnon, of Ambit Engineering, Inc, representing the applicant, summarized that the
17 purpose of this appearance was to follow up with the Planning Board about the requirements of
18 the conditional Site Review approval granted on September 28, 2016. Still incomplete are the
19 sprinkler verification and the New Castle Historic District Commission (HDC) review, which is
20 targeted for January, 2017. Applicants hoped to hear Board feedback and secure a ruling on
21 waivers they submitted for a photometric lighting plan and the 20 foot buffer strip requirement
22 (Site Plan Review Regulation 8.6.3) for the entire site. Planned buffer areas are three feet on
23 the northwest side, four and a half feet on the northeast side, thirteen feet on the southeast side.
24

25 Chair Horgan noted that without the benefit of HDC input, the Planning Board would not be able
26 to rule on the final Site Review Plan but indicated that the Board could provide feedback related
27 to the waiver requests. Mr. Chagnon presented recent additions to the Site Plan.
28

29 Lighting

30 Pertaining to a photometric plan, Mr. Chagnon indicated that the applicant has made a special
31 request for a photometrics plan to the specialty lighting fixture supplier, but that it won't be
32 available for two to three weeks. Ms. Murray indicated that HDC will want to look at the
33 photometric plan as well.
34

35 Landscape, Screening and Open Space

36 The proposed parking area is inside of the 250-foot shoreland protection zone line. Test pits to
37 measure infiltration showed well drained, good gravel which allows for the planned porous
38 parking area composed of a crushed shell surface enclosed with a cobblestone edge and
39 infiltrated layers below. The plan meets shoreland requirements and provides sufficient parking
40 for the use. The lot won't be striped (due to the shells). Plan C2 shows an ADA accessible
41 space with a van accessible aisle plus seven additional spaces. The central aisle width provides
42 for turning movements for the cars in the back.
43

1 Topography slopes away from the structure towards Piscataqua Street. A new retaining wall will
2 abut the neighboring wall and angle in to accommodate the existing fire hydrant on the
3 Piscataqua Street side. A back, guests-only courtyard will be fenced and gated. ADA compliant
4 access is from the parking lot across the ADA space to a ramp walkway and a new floor-level
5 platform at the door. Steps will be added to access Walbach Street. A doghouse enclosure is
6 proposed for the existing bulkhead in the back. Bike racks are proposed adjacent to the
7 pathway.

8
9 Landscaper, Jacquelyn Nooney, JNL, Inc., developed a plan to shield the parking. Proposed for
10 the northwest side is a yew hedge, for the northeast side is a border of evergreen occidentalis,
11 intended to grow tall to shield the car lights, and on the southeast side, bushes, including
12 hydrangeas on the corner to allow for sight distance, and a tree at the parking lot entrance.
13 Along Walbach are shrubs and perennial mix plantings, and yews are planned between the
14 parking and patio areas. Planting totals: 48 evergreens, six shrubs and two trees. The plan set
15 includes grading (including the retaining wall), drainage (including engineering for the porous
16 parking area), and erosion control plans and fence detail.

17
18 Signage

19 Signage, shown on plan A1, utilizes one of the proposed Main Street lights as the sign post.

20
21 Solid Waste

22 Solid waste will be handled with frequently serviced totes in an area accessed through a gate
23 on Main Street.

24
25 Snow Removal

26 Two of the eight parking spaces will be utilized for snow storage when needed. Any more snow
27 than can be accommodated in the spaces will be trucked off site.

28
29 Sprinkler

30 The sprinkler design will be provided separately.

31
32 Chair Horgan asked and Mr. Chagnon affirmed that all of the site runoff will be infiltrated.
33 Mr. Landry and Mr. Chagnon discussed alternative ideas if crushed shells aren't found to be
34 ADA compliant.

35
36 Mr. Landry noted that, given the retaining wall height two feet, three inches, the four foot tall
37 plantings along Piscataqua Street won't screen car lights until they grow. Because the Board is
38 being asked for a waiver, they might consider requiring taller-at-planting trees. Mr. Chagnon
39 indicated that taller trees could be requested, but it may be that the smaller, recommended
40 plantings have a better chance of survival.

41
42 Mr. Chagnon did not know what color the privacy fence was to be painted.

1 Mr. Landry wondered whether the 15 by 30 foot patio size might be reduced to gain space to
2 enlarge the buffer area along Piscataqua Street. A three foot space gain might accommodate
3 grading to eliminate the need for as much retaining wall. Other options include locating plantings
4 or adding a fence on top of the wall.
5

6 Although there had been some support for six parking spaces and a larger buffer area at a
7 previous Planning Board meeting, the applicant decided to create eight spaces in order to
8 accommodate the snow as well as to ensure sufficient guest parking.
9

10 Chair Horgan asked and Mr. Chagnon affirmed that maintenance is necessary to keep a shell
11 surface pervious and the shells on site. An operations and maintenance plan would be a useful
12 enforcement tool for the Building Inspector.
13

14 Chair Horgan opened the public hearing at 6:56 p.m. and read a letter, dated December 21,
15 2016 from Ann McAndrew, former abutter and current resident, into the record.
16

17 Mr. Andy Schulte, 107 Main Street, expressed concerns about parking, snow, and long term
18 compliance with the conditions imposed, especially if there is a change of owner. Mr. Schulte
19 proposed that the commitments that are required of the applicant for conditional approval be
20 recorded with Rockingham County in order to be readily accessible to the public and apparent
21 to future buyers. Mr. Landry noted that receipt of an Occupancy Permit from the Building
22 Inspector is predicated on compliance with the conditions of Site Plan Approval. Mr. Tom
23 Hammer expressed concern about ongoing compliance with items including the landscaping
24 and sprinkler system, wondering whether annual inspections could be required.
25

26 Mr. Landry indicated that typically enforcement is initiated by citizens' observations. If violations
27 aren't remedied, the town may assess penalties. Typically the Site Plan approval isn't recorded.
28 Mr. Schulte indicated that there is history of the ZBA recording conditions of approval. He
29 advocated for recording the conditions or the as built plan with Rockingham County to maximize
30 the town's ability to enforce the agreement in the event of a violation. Ms. Murray liked the idea
31 of recording in order to inform future buyers. Chair Horgan indicated that the Board needed to
32 investigate that option before the applicant returns to the Board.
33

34 Ms. McAndrew, 27 Steamboat Lane, doubted the deterrent power of assessing a penalty noting
35 that the town, to her knowledge, has not exercised its option to impose a violation penalty in
36 twenty five years.
37

38 There being no further public comment, Chair Horgan closed the public hearing at 7:17 p.m.
39

40 Regarding the waivers, Mr. Landry was favorably disposed, but hoped the patio could be
41 reduced in order to improve the buffer and grade change along the Piscataqua Street side. Ms.
42 Murray concurred. Ms. Sofio preferred to wait until the applicant weighs in on a revised plan,
43 agreeing that the need for a buffer is greater along Piscatiaqua Street than between the patio
44 and parking.

1
2 Mr. Chagnon indicated that by next month, more will be known about the lighting; the HDC will
3 have seen the fixtures and the photometrics will be available. The presence of hotspots as well
4 as the color temperature of the lighting are important considerations.

5
6 Regarding the buffer, Chair Horgan thinks it would be reasonable to look at waiving the twenty
7 foot rule, although she would be interested in seeing the patio reduction to improve the
8 Piscataqua Street buffer.

9
10 *Mr. Landry MOTIONED to continue the Public Hearing for applicant Doug & Dan, LLC, 3*
11 *Walbach Street, Map 18, Lot 56 to reconfigure the existing 5 bedroom multifamily home to a 5*
12 *unit Bed and Breakfast Inn until whenever they return to the Planning Board.*

13
14 *Ms. Murray SECONDED. Motion was APPROVED, unanimously.*

15
16 **3. Continued Public Hearing for Applicant Last House, LLC, 120 Wild Rose, Tax Map**
17 **3, Lot 8b for a subdivision from 1 lot to 2 and a Conditional Use Permit for**
18 **driveway construction within the 50' wetland setback.**

19
20 Mr. Chagnon, representing the applicant, noted the presence of Last House, LLC members and
21 their attorney, Thomas Keane, and presented revised plans, dated December 7, 2016 reflecting
22 Planning Board feedback from the November, 2016 meeting, including the waiver from New
23 Castle Subdivision Regulations section 7.2 Design Standards to allow a roadway surface less
24 than 20 feet in width.

25
26 The resubmitted plans propose a roadway width of 14 feet. The Board's concern about the tree
27 score in the Natural Woodland Buffer zone is addressed in Plan Note 11, "development on lot B-
28 2 shall comply with New Castle Zoning Ordinance section 9.2.8; wetland buffer with the
29 exception of the disturbance approved by the Planning Board under a Conditional Use Permit."
30 Mr. Chagnon distributed an "Existing Trees Record Plan" that catalogues the existing trees over
31 six inches in diameter, within the 50 foot and 150 foot wetland setback to establish a record.
32 The Board's concern about the loss of trees due to roadway construction is addressed in the
33 Resubmitted Plan, sheet C3, that identifies the ten trees within the 50 foot buffer that will be
34 removed and ten new trees to be planted. (Secretary's note: Mr. Chagnon described ten
35 replacement trees, but plans show eleven replacement trees.)

36
37 Ms. Murray asked whether there would be an opportunity to replace some of the additional 21
38 to-be-removed trees that fall between the 50 and 150 foot buffer boundaries after construction.
39 The new roadway area as well as ledge and grading areas pose difficulties for additional
40 replacement trees.

41
42 Ms. Sofio clarified that the driveway extension is not proposed at this time and that the location
43 and length is unknown.

1 Mr. Chagnon continued to describe that the narrowed roadway enabled an improved drainage
2 plan reflected on sheet P1. Grading will direct the runoff to a flat area at the end of the road
3 where a level spreader will be installed in order to spread out the water to sheet flow across the
4 buffer. Over time, the level spreader (which looks like a pile of stones) will become part of the
5 landscape, filling in with leaves and grasses. Theoretically it should be cleared of trees and
6 heavy brush. While this plan infringes on fewer trees than the original, the unimpacted trees are
7 still scheduled for removal because they are within a clump and would be left vulnerable without
8 the outer, protective trees that require removal.

9
10 In response to Chair Horgan's request for a summary of benefits resulting from the narrowed
11 roadway, Mr.Chagnon itemized:

- 12 • a significant improvement from the addition of the level spreader
- 13 • less runoff as the result of less pavement
- 14 • better definition for water collection into the system

15
16 Chair Horgan requested clarification that approval of the Conditional Use Permit does not waive
17 the requirement for 50% of the Woodlands Buffer area to remain in an unaltered state. Mr.
18 Keane responded that the grid system requirement applies, not the 50% of area requirement, so
19 that it's not 50% of what's disturbed, it's 50% of the grid. Mr. Landry did not think the applicant
20 could comply with the grid requirement in the disturbed area. Mr. Keane added, "nor do they
21 have to because the applicant would have applied for a Conditional Use Permit ... A Conditional
22 Use Permit is a mechanism by which it grants the Planning Board flexibility to accomplish a
23 minor variance from the strict enforcement of the ordinance, without having to go for a
24 variance."

25
26 Chair Horgan asked whether the tree re-plantings proposed by the applicant represented
27 enough restoration. Mr. Keane believed that the quantity of replanting is based on the amount of
28 the disturbed area and locations for replanting, that the applicant has shown a willingness to
29 address the parameters that were presented. Mr. Landry added that the function of the
30 detention swale in slowing the runoff is similar to, or even better than, that of a raw land area.
31 The revised plans satisfy Mr. Landry's previous concerns.

32
33 Chair Horgan opened and closed the public hearing at 7:58 p.m., there being no public
34 comment offered.

35
36 Mr. Hammer believed the applicant has been amenable to Planning Board input and has done a
37 good job in trying to address some of the town's strictest ordinances. Ms. Murray was pleased
38 that Board waited until the outstanding issues were addressed and available for review as a
39 final proposed plan. She is now comfortable with the plan, noting that the trees on the remainder
40 of the lot will be addressed when the eventual development is proposed. Chair Horgan thanked
41 Mr. Chagnon for preparing the tree plan for the record.

42
43 Chair Horgan asked, and Mr. Keane confirmed, that the new septic design planned for the
44 existing house does not require any action from the Planning Board.

1
2 *Mr. Landry made a MOTION to approve the Conditional Use Permit application for the*
3 *applicant, Last House, LLC, 120 Wild Rose Lane, Tax Map 3, Lot 8b, for the driveway*
4 *construction within the 50 foot wetlands setback. In addition, to approve the subdivision from 1*
5 *lot to 2 lots per the Subdivision Plan Tax Map 3, Lot 8b dated December 7, 2016, by Ambit*
6 *Engineering.*
7 *Mr. Hammer SECONDED the motion. Motion CARRIED, unanimously.*

8
9 **4. Review and approve meeting minutes from November 30, 2016**

10
11 *Ms. Murray MOVED to accept the November 30, 2016 meeting minutes as amended. Mr.*
12 *Landry SECONDED the motion. Motion was APPROVED, unanimously.*

13
14 **5. Select a date to continue the discussion about Accessory Dwelling Units**
15 **(ADUs)**

16
17 The Board agreed to convene on Tuesday, January 10, 2016 at 12 p.m. to continue the ADU
18 discussion.

19
20 *Chair Horgan MOTIONED to adjourn the meeting. Ms. Sofio SECONDED the motion. Motion*
21 *CARRIED, unanimously.*

22
23 Meeting adjourned at 8:25 p.m.

24
25 Respectfully submitted by,

26
27 Anne Miller, Secretary to the New Castle Planning Board
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