

Approved: March 23, 2016

New Castle Planning Board
Wednesday, February 24, 2016

Members Present: Chair Darcy Horgan, Tom Hammer, Lorn Buxton

Members Not Present: Margaret Sofio, Rich Landry, David McArdle, Kate Murray

Also Present: Theresa Walker, Tracy Degnan, Julie LaBrache

1. Review and approve minutes to the meeting on January 27, 2016

Lorn Buxton MOVED to approve the January 2016 minutes as written; this was SECONDED by Tom Hammer and APPROVED unanimously.

2. Proposed Ordinance Changes:
 - Maximum Building Area Change
 - Emergency Sewage Disposal System Procedure

Chair Horgan read the proposed language change for Section 4.2.1.5

PROPOSED ORDINANCE CHANGE “MAXIMUM BUILDING AREA ON A LOT”, FEBRUARY 24, 2016: The following Ordinance change has been requested by Todd Baker, Chair of ZBA and approved by Don Graves, Building Inspector.

Existing Ordinance: Sec 4.2.1.5 “Maximum Building Area: The maximum building area permitted in a dwelling unit shall be limited according to the following schedule.....”

Proposed Change (in italics) Sec 4.2.1.5 “Maximum Building Area: The maximum Building Area permitted *on a Lot* shall be limited according to the following schedule.....”

Also: **Proposed Change to the Existing Title on the Chart on Z-20:** For consistency with the above proposed ordinance change, the chart on Z-20 needs to be changed from the title of: “Maximum Building Area per Dwelling” TO “Maximum Building Area per Lot”

Chair Horgan asked if there were any comments regarding the proposed changes, seeing none she noted that approval of the change would move the request to a Public Hearing in March 2016.

Lorn Buxton MOVED to approve the suggested changes to Existing Ordinance Section 4.2.1.5 to read “Maximum Building Area: The maximum Building Area permitted on a Lot shall be limited according to the following schedule.....” and the proposed change to

the Existing Title on the Chart on Z-20; this was SECONDED by Tom Hammer and APPROVED unanimously.

Chair Horgan asked the members if they had any comments or requested changes to the proposed Emergency Sewage Disposal System Procedure. She noted that the term “prime wetland” has been included in the wording and a definition of septic failure has also been included. She asked for a motion to accept the wording; thus moving this proposed ordinance change to a Public Hearing.

Lorn Buxton MOVED to accept the proposed wording of ordinance section 9.2.11 per memo dated and revised February 18, 2016; this was SECONDED by Tom Hammer and APPROVED unanimously.

2. Tides to Storms Study Presentation by Theresa Walker and Julie LaBranche of the Rockingham Planning Commission.

Chair Horgan noted that this is an informational session only and not a Public Hearing. She said the purpose of having this presentation is for the Planning Board to make a decision on moving the proposed changes to the ordinance to a Public Hearing in March; with a second Public Hearing in April (if necessary) in preparation of having any changes on the warrant ballot in May. She said because it is not a noticed meeting, comments or questions cannot be entertained at this meeting. Chair Horgan said there will be a Public Hearing and comments and questions will be entertained at that meeting. She said the members of the Conservation Commission are present at this meeting as part of the presentation and will be allowed to speak.

Julie LaBranch explained that this project was an assessment accomplished last year. She said an overview has been given to the Conservation Commission and noted that Phase II of this project is being worked on with the Town by Theresa Walker.

Theresa Walker said they will present the information next month to residents and encouraged residents to make note of anything they would like to receive more information on.

Ms. LaBranche said the project included a regional assessment report and a series of maps and a report for each community. She explained that much research has been done on coastal hazards and climate science. Ms. LaBranche said they have garnered grant money to do research and technical analysis and to create tools to look at communities and what is occurring there with regard to sea level rise. She said they put on workshops and advocacy and teaching. Ms. LaBranche said that the coastal vulnerability assessment was first done by Portsmouth. She said Tides to Storms was the first assessment of its kind in the State of New Hampshire. Ms. LaBranche said they have completed their Regional Master Plan update which includes three new chapters; natural hazards, climate change and energy. She said three years ago the legislature enacted legislation to enact the NH Coastal Hazards Commission; it is made up of federal and state partners and representation from all coastal municipalities. Ms. LaBranche said they are charged to

recommend legislation, rules and other actions to prepare for projected sea level rise and other coastal watershed hazards such as storms, increased river flooding and storm river runoff and the risks such hazards pose. She said the Commission has been working on their report which will be released on March 18th for public comment through June 30th.

Ms. LaBranche said the goal for Tides to Storm was to look at assessing and planning for projected future impacts to NH coastline and the effect of rising storm levels. She said they looked at evaluating municipal facilities, State and local roadway system, utilities, infrastructure and natural resources. She said the regional and town reports have a series of recommendations: policy and planning, regulatory strategy and non-regulatory strategies. Ms. LaBranche said they mapped sea level rise scenarios based on a range of predicted conditions. She showed the different maps with the different scenarios in the future. Ms. LaBranche said in the past 100 years there has already been five inches of sea level rise. She displayed a table showing the different assets that were evaluated and discussed the impacts to roadways, culverts and storm water infrastructure and noted the need for infrastructure plans. Ms. LaBranche said there will be impacts to regional and local drinking water supplies and what may need to be done to deal with those impacts. She said the same could be true with ground water issues. Ms. LaBranche said that local roadways could be impacted as well and effect critical evacuation points. She discussed ways to mitigate storm surge. Ms. LaBranche said the community should discuss the Tides to Storms recommendations.

Ms. Theresa Walker said that the Town's Master Plan has a priority statement that notes; "the community's obligation to meet its existing and probable future needs to protect the general well fare of its inhabitants." She said this includes how the flooding will impact the roadway system in town. Ms. Walker said the residents' ability to evacuate the Island is compromised by potential flooding. She said there is a natural hazard mitigation plan for New Castle which was updated in 2014. Ms. Walker said the plan shows where the Town is vulnerable to flooding. She said the vulnerability assessment puts the town on its way to completing the actions stated in the hazard mitigation plan. Ms. Walker said performing those actions will go a long way to putting the Town in good standing with FEMA (and making it easier to get funding if a natural disaster occurs). She said the workshops and the vulnerability plan allows the Town to say to FEMA that the Town is better prepared. Ms. Walker said they are grateful that the Conservation Commission is willing to take this information out to the residents of New Castle. She said the three workshops being done in town will concentrate on what makes New Castle unique and how it is affected by climate change and storm surges.

Ms. LaBranche said it is about advanced planning, preparedness and response. She said that is included in capital improvement plans, site plans and natural resource protections all together. Ms. LaBranche reviewed the information they have available for the residents to review and provided their contact information.

Lorn Buxton and Ms. LaBranche discussed that the scenarios consist of one that is based on what has occurred in the past and the others are based on projections based on what has occurred and the most plausible range of predictions.

4. Tracy Degnan from the Rockingham County Conservation District to present the New Castle Conservation Commission's proposal for wetlands ordinance changes and prime wetland designation.

Ms. Degnan introduced herself and said she has been working with the Conservation Commission for nearly 15 years. She spoke to the Wetland Buffer proposal with the assistance of PREP. Ms. Degnan said presenting the two presentations at the same time made sense because there is synergy of information that highlights the vulnerabilities in New Castle. She showed a map (from Tides to Storm) that showed areas highlighted for conservation purposes which are undeveloped. Ms. Degnan noted that salt marsh protection is important to coastal resiliency. She pointed out the Lavenger Creek Salt Marsh area. Ms. Degnan said that PREP compiled their assessment document in 2015 which looked at coastal communities and compiled recommendations to improve water quality in the coastal communities. She said they came up with regulatory and non-regulatory recommendations. Ms. Degnan said the New Castle Conservation Commission is hoping to promote better health through these actions. She said they reviewed the 2005 wetland assessment of the 28 wetland complexes and sponsored outreach and education events in New Castle. She said events are about teaching and talking to residents about wetland buffers and promoting better water quality on the Island. Ms. Degnan showed a map from a plan produced in 2015, the New Hampshire Fish and Wildlife Action Plan. She said that plan highlights the area near Lavenger Creek and its importance. The map shows it is the highest ranked habitat in New Hampshire. Ms. Degnan showed the existing 2005 wetland survey which lists 28 wetland complexes; these were delineated, plants found in them were outlined and documented. She said that currently New Castle has five wetland complexes that are designated as Class A – which requires a 100 foot buffer and the rest require a 50 foot buffer. Ms. Degnan said that part of the study was to look at the wetlands and their buffers to determine which wetlands should have what buffers. She said they also reviewed the Master Plan (updated in 2012) and the assumptions and objections. Ms. Degnan said one of the assumptions was that there has been and would be much development going on in New Castle. She said those are beginning to threaten the quality of Marshes and wetlands and one of the objectives in the Master Plan is to protect the quality of the shores, marshes and natural habitats for the future. Ms. Degnan said they also reviewed other plans regarding the Lavenger Creek Area; including Land Conservation Strategy Plan in 2008 which provided a high value resource plan of six different areas. She said some of the recommendations were to protect the wetland functions by implementing greater buffers, use zoning to protect hard fill land uses by sensitive areas. Ms. Degnan said they encouraged providing assistance to residents and land owners information about proper buffer maintenance. She said that DES is concerned about water quality and they feel that no more than 10% of impervious surface should be allowed within a watershed; because when the amount of impervious surface goes above 10% it begins to degrade the water quality. Ms. Degnan noted that New Castle has the highest percent of impervious coverage (41%). She said that PREP is stressing that having greater than 20% of conservation land is good and New Castle has 21% of conserved land. She said that New Castle has implemented a fertilizer setback

ordinance with the assistance of the New Castle Conservation Commission and restoration of the salt marshes have been done (including River Road salt marsh which has been restored) and have a conditional use permit process for activities going on within the wetland conservation district. Ms. Degnan said some specific suggestions are: good planning, a coastal hazard master plan chapter, approve environmentally sensitive projects with good conditions, enact ordinances to better protect resources to protect infrastructure and the existing structures on the island from possible future damage. She said from the Tides to Storm study the recommendations are to adopt increased buffers, to protect natural functions of flood plains, provide information to property owners about the importance of retaining the functions of shoreland and plants and how to implement best management practices. Ms. Degnan showed a diagram that demonstrates the mean high tide line moving inland and the obstructions. She said the Conservation Commission reviewed all the wetlands in town and stringently reviewed the Lavenger Creek Salt Marsh area and found that it meets the requirements of a Prime Wetland designation. She said Lavenger Creek has six out of ten qualities of a Prime Wetland and has important plant values (rare and endangered plants). She said the Commission has voted to move forward the proposal to have Lavenger Creek designated as a Prime Wetland. Ms. Degnan said that Frank Richards of DES also supports the designation and has met with Planning Board and Commission members on site to discuss it. Ms. Degnan said a Prime Wetland Designation does not change the existing Town buffer (Lavenger Creek already has a 100 foot buffer as a Class A wetland and a tidal wetland). She said the designation will protect the wetland and will require additional oversight by DES (a permit within that 100 foot buffer). Ms. Degnan said there are 33 other communities in NH that have Prime Wetland designation. She said the Conditional Use process will not change; it does provide long term benefits as a strategy for coastal resiliency by requiring a DES permit. She said it will not fall under a minimum expedited review. Ms. Degnan said RCCD compiled an aerial overlay with the 100 foot buffer and the tax map overlay which shows the buffer will remain the same. She said the Commission is also proposing that the wetland complex of Pit Lane B, Brothell Marsh (Wentworth Road), Neals Lane B, and Cranfield Street A be changed from B buffer to A buffer (50 to 100). Ms. Degnan said the wetland scientists reviewed this with Frank Richardson of DES and this recommendation was agreed to by all. She said they provided a data sheet for each wetland which shows these four wetlands are in good shape and deserve a Wetland A designation. Ms. Degnan said the Conservation Commission has sent out letters to the 26 abutters to Lavenger Creek indicating that there may be a proposal coming forward regarding Lavenger Creek and saying if there is a public hearing they would be noticed. Ms. Degnan said every resident in town will receive a post card announcing three sessions being held on April 3rd, April 12th and May 2nd for residents to hear a user friendly presentation regarding buffers and protecting them. Ms. Degnan the Commission is here to ask that the Planning Board move forward with a Public Hearing on the proposal regarding the wetlands and buffers. She said there would be between 28 and 36 lots affected by the change in buffers.

Mr. Buxton asked if New Castle has the most impervious area in the State. Ms. Degnan said it has the most impervious area of the Coastal Watershed towns.

Chair Horgan noted that the issue of impervious surface is not addressed in the ordinance at all.

Ms. Walker said the Conservation Commission has discussed this issue and ways to capture runoff that could go into site plan reviews. She said there is a way to have a point system. Ms. Walker said New Castle is unique due to the size of the lots. She said the goal is water quality protection and buffers are very important to that.

Chair Horgan referred to the proposed changes to Article 9.2 Wetlands Conservation District. (noted below)

ARTICLE 9.2 WETLANDS CONSERVATION DISTRICT

EXISTING ORDINANCE:

9.2.3 Areas of Jurisdiction:

The Wetlands Conservation District shall include all wetlands, tidal lands, Class A wetland buffers, Class B wetland buffers and Tidal Land buffers as defined herein.

PROPOSED CHANGES (In Italics):

The Wetlands Conservation District shall include all wetlands, *Prime wetlands*, tidal lands, Class A wetland buffers, Class B wetland buffers, *Prime wetland buffers* and Tidal Land buffers as defined herein.

1. Definition of Wetlands:

PROPOSED NEW SECTION:

d. Prime Wetlands: In conjunction with the definition of wetlands in Section 1. , the Town of New Castle has also delineated a special classification of wetlands referred to as Prime Wetlands, in accordance with the requirements of RSA 482-A:15 and Chapter Env-Wt 700 of the NHDES Wetlands Bureau Administrative Rules authorizing such designation. The boundaries of the Prime Wetland located in New Castle are illustrated on an aerial photograph with Tax Map 2a & 2b overlaid (RCCD, 2015), along with an accompanying report entitled Prime Wetland Report for Lavenger Creek Saltmarsh, February 2016, which identifies the important values and critical functions that are provided by the Lavenger Creek saltmarsh. The Prime Wetland map and report are on file at the New Castle Town Office.

Prime Wetland Complex:

Lavenger Creek Saltmarsh

9.35+/- acres (as delineated in the 2005 Wetlands Study, Town of New Castle, 10/2005, Oak Hill Environmental Services)

EXPLANATION: Adoption of the Prime Wetlands article does not change the current definition of Wetland Buffers, approved by New Castle voters in May 2006. Proposed Article 9.2.3.1.d. recognizes that this wetland is of substantial significance due to its size, unspoiled character, fragile conditions and other relevant factors. This designation enables the town to protect these wetland and water resources.

She said the board needs to decide if they wish to move these changes forward to a Public Hearing in March and noted that if the board chooses to move this forward to a Public Hearing they have the ability to vote in favor or against the changes after hearing public comments. Chair Horgan said the wording for the changes needs to be 98% finalized before the Public Hearing is noticed. She read the proposed new section.

Chair Horgan asked what difference occurs when a wetland is designated as a Prime Wetland.

Julie LaBranche said that proposals regarding the Prime Wetland will be reviewed by the State of New Hampshire with an eye toward the functions of the wetland and preserving those functions.

Lorn Buxton MOVED to have the proposed changes to Article 9.2.3 (as noted above) be moved to a Public Hearing; this was SECONDED by Tom Hammer and APPROVED unanimously.

EXISTING ORDINANCE:

2. Definition of Wetland Buffers: Variable wetland buffers are established for wetlands and tidal lands as follows:

- a. Class A Wetland Buffers: Buffers of 100 feet are established from the edge of the named wetlands listed below. These wetlands are identified in the 2005 Wetlands Study (“Wetlands Survey – Town of New Castle” and “2005 Wetland Study Map”), and evaluated to be wetlands with the highest functional values and requiring a higher degree of protection:

Wetlands ID# 23 Lavenger Creek
Wetlands ID# 22 Secret Pond
Wetlands ID# 24 Quarterdeck Lane
Wetlands ID# 16 Pit Lane “A”
Wetlands ID# 26 River Road

PROPOSED CHANGES (In Italics)

2. Definition of Wetland Buffers: Variable wetland buffers are established for wetlands, *Prime wetlands* and tidal lands as follows:

- a. Class A Wetland Buffers: Buffers of 100 feet are established from the edge of the named wetlands listed below. These wetlands are identified in the 2005 Wetlands Study (“Wetlands Survey – Town of New Castle” and “2005 Wetland Study Map”, *amended 1/15/2007 adding Wetland ID# 28, Cranfield Street “A”*) and evaluated to be wetlands with the highest functional values and requiring a higher degree of protection:

Wetlands ID# 23 Lavenger Creek	<i>Wetlands ID# 17 Pit Lane “B”</i>
Wetlands ID# 22 Secret Pond	<i>Wetlands ID #15 Wentworth Road “A”</i>
Wetlands ID# 24 Quarterdeck Lane	<i>Wetlands ID #21 Neal’s Lane “B”</i>
Wetlands ID# 16 Pit Lane “A”	<i>Wetlands ID #28 Cranfield Street “A”</i>
Wetlands ID# 26 River Road	

EXPLANATION: The Conservation Commission completed a 2015-2016 wetland review with assistance from the Rockingham County Conservation District (RCCD) and recommended the originally identified Class B wetlands, highlighted above in italics, be added to Class A Wetland Buffers due to their proximity to Lavenger Creek saltmarsh, and in conjunction with recommendations found in the Town of New Castle Hazard Mitigation Plan Update, 2014, and Town of New Castle Vulnerability Assessment, September 2015, both completed by the Rockingham Planning Commission. The purpose of this amendment is to afford these wetland complexes additional protections, and the ability to mitigate against extreme weather events. This designation includes the same permitted uses as Article 9.2.4., does not impact existing structures, but may require review and Conditional Use Permit for other uses or alternations in the Wetlands Conservation District. All other provisions of the Wetlands Conservation District shall apply.

The members discussed the above proposed changes to the ordinance in an attempt to decide whether or not to move this proposal forward to a Public Hearing.

Tom Hammer MOVED to have the Planning Board move the proposed changes (as noted above) regarding Class A Wetland Buffers to a Public Hearing; this was SECONDED by Darcy Horgan and APPROVED unanimously.

Chair Horgan proposed holding the next Planning Board meeting on Monday March 21st at 6 pm in order to hold the Public Hearing at that time.

5. Old Business – There was no discussion of Old Business at this meeting.
6. New Business – There was no discussion of New Business at this meeting.
7. Correspondence – There was no discussion of Correspondence at this meeting.
8. Adjourn

Lorn Buxton MOVED to adjourn the February 2, 2016 meeting of the New Castle Planning Board at 9:00 pm; this was SECONDED by Tom Hammer and APPROVED unanimously.

Respectfully submitted by,

Susan Lucius, Secretary to the New Castle Planning Board