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2
3 Meeting of New Castle Planning Board
4 Town Hall, New Castle NH
5 Wednesday, 22 June 2016
6

7 **Site Walk for a subdivision for applicant Last House LLC, 120 Wild Rose Lane, Tax map 3**
8 **Lot 8b. Work session discussion: how to move forward with this application**
9

10 **Site Walk: Applicant Laurie Clark, 38 Laurel Lane, Tax Map 11, Lot 32.** Work session for
11 proposed subdivision.
12

13 **Wetland Border Dispute. Applicant Michael and Carolyn Spellman, 350 Wentworth Road**
14 **(Subdivision Lot 2), Map 5, Lot 3**
15

16 **1. Site Walk for a subdivision for applicant Last House LLC, 120 Wild Rose Lane, Tax**
17 **map 3 Lot 8b. Work session discussion: how to move forward with this application.**
18

19 **Members Present:** Tom Maher (Select Bd), Darcy Horgan (chair, Planning Bd), Rich Landry
20 (PB), Bill Stewart (SB), Todd Baker (Chair, Zoning Board of Adjustment), Margaret Sofio (PB),
21 Russell Cox (ZBA), Geof Potter (PB)
22

23 **Members Not Present:** Kate Murray, Tom Hammer
24

25 **Others attending:** Ken White, Jim White, Zed White, John Chagnon (Ambit Engineering)
26

27 Adjustments had been made to the previous plans, moving the proposed driveway in order to
28 provide more upland to the lot in order for soil calculations to come out correctly. There is still a
29 proposed 30 foot private Right of Way (ROW). There is still a deeded ROW to the present
30 house at the back of the lot. Explanations in place and ideas were exchanged among those
31 present. It was agreed there needs to be a special meeting with the Planning Board and the
32 Zoning Board of Adjustment prior to July 21st. nb, scheduled at the end of the meeting in the
33 Town Hall.
34

35 **2. Site Walk: Applicant Laurie Clark, 38 Laurel Lane, Tax Map 11, Lot 32. Work**
36 **session for proposed subdivision.**
37

38 **Members Present:** Darcy Horgan (PB), Tom Maher (SB), Rich Landry (PB), Margaret Sofio
39 (PB), Geof Potter (PB), Bill Stewart (SB)
40

41 **Members Not Present:** Kate Murray, Tom Hammer
42

43 **Others Attending:** John Chagnon, Laurie Clark
44

45 Review of the drafted site plan in place. Sewer, water, electricity have been tentatively placed
46 on the plan. The final proposed boundaries have not yet been decided, more remains to be done

1 on this proposed project. PB members did not see any major roadblocks to siting the home on
2 either proposed location as depicted on the plan.

3
4 **3. Wetland Border Dispute. Applicant Michael and Carolyn Spellman, 350**
5 **Wentworth Road (Subdivision Lot 2), Map 5, Lot 3**

6
7 **Members Present:** Darcy Horgan, Bill Stewart, Margaret Sofio, Rich Landry, Geof Potter

8
9 **Members Not Present:** Kate Murray, Tom Hammer

10
11 **Others Present:** John Chagnon, Mark West (West Environmental Inc.), Ken McDonald, Jim
12 Zuckerman

13
14 Meeting called to order in Town Hall, 8:20 pm.

15
16 Mr. Chagnon reviewed the plans for the property recently purchased by the Spellman
17 Family at 350 Wentworth Rd, New Castle. The plans detail for septic and water and show
18 the wetlands delineation. D.D.Cook will be the builder. A building permit had been applied
19 for, but an abutter, Tom Smith challenged the boundary of the border to the Secret Pond
20 Wetland as depicted on the plan submitted to the Building Inspector.

21
22 At issue is Wetlands ID # 22, Secret Pond. A town level map was used to show the
23 delineation of the wetlands (Source: "Wetlands Study, Town of New Castle, New
24 Hampshire", prepared for the Town of New Castle by Oak Hill Environmental Services and
25 dated October 2005). This map was not meant to be specific but a guide to all property,
26 and can be supplemented with other wetlands mapping sources. As part of the appeals
27 process, an independent arbiter was consulted.

28
29 Mark West, of West Environmental Inc., investigated the site and gave a presentation to the
30 Board. He gave a brief summary of his qualifications and experiences to illustrate his
31 qualifications to serve in this role.

32
33 Mr. West has issued a letter to the Board in which he described his actions and conclusions.
34 He walked the disputed parts of the site and surrounding area, marking vegetation as it
35 related to the site.

36
37 Mr. West contacted Dan Geiger, who was the original consultant on the 2005 Study, to
38 understand the methodology Mr. Geiger used on that study. While attempts were made to
39 recreate what was mapped, it won't look exactly the same because he imposed his notes
40 which are over-laid on the town map.

41
42 Mr. West's report to the board pointed out that he had found a clear break between a
43 scrub-shrub wetland bordering the pond and forested wetland fingers at 4 - 7 foot higher
44 elevation. It is possible to see a clear break in the field. The scrub-shrub wetlands show
45 signs of inundation and is wetter than the forested wetland. Mr West flagged where the
46 wetland plant community breaks in the field with flags SP-1 to SP-4. These flags were

1 surveyed and the Building Permit Plan done by Ambit Engineering, C2 dated June 21, 2016,
2 shows this line.
3

4 Mr. Geiger mapped the pond, the fingers, and other parts of the area, more than Secret
5 Pond. Fingers at similar elevation but not marsh. There is emergent wetland vs forested,
6 scrub shrub wetland. There is no stream channel, because of hydrology, soils, and plants.
7

8 Mr. West noted what he would call the protected Secret Pond. Aerial photograph has some
9 water that shows. But some of it is upland. Only have a buffer to the wetland that is
10 mapped.
11

12 Mr. West acknowledged that there is a translation problem from one scale to another scale
13 on the maps available. He focused on the clear break on this property. This is as close as
14 we can get to the border to the highest functioning value because of the soils, hydrology,
15 etc.
16

17 Wetland boundaries could change over time. This is usually caused by development or
18 natural causes; it can get wetter.
19

20 He mapped just the area under dispute, not the whole. Aerial photos can give a better
21 sense because you can see trees, houses etc. He sees definite lines. There is a separate
22 wetland here, separate from Secret Pond; it is definite. It is an unnamed and unclassified
23 wetland. It is hydrologically connected but a different wetland. To properly map it, it
24 should be flagged and surveyed by professional surveyors.
25

26 Mr. West was asked what is the impact on Secret Pond if this property is completed as
27 planned? Hydrologically, he can't tell; potentially it might get a little wetter. To answer the
28 questions is beyond the scope of what he did.
29

30 "Secret Pond" based on Dan Geiger's study. Mr. West believes he has figured out what Mr.
31 Geiger meant in that study.
32

33 What does the ordinance protect? Everything including all the fingers or just specific
34 pond? Ordinance says that this is an estimation. Size of Secret Pond is estimated as 3.5
35 acres. Another 9.2 acres are around pond.
36

37 Steve Riker looked at wetlands. Dan Geiger focused on emergent marsh. Mr. West tried to
38 look for a clear break, not just functions and values.
39

40 Ms. Horgan asked if there was any further discussion? Or if the members are ready for
41 vote?
42

43 Chair Horgan read a letter from Thomas Smith, a butter to Secret Pond, into the record.
44

45 Chair Horgan noted that the town asked Mr. West to act as our expert. She felt he had

1 sufficiently supported his decision of where the boundary lies. Mr. West delineated the
2 wetland where he believes Mr. Geiger intended. Ordinance says it is not an exact science.

3
4 In the future, this will probably come up again. Each parcel needs to be looked at as the
5 questions arise.

6
7 The question raised was what was the intent of the town when the ordinance was put in
8 place: to protect all wetland? Only lower value wetland? If the intent is to protect Secret
9 Pond, then it is fulfilled with this delineation. This delineation of 100 feet and then 50 feet
10 buffers take care of it.

11
12 **Bill Stewart MOVED to accept the wetland delineation for Secret Pond as designated on**
13 **Building Permit plan C-2, dated June 21, 2016, as designated by SP-1 through SP-4;**
14 **name on the plan: Spellman Residence, 350 Wentworth Rd, New Castle, NH. Seconded**
15 **by Margaret Sofio and APPROVED unanimously.**

16
17
18 4. Follow-up on the site walk for Wild Rose Lane

19
20 It was determined that no discussion needed to take place on this parcel. The next step will
21 be to hold a joint meeting of the Planning Board and the Zoning Board of Adjustment, prior
22 to the ZBA's next scheduled meeting on July 21, 2016. It was decided that this joint
23 meeting will take place on Tuesday, July 12 at 7pm. It is to be a work session, not a public
24 hearing.

25
26 5. Review and approve minutes to the meeting on May 25, 2016.

27
28 **Rich Landry MOVED to approve the May 25, 2016 New Castle Planning Board minutes**
29 **as amended. Seconded by Geof Potter and APPROVED unanimously.**

30
31 6. There was no old business.

32
33 7. There was no new business.

34
35 8. There was no correspondence to be reviewed.

36
37 9. Adjourn

38
39 **Bill Stewart MOVED to adjourn the June 22, 2016 meeting of the New Castle Planning**
40 **Board at 9:20pm; SECONDED by Rich Landry and APPROVED unanimously.**

41
42 Respectfully submitted by Ellie Clement, Secretary to the Planning Board

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