



1 Regarding the acceptance of the application as described in Subdivision Regulations 5.2.1, Mr.  
2 Landry reviewed the submitted information and believes it to be complete. Acceptance of the  
3 application does not preclude the Board from requesting additional information.

4  
5 *Chair Hogan MOVED that the Planning Board members agree that the application is complete*  
6 *and ready to be heard at a Public Hearing this evening. Geof Potter SECONDED. Motion*  
7 *CARRIED unanimously.*

8  
9 Mr. Chagnon, Ambit Engineering, Inc. representing Last House, LLC, noted the presence of  
10 members of Last House, LLC as well as their attorney, Thomas Keane, and described the two  
11 applications, for subdivision approval and for a Conditional Use Permit.

12  
13 Regarding subdivision approval, Mr. Chagnon described how plans meet requirements.

14  
15 Frontage: The current house, in back, would have 100 feet of frontage on Wild Rose Lane. The  
16 new lot, in the front, would have 100' of frontage with a newly created right-of-way.

17  
18 Lot size, soils, and subsurface disposal: Calculations, as shown on Subdivision Site Plan C2,  
19 show that the lots have sufficient upland area of suitable soils after adjusting for Poorly Drained  
20 Soils and Very Poorly Drained Soils. Mr. Chagnon identified the 4,000 square foot (4K) area for  
21 each lot and described a slight change to the 4K location on Lot 2 from the submitted materials  
22 based on feedback from New Hampshire Department of Environmental Services (NH DES) to  
23 achieve required setbacks from areas where soil depth is less than 4 feet above ledge. Further,  
24 NH DES identified the 4K area on Lot 1 as having susceptibility to ledge. To respond, Ambit  
25 considered two options, either to conduct a number of probes surrounding the septic area, or do  
26 a replacement system design for the existing house that would meet the state criteria, and  
27 chose the latter. The newly designed system is near the location of the current septic system,  
28 has received approval from the Building Inspector, and has been submitted to NH DES. A small  
29 portion of the new field is within the 100 foot buffer which will require additional NH DES  
30 permitting before the subdivision is approved. Copies of the replacement system design were  
31 distributed. Mr. Chagnon expected that the Board would include a condition that this approval  
32 be obtained. As described, both lots are suitable for subsurface disposal.

33  
34 Board members asked about the Lot 1 redesign.

35  
36 Mr. Stewart asked for clarification about the setback given the town's three-tiered structure, 75  
37 feet, 100 feet, or 125 feet depending on soil characteristics. With a test bit percolation rate of six  
38 minutes per inch, Mr. Chagnon responded that it meets the 75 foot setback criteria for the town  
39 as well as the state. But, because the system is in the Tidal Buffer Zone, permitting is required  
40 by the state. Mr. Stewart asked whether the New Castle Conservation Commission (NCCC) had  
41 seen the redesign. Mr. Gagnon answered that the Town of New Castle approval was secured  
42 via Building Inspector sign off so that state approvals may now be sought; Wetlands Bureau  
43 approval is needed for the Tidal Buffer Zone location in order to secure approval of the system  
44 design, in order to secure approval of the subdivision.

1  
2 Ms. Murray asked how ledge factors into the septic design. Mr. Chagnon cited the requirement  
3 to provide separation of two feet above water table and three feet above ledge for the particular  
4 system that would be installed, but also reminded the Board that only the design, not  
5 necessarily installation, was required for state subdivision approval. In the test pit, the ledge is  
6 at three feet and the water table is fourteen inches thus the system is raised up to comply with  
7 the two and one half feet to water table separation; it will be raised eighteen inches above the  
8 existing grade to the bottom of the field. This new system, if or when installed, will be an  
9 improvement to the existing system.

10  
11 Responding to Chair Horgan, Mr. Chagnon confirmed that the septic system on Lot 1 was not at  
12 issue when the application came before the NCCC, but became an issue upon review by NH  
13 DES. Ambit's proposed resolution to the state's concern is a septic design that is within the 100  
14 foot Tidal Buffer Zone, subsequently, the additional state permitting is needed.

15  
16 Ms. Sofio asked and Mr. Chagnon answered, that Lot 1's current septic system was not located  
17 in the proposed Lot 2 that was presented with the application. Mr. Hammer stated that if the  
18 property wasn't being subdivided, and if the existing house's septic had to be moved, there  
19 would be other options for relocating. Given the subdivision proposal though, the other options  
20 aren't viable because they cross into the proposed Lot 2.

21  
22 Chair Horgan asked that whether the redesign met the Town of New Castle's requirement  
23 because it was outside of the 75 foot setback. Mr. Chagnon explained that the town's approval  
24 included a waiver from the Building Inspector to allow a 75 foot setback with a seasonal high  
25 water table less than 18 inches because it is a replacement system. Chair Horgan and Mr.  
26 Stewart questioned whether the waiver process was intended only for emergency situations  
27 when there were no other location options. Mr. Stewart asked whether this plan was compliant  
28 with FEMA and Mr. Chagnon responded that it was because the bed bottom is nine and a half  
29 feet above flood elevation. Ms. Murray asked for an explanation of the nine and a half feet  
30 calculation given the contour lines of eight, ten, and eight. Mr. Chagnon described the redesign;  
31 the system will leave the house to a septic tank and into a pump tank then pumped to the leach  
32 field. The top of the leach field is 11.33 feet. The eight foot contour will be blended with the ten  
33 foot contour, to create a "helicopter pad" configuration.

34  
35 Regarding Lot 2 septic, Chair Horgan observed and Mr. Chagnon affirmed, that the 4K area on  
36 that lot is well outside setbacks and would not need any further relief. The town would look at  
37 septic placement and engineers and Building Inspector would sign off on design.

38  
39 Mr. Chagnon continued with the Last House, LLC proposal.

40  
41 Water: In response to concerns raised about the suitability of the Portsmouth water system,  
42 Ambit obtained a letter from the City of Portsmouth's Public Works Department, stating they  
43 have "the capacity to serve the proposed lot ... from the existing 8" water main in Wild Rose  
44 Lane". Further, the letter states that the City of Portsmouth "does not guarantee adequate fire

1 service or any aspect of such service as stated in the City's Ordinances (Sec. 16.110)", which  
2 Mr. Chagnon believed to be a disclaimer, rather than a specific expression of concern about the  
3 water service in this location. Chair Horgan received clarification from Mr. Chagnon that the  
4 letter's intent was to address water service to this location, that the mention of fire service was  
5 unprompted.

6  
7 Roadway: Mr. Chagnon referenced the request for a waiver pertaining to road surface and right-  
8 of-way width, but suggested that be taken up within the context of the Conditional Use Permit.  
9 At present, subdivision plans reflect the 30 foot right-of-way and the 20 foot road surface which  
10 provides for transition to a driveway to access the buildable portion of Lot 2. Road grading,  
11 shown on sheet P1, shows that Wild Rose Lane is lower than the abutting property. A spit of  
12 ledge would be removed, the driveway would slope up to a high point then slope back down.  
13 Water would theoretically be shed down the drive and Wild Rose Lane to the wetland. To  
14 reroute the drainage, the proposed design takes out more ledge to create a low area to catch  
15 the majority of water as it travels down the drive and direct it out through a vegetated buffer  
16 zone before it reaches a wet area.

17  
18 Chair Horgan asked and Mr. Chagnon answered that the buffer area was existing, rather than  
19 proposed. While trees will need to be removed for the driveway, Ambit is willing to entertain  
20 enhancements to the buffer area.

21  
22 Ms. Sofio asked for clarification and Mr. Chagnon affirmed that ledge and trees would be  
23 removed for the roadway and that additional ledge would be removed for drainage as well as  
24 trenching for utilities. Responding to Chair Horgan's inquiry, Mr. Chagnon did not believe that  
25 the utility trenching would impact drainage because the water will be shed off the impervious  
26 driveway surface.

27  
28 Mr. Stewart noted that a significant portion of the ledge would be removed and asked where the  
29 Lot 2 house will be sited. Mr. Chagnon identified the buildable area based on the 50 foot  
30 freshwater wetland setback, as well as regular sideline setbacks, but did not identify the house  
31 site, leaving that option open to the future owner. Chair Horgan asked about the length of the  
32 driveway and Mr. Chagnon answered that it could be 450 feet.

33  
34 Mr. Chagnon answered Mr. Hammer's question about the prevalence of ledge on the proposed  
35 Lot 2. While there is ledge at Wild Rose Lane, in other areas there is plenty of soil above ledge.  
36 The six test pits in the area, shown on Map D2, show the varying amounts of soil above ledge  
37 from 20 inches to 60 inches. Since ledge will be encountered at these depths, the home builders  
38 may choose to raise the house up in lieu of blasting. However, blasting will be necessary to  
39 create the private road.

40  
41 Mr. Chagnon concluded the subdivision presentation by noting that requisite details are covered  
42 in the remainder of the plan set.

1 Continuing, Mr. Chagnon presented the application for the Conditional Use Permit for alteration  
2 and disturbance of an area within 50 feet of a Class B Wetland Buffer shown as the heavily  
3 dotted outline on map C3 of the plan, consisting of 2,095 square feet, in which he proposes  
4 removing trees and lowering the grade. The survey shows trees, size and type, for removal to  
5 construct the driveway and associated drainage, as well as existing trees that will remain. The  
6 ledge will be cut to an elevation of nine feet, while the wetland area is at six feet. There will be a  
7 drainage swale and then vertical face of ledge which will slope off on the backside down to the  
8 wetlands. There will be no buffer removal for house construction.

9  
10 Mr. Chagnon read the Conditional Use Permit application letter dated September 13, 2016,  
11 prepared by Ambit Engineering that lists the conditions and the explanation of how and why the  
12 Last House, LLC proposal meets the criteria. He further indicated that the NCCC agreed.

13  
14 Having read condition c. stating that “there is no feasible alternative to the proposed use that  
15 [would produce a] less detrimental impact on wetlands”, Mr. Chagnon introduced the waiver  
16 request suggesting that if the Board is inclined to grant a waiver from the 20 foot roadway  
17 surface width requirement, the roadway could be replaced by a driveway width since it is  
18 intended to serve only one house. Should the waiver allow a reduction to a 12 foot roadway  
19 width, the impact could be moved eight feet away from the resource. A waiver of the 30 foot  
20 right-of-way dimension is not important, but might be a way to ensure that the driveway isn’t  
21 ever widened. Mr. Chagnon continued reading the Conditional Use Permit application letter and  
22 noted that photos are attached to the letter to supplement the recollections of the members who  
23 attended the site walk.

24  
25 Board members asked about the Conditional Use Permit application.

26  
27 Regarding the excavation for the drainage, Mr. Landry and Mr. Potter asked for details. Mr.  
28 Chagnon imagined that the drainage swale excavation would be down to grade in order for the  
29 water to channel out. The buffer treatment is in the bowl area which would be susceptible to  
30 washing out if soil were to be put back in it. With the low point at nine and a half feet, there is a  
31 three foot elevation difference. Mr. Landry asked about the design of the overflow points,  
32 expecting that the water would move quickly over ledge. Mr. Chagnon concurred that they will  
33 need to pay attention to that, possibly using riprap or a stone check dam. Mr. Potter questioned  
34 whether Mr. Chagnon thought he could effectively capture a heavy runoff off the impervious  
35 driveway, to which Mr. Chagnon responded yes, because it is only about 6,000 square feet total  
36 area, with the driveway measuring only 2,000 square feet.

37  
38 Mr. Chagnon responded to Chair Horgan that even with the waiver to allow for reduced roadway  
39 width, the profile, as shown on P1, would not change, however due to moving the road away  
40 from the wetlands, about eight feet less ledge would be cut.

41  
42 Mr. Hammer asked and Mr. Chagnon answered that this would be the proposed location of a  
43 driveway to access the Lot 1 house in the event that the current, perpetual easement did not  
44 exist.

1  
2 To Chair Horgan's question about how the waiver for roadway width will change the impact on  
3 the wetlands, Mr. Chagnon responded that the advantages are avoidance and minimization with  
4 less buffer disturbance, and 40% less runoff area. On a square foot basis, this would reduce the  
5 impact area by about 600 square feet, or 25%. While some trees may be saved, it will not be a  
6 substantial number. The saved buffer area is essentially ledge. Responding to a question about  
7 road surface, Mr. Landry and Mr. Hammer indicated that pervious surface would not be a  
8 benefit since the roadway is on ledge, and could be problem when it freezes.

9  
10 Mr. Landry expressed concern about a reduced roadway width relative to fire fighting equipment  
11 navigating access to the property as well as precedent.

12  
13 Ms. Murray expressed concern over being asked to approve the proposal at this point given  
14 many options on the table, too many unknowns and not enough substance or confidence to  
15 make a decision.

16  
17 Mr. Hammer and Chair Horgan noted that if the waiver was granted, the applicants would have  
18 to come back with new plans. The Board discussed the sequence of approvals and Mr. Landry  
19 suggested that there be a ruling on the waiver first.

20  
21 Board members discussed issues surrounding the presumption of the applicant's rights. Mr.  
22 Stewart requested clarity given the circumstances; the applicant purports to have everything  
23 they need for a subdivision, but in actuality, they don't have the requisite road frontage. To  
24 acquire the frontage, they need a Conditional Use Permit to install a road. Thus, the subdivision  
25 creates the hardship which then obligates the approval of the Permit. If they don't meet all the  
26 requirements for a subdivision without this Conditional Use Permit, then perhaps they aren't  
27 meeting all of the conditions. Instead, this may be best argued to the ZBA for relief on frontage.  
28 Chair Horgan indicated that they had applied to the ZBA but were turned down.

29  
30 Mr. Landry suggested that were the wetlands not present, this would be a straight forward  
31 subdivision application and would not require any relief. Mr. Stewart countered that there are no  
32 problems with current conditions of the single lot, but they are creating a hardship with this  
33 subdivision. Mr. Landry added that Conditional Use Permits are always necessary as a result of  
34 the intent to do something different. Chair Horgan described the applicant's long process and  
35 earlier plan proposals, but in all iterations a Conditional Use Permit was necessary to access  
36 the property from Wild Rose Lane. Mr. Hammer stated that, without the existing easement,  
37 there is no way to access the existing house which would create a hardship. Mr. Landry added  
38 that it wouldn't be unreasonable for the owners to want to wipe out the easement and create an  
39 access to the existing house on their property. In that case, they would need to follow the same  
40 procedure for a Conditional Use Permit. Mr. Chagnon considered that the land area, soils,  
41 frontage are primary. The side issue is the proximity to the wetlands. The Conditional Use  
42 Permit is needed in order to make use of the land.

43

1 Ms. Sofio described her follow up about the public safety issue of firefighting capability at the  
2 site. In a meeting with Fire Chief, David Blanding, he explained that the components are the  
3 water main and the flow rate through the pipe. The flow rate is very low, at less than 180 gallons  
4 per minute (gpm), while the minimum needed is 1000 gpm. This information is pertinent  
5 because the Board is charged with considering public safety and the ability of fire trucks to  
6 access the property.

7  
8 Mr. Chagnon responded by highlighting the statement from the City of Portsmouth regarding  
9 water supply, that “the City does not guarantee adequate fire service...”. He suggested that an  
10 easy way to deal with issue is to ask that house be sprinkled. Referencing Ms. Sofio’s memo to  
11 the Board that recapped her conversation with the Fire Chief, he noted the absence of a letter  
12 from the Chief or his presence at the meeting, questioning whether the Chief was extremely  
13 concerned. Based on the memo from Ms. Sofio, Mr. Chagnon noted that the Chief would be  
14 very concerned were it a subdivision with several houses, but given the zoning only allows  
15 single residences, he is left to wonder what the Chief intended. Mr. Keane added that it is a  
16 large, very isolated lot so there is not a great danger to public safety. In addition, the Board may  
17 condition that the home be sprinkled.

18  
19 Ms. Sofio believed that the Town was not allowed to condition sprinklers. Mr. Landry noted that  
20 Abigail Lane houses were sprinkled per condition before the state law that prevents towns from  
21 requiring sprinklers went into effect. He believes that, for a house, flow rate should be 300-400  
22 gpm, but that the Chief’s chief concern is hose rate, which should be 200-250 gpm. He thought  
23 that a small fire could be handled with a hose stream of 100 gpm and beyond that, the hope  
24 would be for a tanker from a surrounding town to respond. His opinion is that the ordinance  
25 concerns the public safety, not a residents’ safety, since an owner would be building a house  
26 knowing there is not a lot of fire fighting water at that site. Ms. Sofio noted that she’s not sure  
27 an owner would realize that.

28  
29 Concluding his presentation, Mr. Chagnon thanked the Board and hoped for approval.

30  
31 Chair Horgan determined that the Board should first take up the Design Standards waiver.

32  
33 Chair Horgan referring to the Notice of Decision from the NCCC characterized the  
34 recommendation for approval as unenthusiastic. The vote was not unanimous due to concern  
35 about the wetland and the runoff into it. NCCC pointed out that:

- 36 ● A substantial amount of impervious surface would be added within the 50 foot buffer.
- 37 ● Salt and pollution from the hard top will run off into the wetland.
- 38 ● A significant amount of large trees and vegetation will no longer be available to absorb  
39 heavy rains. Without this vegetation, the steepness of the slope and density of the soil  
40 may allow for greater potential of flooding.
- 41 ● An increase of stormwater runoff onto Wild Rose Lane could potentially increase  
42 flooding.

43 Further, the NCCC considered reducing the width of the proposed right of way, but was  
44 constrained by town zoning ordinances. NCCC Chair, Lynn McCarthy additionally emailed Chair

1 Horgan expressing concerns about the amount of impervious material and suggesting that an  
2 exception be made for a narrower driveway that is another ten feet away from the wetland.  
3 Chair Horgan summarized that while the NCCC did approve the proposal, they have a strong  
4 desire to see a lesser impact.  
5

6 Noting that the Planning Board may waive any Design Standards as they see fit, in keeping with  
7 the spirit of the Master Plan and the intent of the ordinance, Chair Horgan asked for a  
8 discussion of the pros and cons of waiving the stipulation of a 30 foot right of way and a 20 foot  
9 roadway.  
10

11 Chair Horgan wondered whether the construction standards for a driveway would be less  
12 intrusive than those of a road. Mr. Landry answered yes, if it were a public road but that this is a  
13 private road, built on ledge, and further does not believe that the applicant is not requesting a  
14 waiver of construction standards, just a dimensional waiver. Mr. Chagnon agreed.  
15

16 Asked about the dimensions in light of the waiver, Mr. Chagnon thought that twelve to fourteen  
17 feet in width would be appropriate. He questioned whether the Board would want to waive the  
18 right of way width, as they would not want to set too many precedents. Mr. Chagnon did have  
19 some concern about fire and access. Mr. Landry summarized the key concerns as the  
20 precedent issue, the fire issue, and realization that the majority of the roadway impact is on  
21 ledge, which provides virtually no buffer benefit. The biggest argument for the waiver is to  
22 reduce the amount of runoff, noting that the highpoint is actually up the future driveway, beyond  
23 the access road. Mr. Hammer added perspective to the difference between a 20 foot width  
24 meant as a two-way street versus a fourteen foot width, adding that a twelve foot driveway is  
25 normal, but skinny. The driveway could be 450 feet long.  
26

27 Mr. Stewart doesn't mind the reduced width as long as it serves one house, as long as the  
28 deeded easement is in place for the back house. He feels comfortable that it is just like any  
29 other driveway. Mr. Landry added his agreement that the right of way width remain at 30 feet in  
30 case of expected future needs. Chair Horgan noted that while the 20 foot roadway width is a  
31 subdivision regulation and is thus subject to the Board's ability to waive it, the 30 foot right of  
32 way is per zoning ordinance and cannot be waived by the Planning Board.  
33

34 Chair Horgan inquired whether there was any advantage to the applicant to have a narrower  
35 drive. Mr. Keane answered that it would be less work, less cost, and less disturbance; he thinks  
36 it makes sense.  
37

38 Mr. Hammer wondered if the Board had authority to require an additional buffer area. Mr Landry  
39 observed that Mr. Hammer's question related to the **Conditional Use Permit**, rather than the  
40 waiver.  
41

42 Ms. Horgan noted that, given that the project is within the Woodlands Buffer Zone, defined as  
43 where natural woodland buffers exist within 150 feet of the edge of a wetland, the project needs  
44 to meet the standards of the grid system. She asked that the 150 foot delineation be reflected



1 on the drawings. Mr. Chagnon asked whether the regulation applied to the application for a  
2 subdivision or the application for a building permit. It applies to the lot. The removal of trees is  
3 necessary for the road, thus Conditional Use Permit would take grid points out of that section.  
4 Chair Horgan noted that there is no delineation on the tree plan for the 150 foot buffer, which is  
5 necessary for the point system. Mr. Chagnon did not think it applied, that it was only for the  
6 buffer resource for tidal waters. Chair Horgan clarified reading from the The Town of New Caslte  
7 Zoning Ordinance, section 9.2.8.2.6 on page Z-60. Accordingly, for a larger than 1/2 acre lot,  
8 50% of area within 150 feet of the resource needs to remain unaltered.

9  
10 Mr. Chagnon observed that if the ordinance applies, it would be for the building permit; if applied  
11 to the Conditional Use Permit, the tree score could not be maintained, and suggested that the  
12 granting of a Conditional Use Permit is also a waiver of the tree score requirement. Chair  
13 Horgan offered that the tree score could launch a discussion about a replanting. Mr. Hammer  
14 thought that if it applies, it would apply to the house. Mr. Landry believed it would apply to  
15 general alteration including driveways. Chair Horgan requested that the applicant address the  
16 point system in the revised plans and at least show the 150 foot delineation. Mr. Hammer said  
17 that he believes the intent is to protect the trees and the natural buffer zone for wildlife. Mr.  
18 Stewart reiterated that if the rule applies, then 50% of the trees in the 150 foot zone need to be  
19 maintained in an unaltered state, with evenly distributed stands.

20  
21 Chair Horgan opened the Public Hearing at 8:55pm.

22  
23 Margie Heindel, 129 Wild Rose Lane, is an abutter whose driveway is across the street from  
24 120 Wild Rose Lane. She is concerned about the impact of the driveway and water runoff, as  
25 the wetland goes to brackish water. She believes the removal of trees would have an impact.  
26 Her biggest concern is the length of time the area would be disturbed for construction. Mr.  
27 Chagnon estimated this to be not more than a month but could not speak for the contractor who  
28 will be doing the work.

29  
30 There being no other input from the public, Chair Horgan closed the Public Hearing at 9:09 p.m.

31  
32 The Board took up discussion.

33  
34 Beginning with the waiver, Chair Horgan asked whether the Board was ready for a motion on  
35 the waiver. Ms. Sofio said that maybe it could come last after all, in order to approve the larger  
36 matter first.

37  
38 Ms. Murray is concerned about impact to wetland, the runoff, flooding, and potential pollution of  
39 salt and silt. Another concern is that the list of conditions will be long and unwieldy.

40  
41 The Board attempted to assemble an encompassing motion:

42  
43 *Chair Horgan made a motion to approve the Conditional Use Permit application for the*  
44 *applicant, Last House, LLC, 120 Wild Rose Lane, Tax Map 3, Lot 8b, for the driveway*

1 construction within the 50 foot wetlands setback. In addition, to approve the subdivision from 1  
2 lot to 2 lots per the Subdivision Plan Tax Map 3, Lot 8b dated Sept. 9, 2016 by Ambit  
3 Engineering and to approve the waiver submitted by the applicant on November 30, 2016 from  
4 the Town of New Castle Regulations Section 7.2 Design Standards pursuant to Section 9 of  
5 said Subdivision Regulations to allow the roadway surface to be less than 20 feet in width  
6 subject to the following conditions:

7 1. 20 foot driveway as shown on the plan be reduced to 14 feet in width running along the  
8 southeasterly sideline of the right of way as depicted on the plan.

9 2. Applicant re-submit a plan showing the revised 14 foot driveway.

10 Mr. Hammer explained the intent of the point system that any future development needs to  
11 comply with the wetland buffers. Mr. Landry suggested that the Board could suggest an existing  
12 conditions plot showing the vegetation so that it is mapped for future. Mr. Hammer continued,  
13 clear cutting is a problem and this provision states that within the 150 foot buffer, you can't clear  
14 cut. Because of the size of the lot, 50% needs to be maintained undisturbed. It is Board's  
15 responsibility to keep within the spirit of the ordinance. If the Board is amenable to subdivision, it  
16 also has to be mindful of the need to avoid clear cutting. Chair Horgan concurs and would like to  
17 be reasonable and asked that it be addressed right now.

18 3. The applicant complies with the provisions of Section 9.2.8 of the New Castle Zoning  
19 Ordinance entitled Wetland Buffers with the exception of the disturbance permitted by  
20 the Conditional Use Permit as show on page C3 of the subdivision plans.

21 4. Should be buffer plantings along the wetland border to mitigate...natives, approved by  
22 state of NH, then talk about number.

23 Ms. Murray stated she is still uncomfortable with so many unknowns, and therefore so many  
24 points for potential failure. The Board agreed that it seems like a significant number of  
25 conditions. Mr. Chagnon suggested that the approval could be conditioned on a compliance  
26 hearing, where the Board would need to vote that the conditions have been met. Relative to the  
27 trees, Mr. Chagnon had intended to propose adding ten trees.

28 5. The plans will be revised to show the planting of ten trees in the 50 foot buffer.

29 6. The subdivision plan will not be signed or recorded until the applicant has submitted the  
30 plan in a compliance hearing with the Planning Board.

31  
32 Mr. Stewart suggested that instead of approving the application with these caveats, that the  
33 applicant should come back with a revised plan. Ms. Sofio added that it could be a continuation.

34  
35 Mr. Hammer asked and Chair Horgan, with the general concurrence of the Board, agreed that  
36 since it appeared the 20 foot road was off the table, a new plan should be submitted. Therefore,  
37 the Board decided not to follow through with the construction of the motion.

38  
39 Mr. Keane asked that in the absence of a motion, that the hearing be continued.

40  
41 Mr. Hammer MOVED to approve the waiver from the town of New Castle regulations Section  
42 7.2 Design Standards pursuant to Section 9 of said Subdivision Regulations by the applicant,  
43 Last House, LLC, 120 Wild Rose Lane, Tax Map 3, Lot 8b, on November 30, 2016, to allow the

1 roadway surface to be less than 20 feet in width. Ms. Murray *SECONDED* and the motion  
2 *CARRIED* unanimously.

3  
4 Ms. Sofio further *MOVED* to continue the hearing on the application for the subdivision and the  
5 *Conditional Use Permit* for applicant, Last House, LLC, 120 Wild Rose Lane, Tax Map 3, Lot 8b.  
6 Mr. Hammer *SECONDED*. Motion *CARRIED* unanimously.

7  
8 Mr. Chagnon heard the desire for a tree removal plan and indicated they will be on the plan.  
9 Chair Horgan requested they be quantified. Board members asked that the revised plans with  
10 drainage also specify the corner and ponding, how that translates to the vegetation that's  
11 proposed, and how it is mitigated.

12  
13 2. Next Business

14 a. Discuss meeting date for December Planning Board meeting

15  
16 The Board agreed to move the December meeting to Wednesday, December 21, 2016 at 6:00  
17 p.m. Chair Horgan and Mr. Chagnon agreed on December 9, 2016 as a deadline for re-  
18 submitted plans.

19  
20 3. Discussion of proposed changes to the Accessory Dwelling Unit (ADU) section of the  
21 New Castle Zoning Ordinance

22  
23 In light of the need for a significant discussion about ADU's, Chair Horgan asked if there were  
24 objections to calling a special meeting to discuss it. The need is because public hearings need  
25 to commence after the holidays.

26  
27 The Board agreed to meet for a work session on Monday, December 12, 2016 at 12:00 p.m. at  
28 Town Hall to take up the discussion about ADU's.

29  
30 4. Review and approval of the minutes to the meeting on October 26, 2016

31  
32 Ms. Murray *MOTIONED* to approve the minutes as amended. Ms. Sofio *SECONDED*. Motion  
33 *CARRIED* unanimously.

34  
35 5. Update on possible changes to the Personal Wireless Service Facility Overlay District  
36 of the New Castle Zoning Ordinance

37  
38 Ms. Sofio presented her findings. Federal law preempts when it comes to siting wireless. If  
39 something gets filed, the Building Inspector only has fifteen days to see if it's complete. If it's  
40 not complete, he notifies the applicant. When the application is complete, the Planning Board  
41 has fifteen days to approve it, a total of 45 days. She thinks it would be helpful to include it in  
42 the New Castle regulations, stating with whom it is to be filed, as well as the timing, because it is  
43 unlikely the federal regulations would be consulted, and the time frame is short.

1 Chair Horgan asked if the whole section on Personal Wireless Service Overlay District of the  
2 zoning ordinance needs to be rewritten. Ms. Sofio answered that it could be to better track the  
3 federal law as well as to revise some definitions. Chair Horgan asked Ms. Sofio to pursue her  
4 research, with the thought of rewriting that section. Ms. Sofio agreed to take it to the next step.

5

6 6. Adjourn

7

8 *Ms. Murray MOTIONED to adjourn the November 30, 2016 meeting of the New Castle Planning*  
9 *Board at 10:17 p.m. Mr. Hammer SECONDED. Motion was APPROVED, unanimously.*

10

11 Respectfully submitted by,

12

13 Anne Miller, Secretary to the New Castle Planning Board