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Planning Board Meeting
7:00 p.m. Town Hall
Wednesday, December 20, 2017

Public Hearing for a lot line adjustment for Laurie Clark, 38 Laurel Lane, Map 11, Lot 32.

Public Hearing for a Conditional Use Permit for applicants Laurence Leavitt and Virginia Battles, 19 Lavenger Lane, Map 4, Lot 16 for site improvements including an addition to the existing garage, reconfiguration of the existing hardscaped front entry, addition of a third story cantilevered deck, removal of a portion of the existing wooden deck and conversion of a portion to a screened porch, replacement of an existing wooden walkway with a pervious gravel/stone walkway and buffer plantings.

Members Present: Darcy Horgan, Margaret Sofio, Kate Murray, Tom Hammer, Geof Potter, Rich Landry

Others Present: John Chagnon, Ambit Engineering, Jim Cerny, Chair, New Castle Cemetery Trustees, Laurie Clark, formerly of 38 Laurel Lane, Steve Riker, Ambit Engineering, Anne Whitney, architect

Members Absent: Bill Stewart

Chair Darcy Horgan called the meeting to order at 7:00 p.m. and named voting members: Chair Horgan, Ms. Margaret Sofio, Ms. Kate Murray, Mr. Tom Hammer, and Mr. Rich Landry.

1. Public Hearing for a lot line adjustment for Laurie Clark, 38 Laurel Lane, Map 11, Lot 32.

Though the property was recently conveyed, Chair Horgan indicated that she has placed letters in the file from the new owners, Winston Leonard Realty Trust, that give permission for previous owner, Laurie Clark to continue to serve as applicant and Ambit Engineering to represent them in this matter. The lot line adjustment is for two pieces of property; one formerly owned by Ms. Clark and the other, Riverside Cemetery, which is owned by the Town of New Castle and represented by Mr. Jim Cerny, Chair, Cemetery Trustees.

Mr. Cerny described the result of a December 20, 2017 vote by which the Cemetery Trustees elected to accept the proffered approximately 160 square foot trapezoidal parcel of land -- part of Map 11, Lot 32 on the tax map, identified on the lot line relocation plan by Ambit Engineering dated November 20th, 2017--- as a part of the Riverside Cemetery and read a letter into the record stating such. Chair Horgan added the letter to the file.

Mr. John Chagnon of Ambit Engineering began by recalling that the Laurel Lane property had been subdivided 12 months ago. The subject property is the northerly parcel, still identified as

Map 11, Lot 32. A small section of land in the northwest corner of the parcel had been previously conveyed to Riverside Cemetery. Now a second section of land is being proffered in order to “clean up” some grave site issues; Ms. Clark stated that there are five people buried in the parcel. Mr. Chagnon observed that conveying out the parcel does not bring the lot into non-compliance and that the plan will be revised to reflect the new owner after the Planning Board’s decision.

Mr. Chagnon requested a waiver to the requirement that both properties be surveyed in their entirety, to eliminate the burdensome expense to the applicant. An older survey map of the cemetery was distributed by Mr. Chagnon to members. Mr. Chagnon noted that proper notices have been given and the fees have been paid.

Chair Horgan added that she walked the site with Mr. Cerny to observe the properties and received confirmation that the fence that is presently on the lot will be removed or reconfigured in order to incorporate the new parcel into the cemetery.

Chair Horgan opened the Public Hearing at 7:09 p.m. and, hearing no comment, closed it at 7:10 p.m.

Noting that a lot line adjustment is subject to Subdivision Regulations, Chair Horgan described that she reviewed the application and found it to be of no significant impact.

Chair Horgan motioned to accept the application for a lot line adjustment for Laurie Clark, applicant, 38 Laurel Lane, Map 11, Lot 32. Further, given the minor consequence of this lot line adjustment, motioned to waive from the Subdivision Regulations Section 6- Plan Requirements 6.2.4.7 to not provide, on the application plan, survey information for the entire Riverside Cemetery lot. Mr. Landry seconded the motion. Motion carried, unanimously.

Ms. Murray moved to accept the application for applicant, Laurie Clark, 38 Laurel Lane, Map 11, Lot 32 for a lot line adjustment as written in the plan by Ambit Engineering dated Nov 20, 2017. The motion for approval is based on the plan, subject to revising the name on the plat to reflect the new owner, the Winston Leonard Realty Trust. Ms. Sofio seconded the motion. Motion carried unanimously.

2. Public Hearing for a Conditional Use Permit for applicants Laurence Leavitt and Virginia Battles, 19 Lavenger Lane, Map 4, Lot 16 for site improvements including an addition to the existing garage, reconfiguration of the existing hardscaped front entry, addition of a third story cantilevered deck, removal of a portion of the existing wooden deck and conversion of a portion to a screened porch, replacement of an existing wooden walkway with a pervious gravel/stone walkway and buffer plantings.

Steve Riker, Ambit Engineering, representing the Helen Maldini Revocable Trust and applicants, Laurence Leavitt and Virginia Battles, who are party to a Purchase and Sale agreement for the property, assisted by John Chagnon, Ambit Engineering, and Anne Whitney, architect, described the proposed site improvements to the Lavenger Lane single family residence.

The status of other approvals include:

- positive recommendation (with input) was received from the Conservation Commission on December 5, 2017
- necessary zoning relief was granted by the ZBA on December 19, 2017
- NH DES approval is pending-- a copy of the DES Wetland Application was distributed in members' packets

Noting the existing conditions, including the location of the 50' and 100' Lavenger's Creek wetland buffer zones, Mr. Riker detailed the proposed changes:

- Partially within the 100' buffer zone, increase the size of the existing stone walkway, retaining wall and entry steps.
- Extend the lower level only of the garage, currently 18' deep, with a 4' addition in order to create parking space
- Remove gravel from overflow parking area to loam and seed as lawn.
- Add new, third story cantilevered, rounded profile deck--4' wide at its maximum.
- Rework existing ground level deck to remove 4' from its outermost edge and convert the remainder to a detached 8' X 12' screen porch, including a reconfiguration of the access stairs from an existing upper deck.
- Replace and improve existing wooden stairs to access an existing wooden deck adjacent to Lavenger Creek.

In response to the Conservation Commission feedback the applicant sought the advice of a landscape architect to create a landscape plan. The following steps are proposed:

- Replace the wooden walkway that leads to the creek-side stairs with a stone riser and gravel fill walkway to address the request that the wooden walkway be replaced with a “more natural” and pervious material.
- Replant the sparsely vegetated slope toward Lavenger’s Creek as described in the planting plan in order to lessen erosion and improve water quality.
- Add a guttered downspout system to direct stormwater from the screen porch to a 10’ X 3’ infiltration trench from whence it will percolate into the soil.
- Replace an existing gravel area with grass, leaving only a gravel strip as a drip edge.

The ZBA relief was granted for the side yard setback, needed to allow the screen porch and the garage addition.

Mr. Riker noted that the NH DES Wetland application with photos is included in the members’ information packet.

Ms. Margaret Sofio described that the ZBA generally viewed the application as de minimis. Because the home was built in 1992 with a 10’ rather than 15’ setback requirement for the proposed 9.09’ setback. Members asked, and Ms. Whitney affirmed, that the ZBA ruling also included relief for vertical expansion, as the addition of volume to the screen porch is partially within the 50’ setback where zoning relief is necessary. Chair Horgan confirmed her receipt of correspondence initialled by ZBA Chair, Todd Baker, indicating the December 19, 2017 ZBA approval of the requested variances for Map 4, Lot 16, including the “expansion of a pre-existing non-conforming structure.”

The lot conformed when created as a subdivision lot and is grandfathered as such, though it probably does not conform to current standards. Mr. Hammer asked, and Ms. Whitney affirmed, that the ZBA variance included relief from Zoning Ordinance 7.5.1 (expansion of non-conforming structure to become more non-conforming). Ms. Sofio described that no public input was offered at the December 19, 2017 ZBA hearing, although one of the Board members recused herself as an abutter, and another was from the neighborhood. No concerns were expressed.

Members received copies of the Conservation Commission recommendation letter. Chair Horgan summarized the Committee’s discussion that eventually led to a recommendation with the conditions set out in their letter.

Chair Horgan asked the representatives to address the issue of temporary use or disturbance to areas adjacent to the use and describe the proposed grading changes. Mr. Riker described grade changes as minimal, focused on the front entry landscaping, which is partially within the 100’ buffer. Members observed other temporary impact construction areas (shown on plan in

purple). Ms. Whitney confirmed that the existing deck for the screen porch will be replaced as new but the intent is to use the existing footings.

Ms. Sofio appreciated the plans for long-term oversight through the project's completion.

Mr. Rich Landry addressed the proposed condition for an escrow, noting that in addition to the requirement that an escrow is set aside, there needs to be consideration for how the escrow is released, including proof that completed work is conforming. This might entail an engineer's certification and photos of work in progress. Once the Planning Board is satisfied with the documentation, it would release the funds. The onus to provide documentation from the engineer falls on the owner. The engineer's project oversight -- via site visits and/or construction photos taken by the contractor-- would vouch for the project's compliance. This is preferable to the responsibility for oversight resting with the town.

Upon completion, the engineer would send a Request for Release of Funds to the Planning Board including a letter certifying that they reviewed the construction and that the completed project generally and substantially conforms to the design plans, and probably includes photos of construction progress to back it up. The Board's approval of compliance, would trigger the release of the escrowed funds. This is a typical process.

Mr. Chagnon asked whether the reporting expectation includes as-built drawings. Mr. Landry indicated that he, personally, does not think that this project would require them, but that other projects may. In this situation, Mr. Landry thought that requiring construction progress photos as well as the engineer's certification that the plan was substantially completed according to plans and specifications would be sufficient.

The cost of a bond for the surety is inconsequential to the amount of the bond. Further, Mr. Landry suggested that the bond needn't be for the full cost of the project. Mr. Riker reported a rough cost estimate of \$17,400 (\$12,000 for the path, \$5,400 for the plantings). Chair Horgan noted that the town's new accountant may want to alter the past practice of having the applicant's lawyer hold the escrow. Mr. Landry believes that the town should hold the bond or bank letter of credit to the benefit of the town stating that the agreed amount has been secured. In the latter case, the town could cash in the letter of credit in the event the terms have not been met then use the funds to complete the project.

The Conservation Commission recommended that they be granted permission to visit the property and that the landscape plan be completed within one year of the Certificate of Occupancy, to allow for seasonal delays and to observe that the plants are established.

Chair Horgan opened the Public Hearing at 8:03 p.m. and, hearing no comment, closed it at 8:04 p.m.

Mr. Landry motioned to approve the application for a Conditional Use Permit for the applicants Laurence Leavitt and Virginia Battles, 19 Lavengers Lane Map 4, Lot 16. This approval is conditioned on the following:

1. Approval is received by the NH DES.
2. The boulders comprising the walkway within the buffer area of Lavenger's Creek are continuous and as close together as possible to help secure the embankment from erosion.
3. A portion of the native plantings depicted on the landscape plan be configured in the northwest portion of the stipulated area within the easement to assist with stormwater runoff from the property, if permitted.
4. That proper erosion controls are installed for the duration of the project.
5. The applicant provide performance security in the amount of \$17,000 in a form satisfactory to the town, to ensure that the landscape plan and walkway is complete and conforms to the approved plan, dated October 19, 2017, within 12 months of the issuance of the Building Permit. If the work is not complete within 12 months, the applicant can request an extension from the Planning Board.
6. In order for security to be released, the applicant shall submit to the Board a request for the release of security in writing along with evidence that all work has been completed in accordance with the approved plans and stated conditions. The Board shall review the submitted materials and vote to release the security. Documentation shall be the certification by the engineer along with supporting materials and progress photos..
7. The Conservation Commission has permission to visit the property and observe construction progress while security is in place.

Ms. Murray seconded the motion. Motion carried, unanimously.

3. Review and approve the minutes to the November 29, 2017 meeting

Ms. Kate Murray motioned to approve the minutes of the November 29, 2017 Planning Board meeting as amended. Ms. Sofio seconded the motion. Motion carried unanimously.

4. Ordinance changes

The Board agreed to schedule a special meeting on January, 17, 2018 at 2:00 p.m. to work on ordinance changes and Chair Horgan requested that members distribute any relevant materials ahead of time.

5. Adjourn

Mr. Hammer moved to adjourn the meeting. Mr. Landry seconded. Motion carried, unanimously. Meeting adjourned at 8:47 p.m.

Respectfully Submitted,
Anne Miller, Secretary

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