

MINUTES OF THE NEW CASTLE ZONING BOARD OF ADJUSTMENT**Tuesday, July 21st, 2026 – 7:00 p.m. (Macomber Room)**

Members Present: Todd Baker, Chair; Rebecca Goldberg; Ben Lannon; Matt Taylor; Marilyn Walker.

Members Absent: John Fitzpatrick; Alyson Tanguay.

Others Present: Taylor Buxton, T&J Builders; Samantha Fuller; Jennifer Gray; Cristina Johnson, TMS Architects; Joshua Lanzetta, Bruton & Berube, PLLC; David Medwar; David Severance; Shane Ward.

Chair Baker called the meeting to order at 7:02 p.m. Voting members of the Board are Mr. Lannon, Mr. Taylor, Ms. Goldberg, Ms. Walker, and Chair Baker.

1. Case #2026-03: Applicant, TMS Architects on behalf of owner Shane Ward, 17 Elm Court, Tax Map 17, Lot 41, has requested a variance from Articles 4.2.1 Table 1I (lot coverage and building area) in order to allow the removal of an existing garage and construction of a new garage, mudroom and second floor dormer.

Cristina Johnson from TMS Architects presented with owner Shane Ward. Ms. Johnson explained that the applicant seeks a variance to remove a lean-to garage that is very low and has nearly flat roof. This garage is attached to a historic two-story fish house. The applicant would like to replace the lean-to structure with a single car garage and an attached mudroom connector, and to add a second-floor dormer.

The home pre-dates current zoning restrictions, so the maximum lot coverage is currently 43.9% (2,195 square feet) where 25% (1,250 square feet) is allowed. The maximum building area is currently 2,314 square feet where 2,250 square feet is allowed. The proposal includes reductions to the paved driveway, which would marginally decrease the impervious surface coverage to 43.8% or 2,191 square feet. The building area would increase by 303 square feet to 2,617 square feet total, with the proposed dormer accounting for 103 square feet. The primary house building area would be 2,092 square feet, which is code compliant. The fish house adds 525 square feet to the building area. The dimensions and height of the fish house would remain the same, and the dormer addition would be hidden. The project involves some interior renovation work associated with the proposed dormer addition and garage connector. This will allow for an additional bathroom. Mr. Ward confirmed that the fish house does not have water or electricity, and has no heating or cooling. It does have electricity.

Ms. Johnson went through the five criteria for zoning relief.

1. The variance will not be contrary to the public interest:

Preservation of the last remaining fish house structure in New Castle would allow future residents to enjoy it. The larger garage will also shield views of the owner's vehicle to not detract from the historic feel of the neighborhood. Improvements to the exterior of the property would preserve the historic architecture and allow it to be more resilient to climate change.

1 2. *The spirit of the ordinance is observed:*

2 The requested variance is consistent with the Town's Master Plan in that it balances the
3 preservation of an existing house and streetscape while allowing for the accommodations
4 necessary for modern size vehicles. The improvements to the buildings do not worsen the lot
5 coverage, and by removing the lean-to garage and building a new garage addition, the property is
6 no less nonconforming than it currently is. The proposed garage addition would be more
7 conforming to the front, side, and rear setbacks than the existing garage, and the proposed design
8 would utilize a pervious driveway to offset the lot coverage changes and allow for a more
9 historic carriage path.

10
11 3. *The values of surrounding properties are not diminished:*

12 The values of surrounding properties would not be diminished by granting the variance. The
13 proposal would remove a haphazardly constructed garage structure and replace it with one more
14 in keeping with the scale and historic design of the main house. It will also restore the historic
15 fish house to what appears to be the structure's original massing and improve its stability. The
16 addition is no taller than the existing house and would minimally impact neighbors' water views.
17 The distance to the rear neighbor's shed would also be increased.

18
19 4. *Literal enforcement of the provisions of the ordinance would result in unnecessary*
20 *hardship:*

21 Unnecessary hardship exists because the existing garage is very low with a nearly flat roof, and
22 the structure is inadequate to comfortably fit most modern vehicles. Also, the pre-existing fish
23 house is located on an already small lot and contributes 525 square feet toward the building area.
24 The fish house was likely relocated to this site and not originally built there. If it hadn't been
25 relocated to the property, it would be possible to meet the modern building area requirements.

26
27 5. *Substantial justice is done:*

28 Granting the variance will result in substantial justice because the improvements to the property
29 will not burden public resources, nor will they alter the character of the neighborhood. The direct
30 benefit to the public would be the preservation and stabilization of the last remaining fish house
31 in New Castle.

32
33 Ms. Johnson noted that they also require approval from the Historic District Commission, but
34 they have not been there yet. The applicant hopes to keep the fish house for its historic nature,
35 and has not considered taking it down. Even without the fish house, the lot coverage would not
36 conform. Mr. Taylor asked if there are any plans for above the garage. Ms. Johnson responded
37 that this would just be storage space. Ms. Walker asked about the plan for the driveway. Ms.
38 Johnson stated that it would be in front of the garage and would have pervious pavers with grass
39 in the center.

40
41 Ms. Goldberg asked about the proposed dormer and what its use would be. Ms. Johnson
42 explained that the dormer allows the walkout to be pushed back so that the two stairwells in the
43 house can be retained. The proposed mudroom is necessary because of the location of the
44 bulkhead, which prevents the proposed garage location from being moved. The breezeway and
45 garage would be 457 square feet. The bathroom that is currently off the kitchen would be
46 relocated into the mudroom so that the kitchen could be a more functional size.

1 Chair Baker opened the public hearing at 7:20 p.m. Samantha Fuller, 23 Elm Court, shared that
2 17 Elm Court was her family's home, and she is very excited to have Mr. Ward as a neighbor.
3 Being in such close proximity to Mr. Ward's home, she had one major concern, which is the
4 distance that the new driveway would be to her house. Ms. Fuller explained that she has no
5 windows upstairs, and at least two of the three windows on one side of her house would look at
6 the proposed garage. If there is any way to have the garage be less close to her house, that would
7 be preferred. Ms. Fuller added that she is not opposed to the fish house going away, as it is in
8 rough shape and was supposedly moved there anyways. She also had concerns about water
9 runoff from the rooves of the proposed structures, as her basement has three sump pumps. She
10 wondered if Mr. Ward's proposal could limit her ability to expand her house in the future.

11
12 Ms. Johnson addressed Ms. Fuller's concerns. She said that the physical driveway would not be
13 any closer to Ms. Fuller's house, and it would be moved right next to the existing bulkhead.
14 There would also be trees that are not represented in the site plan before the Board. The trees
15 would help with privacy concerns. Ms. Goldberg asked about water mitigation. Ms. Johnson
16 offered to add water mitigation to shed the water down the other side of the house via a French
17 drain, and said that she can incorporate an additional drain if needed. She did not believe that the
18 HDC would allow the removal of the fish house because it is the last remaining one in New
19 Castle.

20
21 Mr. Taylor asked if the applicant considered bumping the garage back to maintain the view
22 corridor for Ms. Fuller. Ms. Johnson responded that they want to preserve enough space between
23 the bulkhead and the garage structure. The distance from the edge of the road to the beginning of
24 the garage is 21 feet. Ms. Fuller stated that if the garage is moved backwards, any addition could
25 go toward the left side of the garage rather than toward her house. Ms. Johnson noted that the
26 distance between the proposed addition and Ms. Fuller's property is about 16 feet, which is
27 within the allowed setbacks.

28
29 David Severance, 24 Elm Court, pointed out that the Town put in a curb so that water runoff
30 goes into the drains at the end of the street. He felt that this is a very tough lot, and believed the
31 applicants have done a wonderful job trying to work around all of the complexities. For example,
32 the second floor only has six foot ceilings. It is very costly to renovate the house versus just
33 bulldozing it. Mr. Severance said that the house is currently overbuilt by 68 square feet, and if
34 the fish house is removed, people would have a direct view into Jennifer Gray's kitchen. He felt
35 that the applicants should be commended for maintaining a 1700s house, and was in favor of the
36 proposal.

37
38 Jennifer Gray, 85 Piscataqua Street, spoke. She lives on the other side of the fish house and is in
39 support of the proposal. She was the prior owner of 17 Elm Court before Mr. Ward. She noted
40 that Mr. Ward was not the highest bidder of the property, but he was the only one who promised
41 to try to keep the fish house, which delighted her. Ms. Gray loves the fish house and thinks that
42 Mr. Ward will be a great neighbor and contribute positively to the New Castle community.

43
44 Ms. Goldberg commented that the breezeway that connects the garage to the house is creating a
45 larger structure than just having a separate garage. She asked if there has been any consideration
46 to maintaining the openness of the garage and not having it be attached. Mr. Ward responded that
47 there is not enough space to have the garage unattached because there are only six feet between

1 the garage and the house. Mr. Taylor asked about the dimension of the existing garage. Ms.
2 Johnson said that the garage is currently 20 feet deep and proposed to be 24 feet deep. The
3 existing garage is well within the side yard setback. Mr. Ward noted that there is no room for a
4 free-standing garage in the back of the house.

5
6 Hearing no further comments from the public, Chair Baker closed the public hearing at 7:42 p.m.
7 Mr. Lannon commented that the lot is difficult and it is very hard to do anything without needing
8 a variance. He felt that the design was thoughtful and smartly keeping with the character of the
9 original house and neighborhood. The proposal would have a minimal impact on the overall lot
10 coverage. Mr. Lannon was concerned about the abutter's worries though. He felt that moving the
11 garage back into the setback would be helpful. He wanted to avoid overbuilding, massing, and
12 interference with neighbors' views. Making the driveway a one car slot instead of two would
13 alleviate some of the encroachment toward Ms. Fuller's windows.

14
15 Ms. Goldberg agreed with Mr. Lannon and was worried about the impact the project would have
16 on the abutter. She was also concerned about overbulking with the attached garage, and
17 wondered what the HDC would do. Ms. Goldberg commented that the views from the
18 streetscape and from the side and front would be changed, and the proposal would eliminate a
19 corridor of light and air.

20
21 Mr. Taylor concurred with Mr. Lannon and Ms. Goldberg. He felt that there is a way to bump the
22 garage back by a few feet and reduce it to 22 feet deep. The driveway could also be reduced a
23 bit. Overall, he was concerned about encroaching on neighbors' views. Mr. Taylor said that the
24 project would completely block any view that Ms. Fuller has of the water.

25
26 Ms. Walker would like to have a condition that if the fish house is removed for any reason, the
27 applicant would not be allowed to build a bigger house to account for the square footage of the
28 fish house. Chair Baker said that another variance would be required to rebuild the fish house if
29 it is destroyed. Ms. Walker was also concerned about the permeable pavement and
30 measurements, and wanted to make it a requirement to maintain the pervious surface to ensure its
31 effectiveness. Mr. Taylor felt that this site would work well for using pervious materials as
32 proposed.

33
34 Chair Baker went through the five criteria. No diminution of property values is a concern for him
35 largely because of Ms. Fuller's comments. He didn't have any concerns about the proposal not
36 benefiting the public interest. Ms. Goldberg commented that the waterflow treatment and
37 downslope of water was a potential issue that could be contrary to the public interest. Denial of
38 the variance would result in unnecessary hardship to the owner. Mr. Lannon felt that the lot has a
39 unique hardship with the fish house that contributes to the lot coverage. The applicant is trying to
40 preserve this building that is already on a small lot. Ms. Goldberg felt that the proposal is
41 contrary to the spirit of the ordinance because it would create a contiguous front visual that is not
42 at all in keeping with the neighborhood.

43
44 Chair Baker said that in light of the concerns the Board has expressed about the application
45 meeting the five criteria, he asked if the applicants would be willing to table the application to
46 make revisions. The changes that Mr. Ward is proposing would be materially detrimental to Ms.
47 Fuller's property value. Members commented that the Board is very sensitive to abutters'

1 concerns. It is not the role of the Board to redesign a project, but Chair Baker encouraged Mr.
2 Ward to talk with the abutters. The applicants agreed to continue the application.

3
4 Mr. Lannon motioned to continue the application of Applicant TMS Architects on behalf of
5 owner Shane Ward, 17 Elm Court, Tax Map 17, Lot 41 to the next meeting scheduled for
6 Tuesday, August 25 at 7:00 p.m. at the Macomber Room. Ms. Goldberg seconded. Motion
7 carried unanimously by a vote of five to zero.

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9
10 **2. Case #2026-04: Applicant, T&J Builders c/o Joshua Lanzetta, Esq. on behalf of David S.**
11 **and Jennifer Medwar, Trustees of the Medwar Family Trust, owners of 175 Wentworth**
12 **Road, Tax Map 10, Lot 15, is seeking a variance from Article 7.5.1 (side setbacks) in order**
13 **to rebuild a roof and construct a screened porch on an existing, non-conforming structure.**
14

15 Attorney Joshua Lanzetta presented with Taylor Buxton of T&J Builders and owner David
16 Medwar. The existing house is a nonconforming structure built in 1941. It encroaches the
17 southerly side yard setback by approximately five feet. The home's footprint and exterior wall
18 locations have remained unchanged since the original construction. The existing roof has
19 deteriorated to the point where water is leaking into the house. The applicant proposes to remove
20 the existing roof, alter the roof pitch to improve drainage, and rebuild the roof within the
21 dwelling's existing footprint. Part of the roofline is approximately a one pitch roof, which is not
22 usually allowed in residential applications today. Attorney Lanzetta noted that it is impossible to
23 re-roof the property without needing a variance. The proposal is to raise the roof point to make it
24 a compliant roofline, which will fix the leaking roof and improve drainage on the property. The
25 increased roof line would create cathedral ceilings, but it would not result in functional space.

26
27 The Medwars would also like to construct a 15 foot by 12 foot screened porch at the southeast
28 corner of the home. This is the only location at the back of the house where the porch could be
29 located due to the location of the existing septic tank and leach field. Approximately 25 square
30 feet of the proposed screened porch would encroach in the side yard setback. The home with the
31 porch will still be under the maximum allowable lot coverage and building area. Attorney
32 Lanzetta stated that 11 of the 18 properties in this particular neighborhood have dimensional
33 encroachments, and the applicants have a letter of support from the abutter, Lisa Williams, who
34 is closest to the proposed encroachment. There is dense foliage that provides screening between
35 the Medwars and Williams.

36
37 Attorney Lanzetta went through the five criteria for zoning relief.

38
39 *1. The variance will not be contrary to the public interest:*

40 Reconstructing the roof within the dwelling's existing footprint does not bring the structure
41 closer to the southern property line, nor does it alter the essential residential character of the
42 neighborhood. The proposal will advance public welfare by eliminating the hazards of structural
43 deterioration, water intrusion, and mold. The screened porch is a customary residential
44 improvement consistent with the neighborhood, and it would not pose any threat to the public
45 health, safety, or welfare. Granting the variances would not be contrary to the public interest.

1 2. *The spirit of the ordinance is observed:*

2 The intent of the side-yard setback is to preserve light and air and maintain spacing between
3 buildings. The existing five-foot encroachment into the setback would remain unchanged with
4 the proposed roof reconstruction, and the spatial separation the setback is designed to protect
5 would be preserved. The screened porch would be open construction and only one-story, so it
6 would preserve the light, air, and separation between the applicant and abutters.

7
8 3. *The values of surrounding properties are not diminished:*

9 The proposed roof reconstruction and screened porch addition will not diminish surrounding
10 property values. Replacing a deteriorating and leaking roof improves the property's appearance
11 and drainage, which preserves and protects the neighborhood's property values. A screened
12 porch is a typical residential improvement that would maintain or perhaps enhance property
13 values.

14
15 4. *Literal enforcement of the provisions of the ordinance would result in unnecessary
16 hardship:*

17 There is no fair and substantial relationship between the general public purposes of the ordinance
18 provision and the specific application to this property. The property has special conditions that
19 distinguish it from conforming lots in the area. Specifically, the parcel is an undersized 0.14 acre
20 lot created in 1928, and the dwelling was constructed in 1941 and predates the Town Zoning
21 Ordinance. The house lawfully encroaches the southerly side-yard setback since it was
22 constructed before the ordinance was enacted. The existing septic tank and leach field constrain
23 the limited buildable area and dictate where any improvement may be placed. Re-roofing the
24 structure does not alter the spatial separation offered by the setback, and it would not advance the
25 building toward the setback. The footprint and exterior wall locations would remain the same.
26 The proposed use is reasonable. It is reasonable for a homeowner to want a watertight roof on an
27 existing dwelling. A screened porch is a reasonable and customary use of a residential property.

28
29 5. *Substantial justice is done:*

30 Substantial justice is served by granting the variances because the loss to the applicant would be
31 significant if the variances were denied, and it would not outweigh any gain to the public. Denial
32 of the requested variance to redo the roof would force the applicant to either leave a leaking roof
33 in place or incur the disproportionate cost to relocate the house. Neither option would be a
34 benefit to the public. The property is on a small 0.14 acre lot with a limited buildable area that is
35 constrained by the existing septic tank and leach field. Denial of the requested variance for the
36 screened porch would deprive the applicant of a modest and customary residential improvement
37 while producing no appreciable public benefit given the modest nature of the encroachment.

38
39 Chair Baker opened the public hearing at 8:24 p.m. and read a letter from Arik and Lisa
40 Williams, 183 Wentworth Road. The Williams abut the property to the south. They felt that the
41 proposal would add value and character to the neighborhood, and were completely in support of
42 the application. Hearing no further comments from the public, Chair Baker closed the public
43 hearing at 8:25 p.m.

44
45 Ms. Walker had no objection to the request to re-roof the home. She said that conceivably, the
46 screened porch could be put within the setback, but appreciated that the direct abutter did not
47 have any concerns. Mr. Taylor did not have any issues with the proposal. Ms. Goldberg felt that

1 the applicant has met all five criteria for zoning relief. Mr. Lannon found that the proposal is
2 reasonable and agreed with Attorney Lanzetta's hardship arguments. He pointed out that the roof
3 reconstruction would be staying within the existing footprint, and the screened porch would not
4 be expanding significantly in any direction. The neighbor who would be most impacted is in
5 support of the proposal. Chair Baker walked through the five criteria. Members unanimously
6 agreed that all five criteria have been met.

7
8 Mr. Lannon motioned to approve the application of T&J Builders c/o Joshua Lanzetta, Esq. on
9 behalf of David S. and Jennifer Medwar, Trustees of the Medwar Family Trust, owners of 175
10 Wentworth Road, Tax Map 10, Lot 15, as submitted, having met the five criteria for zoning relief
11 from Article 7.5.1 (side setbacks) for the reasons articulated in Attorney Lanzetta's memo dated
12 June 30, 2026. Ms. Goldberg seconded. The motion carried unanimously by a vote of five to
13 zero.

14
15
16 **3. Approve Minutes.**

17
18 The approval of the May 19, 2026 meeting minutes was tabled to the next ZBA meeting to be
19 held on August 25, 2026 at 7:00 p.m.

20
21
22 **4. Set Date of Next Meeting.**

23
24 Chair Baker announced that the next Zoning Board of Adjustment meeting will be on Tuesday,
25 August 25, 2026 at 7:00 p.m. at the Macomber Room.

26
27
28 **5. Adjournment.**

29
30 There being no further business, Ms. Goldberg moved to adjourn the public meeting. Mr. Lannon
31 seconded. The motion carried, unanimously, and the meeting adjourned at 8:33 p.m.

32
33 Respectfully Submitted,

34
35
36 Meghan Rumph
37 *Secretary*