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MINUTES OF THE NEW CASTLE PLANNING BOARD
Wednesday, July 22nd, 2026 – 7:00 p.m. (Macomber Room)

Public Hearing for 35 Locke Road, Tax Map 11, Lot 3, Applicant Altus Engineering on behalf of Owners Danielski and Hollister 2015 Revocable Trusts, for proposed installation of a retaining wall system, stairs, landscaping stabilization, stormwater treatment improvements and grading within the 100 foot tidal buffer area.

Public Hearing for 5 Walton Road, Tax Map 12, Lot 15, Charles Hugo, Principal of Hugo Haus on behalf of owners Fish, Michael and Pam, for a proposed wetland edge enhancement within the wetland buffer.

Public Hearing for Wilcox & Barton, Inc. on behalf of Portsmouth Yacht Club, 76 Piscataqua Street, Tax Map 18, Lot 13, for replacement of existing fuel dispensing system.

Public Hearing for 40 Ocean Street, Tax Map 13, Lot 18, TF Moran on behalf of owner James P. Rosenfield Trust, for proposed residential dwelling and site improvements within the 100-foot tidal buffer area.

Members Present: Darcy Horgan, Chair; Lorne Jones (late arrival); Paul Legere; Curt Springer; Matt Taylor.

Members Absent: Anne Crotty; Bill Stewart.

Others Present: Jane Armstrong; Corey Colwell, TF Moran, Inc.; Steve Cook; Pam Fish; David Frothingham, Wilcox & Barton, Inc.; Cliff Gilman; Charles Hugo, Hugo Design; Romy Maurer, Terrain Planning & Design LLC; Jamie Rosenfield; Eric Weinrieb, Altus Engineering, LLC.

Chair Horgan called the meeting to order at 7:00 p.m. Noting a quorum, Chair Horgan indicated that the voting members are herself, Mr. Taylor, Mr. Springer, and Mr. Legere.

1. Public Hearing for 35 Locke Road, Tax Map 11, Lot 3, Applicant Altus Engineering on behalf of Owners Danielski and Hollister 2015 Revocable Trusts, for proposed installation of a retaining wall system, stairs, landscaping stabilization, stormwater treatment improvements and grading within the 100 foot tidal buffer area.

Eric Weinrieb confirmed that he is willing to proceed with four voting members instead of five.

Mr. Legere motioned to accept the application of Altus Engineering on behalf of Owners Danielski and Hollister 2015 Revocable Trusts, 35 Locke Road, Tax Map 11, Lot 3, as complete. Mr. Taylor seconded. Motion passed unanimously.

Eric Weinrieb of Altus Engineering presented on behalf of the applicants. The proposal is to stabilize and improve the wetland buffer area by replacing a small retaining wall with more substantial upper and lower dry laid retaining walls. All work will be within the buffer on the property, and there is no proposed direct impact to the wetland. Mr. Weinrieb said that they are working with arborist David Stegnan to protect the two large oak trees and the pine tree in the work area. The lower wall will be 110 linear feet total, and the upper wall is serpentine to go around the trees and measures about 115 linear feet. The stairs will be redone and will be 19 linear feet. The stairs are currently wooden and are proposed to be granite. They will align straight to the house, whereas currently they are at a corner of the house.

The total permanent impact area is about 4,000 square feet, which includes the wall reconstruction and stairs. There will be about 1,000 square feet of temporary impact. Small Bobcat equipment will be used to build the walls, bring in materials, and regrade. The goals of the project are to stabilize the property, preserve and protect the trees, and enhance plantings in the buffer around the house. Robbi Woodburn prepared a detailed landscaping plan. The project requires a conditional use permit and NHDES wetlands permit. The wetlands permit has been filed and deemed complete on June 18, so Mr. Weinrieb estimates that they will have initial comments from DES by August 7. They hope to start work by mid-September.

Chair Horgan noted that the Planning Board held a site walk with the Conservation Commission on July 7. She read the Conservation Commission's unanimous recommendation of approval. Nearly the entire parcel is within the 100 foot setback, and almost all work will be within the 50 foot buffer. Mr. Taylor asked how much material will be brought in. Mr. Weinrieb estimated that a couple hundred yards would be needed, and it would not be much. Mr. Legere added that Altus Engineering's plan 3 of 3 shows that they will be using the minimum amount of fill required to have a wall and allow drainage around that wall. Chair Horgan asked about stormwater runoff treatment. Mr. Weinrieb explained that just below the upper wall, there will be a pipe coming from the roof gutter that will stick out and drain into a two foot by two foot rip rap area. This will pick up the water from the roof gutters, which currently discharge at the corner of the house and run across the lawn. Mr. Weinrieb showed a photo of the erosion that this has created.

Chair Horgan asked about the size of the stones that will be used in the retaining walls. Mr. Weinrieb responded that the biggest stones for the bottom of the walls will be 12 to 18". The walls will only be a few feet tall and are not subject to wave action, so there are no concerns about velocity issues at this site. Mr. Weinrieb explained the erosion that occurs on the property. The slope is not stable because it is too steep. Having a retaining wall at the top and bottom will flatten the slope in between to stabilize it. They will be adding in a berm and extensive landscaping as well, which will help reduce erosion.

Chair Horgan opened the public meeting at 7:18 p.m. Hearing no comments from the public, Chair Horgan closed the public meeting at 7:18 p.m.

Chair Horgan went through the criteria for a Conditional Use Permit as outlined in Section 9.2.5.2. Members unanimously agreed by a vote of four to zero that conditions a) through g) have all been met.

Mr. Springer motioned to approve the Conditional Use Permit application of Altus Engineering on behalf of Owners Danielski and Hollister 2015 Revocable Trusts, 35 Locke Road, Tax Map 11, Lot 3, per the Altus Engineering plan dated June 8, 2026. This is conditioned on the Applicant receiving all local, State and Federal permits as may be required. Approval is based on the Applicant having met all criteria for a Conditional Use Permit under New Castle Zoning Ordinance 9.2.5.2. Mr. Legere seconded. Motion carried unanimously by a vote of four to zero.

2. Public Hearing for 5 Walton Road, Tax Map 12, Lot 15, Charles Hugo, Principal of Hugo Haus on behalf of owners Fish, Michael and Pam, for a proposed wetland edge enhancement within the wetland buffer.

Charles Hugo confirmed that they are willing to proceed with four voting members instead of five.

Mr. Taylor motioned to accept the application of Charles Hugo, Principal of Hugo Haus on behalf of Owners Fish, Michael and Pam, 5 Walton Road, Tax Map 12, Lot 15, as complete. Mr. Springer seconded. Motion passed unanimously.

Charles Hugo of Hugo Haus presented on behalf of owners Pam and Michael Fish. The proposal is to remove approximately 1,600 square feet of native lawn that is adjacent to a freshwater wetland and to replace it with a native planting community. They are also requesting to replace some failing arborvitaes and remove a 225 square foot impervious paver patio and add some stepping stones. The applicants would also like to extend the existing deck to go in front of the sliding doors that currently open to nothing and pose a safety hazard.

The owners were considering removing the invasive Norway maple tree but have decided to keep it. Mr. Hugo explained that Norway maples tend to deplete the nutrients out of soil and use a lot of water. Oftentimes the areas under these trees become dead zones where plants do not grow. This particular tree is healthy and provides shade, so they decided to keep it.

Mr. Springer asked how much of this project requires Planning Board input. Chair Horgan noted that Planning Board approval is needed because the Fishes are requesting to extend a deck by 180 square feet (30 feet by six feet).

Chair Horgan commented that this is a huge improvement for protecting the wetland, and the planting plan is very detailed. She pointed out to Mr. Hugo that future submitted plans should have specific figures such as pervious/impervious calculations on them. However, with this particular plan, it is quite evident that there will be a large decrease in impervious coverage with the removal of the terrace, so she is comfortable voting on the project without specific numbers. Overall, the proposal will be improving the site.

Chair Horgan opened the public meeting at 7:32 p.m. Hearing no comments from the public, Chair Horgan closed the public meeting at 7:32 p.m.

Chair Horgan went through conditions a) through g) of Section 9.2.5.2. Members unanimously agreed by a vote of four to zero that conditions a) through g) have all been met.

Mr. Taylor motioned to approve the Conditional Use Permit application of Charles Hugo, Principal of Hugo Haus on behalf of Owners Fish, Michael and Pam, 5 Walton Road, Tax Map 12, Lot 15, per the Hugo Haus plan dated May 12, 2026. This is conditioned on the new deck area not being enclosed, and on the Applicant receiving all local, State and Federal permits as may be required. Approval is based on the Applicant having met all criteria for a Conditional Use Permit under New Castle Zoning Ordinance 9.2.5.2. Mr. Legere seconded. Motion carried unanimously by a vote of four to zero.

3. Public Hearing for Wilcox & Barton, Inc. on behalf of Portsmouth Yacht Club, 76 Piscataqua Street, Tax Map 18, Lot 13, for replacement of existing fuel dispensing system.

David Frothingham confirmed that he is willing to proceed with four voting members instead of five.

Mr. Legere motioned to accept the application of Wilcox & Barton, Inc. on behalf of Portsmouth Yacht Club, 76 Piscataqua Street, Tax Map 18, Lot 13, as complete. Mr. Springer seconded. Motion passed unanimously.

David Frothingham of Wilcox & Barton stated that the Building Inspector requested a site plan application and conditional use permit, so he prepared both. Chair Horgan clarified that a site plan is not needed, so the Board was only voting on the conditional use permit application.

The Club is proposing to replace their existing fuel dispensing system. Specifically, they seek to replace the two existing underground storage tanks and piping that travels under the gravel parking lot, under the docks and to the fuel nozzles at the end of the docks. The new piping will be laid in the same trench that the old piping is removed from, and it will be mounted under the docks wherever possible. The tanks will be upgraded from 2,000 gallons each to 4,000 gallons each. The new tanks will go in the same approximate location but will extend a bit further to the east away from the shoreland area. The tanks and piping will be double walled and the system monitored 24/7 through sensors that detect if water or fuel is in the sumps. The system will be brought up to National Fire Protection Association (NFPA) and NHDES fuel dispensing system standards.

Excavated material will be reused for backfill and will be stockpiled onsite. Any excess earth not used in the backfill of the proposed tanks and piping will be removed in accordance with Town and State regulations. All backfill materials will be clean pea gravel and will meet the specifications of the State and the manufacturer's design. NHDES will review the site for soil contamination.

Mr. Taylor asked how old the current tanks are. Mr. Frothingham said that they are about 30 years old, which is the typical lifespan. He noted that by doubling the size of the tanks, it will reduce the number of fuel deliveries needed, and is also not a big price difference getting a larger tank size. The Club will need to get a wetlands permit from the State. The entire parcel is within the 100 foot tidal buffer area. They are targeting a mid-October start date, and the project will take about two months to complete.

Chair Horgan opened the public meeting at 7:44 p.m. Hearing no comments from the public, Chair Horgan closed the public meeting at 7:44 p.m.

Chair Horgan went through the criteria for a Conditional Use Permit as outlined in Section 9.2.5.2. Members unanimously agreed by a vote of four to zero that conditions a) through g) have all been met.

Mr. Legere motioned to approve the Conditional Use Permit application of Wilcox & Barton, Inc. on behalf of Portsmouth Yacht Club, 76 Piscataqua Street, Tax Map 18, Lot 13, per the Wilcox & Barton plans dated January 29, 2026. This is conditioned on the Applicant receiving all local, State and Federal permits as may be required. Approval is based on the Applicant having met all criteria for a Conditional Use Permit under New Castle Zoning Ordinance 9.2.5.2. Mr. Taylor seconded. Motion carried unanimously by a vote of four to zero.

4. Public Hearing for 40 Ocean Street, Tax Map 13, Lot 18, TF Moran on behalf of owner James P. Rosenfield Trust, for proposed residential dwelling and site improvements within the 100-foot tidal buffer area.

Lorne Jones was present for this hearing, thus constituting a full quorum of five voting members.

Mr. Legere motioned to accept the application of TF Moran on behalf of owner James P. Rosenfield Trust, 40 Ocean Street, Tax Map 13, Lot 18, as complete. Mr. Springer seconded. Motion passed unanimously.

Corey Colwell of TF Moran and landscape architect Romy Maurer of Terrain Planning & Design were present with the property owners, Jamie Rosenfield and Jane Armstrong. Mr. Colwell explained that the lot is 0.35 acres with a residential home that encroaches slightly in the Ocean Street setback and encroaches in the setback to the property to the west. The existing house has mold, water damage, and rodent issues, and is a tear down. There is a two-car garage with an apartment above it, plus a paved driveway and walkway going to the main house.

The proposal is for a two-and-a-half story home and a new two-car garage and accessory dwelling unit that is within the existing garage footprint. The applicants received ZBA approval in May for the proposed encroachments in the front setback (garage/ADU and stone retaining wall) and side yard setbacks (garage/ADU, generator, patio/spa/retaining wall, bulkhead, pergola, and rinsing station), with the condition that the stone retaining wall and privacy fence in the front yard setback shall not encroach on land that is currently paved as right-of-way to the beach and neighbors' yard access. There was discussion around the wall along Ocean Street. The retaining wall exists today but will be removed and placed one foot from Ocean Street and run parallel to the street. The wall will be one foot thick with a privacy fence on top.

The paved walkway and driveway will be replaced with permeable pavers. A pervious patio with a spa will be located in front of the home. Mr. Colwell stated that hardscape features will all be beyond the 100 foot tidal buffer zone. The existing leach field and septic system is currently 70 feet from the resource but will be moved back to 80 feet. The leach field will have a smaller footprint. There is a proposed pervious patio firepit that will be partially within the 50 foot waterfront buffer.

The applicants are proposing to reduce the amount of lawn between the house and the water and replace it with ground coverings and native plantings. The total impact in the 100 foot tidal buffer zone will be 4,952 square feet. 83% of this impact area will be vegetation. The applicants will also require a shoreland permit from NHDES for impacts within the 250 foot buffer. Impervious coverage will be reduced from 29.2% to 22.3%. The applicants received a variance to allow impervious coverage up to 25.2% if the proposed plantings in the Town right-of-way are not approved by the Select Board.

A proposed footpath to the beach will be natural grass and not a hardened surface. Mr. Colwell explained that they are proposing to move the path inside the property line, where it is currently outside of the property line. The original subdivision for Sea Breeze Lane provided rights-of-way for the properties on that street. Some neighbors use this for lawn care equipment and propane deliveries. The next-door neighbor's house is only five feet off the property line, so it is not easy to get equipment from the front yard on Sea Breeze Lane to the backyard. Mr. Rosenfield and Ms. Armstrong confirmed that they will not put a fence in this area and will continue to allow this access for their neighbors. Mr. Colwell noted that the Town voted at its annual meeting in May to convert Ocean Street to a Class A trail, so there will be no vehicular access. Members discussed access concerns for the right-of-way on Ocean Street.

Mr. Colwell discussed the Conservation Commission's four conditions on their recommendation of approval, which were that 1) any proposed work in the right-of-way on Town land or areas subject to easements or use/access require approval by the Town Select Board; 2) minimum spacing of 3/8 to ½ inch between block pavers; 3) maintenance plans and schedule be in place for maintaining the permeability of the driveway, walkway, and patio block pavers; and 4) consideration of gutters or stone drip edges with perforated pipe to drain into the permeable patio block pavers and/or drywell. He showed where there will be a stone drip edge along one side of the garage and two sides of the house. Mr. Colwell provided a vulnerability assessment showing projected sea water levels, which is required by DES. In the year 2150, the Rockingham Planning Commission projects that the mean high water will go up to elevation 8.7 feet, which will be well beyond the property. He estimates that the mean high-water level will be 24 feet off the property line in the year 2150.

Mr. Colwell provided a maintenance outline schedule for how to best take care of the pervious pavers to ensure they continue to be permeable as designed. He also gave detail on the proposed drywell, which will handle water from the spa. The spa will be seven feet by 13 feet and will be salt water. There will be an underdrain going from the spa into the drywell.

Romy Maurer of Terrain Planning & Design discussed the proposed plantings within the 100 foot buffer. The proposal calls for native plantings with multilayers to create a diverse ecosystem. The walking path that provides public access to the beach is proposed to be flanked by landscaping to make it more natural. She provided a planting list with pallet. Ms. Maurer commented that the overall landscaping will be much better aesthetically and ecologically. Chair Horgan asked about planting plan L-2.1. Ms. Maurer explained that this is a future concept plan. Chair Horgan said that this would not be within the Planning Board's purview and should not be in the plan set that the Board is considering. Chair Horgan also asked about the fully developed environmental impact assessment that was referenced in the minutes of the May 19, 2026 ZBA meeting. Mr. Colwell responded that this is part of the wetlands application that goes to the NHDES.

There was extensive discussion around the proposed firepit. The patio at its widest edges would be 24 feet by 22 feet, with a 12 foot radius. It would be 48 feet from the highest observable tide line. The total area of the proposed firepit patio and steps is 511 square feet. Mr. Colwell stated that the State allows 7.5 square feet of accessory structure for every foot of shoreland frontage. The proposal would be under that threshold. The firepit patio would be very close to the existing grade, and the two retaining walls behind the firepit would help with the grading. Chair Horgan felt that the firepit would be hardening a very large area very close to the resource. The two proposed pillars for wood storage would also be adding structures just outside the 50 foot buffer. She does not feel that such a land disturbance right on the 50 foot buffer line is within the spirit of the ordinance, nor does it meet criterion a) in Section 9.2.5.2. She believed that there are other places on the property where the firepit could be located.

Mr. Colwell respected this feedback and asked if the Board would be more amenable to pulling it outside of the 50 foot buffer and reducing the size. Mr. Taylor shared Chair Horgan's concerns and said that the firepit would be a significant departure from anything else along the beach. He asked about moving the firepit further back to be on top of the leach field. Ms. Armstrong commented that this would eliminate some of the lawn area that they wanted. She asked if the Board would be more receptive if a different material, such as pea stone gravel, be used for the patio. Mr. Taylor felt that this would still be a lot of disturbance for the construction of the patio. Members agreed that a solo stove firepit in the same location but without a patio and on lawn only would be a much better alternative to what is proposed and would not require Planning Board approval.

Chair Horgan opened the public meeting at 9:15 p.m. Steve Cook, 17 Sea Breeze Lane, said that the plan is beautiful and will compliment the area nicely. He noted that the only way he can get some service equipment into his backyard is via the longstanding access provided by the right-of-way. The plans show that that would continue to be observed, so he is fully in support of the application. Cliff Gilman, 28 Ocean Street, asked about the stone wall that will be moved to be parallel to Ocean Street. Mr. Colwell explained that the wall at its widest point of distance is currently six feet from Ocean Street, and they are proposing for it to be one foot. Hearing no further comments from the public, Chair Horgan closed the public meeting at 9:19 p.m.

Chair Horgan stated that she could not vote to approve the firepit with the current design. She asked about the retaining wall around the proposed septic system. Mr. Colwell said that it is needed because of the grade change. The Board did not have an issue with this or with the retaining wall that is within the 100 foot buffer along Ocean Street. However, the proposed plantings on the corner of the property in the right-of-way would require Town Select Board approval.

Chair Horgan went through conditions a) through g) of Section 9.2.5.2. When considering the plan without the firepit, associated patio and wood storage, members unanimously agreed by a vote of five to zero that conditions a) through g) have all been met.

Mr. Taylor motioned to approve the Conditional Use Permit application of TF Moran on behalf of owner James P. Rosenfield Trust, 40 Ocean Street, Tax Map 13, Lot 18, per the Conceptual Restoration Landscape Plan submitted to the Planning Board at its meeting on July 22, 2026 and hand titled by the Chair as "Landscape Plan 01" by Terrain Planning & Design. This approval encompasses only the following improvements as labeled a) through c) on Landscape Plan 01:

a) proposed lawn space
b) proposed septic system
c) proposed leach field

In addition, the Planning Board approves the wall that runs parallel along Ocean Street that is within the 100 foot buffer area and that terminates at the existing paving as shown on Terrain Planning & Design plan dated April 27, 2026.

The Planning Board does NOT approve the following sections labeled d) through g) on Landscape Plan 01:

d) proposed patio space
e) proposed wood storage
f) redesigned asphalt access
g) proposed maintenance path access

This approval is conditioned upon the following:

- *Pre-approval by the Town Select Board for any landscaping and any work within the Town's right-of-way or within the area of public pedestrian access*
- *The Applicant receiving all local, State and Federal permits as may be required*

Approval is based on the Applicant having met all criteria for a Conditional Use Permit under New Castle Zoning Ordinance 9.2.5.2. Mr. Legere seconded. Motion carried unanimously by a vote of five to zero.

5. Approve minutes to the June 24, 2026 meeting of the Planning Board.

Mr. Springer moved to approve the minutes as written for the June 24, 2026 meeting of the Planning Board. Mr. Legere seconded. Motion carried unanimously.

6. Old Business.

None.

7. New Business.

The next Planning Board meeting will be held on Wednesday, August 26, 2026 at 7:00 p.m. at the Macomber Room, 301 Wentworth Road, New Castle.

8. Adjourn.

There being no further business, Mr. Legere moved to adjourn the meeting. Mr. Jones seconded. The motion carried, unanimously, and the meeting adjourned at 9:47 p.m.

Respectfully Submitted,

Meghan Rumph
Recording Secretary