

Approved: August 26, 2015

**NEW CASTLE PLANNING BOARD
Wednesday June 24, 2015 7:00 PM**

1. Public Hearing for Applicant John Cottom for a Conditional Use Permit, 110 Beach Hill Road, Map 10, Lot 29 for the demolition of an existing home and construction of a new single family home and replacement of the existing septic system within the 50 foot buffer zone.

Board Members Present: Darcy Horgan, Chair Lorn Buxton, Kate Murray, Dave McArdle, Margaret Sofio

Members Absent: Tom Hammer, Alternate

Also Present: John Cottom, Steven Ricker, Ambit Engineering, Ben Auger, Auger Builders, Terrance Parker, Terra Firma Landscape Architects, Brendan McNamara, McNamara Architecture, John Chagnon, Ambit Engineering.

Chair Horgan opened the meeting and stated that Tom Hammer, new alternate member of the Board, would not be present for this meeting, but welcomed him to the Board.

Chair Horgan opened the Public Hearing.

John Chagnon of Ambit Engineering began the presentation on behalf of property owner, John Cottom. He presented members of his team who were present, including the builder, landscaper, architect and owner. He indicated the intended home is a replacement home at 110 Beach Hill Road. The property borders wetlands on the north. He referred to plans showing the 50' wetland buffer which they will be interrupting. He noted they would be putting in a new advanced septic treatment system which would improve the area environmentally. In response to questions from the Board regarding the existing septic system, the Board and Mr. Chagnon reviewed the submitted septic plan, showing both existing and proposed systems.

Mr. Chagnon reviewed the plan set. Kate Murray asked him to explain the denoted wetlands. Mr. Chagnon pointed out that the tidal wetland was marked in in blue, with Class B in pink. Chair Hogan questioned the 1995 variance, and Mr. Chagnon explained there had been a lot line relocation allowing a walk to ocean access.

Dave McArdle questioned Note 8 on the plan. Mr. Chagnon explained that the area was part of the Ciandella lot, which was originally part of Beach Hill Road. It

provides access to the Cotton lot. Also another neighbor has access. It is actually an old roadway.

Mr. Chagnon next addressed the layout plan, showing the proposed home with setbacks listed. Margaret Sofio asked about the footprint and if the main structure was actually decreasing. Mr. Chagnon stated there was an increase in the porch steps and decks of approximately 600 square feet. Overall the proposed area is less than what is currently there.

Chair Horgan asked about the original square footage. Architect Brendan McNamara stated the original structure with pool, decks and steps has a total square footage of 7,000 square feet. The total square footage of the proposed home is 5300 square feet which is 1700 square feet less than the current structure. This is shown on the submitted plans. Chair Horgan noted that the effect of the proposed plan is to take a non-conforming structure and make it less non-conforming. It is an improvement from the original structure.

Further discussion included explanations of the decks, steps, driveway and walkways, with Mr. Chagnon indicating the walkways are pervious. Mr. McNamara noted that the potential sites for the septic system were very limited. Margaret Sofio stated that the location of the septic is almost out of the 50-foot buffer zone, noting that the septic will be less non-conforming.

Discussion turned to the question of the use of heavy equipment within the 50' buffer zone condition as recommended by the Conservation Commission. Mr. Chagnon expressed concern over the final decision of the Commission; particularly Condition No. 3. He pointed out that obviously his team is not taking the house down "brick by brick", and that this condition of no heavy equipment at all within the buffer is unduly restrictive. The team did agree to remove the invasives by hand, and believed the restriction of heavy equipment was limited to the removal of invasives, not demolition of structures. Planning Board members present for the prior Conservation Commission meeting recalled that the intent was to limit heavy equipment only to the removal of invasives. Lorn Buxton questioned Mr. Chagnon as to when he received notice of the Commission's decision, and if they tried to contact and clarify the restriction. Mr. Chagnon stated it was dated June 2nd which he received on the 22nd, and had not contacted the Commission. He noted the minutes of the Commission are not yet posted. Chair Horgan and Lorn Buxton discussed the authority of the Planning Board to determine the outcome of this heavy equipment issue, concluding the effect of the Commission's decision is advisory only. Mr. Buxton agreed with the Board's authority, however he stated he would prefer to give professional courtesy to the Commission and give them the opportunity to clarify the heavy machinery issue.

Mr. Chagnon highlighted a provision in the Town Zoning Ordinance (9.2 5 2i) regarding performance security, and suggested bonding the project. Further discussion concerned protections during construction, including assurances from

the team that silt socks would be installed before any earth moving activities. The conclusion of the Board was the heavy machinery restriction was really related to the removal of invasive species.

Mr. Chagnon proceeded to address Plan C-3, which included the grading plane explanation. Architect McNamara explained about pool removal and fill and grade. In response to Chair Horgan's question about the drip edge, landscaper Terrance Parker explained about catching rain run off and how the water would be put back in the soil. There will be a 100% permeable skirt, made of crushed stone. It is designed to catch everything off the roof and is an infiltration trench. Chair Horgan noted that the Conservation Commission was satisfied with this plan.

Discussion turned to the matter of septic maintenance. Mr. Chagnon distributed the maintenance agreement and noted the septic would be inspected every two years. Chair Horgan asked for clarification about potential failure of the system and how the inspection process worked. Mr. Chagnon noted that both the NH DES and the Shoreland Protection Board had approved the septic plans.

Landscaper Terrance Parker explained his plan concerning the different types of plants which included the planting of dogwoods, red cedars, native grasses and native plant materials. He stated they would preserve the three big oak trees on the property.

Chair Horgan next addressed the property owner and read to him a 2012 provision in the ordinances prohibiting the use of pesticides and certain fertilizers which he acknowledges. Mr. Cottom expressed he and his family's desire to be sustainable and environmentally appropriate. They wish to be good neighbors and participate in the community.

Chair Horgan closed the public hearing, and the Board began its discussion. After Margaret Sofio made a Motion to Approve the Conditional Use Permit with conditions, Mr. Buxton stated that while the Planning Board has the authority, he wanted the Conservation Commission to correct their decision. He offered an amendment to the proposed ***Motion "to condition any approval upon an amended recommendation from the Conservation Commission to resolve any differences between the minutes and the recommendation."***

Chair Horgan called first for a vote on Mr. Buxton's amendment. Motion failed 4-1, with Chair Horgan, Margaret Sofio, Dave McArdle, and Kate Murray voting in the negative, and Mr. Buxton voting in the affirmative.

The Board then considered the original Motion:

Motion to Approve the Application of property owner John F. Cottom, of 110 Beach Hill Road, Map 10, Lot 29 for a Conditional Use Permit to demolish the

existing home, construct a new single family home, and replace the existing septic system subject to the following conditions:

1. Adherence to the terms of the residential septic maintenance contract, as detailed in the document from Advanced Onsite Solutions LLC, dated May 28, 2015.

2. All invasive plantings shall be removed by hand.

3. No heavy equipment to be used within 50 feet of the buffer zone of the wetlands as it applies to the removal of the invasive plantings.

Motion was seconded by Planning Board Member Kate Murray. Motion carried, 4-1, with Chair Horgan, Kate Murray Margaret Sofio, and Dave McArdle voting in the affirmative, and Mr. Buxton voting in the negative.

2. Minutes of May 27, 2015.

Margaret Sofio noted the following change in the minutes of 27th: In Paragraph 6, Line 40, change “assessed” to “accessed”. Dave McArdle made a Motion to Approve the minutes of the May 27, 2015 meeting of the Planning Board as amended. The Motion was seconded by Kate Murray. Motion carried.

3. OLD BUSINESS. – None.

4. NEW BUSINESS. – None.

5. CORRESPONDENCE-None.

There being no further business to come before the Board, Chair Horgan called for a Motion to Adjourn, which was made by Dave McArdle, and seconded by Margaret Sofio. Motion carried.

Meeting adjourned at 8:33 PM.