

Approved: April 22, 2015

New Castle Planning Board Meeting
Wednesday, March 25, 2015

The February 2015 meeting of the New Castle Planning Board was Cancelled.

Continued public hearing for Applicants Christine Strong and David Murphy, owners, 25 Piscataqua Street, Map 18, Lot 41, submitting an application for a permit to construct a paved driveway on the right side of the house.

Conditional Use Permit for Applicants Patience and Tom Chamberlin, owners of 49 Riverview Road, Map 16, Lot 15, to remove existing home to its foundation, along with existing decks and outbuildings, and replace with a new home and one story garage within allowable setbacks.

Conditional Use Permit for Applicants Sharon and Kurt Dobbins, owners, 190 Wentworth Road, Map 10, Lot 3 to construct a terrace and supporting retaining wall within the 50' setback from Lavenger Creek.

BOARD MEMBERS PRESENT: Darcy Horgan, Eric Katz, Kate Murray, David McArdle, Margaret Sofio, Lorn Buxton

OTHERS PRESENT: Larry Gormley, Christine Strong, David Murphy, Keriann Roman, Linda Zacher, Rita Fusco, Justine R. Colliton, Katie Colliton, Eric Weinrieb, Sarah Flause, Mary Harte, Justin Richardson, Ann McAndrew, Michael H. McAndrew, Phil Fusco, David McArdle, Nancy McArdle, John Chagnon, Marcia and Bill Cronin, Andrew Moore, Rick and Lisa Mauor, Paul Bonacci, Lucinda Schlaff, Kurt Dobbins

Chair Horgan called the March 25, 2015 meeting of the New Castle Planning Board to order at 7:01 pm. She noted that the voting members for the application for 25 Piscataqua Street, Map 18, Lot 41 will be herself (Chair Horgan), Margaret Sofio, Lorn Buxton and Kate Murray. She reported that Planning Board members Dave McArdle and Eric Katz are recused as they are abutters to the property that submitted the application.

Larry Gormley, the attorney for Christine Strong and David Murphy noted that the applicants have no objection to the Planning Board members that are abutters sitting as voting members for the public hearing and requested that they be able to sit and vote on their application.

Chair Horgan conferred with the two recused Planning Board members and asked if they felt able to vote on the application as they were not provided the most up to date packet of information.

Eric Katz noted had he known ahead of time he would have prepared by reviewing the materials more thoroughly and therefore feels he is not prepared to sit and vote on the application this evening. He said he prefers to recuse himself.

Dave McArdle noted he had read the files completely. However, in the future his sitting and voting on the application could be construed as a conflict, therefore he prefers to recuse himself.

Chair Horgan elevated alternate member, Margaret Sofio to a voting member in place of Eric Katz, for the review and vote on the application regarding 25 Piscataqua Street, Map 18, Lot 41.

1. Continued public hearing for Applicants Christine Strong and David Murphy, owners, 25 Piscataqua Street, Map 18, Lot 41, submitting an application for a permit to construct a paved driveway on the right side of the house.

Christine Strong (applicant) spoke to the board and said that this has been a difficult position to be in. She said she and her husband bought the house two years ago hoping to make it their home. Ms. Strong said what began as a simple administrative process of obtaining a permit for a driveway exploded to epic proportions. She said they tried hard to work collaboratively and fairly with those willing to work with them and said they are grateful to those who gave their time. Ms. Strong said there has been a lot of miscommunication and said she is hopeful that will be cleared up this evening. She said she hopes the Planning Board will remain objective despite the fact that there are friends and close colleagues in the room.

Mr. Gormley began his presentation on behalf of Ms. Strong and Mr. Murphy. He said that they purchased the house two years ago after researching that they would need no variances to renovate the house and obtained assurances from the New Castle road agent, Steve Tabbutt, that repositioning the driveway would be no problem. He reported that on the eve of pulling a permit, they were told they needed to apply to the Selectboard for the permit. Mr. Gormley said his clients appeared before the Selectboard and were told to return, and that the board had concerns about blasting. He said when they returned for the next meeting to discuss the blasting; they were told that the Selectboard had learned they were not authorized to issue driveway permits. It was after this that they were told to present to the Planning Board regarding the driveway permit. At that meeting they were denied the application. Mr. Gormley said that they went to court and filed an appeal of the Planning Board's decision. He said the court agreed that the process was flawed and told them to go back to the Planning Board for another hearing. Mr. Gormley said he obtained emails that suggested the Town file a motion for consideration. The Town's attorney, Keriann Roman, said that the Town moved to file the motion for consideration on her recommendation since she felt it was worth it. She suggested that the Chair not allow the current discussion to continue and Chair Horgan agreed, noting to Mr. Gormley that the purpose of the meeting is to hear an application for a driveway and that this discussion is veering off the topic and not relevant. She said that the board will honor their obligation to be objective and fair.

Mr. Gormley submitted the emails and documents into the record.

Mr. Gormley noted that they received three opinions from Town officials addressing the application (the Fire Chief, the Police Chief and the Road Agent). He said none of their opinions address safety issues involved with moving the location of the driveway, but state that the road where the property is located (Piscataqua Street) is very narrow and that parked cars on the road are an issue. Mr. Gormley noted that none of the three stated that relocating the driveway is in any way less safe than the existing driveway. He noted that the Fire Chief wrote that moving the driveway may be an advantage if ledge is removed and the street is widened somewhat at that point.

Chair Horgan noted that the letter from the Fire Chief stated that the advantage of widening the road would only be realized if the utility pole is relocated away from the road.

Mr. Gormley said that the Police Chief's letter indicated that in fifteen years there were five accidents on Piscataqua Street, and three of those accidents occurred on the section of the road that is two-way. He said the other two accidents involved property damage during parking issues. Mr. Gormley said the Chief's report to Ms. Patty Cohen stated that the telephone pole would need to be moved for safety; however the engineer reported that moving the pole would bring the wires in proximity to the Fusco property. Mr. Gormley said an extender can be used to keep the wires in the same position they are currently in (even if the pole were moved away from the road). He agreed that during the winter months snowbanks reduce the width of the road and inhibits passing safely. In the summer there are trucks and trailers which reduces the road in width and safety. Mr. Gormley said the Police Chief did not state the opinion that moving the driveway would cause a safety issue. He submitted the police reports into the record. Mr. Gormley said that the road agent, Mr. Tabbutt had been in favor of moving the driveway until recently when he expressed the opinion that during the spring, summer and fall months the road becomes congested which makes an already narrow road extremely dangerous. Mr. Gormley pointed out that all three officials agree the road is narrow, but none have articulated concern regarding relocating the driveway. He said the governing statute; 236:13 state that the location of the driveway shall be selected to adequately provide safety to the traveling public. Mr. Gormley said the engineer hired by the abutters has taken an issue with the sight line used by the traffic engineer. He said the sight line used by the traffic engineer is more conservative and represents a critical line of sight between operator and operator approaching from either direction. Mr. Gormley said the statute discusses vehicle to vehicle sight line not pedestrians and bicycles. He said the statute requires that if the Planning Board controls driveway access it shall adopt regulations as necessary to carry out provisions, and he does not believe that the Town has adopted regulations. Mr. Gormley said that subparagraph VI maintains continuing jurisdiction over all driveways. He said if the Fusco's driveway is safe then so too by definition is the proposed driveway for the Strong/Murphy's.

Chair Horgan asked Mr. Gormley which sections he believes apply to the decision the Planning Board is being asked to make this evening.

Mr. Gormley replied that subparagraph five is pertinent, by stating that New Castle has continuing jurisdiction over all driveways.

Chair Horgan asked if paragraph II applies in this case.

Mr. Gormley said he has no problem with adequately protecting the safety of the traveling public (which is what paragraph II states). He said there has been nothing that any Town official has raised that implicates safety in the moving of the driveway. He said the abutters civil engineer stated concerns, but the Town has not documented any concern with safety by moving the driveway. He said the only issue they have raised is the slight narrowing of the street and the applicants have said that they would remove two feet of ledge along the road to widen the road to make it consistent.

Chair Horgan asked if he is referring to removing a section of the ledge that is located in the right of way.

Mr. Gormley said they would remove the section of ledge that goes around the applicant's property if it is necessary. He noted that there has been much discussion regarding wrong way drivers on this one-way road. Mr. Gormley said to the extent that it is a concern for the driveway relocation, it is a concern for all on the street and said that the Fusco driveway is at a greater risk because it is located at the beginning of road and cars in that driveway are required to back out while cars in the proposed driveway will be able to turn around and head out nose first providing more sight line to the left. He said the Police Chief stated that the speed limit on the road is 15 mph and is a one-way street. Mr. Gormley said the proposed driveway dramatically increases the view of oncoming traffic. He said the vast majority of traffic comes from the right and the proposed driveway increases the sight lines of oncoming drivers and exceeds the stopping distance of 15 mph by hundreds of feet. Mr. Gormley said that sight lines to the left also comply with applicable standards. He said the sight line to the right, nose out, is 275 feet and to the left will be 78 feet. Mr. Gormley said there was some concern noted that it would not be possible to turnaround from one of the garages and head out of the driveway nose first, but if the design of the garage is changed to include one large garage door instead of two it will be possible for both cars to perform a three way turn and head out nose first.

Mr. Gormley displayed digitally altered photographs of how the driveway would look as proposed. He also displayed photographs of the existing conditions for the applicant and for the Fusco's driveways during winter conditions. Mr. Gormley displayed more photographs regarding the pole and the proximity to the driveway and examples of other driveways in close proximity to utility poles. He said that to the extent that the Planning Board has jurisdiction over property, if the close proximity of utility poles is a safety issue they have not addressed it on other properties; thus to single this driveway out for it is inconsistent. Mr. Gormley said the utility pole can be moved as the Town sees fit, the

road can be widened as the Town sees fit and any concern about the wrong use of the road can be addressed with better signage and road painting.

Stephen Pernaw of Stephen G. Pernaw and Company Inc. reviewed the traffic memo dated March 4th. He said he is representing the Murphy's, and he specializes in traffic and transportation matters. Mr. Pernaw said when he reviews residential driveways on local streets, the overriding factor is safety. He said there is always a risk when dealing with highways and moving vehicles. Mr. Pernaw said the primary indicator is crash frequency (how many crashes per million vehicles entering an intersection). He said, as a Professional Traffic Engineer, his primary objective is to reduce the number of crashes and their severity. He said he wanted to clarify what Attorney Gormley said regarding the widening of the road by removing ledge. Mr. Pernaw said the ledge that would be removed is within the existing right of way. Mr. Pernaw discussed the road width, the speed limit for the road, the existing ledge present on the edge of the road, the sight distance restrictions (large ash tree, row of hedges) of the current driveway. He noted that the existing driveway is narrower than the proposed driveway (11' to 12') and that the existing driveway has a retaining wall that prevents the driver from turning until the driver is past the retaining wall. Mr. Pernaw said he recommends having cars exit the proposed driveway in the forward direction and said that a hammerhead turnaround by the garage should be installed. He noted the sight distance when exiting the proposed driveway forward is 78 feet and that what restricts the sight distance is the corner of the house and there is sufficient sight distance for an errant vehicle driving at the posted speed limit. Mr. Pernaw said there is room in the driveway design for both cars to perform a three point turn and head out of the driveway nose first. He said an auto turn analysis was done and provided a graphic showing the vehicle path for turning. Mr. Pernaw stated his belief that the proposed driveway is safer than the existing driveway due to the sight distance looking to the right and that the proposed driveway is safer than the Fusco driveway (since their driveway requires backing out). He said his overall recommendation was to move the driveway, construct a hammerhead turnaround in order to exit forward.

Mr. Pernaw said the Altus Engineering letter notes the measurement used for the eyeball sight of 3 feet 6 inches is not the same as the measurement listed in the DOT manual (3 feet 9 inches). He said he instructed Ambit Engineering to use the 3 feet 6 inches measurement (which came from the ASHTO manual) and is the more conservative of the two measurements. Mr. Pernaw said that Altus said that he did not account for snow on top of the ledge; but he feels that if snow builds up on your property and restricts sight it is the property owners responsibility to remove the snow. He said that Altus does not feel that the 42 inch circumference tree restricts sight distance, but he disagrees. Mr. Pernaw demonstrated how the parking spaces in the proposed driveway would work so that both cars can pull out and turn around (the garage door needs to be one large door). He noted that he feels the 78 foot sight distance to the left is adequate and showed a photo displaying that the sight distance is enough for the proposed driveway. Mr. Pernaw said that the retaining wall near the existing driveway restricts turning, and this would not be an issue with the proposed driveway. He said that the line of sight to the left has been stated to be 25 feet; but he measured 78 feet as the minimum line of sight to the left. Mr.

Pernaw said it has been mentioned that there would be no visibility of the Fusco driveway from the proposed driveway; but he disagrees with that based on the view shown from the proposed driveway. He said the proposed location adequately protects the safety of the traveling public. Mr. Pernaw said there are improvements the Town can take if wrong way drivers are an issue.

Lorn Buxton said that the existing driveway has a 30 x 30 pad so cars can turn around and exit forward as is being suggested for the proposed driveway.

John Chagnon of Ambit Engineering referred to the site plans for the application (exhibit two), the existing conditions plan, the proposed site plan, the detail sheet and the driveway material sheet. He said he will respond to a letter dated March 20th from Altus Engineering and distributed a written response to the Board.

Mr. Chagnon said that Altus Engineering states that the 3.6 foot eyeball path is incorrect. He noted that the measurement is a more conservative measurement than the ASHTO standard. Mr. Chagnon said that Altus Engineering states that the proximity of the Fusco driveway creates a potential conflict that exacerbates the unsafe condition. He said the proximity does not impact the existing unsafe condition or create a conflict as his client's driveway will have a clear view when exiting nose forward. Mr. Chagnon said that the change to the driveway height will result in improvements by being able to see over the ledge which will also provide a better sight distance looking left. He noted that the rise in grade of the driveway is reflected in the current plan (3/15/15 plans).

Mr. Buxton asked what the elevation difference is between the driveway and the top of the ledge.

Mr. Chagnon responded that 3 feet 9 inches is the difference. He said they have made a change in the submitted exhibit tonight and that is to propose taking out additional ledge up to the property line (within 6 inches) and allowing the snow conditions to be addressed. He said that will provide 78 feet sight distance with 9 inches of snow on top of the ledge.

Chair Horgan asked if the site plan is being revised and adding removal of more ledge and if the ledge on the Fusco property is lower than the proposed height of the ledge on his client's property.

Kate Murray noted that the original plan left a wall of 3 feet 9 inches and the revised plan shows 3 feet 3 inches.

Mr. Chagnon said the ledge on the Fusco property is lower. He said the pedestrian sight distance looking left is 78 feet and that the constraint is the horizontal location of the Fusco residence. He said the plan is achieving the maximum available sight distance under this proposal, and it is adequate. Mr. Chagnon said the vehicle sight distance would be much greater since a vehicle is larger and in the street further.

Chair Horgan asked what the sight distance would be for a bicyclist traveling in the middle of the road.

Mr. Chagnon responded that it would be approximately 100 feet.

Mr. Chagnon continued that Altus Engineering said the ash tree does not block the sight line of the current driveway and that relocating the utility pole is not possible. Mr. Chagnon said relocating the utility pole is possible if a standoff wire pole is used (there is one of these poles on Marcy Street). Mr. Chagnon noted that Altus Engineering's opinion regarding the turning maneuver of the proposed garage is contingent on the use of two garage doors which the applicant has said can be replaced with one garage door. Mr. Chagnon said that the previous Ambit engineering site plan showed the sight distance to the left of 25 feet. He noted that measurement was with the proposed driveway design prior to the change in the driveway height (which results in increased sight distance).

Kate Murray noted that best practices suggest using a 17 foot turning radius when modeling a turning arc and Mr. Pernaw used a 13.75 foot turning radius in his modeling.

Mr. Pernaw said they have shown that the turn is possible with the Ambit design.

Ms. Murray said she is concerned that the turning arc is close to the opening of the garage door and she questions if a car will be able to get out of the garage.

Mr. Pernaw said that the diagram demonstrates that it is possible.

Mr. Chagnon said the Board could approve the plan conditioned on the turnaround working appropriately.

Chair Horgan said she has attempted what is suggested in the diagram and it is not possible (even with a small car). She said the rule of thumb is 25 to 30 feet and the building inspector uses 28 feet. Chair Horgan said it was not possible to turn around within 20 feet and since Mr. Pernaw's report is based on a car going forward out of the driveway this is critical. She said a car would need to do a three point turn to get nose out first from the driveway.

Mr. Chagnon said the comments are based on a car exiting the driveway nose first.

Chair Horgan asked if the proposed driveway will increase drainage and/or increase flooding in basements in other homes in the area.

Mr. Chagnon said there is a slight increase in grade from northwest to southeast. He said the proposed design takes the driveway area that exists and repurposes it into a drainage retention device as a rain garden to mitigate runoff from the proposed addition and clean it before it gets to the street.

Chair Horgan asked if runoff from the proposed driveway will be going into the rain garden.

Mr. Chagnon said that the driveway will pitch back to the street and run along the street. He said that runoff from the addition and the back half of the property will go to the rain garden.

Chair Horgan asked if any of the runoff will affect the house across the street.

Mr. Chagnon said that the runoff will not travel in that direction.

Margaret Sofio asked if there have been any studies regarding lines of sight with cars backing out of the proposed driveway (since there is concern about the ability to turnaround easily and no guarantee that people will not back out of the driveway).

Mr. Pernaw replied that all studies were done based on cars exiting the driveway nose first.

Chair Horgan said that the current design is for two cars and asked what would occur if there were a third car in the driveway.

Mr. Pernaw said there is room in the pavement area to reverse direction for a third car.

Chair Horgan said there is a chance to do something the right way and noted that since the driveway is being re-planned perhaps there could be a bump out included for a third car turnaround. She asked where the snow will go when it is removed from the driveway.

Mr. Chagnon said the snow would be pushed to the back and sides of the driveway.

Chair Horgan asked that where the snow stacking will occur to be put on the plan.

Mr. Chagnon said he does not know if that is appropriate; he said they can consider that.

At 9:12 pm Chair Horgan opened the meeting up for the public to speak to the board. She asked that they restrict their comments to the safety of the proposed driveway.

Justin Richardson of Upton and Hatfield in Portsmouth NH said he was speaking on behalf of the Fuscus.

Mr. Richardson noted that the figure of 25 feet sight lines came from the plan that was submitted last May from the applicant's engineer. He said the court said the purpose of the hearing is to decide if 25 feet was a safe distance or not, but they learned today that the applicant is now saying that the sight line is 78 feet. He said the applicant has changed their plan and changed their analysis. Mr. Richardson said when he looks at the proposal he is surprised; the new design from Ambit Engineering shows cutting into the ledge up to the Fuscus' driveway and removing pieces of their property. He said the

Fuscus have the right to maintain their property, and removing ledge will only affect the driveway not the traveling public or the road. Mr. Richardson said that Mr. Pernaw's analysis did not take into account snow, which is significant. He said RSA 236:13 says a driveway permit has to establish grades that adequately protect and promote highway drainage in all seasons. Mr. Richardson said that all photos looking to the left and stating a 78 foot sight line shows no snow. He said the plan needs to be prepared for actual conditions not ideal conditions. Mr. Richardson said that Attorney Gormley said that there were no safety concerns identified from town officials; but their letters do speak to safety. He said that Mr. Tabbutt said, due to the narrowness, he is not recommending the driveway be relocated since the road is narrower at the proposed site. Mr. Richardson said the statute says the driveway needs to be selected to most adequately protect safety of the driving public. He said that vehicles do go the wrong way on this road and if that makes the proposed driveway less safe, the Board must have the driveway stay in its current location. Mr. Richardson said that the Fusco driveway is blind to oncoming traffic due to the building that is there, so when the Fuscus pull out of their driveway, they need to look at and deal with the ledge situation; if another situation is added by the proposed driveway it will make the Fusco driveway less safe. He said that the revised exhibit shows clearing within one foot of the Fusco property line and the removal of additional ledge to achieve the 78 foot sight line distance. Attorney Richardson said there are very narrow lines of access, and if there are guests or snow, the turning assumption most likely will not occur. He said there is no evidence to suggest that vehicles will be traveling at 15 mph, and it is more likely that they will need a stopping distance for 20 or 25 mph which would be 115 to 155 feet. He noted that the ash tree that has been discussed as a sight barrier for the current driveway has major limbs that are dead and most likely does not have much life left in it. Mr. Richardson noted that they were not aware that a new plan was being submitted (which is unfair to the abutters) and they believed coming into the meeting this evening that they would be discussing the safety of the 25 feet of sight line. He presented a photo of the street with a car driving the wrong direction and noted that the Fire Chief reported seeing an oil truck driving in the wrong direction on the road. Attorney Richardson said all the reports and statistics did not account for vehicles traveling in the wrong direction.

The members discussed where the removal of the ledge is proposed. Mr. Richardson said the contour lines show the removal of ledge and lowering of the ledge up to the Fuscus' driveway and property.

Mr. Chagnon said the line on the plan does show the removal of ledge on the Fusco property. He said that is incorrect and they are not planning to do that, but have said it is a possibility that can be done if the Town wishes to widen the road at that point to make it 18 feet wide.

Eric Weinrieb from Altus Engineering said that there has been a lot of testimony so he will be brief. He noted that testimony from two qualified and respected professionals has been heard. Mr. Weinrieb said his initial report has been reviewed by Mr. Pernaw and Mr. Chagnon and they presented new information this evening in an attempt to address his comments. He said his concerns are that as the garage is presented it does not

appear that a vehicle can drive in and drive out in a single motion; while if the driveway were to be on the other side of the house there is more room which would make the turn an easier matter. Mr. Weinrieb said there has been conflicting information regarding snow storage; he said the applicants have discussed view if nine inches of snow is added but in New England the level of plowed snow is much greater than that and it is more appropriate to add three feet of snow storage. He noted that when the sight lines were re-evaluated the applicants suggested removing 1.6 feet of ledge up to one foot away from the Fuscos' property. He said it is a difficult task to do and they cannot remove ledge on the Fusco property. Mr. Weinrieb said when there is two feet of snow storage in front of the Fusco home there is a clear issue with the sight line of the proposed driveway. He noted that he also has issues with the driveway sight exhibit plan submitted today. Mr. Weinrieb said that the applicant's plan has the driver in the right side of the car (the analysis point is incorrect); when the driver is in the correct position it puts the driver closer to the ledge and makes it harder to see. He said the images are not an accurate representation of what a driver will see from the proposed driveway. He said it is also confusing from the presentation what is being submitted and what is not being submitted this evening by the applicant. Mr. Weinrieb said that there has been discussion of grading on both properties; which will not occur on the Fusco property. He noted that there are clearly pedestrians and cyclists that will travel in both directions and by moving the driveway closer to the Fusco property (with restricted sight distance to the left) it creates a less safe situation than the existing driveway.

Chair Horgan said there was mention of vegetation on the ledge on the Fusco property.

Mr. Weinrieb said the area in front of the ledge is not paved so there could be vegetation there and that would restrict the sight line as well.

Chair Horgan asked if without snow and vegetation if Mr. Weinrieb believes there is only 25 feet of visibility.

Mr. Weinrieb said the sight line is not in the right location; and in the summer with no vegetation it would be greater than 25 but not 78 feet (since the analysis not done correctly and the driver's eye is not in the right location – should be one to two feet to the left). He said that Mr. Pernaw's report has two photos attached looking left that does show vegetation in the area by the pinch point.

Chair Horgan asked Mr. Weinrieb if he has any issues with the current location of the utility pole.

Mr. Weinrieb said he has no problem with the location of the pole as it is now. He said he reviewed the auto turn analysis and determined that you can get around the pole. Mr. Weinrieb cautioned that if ledge is removed it may disturb the pole and may require that it be reset.

Chair Horgan asked if his analysis would change without the presence of snow.

Mr. Weinrieb said it is difficult to say. He said it does not take much to change the situation.

Attorney Richardson said there is a typographical error in the Request of Findings on page 5, paragraph 11C; it should read “does not meet instead of not exceed”.

Mr. Phil Fusco of 33 Piscataqua Street said they have grandchildren and great grandchildren who visit them, and noted that the sight line of vision usually refers to an adult. He suggested that it would be much more difficult to see a small child or to see a small child on a small bicycle. Mr. Fusco said the Murphy’s are responsible; but there is no way of predicting who will purchase the home after them and how responsible they will be. He said the existing driveway allows for a turnaround and for cars to head out front wise. Mr. Fusco said he is concerned about the storage of snow in the proposed driveway and said that the intent this evening is to decide where the safest place for a driveway is. He said the existing driveway is by far safer and allows for more storage area for snow and for the opportunity to turnaround while the proposed driveway has issues with the turnaround and the storage of snow.

Craig Strehl, an abutter of the applicant’s, said he would like to read a letter he wrote into the record. In part the letter asks how many near misses, car wrecks or incidents have been reported to the police in the area where the proposed driveway is to be constructed.

Peter Tarlton, 15 Piscataqua Street said he supports the proposal. He noted that he served as an alternate to the Planning Board, and in his tenure with the Board he only observed one rejected application. He said he lives on Piscataqua Street and has observed the flow of people and vehicles. He noted that traffic slows in the area to enjoy the river view. Mr. Tarlton noted that the road slopes uphill to the proposed driveway offering even further speed reduction. He noted that the Police Chief has reported only five minor accidents over 15 years. Mr. Tarlton said the applicants are willing to work with the Town on the proposal.

Margaret Pesce said she came to the meeting because she is concerned about safety. She said in 15 years there have only been five incidents (and three of those were by the Yacht club) which means there have only been two minor incidents in the area being discussed.

Ann Tarlton, 15 Piscataqua Street said with respect to the turnaround; it should be possible to blow snow into the backyard and off of the turnaround area.

Pam Cullen, 11 Becker Lane said she has lived on Piscataqua Street for over 60 years and the traffic has changed in that time. She noted that the UPS driver consistently goes the wrong way on the street and she has reported him to the Police. Ms. Cullen said driving the wrong direction on the road has been an increasing problem over the years; that needs to be taken into consideration.

Bill Cronin, Fire Captain said he has driven fire engines on every street in town and the primary concern is to safely get to the scene, perform their duty and get everyone back.

He said he has driven on Piscataqua Street in fire apparatus and he has no safety issues on the street.

Nancy McArdle, abutter of the applicant, said she is a New Castle walker and noted that she frequently walks the streets of New Castle, including Piscataqua Street. She said the Murphys were willing to work with the Historic District Commission, and when they met with the Planning Board safety issues were a concern. Ms. McArdle said she has noted that some properties on the street have two driveways; one on either side of their house, some have blocked views and many driveways have utility poles at the end of their driveways. She said the proposed driveway is not creating any new safety issues and is safer than many driveways since it is designed for cars to exit headfirst. Ms. McArdle said she hopes that the Planning Board works with the applicants to design the property in a manner that works with the Town guidelines.

Holly Biddle said the issue is safety. She said she frequently sees little children coming down that street and there is a big difference between the Fusco driveway (which is on the upper side of the ledge) versus the proposed driveway.

Janet Sylvester read a letter from Jeff Riley noting that the issues are transparency and safety. The letter said that it is safer to relocate the driveway and the telephone pole and improve public safety. He said in the letter that he has heard no compelling evidence to the contrary.

Janet Sylvester, 25 Grist Mill Lane said the applicants are looking to renovate and make the property much more valuable. She said that will help to increase values of the properties along Piscataqua Street. She said she hopes the Town does the right thing moving forward.

VJ Strehl said it is distressing that the hearing has gone on for three and a half hours; noting there has been a lot of evidence but also a lot of theater but the question should be “is the proposed driveway safer than the existing driveway”.

Sarah Flause, noted that the existing driveway usually has cars exiting it nose first (not backing out). She said that walkers, bikers and cars regularly travel on the wrong side of the road (unfortunately).

Rita Fusco said there has been a lot mentioned this evening about the Fusco driveway when the hearing is for the proposed driveway by the Murphys. She said she has submitted a letter to the Planning Board. Ms. Fusco noted that they are full time residents of New Castle who have seen more of the traffic flow than others who are not present. She noted that there is currently congestion around the driveway and the curve, and that cyclists, dogs and pedestrians are typically not in the middle of the street but are usually closer to the shoulder of the road. Ms. Fusco also noted that there is traffic from the Yacht Club. She said she is aware that some dismiss their concerns as frivolous and trivial; but they are not. Ms. Fusco said their position is that they feel it is not a good or

safe plan and they feel that the property can be developed in a manner that protects safety for all.

Linda Zacher said she is not a New Castle resident but visits often and can attest to seeing people going the wrong way on the road on a regular basis (20 times within the last two months).

Ann McAndrew, 27 Steamboat Lane said they travel the wrong way on Piscataqua Road quite often (perhaps once every 20 days or so). She said the Fuscós' driveway is a pre-existing, non-conforming driveway that has been there since the 1920's. Ms. McAndrew said she is concerned with the water flow in front of the location for the proposed driveway (it goes downhill toward the drain). She said in the cooler weather the water becomes glare ice and is a hazard for driving and creates a cycle of freeze and thaw.

Chair Horgan reported that the Planning Board received a late letter from Cynthia Adams Thomas and read it into the record.

Rick Mauor agreed that the road is narrow, but it is a one-way road. He said the discussion should be focused on the proper flow of traffic on the street.

Chair Horgan closed the public discussion section of the hearing at 10:37 pm.

Chair Horgan asked if any of the board members had questions they would like answered. She said she would also like the members to state their concerns, feelings and thoughts on the project.

Lorn Buxton said it is unfortunate that the plan for the property involves moving the driveway; but it is their right to consider that. He said from a purely safety point of view it is hard to find an issue based on the experience with that property.

Margaret Sofia said she does not think the Fuscós' concerns are frivolous. She said the focus should be on safety and noted that the petitioners have presented quite a bit of evidence regarding the proposed driveway that it will not result in a huge safety problem. Ms. Sofia said she feels constrained by law to vote in favor of the application with certain conditions put in place. She suggested that a working session would have been helpful rather than this litigious forum.

Kate Murray noted that the members all worked very hard and that the Murphys are attempting to be good neighbors. She said the Board needs to decide if the driveway is safe. Ms. Murray said she has concerns about the size of the garage door and the turning radius; but she is inclined to support the proposal with conditions.

Chair Horgan said she appreciates everyone's input and hard work and is sorry that this application ended up taking this route. She said having the engineering studies answer questions that were not answered originally and addresses a lot of her concerns. Chair Horgan said her initial concern was the utility pole's location; but having both engineers

confirm that it is not a problem has been helpful. She said the visibility issues have been discussed greatly and the narrow road has been discussed as a factor but the entire road is narrow (not just at this point) and it is important that there have not been accidents reported in the last 15 years (reports have been minor). Chair Horgan said Piscataqua is a slow moving road due to the narrowness of the road and individuals exiting driveways cannot but help go slowly. She said she listened to the testimony regarding visibility and walked the road today. Chair Horgan said the visibility in the winter is the same poor visibility as it is in other parts of town; and while that cannot be ignored it should not drive the decision. She said the concern about The Fusco and the proposed driveway both exiting at the same time and colliding does not seem to be a real possibility. Chair Horgan said she does believe given the changes with the proposal there will be 78 feet of visibility for most parts of the year. She said her issue is the turnaround in the garage area because she feels the cars should exit nose first; so she feels it is critical that the area be redesigned so that cars will definitely come out nose first. She said she would also like a third bay for visitor parking. Chair Horgan said those issues could be handled in the redesign of the original plan.

Ms. Sofio said one condition should be to ensure that the Fusco property be protected; that none of the ledge on their property be removed and that plantings on their property be respected. She said it would be nice to provide notice to abutters before blasting occurs. .

Attorney Roman said the Board could make a condition that the applicant must comply with the State law for blasting (RSA 158).

Ms. Sofio said the approval should also be contingent on seeing a revised plan for the turnaround.

Attorney Roman said the Board can place a condition such as; “the garage and/or driveway hammerhead be redesigned to allow all cars to exit nose out”.

Chair Horgan said a third parking space to allow for guest parking that does not interfere with the turnaround area of the cars in the garage would be good.

Attorney Gormley said it would be problematic to require his clients to have a third parking space that is not required by anything else. He said it is not reasonable to require additional capacity and the expense to develop it.

The members agreed that they do not feel strongly about the third parking area as a condition.

The members agreed that as much ledge as possible should be preserved to provide additional snow storage.

Chair Horgan said it should be noted that the plans include the higher grade, that the existing driveway be removed and no longer used and that good practices be used as well as the abutters be notified of any blasting.

Kate Murray MOVED to approve the application submitted by applicants Christine Strong and David Murphy for 25 Piscataqua Street, Map 18, Lot 41 to construct a paved driveway on the right side of the house per Ambit Engineering's C2 plans dated 3/3/15 with the following conditions: 1) existing driveway is removed and no longer used; 2) all blasting must comply with RSA 158 and SAF-C and notice will be provided to neighbors; 3) ledge, land and plantings on abutter Fusco's property will not be removed or disturbed; 4) the garage and or hammerhead driveway will be redesigned to allow nose out exiting of the driveway by vehicles and 5) as shown on the plan dated 3/3/15 the driveway will be raised to the grade shown; this was SECONDED by Margaret Sofio and APPROVED unanimously.

2. Conditional Use Permit for Applicants Patience and Tom Chamberlin, owners of 49 Riverview Road, Map 16, Lot 15, to remove existing home to its foundation, along with existing decks and outbuildings, and replace with a new home and one story garage within allowable setbacks.

Chair Horgan opened the Public Hearing for 49 Riverview Road at 11:21 pm and announced that the voting members for the application would be Dave McArdle, Lorn Buxton, Darcy Horgan, Kate Murray and Eric Katz.

Chair Horgan said the application was heard by the Conservation Commission. She said she was at the work session and the formal meeting for the application. Chair Horgan said the Conservation Commission recommended approval of the application without a single condition.

Paul Bonacci from ARQ Architects presented for the applicants. He reported that the property currently contains an existing ranch house of about 2600 square feet. He said the application has been through the Historic District review with the proposed cape style home that was approved. Mr. Bonacci said they are proposing to rebuild the home on a slightly smaller footprint of 2500 square feet and to remove the decks and the small appendage that is closer to the river. He said they will be improving the setback to the river by removing all of the out buildings and replacing them with a smaller footprint and less impact on the river side. Mr. Bonacci said they are proposing a garage within the allowable set back and have reduced the lot coverage to 18.5%; reduced impervious surface from 26.5 % to 21%; and are replacing decks with native landscaping. He said they worked with the construction sequencing to limit the heavy work to outside of the 50 foot setback. Mr. Bonacci reported that all demolition will be done with a large excavator that will sit in the front of the existing home location and all the demolition debris will be pushed into the foundation area. He said that the cement will be poured from the front side of the house. Mr. Bonacci said the project has received approval from the Historic District Commission and the NH DES has approved the shoreland permit; the wetland permit is pending.

Dave McArdle said the Planning Board approval should be subject to the receipt of approval of the wetland application. He said that the engineering firm, Civil Works did a great job preparing the packet.

Eric Katz MOVED to approve the Conditional Use Permit for applicants Patience and Tom Chamberlin, owners of 49 Riverview Road, Map 16, Lot 15 to remove the existing home, along with the existing decks and outbuildings, and replace with a new home and one story garage within allowable setbacks per existing site plan and proposed new site plan dated 3/25/15 and grading plan for 49 Riverview Road with clarification that the existing foundation will be removed and replaced per the plans and subject to approval of the Wetland Permit application; this was SECONDED by Lorn Buxton and APPROVED unanimously.

3. Conditional Use Permit for Applicants Sharon and Kurt Dobbins, owners, 190 Wentworth Road, Map 10, Lot 3 to construct a terrace and supporting retaining wall within the 50' setback from Lavenger Creek.

Chair Horgan opened the Public Hearing for 190 Wentworth Road at 11:34 pm.

Chair Horgan reported that the Conservation Commission recommended approval of the final plan.

Terence Parker, of Terraform Landscape, along with Kurt Dobbins (owner) presented photographs of the property. They displayed the wetland line, showed where the proposed terrace would be and noted that the area currently has two septic chambers underneath it, so it is already impervious. Mr. Parker said that the entire site is within the 100 foot setback and the terrace is within the 50 foot setback. He said that the Conservation Commission had recommendations regarding the buffer zone and water drainage. Mr. Parker said it was recommended that the water from the terrace be directed to a rain garden, treated, and infiltrated. He said lawn will be removed and planted with native plantings, as well as all slopes will be treated with native plantings. Mr. Parker said there will be a low/no mow area which will be delineated by boulders being placed every 10 feet. He said the lawn is significantly reduced in favor of native grasses and the steep slopes will be converted to native plantings; storm water will be infiltrated to rain gardens surrounding the terrace.

Dave McArdle asked about a maintenance plan for the rain gardens.

Mr. Parker said ensuring that clogging does not occur is all that is needed for this size of residential rain garden.

Chair Horgan read the letter from the Conservation Commission regarding the project. She told the owners that their home is very close to the most prized wetland on the Island. Chair Horgan said the Conservation Commission is working on a special project to conserve and protect Lavenger Creek and they feel this project is an improvement to what

was originally built. She explained that problems exist when lawns are planted right up to the wetland and the lawns are then fertilized. Chair Horgan said it will be an improvement to have this buffer and it is important to the Board that this no mow be truly no mow with no treatment whatsoever.

Kurt Dobbins said he feels fortunate to be abutting Lavenger Creek. He said they have worked closely with the Conservation Commission to improve it and reduce the amount of lawn.

Eric Katz MOVED to approve the conditional use permit to construct a terrace and supporting retaining wall within the 50' setback from Lavenger Creek for the property located at 190 Wentworth Road, Map 10, Lot 3 subject to the Conservation Commission's conditions stated in their letter dated March 20, 2015; this was SECONDED by Lorn Buxton and APPROVED unanimously.

4. Review and approve minutes to the PB meeting on January 28, 2015

Kate Murray MOVED that the January 28, 2015 minutes be approved as amended; this was SECONDED by Eric Katz and APPROVED unanimously.

5. Old Business

There was no Old Business discussed at this meeting.

6. New Business

There was no New Business discussed at this meeting.

7. Correspondence

No Correspondence was discussed at this meeting.

8. Adjourn

Eric Katz MOVED to adjourn the March 25, 2015 meeting of the New Castle Planning Board at 11:49 pm; this was SECONDED by Dave McArdle and APPROVED unanimously.

Respectfully submitted by,

Sue Lucius, Secretary to the New Castle Planning Board