

# Approved: May 27, 2015

New Castle Planning Board  
Wednesday April 22, 2015  
7:00 pm

**Members Present:** Chair Darcy Horgan, Kate Murray, Lorn Buxton

**Members Not Present:** Eric Katz, David McArdle, Margaret Sofio

Chair Horgan called the meeting to order at 7:00 pm and announced that the voting members for the evening will be Kate Murray, Lorn Buxton and herself (Darcy Horgan). She noted that three voting members constitute a quorum for this Board. Chair Horgan said that Margaret Sofio, Eric Katz and David McArdle are out of town this evening and will not be present at the meeting.

**1. Letter from Attorney Richardson of Upton & Hatfield requesting reconsideration of the vote taken by the PB on March 25<sup>th</sup> on the driveway application at 25 Piscataqua Street.**

Chair Horgan pointed out that while this is a public meeting, it is not a Public Hearing, and therefore no one from the public will be allowed to speak on the topic of the driveway application at 25 Piscataqua Street. She said it will be a discussion among the Planning Board members only. Chair Horgan noted that a request for reconsideration of the March 25<sup>th</sup> decision was asked for in a letter from Attorney Richardson. She explained that granting a request for reconsideration means that the board wants to reconsider its decision and needs to schedule another public hearing; while denying the request means the board stands with its decision. Chair Horgan noted that there is evidence on both sides and the question before the board this evening is "does the board stand by its earlier vote". She said she will ask both members present this evening to answer the question and then she would express her opinion on the request.

Chair Horgan asked Kate Murray if she feels that the board should grant the request for reconsideration of their March 25<sup>th</sup> vote.

Kate Murray said she does not feel the board should grant the request for reconsideration. She said she is content with her vote and feels the discussion addressed both safety issues and visibility issues. Ms. Murray said she is confident in her vote to grant the permit and is opposed to reconsidering the decision.

Lorn Buxton said he is not in favor of the board reconsidering its March 25<sup>th</sup> vote. He said there were a number of issues raised with extensive discussion. He said his academic training as a physicist makes him data-oriented and the overriding factor for him was the fact that there is extensive history on the lack of accidents on that street over the past fifteen years. He said he does not feel the new driveway will alter the overall safety in any significant way.

Chair Horgan said there was a lot of information presented to the board during the March 25<sup>th</sup> meeting. She said it was not an easy decision to make, but she wishes to be clear that RSA 236:13 was raised and discussed numerous times throughout the hearing, so it was not necessary to again site the statute during the board's deliberations. Chair Horgan said that Mr. Pernaw states that in his expert opinion, the reconfiguration of the driveway is the safest option, and the board in its approval made certain requirements (such as nose out exiting and raising the grade of the driveway) to ensure safety. She said the letter points out that the Fuscus were disappointed that the Planning Board did not discuss their concerns and that deliberation lasted only a few minutes. Chair Horgan noted that the Planning Board had received all the letters from the lawyers, experts and neighbors in advance of the meeting. She noted that she spent many hours studying the documents, revisited the site on her own several times and

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also with the building inspector with the new plan in hand, and drew up a list of questions for the experts who testified at the meeting. Chair Horgan said she did not arrive at the meeting with her vote as a foregone conclusion; rather she arrived wishing to hear the testimony from the experts and to have her questions answered. She said the members spent three hours hearing testimony which included the discussion of RSA 236:13, and at the end of the discussion she double-checked that all her questions had been answered. At that point she made up her mind about which way she would vote and what conditions she would like included in the approval. Chair Horgan said she listened to the engineering expert from Altus Engineering who said many of his concerns were addressed by the new plan. However, he had an issue in that the plan would not allow the driving in and turning around in one single motion. She agreed that this was an issue and made sure it was included as a condition of the approval. She noted that the question of snow storage was also discussed, and noted further that snow impacts all driveways equally and requires that all drivers exit driveways slowly. Chair Horgan said that bicyclists traveling in the wrong direction on the road are what concern her the most, as they are less visible than a car yet can travel at high speeds. During the snow season however, there is not the concern of bicyclists or tourists traversing the road in the wrong direction. She concluded that if there is an issue with drivers going the wrong way, the Town needs to look at ways to ameliorate that issue, not deny the application because of lawbreakers. Chair Horgan said that the members did make the following specific findings during the March 25<sup>th</sup> meeting, and these following points were taken from the minutes: Mr. Buxton noted that there were no safety issues with the driveway; Ms. Sofio referenced state law and the evidence noted on safety; Ms. Murray said her concerns of safety were addressed with the requirement to exit the driveway nose out; and Chair Horgan noted that the engineering study answered many questions that were left unanswered from the previous hearing, that the experts did not dispute that the utility pole is not a safety issue, that traffic is slow moving on the street due to the narrowness, that visibility in the winter is not unique to this street or driveway, that there is little chance of people exiting the Fusco driveway and the applicant driveway at the same time and colliding, that the visibility to the left was discussed at great length and will be 78 feet, that the new design will account for nose out exiting and provide for a higher grade to the driveway. She said given all of that information she does not feel that the board should grant the request for reconsideration.

*Lorn Buxton MOVED to deny the request for reconsideration of the March 25<sup>th</sup> vote on the driveway application for 25 Piscataqua Street; this was SECONDED by Kate Murray and APPROVED unanimously.*

2. Review and approve minutes to the PB meeting on March 25, 2015

Changes were suggested by the members.

*Lorn Buxton MOVED to approve the March 25, 2015 New Castle Planning Board minutes as amended; this was SECONDED by Kate Murray and APPROVED unanimously.*

3. Old Business

There was no Old Business discussed at this meeting.

4. New Business

There was no New Business discussed at this meeting.

5. Correspondence

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Chair Horgan said she received an email from Rich Landry on the MHT Building Committee. She asked if the members would like to have Rich Landry present an update on the school renovation to the members at the next Planning Board meeting.

The members agreed an update would be helpful and Chair Horgan said she would respond to Mr. Landry and ask him to attend the May New Castle Planning Board meeting.

## 6. Adjourn

*Lorn Buxton MOVED to adjourn the April 22, 2015 meeting of the New Castle Planning Board at 7:22 pm; this was SECONDED by Kate Murray and APPROVED unanimously.*

Respectfully submitted by,

Sue Lucius, Secretary to the New Castle Planning Board