

# Approved: November 18, 2015

New Castle Planning Board  
Wednesday October 28, 2015  
7:00 PM

**Public Hearing for applicant John McCormack, 41 Piscataqua Street, Map 18, Lot 41 for an additional driveway permit on the left side of the property as you face the property from the street.**

**Members Present:** Tom Hammer, Darcy Horgan, Lorn Buxton

**Members Absent:** Dave McArdle, Kate Murray, Margaret Sofio

**Others Present:** John McCormack, Lynn McCarthy, Tracy Degan

Chair Horgan called the October 28, 2015 meeting of the New Castle Planning Board to order at 7:02 pm. The voting members for the evening will be Darcy Horgan, Lorn Buxton and Tom Hammer.

Chair Horgan opened the Public Hearing for John and Wendy McCormack, 41 Piscataqua Street, Map 18, Lot 41.

1. Public Hearing for applicant John McCormack, 41 Piscataqua Street, Map 18, Lot 41 for an additional driveway permit on the left side of the property as you face the property from the street.

Mr. McCormack displayed the plan for the additional driveway being requested for 41 Piscataqua Street. He noted it is much the same as described at the last PB meeting. Ms. McCormack reminded the members that there are two houses on the lot; so there is a need for both driveways (one for each house).

Chair Horgan asked if there are four cars on the property and Mr. McCormack responded that there are four cars located on the property to be parked.

Public Comments regarding the application:

Ann McAndrew, 27 Steamboat Lane said that she is concerned about the safety on Steamboat Lane. She said she is concerned about the new driveway on 25 Piscataqua Street and the telephone poles located close to it. Ms. McAndrew said she thinks the McCormack's should have their driveway but requests that the Planning Board look at the safety issue on Piscataqua Street and the traffic issue.

Chair Horgan closed the Public Comment portion of the Hearing at 7:08 pm and asked the Planning Board members for their comments.

Chair Horgan responded to Ms. McAndrew, noting that her concerns are understandable. She said for this evening the Planning Board needs to look at the application for 41 Piscataqua Street and the concerns with that property.

Ms. McAndrew asked that Steamboat Lane be looked into and asked Chair Horgan to pass that request on.

Lorn Buxton said the property is a nonconforming lot with two houses. He said it creates a couple of issues; 1) with a driveway on each side of the front house and cars parked on both sides, it would block Fire Department access to the rear house; 2) because frontage is insufficient there is a situation with five driveways on that side of the street within 120 feet; which can create potential for congestion and safety issues.

Chair Horgan asked Mr. Buxton what his thinking is on this issue. He said past boards have allowed two houses on this lot.

Mr. McCormack said that at one point there were two separate lots.

Chair Horgan said the board is faced with the issue of two separate homes which typically calls for two cars each.

Mr. Hammer asked where the cars parked previously.

Mr. McCormack said they would park on the other side of the lawn next to the driveway and Ms. McCormack noted that the overflow would park on the front lawn.

Mr. Hammer asked if there is any reason why they cannot continue to park on the front lawn and access it from the current driveway.

Mr. McCormack said that is not feasible and they would more likely turn from the street onto the front lawn.

Ms. McCormack said there is ledge on the back left side of the property that would prohibit access there even without cars parked in the driveway.

Chair Horgan said there is no ordinance that prevents residents from parking on their lawn. She said if the Planning Board denies the application there is no ordinance that would prevent them from parking on their lawn.

Ms. McCormack said it is safer to tuck the cars into the left side than to park on the front lawn (some cars would protrude out from the front lawn). She said there will be language in their new tenant's lease for not allowing trailers or wood piles on the property. She said only two cars will be parked in the driveway and moved frequently (so there is no stacked parking).

Chair Horgan asked if they would consider restricting commercial vehicles with branding on them.

Mr. McCormack said he would prefer not to get that specific in a lease; but would make it known that commercial vehicles would not be allowed to park in the driveway.

Chair Horgan noted that the one driveway has cars parked further in the back; so a fire truck would be able to get down the driveway.

Mr. Hammer asked the owners if they currently back out of their driveway.

Mr. and Ms. McCormack replied that they do back out of their driveway.

Chair Horgan said that during the site walk she pulled her CRV into the driveway to check on visibility and found that visibility was not blocked.

Mr. Hammer agreed that the only thing blocking visibility is tall grass.

Chair Horgan said the site walk was revealing; she walked around the property, pulled the car in and did not see any issues with visibility. She said it is congested; but not unsafe. Chair Horgan said she also went to the property after a large storm to check drainage; and there did not seem to be any puddling issues. She said that snow clearing is piled in the front lawn.

Mr. Hammer asked if when the addition was done on the house if an additional driveway was discussed.

Mr. McCormack said they did not add anything to the existing building; they tore one down completely and added another one. He said an additional driveway was not discussed at that time.

Mr. Buxton noted that the project should have gone before the ZBA.

Mr. McCormack said they went to the building inspector who calculated all the lot coverages.

Mr. Buxton said the issue of the project is irrelevant now; but it made a nonconforming lot even more nonconforming.

Chair Horgan noted that the additional driveway will not increase congestion because it will function with the same amount of cars as are currently located on the property. She said that either the cars will park in the front on the grass or they will park in the new gravel driveway. She said she does not see the additional driveway as a great safety or visibility issue and she would be in favor of approving it.

Mr. Hammer said he agreed and noted that if there will be parking on that location there should be gravel there.

*Mr. Hammer MOVED to approve the driveway application for 41 Piscataqua Street, Map 18, Lot 41 as presented; this was SECONDED by Darcy Horgan and APPROVED by a vote of 2 in favor and one opposed.*

Chair Horgan closed the public hearing at 7:33 pm.

## 2. Old Business

### a. Update on the PREP grant by Tracy Degnan of the Rockingham County Conservation Commission

Tracy Degnan from Rockingham County Conservation District provided an update to the members. She noted that she had spoken with the Board in May regarding the PREP grant and the required matching hours. Ms. Degnan said that the grant was approved and in August they began performing the items noted in the proposal. She said they have done a lot of public outreach, including letters to abutters of Lavenger Creek twice, held a workshop this past weekend with 35 people attending to learn about salt marshes and coastal surges and their effect on salt marshes. Ms. Degnan said they have completed an onsite review of the 27 wetlands in New Castle and have completed field sheets which will be discussed with the Conservation Commission next week. She said they have also done a thorough evaluation of Lavenger Creek and will continue with that. Ms. Degnan said they will be looking at regulations in town and may come forward with suggestions regarding regulations for the Planning Board to review.

Mr. Hammer asked if there will be changes suggested from State or Town regulations.

Ms. Degnan said there will be suggestions regarding the local town regulations and noted that if the Planning Board and Conservation Commission agree to move forward with any of the suggestions they would need to be voted on by the Town residents at Town Meeting.

Chair Horgan asked if the 2005 study will be formally updated.

Ms. Degnan said the 2005 study was done using different types of information than the current study. She said that means that they will most likely issue an addendum to the study and not do a formal update.

Ms. Degnan said the Planning Board had discussed holding a site walk of some of the wetlands in town; she said they will choose a few sites for the Planning Board to review. She said she would like to come back to the Planning Board in November to update the members again at that point and to discuss the possibility of holding a workshop to review the grant work performed.

Chair Horgan asked if Ms. Degnan will be making recommendations for changes to the regulations.

Ms. Degnan said she will be providing recommendations for changes as well as recommendations regarding buffers.

Mr. Hammer discussed the issues with enforcement the town has had when violations occur (specifically with tree trimming and/or cutting). He asked if the State agency (DES) can be called upon to ensure homeowners are conforming and if not be put on notice and/or fined if they violate the ordinances.

Mr. Buxton noted that there are typically two issues involved with violations: one is that the trees are gone by the time the Town is notified of the violations and two is that the trees are typically said to be a safety issue by the home owner simply because of their size.

Lynn McCarthy (Chair of the Conservation Commission) noted that the Conservation Commission is frustrated by the issue.

Mr. Hammer asked where DES falls with regard to this and noted that there needs to be a way to enforce the ordinance.

Ms. Degnan said she understands the frustration. She reported the town of Rye is discussing a tree cutting permit; which would be required when cutting trees in a wetland or a wetland buffer. Ms. Degnan said the applicant would be required to fill out a permit request which would be reviewed by the Conservation Commission and approved or not approved by the Building Inspector. She said there will be a violation section as well with appropriate guidance. Ms. Degnan said that the Building Inspector would also need to be educated regarding the issues of tree cutting, approval, inspection and enforcement.

Chair Horgan noted that New Castle as a town does not have stiff fines; not enough to stop anyone from violating ordinances. She suggested that may be an issue to review.

Ms. Degnan said it is her hope to bring the Planning Board some recommendations that may help.

Mr. Hammer asked if there is anything in the code regarding landscape inspections.

Chair Horgan said the Building Inspector does review landscape plans.

Ms. McCarthy said that the Town has more coverage now that there are two part-time Building Inspectors. She said it is up to them to ensure the applicants have planted the right plants, have the rain garden installed and cut the right trees.

Mr. Hammer asked what the role of the Conservation Commission is.

Ms. McCarthy noted that the Commission makes recommendations to the Planning Board regarding applications.

Chair Horgan said that the Commission comments are strictly a recommendation; the Planning Board can do as they decide.

Mr. Buxton noted that the recommendations are made with regard to new construction or major renovations. He said that a resident is able to go out and cut a tree and none of the boards in Town will know about it unless someone reports it.

Ms. McCarthy said the Commission is open to any suggestions to improve the situation. She said the Commission would be happy to discuss it further with the Planning Board. She said the tree issue is concerning to them; but once the violation has occurred they feel they do not have a lot of options.

Mr. Hammer said he is concerned that there are no fines.

Ms. McCarthy said there is a \$250 per day fine for not complying; but she does not know if those have ever been imposed.

Mr. Buxton agreed that they have been rarely (if ever) used.

Chair Horgan said the Planning Board looks forward to receiving the report from Ms. Degan, along with the recommendations and taking part in a site walk. She noted that she attend the workshop; which was very educational.

Ms. Degan said the Rockingham Planning Commission has been performing a “Tides to Storm” information assessment on each coastal community; noting the vulnerability of storm surges. She said they will provide information for New Castle and it would be beneficial for the Planning Board to hear that information. Ms. Degan said that they will be producing the information in the form of maps (a good visual).

### 3. Review and approve minutes to the meeting on September 23, 2015

*Lorn Buxton MOVED to approve the September 23, 2015 and the September 21, 2015 site plan minutes as written; this was SECONDED by Tom Hammer and APPROVED unanimously.*

### 4. New Business

Reschedule the November NCPB meeting from the 25<sup>th</sup> to **Wednesday, November 18<sup>th</sup>**.

Lorn Buxton noted two changes that he feels should be addressed in the ordinances: 1) Table 1 (page Z19) needs to include the adjustment factor for the Wentworth coverage (the Building Inspector has the pertinent information-which can also be found from historical minutes) and 2) the Zoning Ordinances mention in several places that setbacks

are relative to the right of way – traditionally the Town has measured setbacks from the edge of the road or the property line.

The members agreed that these two items should be addressed.

Tom Hammer noted that he joined the Planning Board with the goal of assisting the Town in adhering to the zoning ordinance. The members discussed how issues can make that challenging at times.

5. Correspondence

6. Adjourn

*Lorn Buxton MOVED to adjourn the October 28<sup>th</sup>, 2015 meeting of the New Castle Planning Board at 8:21 pm; this was SECONDED by Tom Hammer and APPROVED unanimously.*

Respectfully submitted by,

Sue Lucius, Secretary to the New Castle Planning Board