



TOWN OF BOW

Zoning Board of Adjustment

10 Grandview Road, Bow, New Hampshire 03304

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Approved as presented on May 19, 2020.

MINUTES

January 21, 2020

The Town of Bow Zoning Board of Adjustment met on Tuesday, January 21, 2020 at 7:31 PM in the Meeting Room 'C' of the Municipal Building, 10 Grandview Rd, Bow, NH. Chair Harry Hadaway called the meeting to order with an introduction of the Board.

Members present were Harry Hadaway, Chair, Donald Burns, Secretary, and Stephen Buckley. Robert Ives, Vice Chair, Tony Reynolds, and Maya Dominguez were excused. Also present was Alvina Snegach, recording secretary.

Mr. Hadaway stated everyone present will be voting, and directed the attention of the Board to Agenda item I.1.

Case #109-19M Applicant/Owner: Stan & Pete, Inc. Appeal of the Planning Board's Interpretation of Zoning Ordinance Article 7.14: Excavation of Earth Materials - regarding the property owned by RRG Holding, LLC on October 3, 2019. Subject property is located at 9 Thibeault Drive, Block 2, Lot 159-J in the Industrial Zone.

Mr. Hadaway read the item into the record and asked if there was anyone there to present on the case. Eugene Sullivan introduced himself as the Attorney for Stan and Pete, Inc. and said that he was hoping that it was clear that the operational standards apply whether or not a permit is required and the operational standards are that a disapproving abutter would require an undisturbed 50 foot setback.

Mr. Hadaway asked Mr. Sullivan whether there was anything new presented since the last time the Board had reviewed the case. Mr. Sullivan responded that there was nothing new since then.

Board discussion ensued about the motion for rehearing not raising any new issues and that it was still making the assertion that even though the excavation operation, dating back to 2002, when there was an obligation to avoid excavating within the 50 foot buffer, which the abutters were disapproving, then creates a permanent encumbrance of 50 feet from the boundary of the abutter, even though there is no longer an excavation operation on the subject property. The Board agreed that it was not a logical or consistent interpretation of either the zoning ordinance or the state statute and that the motion for rehearing simply spelled out the same argument; and that the Board had made a sound decision before and should not change it. It was also noted that no new evidence was raised or new legal arguments were asserted, other than the ones the Board had previously rejected. *Mr. Burns made a motion to deny the Motion for Rehearing on the grounds that the Board's previous decision was correctly decided. Mr. Buckley duly seconded and motion passed with a unanimous vote in favor.*

REVIEW OF MINUTES: 12/17/2019

Mr. Hadaway read the item into the record. Minutes were reviewed and no changes were made. *Motion was made by Mr. Buckley to approve the minutes as presented, duly seconded by Mr. Burns, and passed by a unanimous vote.*

Motion made by Mr. Burns, duly seconded by Mr. Buckley, and unanimously voted to adjourn the meeting at 7:35 PM.

Respectfully submitted,

Donald Burns, Secretary.

Approved on 05/19/2020.