



TOWN OF BOW

Planning Board

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Approved as amended on August 20, 2020

MINUTES May 21, 2020

The Town of Bow Planning Board met on Thursday, May 21, 2020 at 7:00 PM via Zoom Meeting. Chair Berube began the meeting with the reading of the meeting checklist and introduction of the Board.

7:00 ROLL CALL

Other members present were Sandra Crystall, Vice Chair, Bill Oldenburg, Adam Sandahl, Willis Sloat, David Glasier (alt), Garth Orsmond (alt), and Selectboard representative Mike Wayne. Also present was Matt Taylor, Community Development Director, Bryan Westover, and Alvina Snegach, recording secretary. Tony Reynolds, Secretary and Kristen Hayden were excused. Mr. Berube directed everyone's attention to item I.1 on the Agenda.

CONCEPTUAL CONSULTATION

Conceptual Consultation for previously approved Site Plan Review Application #205-07: Jareka Properties LLC - Block 2, Lot 94, located at 1372 Route 3-A. Contractors office and yard and associated Wetlands Protection Conditional Use Permit #409-07 for 833 square foot wetland impact, plus buffer, for leach field construction and excavation of rock.

Mr. Berube read the item into the record and noted that the applicant requested the consultation to be postponed.

REQUEST FOR MINOR MODIFICATION

Minor modification for previously approved site plan to permit drive in use for viewing movies and live performances outdoors. Fieldhouse Sports, Inc. , Block 2, Lot 190-J located at 12 Tallwood Drive.

Mr. Berube read the item into the record. Craig Jensen introduced himself as the owner of Fieldhouse Sports and went over the proposal to utilize the front parking lot of the business for a drive in movie theater and a drive in entertainment venue in order to generate some business while the main indoor business remains closed due to the pandemic. Mr. Jensen said that no new construction will be necessary and all operations will abide by the local and state regulations and directives. He then answered questions about location of the screen, parking, visibility from other streets and roads, nearest residential properties, time of operations, types of entertainment, bathrooms, traffic, sound and noise control measures, etc. Letters from Bow Fire and Police Chiefs were reviewed as well.

Ms. Crystall made the motion to approve the proposal as a minor modification. Mr. Oldenburg duly seconded. Discussion ensued about the conditions and the need to meet local and state codes and police and fire recommendations. Mr. Sloat proposed a friendly amendment that the approval be contingent upon compliance with all applicable state and municipal codes and approval by local police and fire officials. Ms. Crystall accepted the friendly amendment. Mr. Oldenburg duly seconded and a roll call vote was taken: Ms. Crystall – yes; Mr. Sandahl – yes; Mr. Wayne – yes; Mr. Sloat – yes; Mr. Oldenburg – yes; Mr. Berube – yes. Motion passed with a 6:0 vote.

PUBLIC HEARINGS

Application #501-20 Jonathan & Judith Richardson and Ryan & Stephanie Richardson - Block 4, Lot 12, located at 502 Clinton St. Minor residential subdivision creating two lots, and associated Wetland CUP Application 402-20w, for 2,758 square feet impact of wetlands plus 3,400 square feet wetland buffer impact for driveway construction. Continued from April 16, 2020 Public Hearing. For Final Approval.

Mr. Berube read the item into the record. Jacques Belanger from J.E. Belanger Land Surveying was in the meeting to present the application. Mr. Belanger went over the revisions to wetlands delineation since the last meeting and a new test pit that has been done. Mr. Belanger spoke about the latest meeting with the Conservation Commission (BCC) and new issues that have been raised, like a requirement for a restoration plan for the area just south of the crossing that has been disturbed by logging and placement of wetland placards on something other than trees. Ms. Crystall reiterated the concerns that the BCC had in addition to the ones mentioned by Mr. Belanger and said that regardless of the Planning Board action, the Commission has the ability to make comments to NHDES on the wetlands permit. She mentioned the culvert size, the need to allow the wetland buffers to be restored and allowed to return to their natural state. Discussion ensued about the current state of the buffers and the areas disturbed, logging, buildable area on the lot, keeping the buffers undisturbed, recreation trail relocation plans, etc.

Mr. Berube opened the public hearing at 7:55 PM. There was a question from Donna Doner Salice about ownership of the Bow Concord 38.81 acres and if this was a buildable area submitted via Zoom chat. Discussion ensued about the small portion of land in Concord and that it is not buildable.

Having nobody else willing to address the Board Mr. Berube closed the public hearing at 7:57 PM.

Discussion ensued about the requested waivers and their justification.

Mr. Oldenburg made a motion that the Board would grant the following waivers finding that they will properly carry out the spirit and intent of the regulations and conditions.

from Section 3.06 of the Bow Subdivision Regulations, which requires open space subdivisions for parcels over thirty acres; and from Section 7.04(A&B) of the Bow Subdivision Regulations, which establishes monumentation requirements. Mr. Sandahl duly seconded and motion passed 6:0 by a roll call vote: Ms. Crystall – yes; Mr. Sandahl – yes; Mr. Wayne – yes; Mr. Sloat – yes; Mr. Oldenburg – yes; Mr. Berube – yes.

Mr. Oldenburg made a motion to approve the wetlands CUP application #402-20W. Ms. Crystall duly seconded. After a short discussion about conditions of approval Mr. Oldenburg removed his motion and made a new one to approve application #501-20 with the following conditions:

- *restoration plan be provided as per the Bow Conservation Commission comments;*
- *wetland markers be placed as required;*
- *that woody brush and fallen trees are removed out of the wetland buffer around the house siting location prior to recording the subdivision;*

Ms. Crystall duly seconded and motion passed 6:0 by a roll call vote: Ms. Crystall – yes; Mr. Sandahl – yes; Mr. Wayne – yes; Mr. Sloat – yes; Mr. Oldenburg – yes; Mr. Berube – yes.

Mr. Oldenburg made a motion to approve wetlands CUP #402-20W. Ms. Crystall duly seconded and motion passed 6:0 by a roll call vote: Ms. Crystall – yes; Mr. Sandahl – yes; Mr. Wayne – yes; Mr. Sloat – yes; Mr. Oldenburg – yes; Mr. Berube – yes.

Application #201-20: RRG Holdings, LLC – Block 2, Lot 159-I located at 364 River Rd. Site Plan Review for 11,250 square foot warehouse/office building. For Receipt of Application

Mr. Berube read the item into the record. Rick Geddes from RRG Holdings, LLC introduced himself and went over the details of the proposal for a warehouse very similar to the one approved by the Board last year. He spoke about the stormwater management features, drainage, use of the building, landscaping plan, utilities, septic system location, lighting, façade, sign, and required state permits. Mr. Geddes also

spoke about the requested waivers and the rationale behind the requests. He also answered questions about the aesthetic design, proposed vegetation, razing the existing house on the property, the proposed building roof, and the right of way to Stan and Pete's property on the north side where the travel path will remain in its current location.

Mr. Berube opened the public hearing at 8:23 PM.

Bruce Scamman with Emanuel Engineering (accompanied by Stan Emanuel, Attorney Chip Sullivan, and Jim Phillips from Stan and Pete, Inc.) addressed the Board and stated that they have submitted a letter to the Board along with some additional materials right before the meeting. Mr. Berube noted that given the fact that Mr. Scamman had submitted a 384 page document it is necessary to keep in mind that the Planning Board bylaws allow the public two opportunities to speak with each being limited to five minutes. Mr. Scamman then went over the history concerns that his client has with the regrading being done in the right of way to Stan and Pete's property and that the right of way is not diminished, the drainage is dealt with and the zoning and regulations are met. Mr. Scamman spoke about the initial plan requiring culverts and AOT permits for all lots in the subdivision; that he has not seen any documentation regarding AOT permit or septic design in the Town files; concerns with grading in the right of way to his client's property as it would diminish that right of way; any work within or adjacent to the right of way be designed in accordance with the Town Subdivision Regulations; his client being able to review those plans and be notified of the timeline of work being done there; and a bond be required by the Town for any work in the right of way, should it not be completed or done correctly.

Mr. Geddes clarified that the grading in the right of way was taken from the existing plan that is 20 years old and has been accepted by the Town back then.

Mr. Scamman showed that same plan and noted that on it the right of way is leveled throughout the 50 foot distance across and the concern is with the proposed grading within almost a third of it. Mr. Scamman continued to point out concerns with the site flooding brought up by the Public Works Director and also showed a picture from January 2019 of the site being flooded and expressed his concerns with the proposed drainage design and it not being sufficient to take care of the water from large areas flowing to the lot as the main subdivision plan had called for. He pointed out the drainage plan for the proposed site plan and how it will only exacerbate the existing problems at the intersection of Thibeault Drive and River Road.

Anthony Costello from AC Engineering, who designed the drainage for the project, explained the features and how they are designed to pull the water towards the back and alleviate the concerns Mr. Scamman had. He also noted that the culvert under the driveway will make matters worse for the catch basin that Mr. Scamman and the Public Works Director are concerned with. Mr. Costello reiterated is that the intent is to collect the water on the property as opposed to be sending it to the drywell at the corner of Thibeault Drive and River Road.

Mr. Scamman then listed documents that were not provided by the applicant; additional calculations for the AOT that need to be done; a potential issue with the septic placement due to the swale at the front of the property; the actual travel way within the right of way being depicted incorrectly on the applicant's plans.

A short discussion ensued about the existing travel actually spilling outside the boundaries of the 50 feet allocated for the right of way. Mr. Geddes clarified that Stan and Pete, Inc. at this time will have access to their property through the existing 50 foot right of way, although there is currently a dispute over what would be permitted there.

Mr. Scamman reiterated his client's concern with the right of way being diminished and the need to design it in accordance with the Town regulations.

Mr. Geddes also noted that there is a detention pond planned right at the top of his right of way, to which Mr. Scamman responded that it is not there now as there is a residence there that is currently being used as such.

A short discussion ensued about the status of that residential building relative to the phasing plan for the Bow Recycling Center. Another discussion was about the right of way being built according to the Town regulations and whether it should be allowed for the two vehicles to pass on it simultaneously, which Mr. Geddes attested was never the case for this right of way, and Mr. Scamman reiterated that it should be possible for a 50 foot right of way.

Mr. Costello and Mr. Geddes reiterated that the detention pond will not be going into the right of way. Mr. Scamman also showed a picture of the travel way within the right of way with stakes that portray its current location (where it goes outside of the 50 foot right of way) and asked for a confirmation that Mr. Geddes will not be grading beyond those stakes as, according to Mr. Scamman Mr. Geddes stated during this meeting. Mr. Geddes said that he did not state that and he only stated that he will create the 50 foot right of way according to the Town regulations and that the detention pond will not touch the right of way. Discussion ensued about the issues with the right of way rights, location of travel way, proposed driveway cut, drainage issues, and the Town fixing drainage issues along Thibeault Drive and River Road. It was noted that the Director of Public Works suggested that the plans be reviewed by the Town Engineer. Mr. Scamman reiterated his concerns with the water drainage especially during the time when the ground is frozen and that all the water that is currently stored on this lot will be flowing towards his client's property or cross River Road once this site is improved and filled.

Mr. Berube closed the public hearing at 8:59 PM as there was nobody else willing to address the Board. *Mr. Oldenburg made a motion to approve the following waivers finding that they will properly carry out the spirit and intent of the regulations and conditions.*

- 1) from Section 5.02(Y) of the Bow Site Plan Regulations, which sets specific aesthetic design standards.*
- 2) from Section 8.02(M) of the Bow Site Plan Regulations, which requires certification by a wetlands scientist.*
- 3) from Section 8.02(R) of the Bow Site Plan Regulations, landscaping and open spaces; and*
- 4) from submitting hard copies due to the current situation with Covid-19.*

Mr. Sloat duly seconded. After a short discussion about the rationale for the wetlands scientist certification, a roll call vote was taken: Ms. Crystall – yes; Mr. Sandahl – yes; Mr. Wayne – yes; Mr. Sloat – yes; Mr. Oldenburg – yes; Mr. Berube – yes. Motion passed 6:0.

Mr. Sloat made a motion to accept application #201-20 for review finding that there is sufficient information to begin review. Mr. Oldenburg duly seconded and motion passed 6:0 by a roll call vote: Ms. Crystall – yes; Mr. Sandahl – yes; Mr. Wayne – yes; Mr. Sloat – yes; Mr. Oldenburg – yes; Mr. Berube – yes. Motion passed 6:0.

Mr. Sloat made a motion to continue the public hearing on application #201-20 to the next Board meeting on June 18, 2020 which will take place at 7:00 PM with a location to be determined. Mr. Orsmond duly seconded and motion passed 6:0 by a roll call vote: Ms. Crystall – yes; Mr. Sandahl – yes; Mr. Wayne – yes; Mr. Sloat – yes; Mr. Oldenburg – yes; Mr. Berube – yes. Motion passed 6:0.

A short discussion ensued about the Town Engineer review and the issues with the right of way.

Application #202-20: Rhonda Realty, LLC - Block 2, Lot 190-E located at 5 Tallwood Dr. Site Plan Review for additional 4,500 square foot warehouse and 1,050 square foot mini-storage unit (7 units). For Receipt of Application.

Tom Sheehan introduced himself as the owner of the property and described the project details. Mr. Sheehan and Antony Costello then answered questions about the use proposed use for the additional buildings; type of building to go up; the existing building location; impervious surfaces; drainage features and potential to work with the abutting property owner to improve drainage; lack of wetlands; building elevations and materials; landscaping, abutting lot; etc. Requested waivers were discussed. Mr. Berube opened the public hearing at 9:23 PM and having nobody to address the Board, closed it at 9:23 PM. After a short discussion of the requested waivers, *Mr. Oldenburg made a motion to approve the following waivers finding that they will properly carry out the spirit and intent of the regulations.*

- 1) *from Section 5.02(Y) of the Bow Site Plan Regulations, which sets specific aesthetic design standards.*
- 2) *from Section 8.02(M) of the Bow Site Plan Regulations, which requires certification by a wetlands scientist.*

Mr. Wayne duly seconded and motion passed 6:0 by a roll call vote: Ms. Crystall – yes; Mr. Sandahl – yes; Mr. Wayne – yes; Mr. Sloat – yes; Mr. Oldenburg – yes; Mr. Berube – yes. Motion passed 6:0. Mr. Oldenburg made a motion to accept application #202-20 for review finding that there is sufficient information to begin review. Mr. Sloat duly seconded and motion passed 6:0 by a roll call vote: Ms. Crystall – yes; Mr. Sandahl – yes; Mr. Wayne – yes; Mr. Sloat – yes; Mr. Oldenburg – yes; Mr. Berube – yes. Motion passed 6:0.

Mr. Sloat made a motion to continue the public hearing on application #202-20 to the next Board meeting on June 18, 2020 which will take place at 7:00 PM with a location to be determined. Mr. Oldenburg duly seconded and motion passed 6:0 by a roll call vote: Ms. Crystall – yes; Mr. Sandahl – yes; Mr. Wayne – yes; Mr. Sloat – yes; Mr. Oldenburg – yes; Mr. Berube – yes. Motion passed 6:0.

Application #502-20 Wesley & Joyce Worrey 2017 Trust and Reed Family Trust – Block 3, Lots 77-H and 77-I located at 45 and 39 Woodhill Rd. Lot Line Adjustment between two residential lots. For Expedited Review.

Mr. Berube read the item into the record. Web Stout introduced himself as the surveyor for the project and went over the plans. He spoke about the location of the property, the lot line adjustment that would result in the two lots swapping acreage. He also spoke about the waivers and rationale for requesting those, as well as comments from the Town officials. Mr. Berube opened the public hearing at 9:35 PM and having nobody to address the Board, closed it at 9:35 PM.

Mr. Oldenburg made a motion to accept application #502-20 for expedited review finding that there is sufficient information presented. Mr. Sloat duly seconded and motion passed 6:0 by a roll call vote: Ms. Crystall – yes; Mr. Sandahl – yes; Mr. Wayne – yes; Mr. Sloat – yes; Mr. Oldenburg – yes; Mr. Berube – yes. Motion passed 6:0.

Mr. Oldenburg made a motion to approve the following waivers finding that they will properly carry out the spirit and intent of the regulations and conditions.

1. *from Sections 6.03(l & 6.04(C) of the Bow Subdivision Regulations, for USGS data and contours,*
2. *from Section 7.04 of the Bow Subdivision Regulations, which requires monumentation every 500 feet.*
3. *from Section 6.03(M) of the Bow Subdivision Regulations, which requires soils delineation.*

Ms. Crystall duly seconded and motion passed 6:0 by a roll call vote: Ms. Crystall – yes; Mr. Sandahl – yes; Mr. Wayne – yes; Mr. Sloat – yes; Mr. Oldenburg – yes; Mr. Berube – yes. Motion passed 6:0.

Mr. Oldenburg made a motion to continue the public hearing on application #502-20 to the next Board meeting on June 18, 2020 which will take place at 7:00 PM with a location to be determined. Ms. Crystall duly seconded and motion passed 6:0 by a roll call vote: Ms. Crystall – yes; Mr. Sandahl – yes; Mr. Wayne – yes; Mr. Sloat – yes; Mr. Oldenburg – yes; Mr. Berube – yes. Motion passed 6:0.

UNAPPROVED MINUTES

04/16/2020 draft minutes were reviewed and changes were made. *Mr. Sloat made the motion to approve the minutes as amended. Ms. Crystall duly seconded and a roll call vote was taken: Ms. Crystall – yes; Mr. Sandahl – yes; Mr. Wayne – yes; Mr. Sloat – yes; Mr. Oldenburg – yes; Mr. Berube – yes. Motion passed 6:0.*

ADJOURNMENT: *Mr. Sloat made a motion to adjourn, and Ms. Crystall duly seconded. Motion passed unanimously. Meeting adjourned at 9:55 PM.*

Respectfully submitted,

Sandra Crystall,
Vice Chair