



TOWN OF BOW

Zoning Board of Adjustment

10 Grandview Road, Bow, New Hampshire 03304
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APPROVED MINUTES

December 20, 2022

The Town of Bow Zoning Board of Adjustment met on Tuesday, December 20, at 7:30 p.m. in Room C of the Municipal office building.

Chair Hadaway called the meeting to order with a roll call introduction of the Board members.

Present were Harry Hadaway, Chairman; Stephen Buckley, Vice-chair; Donald Burns, Secretary (via Zoom); Robert Ives, member; Joseph Conti, alternate member; June Branscom, alternate member; and Ginger Iverson, recording secretary. Absent was Michael O’Neil, member.

Mr. Burns stated it was not practical for him to attend meetings in person due his wife’s medical condition and would like to have permission to attend meetings remotely. Mr. Hadaway requested that someone entertain a motion to allow Mr. Burns to participate in meetings remotely as it is not practical for Mr. Burns to attend due to his wife’s medical condition according to RSA 91-A:2, III.

Mr. Buckley made a motion and Mr. Conti duly seconded to allow Mr. Burns to participate remotely due to his wife’s medical condition for future Zoning Board of Adjustment meetings in accordance with RSA 91-A:2, III.

Mr. Hadaway proceeded with a roll call vote: Mr. Buckley – yes; Mr. Conti – yes; Mr. Ives – yes; Mrs. Branscom – yes; Mr. Hadaway – yes. The motion passed with a 5 yes-1 abstention vote.

Mr. Hadaway confirmed that Mr. Burns had no one in the room with him. Because there is a member attending remotely, the Board must do roll call votes for all matters tonight. Chairman Hadaway appointed Joseph Conti and June Branscom to serve as voting members.

Mr. Hadaway directed the attention of the Board to Agenda item I, number 1. Mr. Ives recused himself.

I. PUBLIC HEARINGS

- 1. Application: 109-22 Rumford Stone, Inc.
Application for Variance for relief from Minimum Side Yard Requirements
Proposed 3,750 square foot building addition in the side yard to within 7ft., 11in.
of the side lot line where 30 ft. is required.
Location: 284 River Road Bow, NH 03304
Map 36, Block 2, Lot 177-D

44 Mr. Hadaway read the item into the record and noted that a site walk took place on Saturday, December
45 17, 2022 from 9:00 – 9:10 a.m. at the property located at 284 River Road Bow, NH 03304. In
46 attendance were Harry Hadaway, Stephen Buckley, June Branscom, Michael O’Neil, Bob Ives and Bill
47 Hickey of H.L. Turner.

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49 Mr. Hadaway then noted the Town of Bow Building Inspector’s concerns which stated that according to
50 Section 6.07 of the table of dimensional regulations, the required setback for a building in zone I-2 is 30
51 feet. The reduced setback to 7’ 11” could limit access to that side of the building for maintenance and
52 repairs should either of the properties be transferred to another party. Section 6.04, Article 6 defines
53 impervious surfaces as paved areas as well as buildings. It is not clear how the summary of square foot
54 areas of impervious surfaces was determined.

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56 Mr. Hadaway then invited the applicant to present the case for this proposed variance. Mr. Douglas V.
57 Brodeur, PE, Civil Engineer with H.L.Turner introduced himself and introduced Mr. William Hickey,
58 V.P. at H.L. Turner, and Darryl Peasley and Vincent Trento from Rumford Stone, Inc.

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60 Mr. Brodeur stated that the applicant proposes to construct a 3,750 sq. ft. addition along the northerly face
61 of the existing structure, to add needed space, in addition to a small parking lot expansion, stormwater
62 management infrastructure, and ancillary improvements. In this specific case, a side yard setback along a
63 common lot line is the item of discussion. The lot being encroached upon is in common ownership with
64 the subject property and is a situation where the general public has no relationship as the owners are one
65 and the same. Mr. Brodeur then reviewed and addressed all of Zoning Ordinance Section 13.02.B;
66 Criteria for Authorizing Variances.

67
68 Mr. Hadaway closed the applicant’s presentation and returned to the Board for discussion.

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70 Mr. Brodeur explained that Rumford Stone is a stone fabrication and storage distribution company. They
71 fabricate countertops. Instead of storing materials outside, the addition will allow them store materials
72 inside. Mr. Hickey responded to the Building Inspector’s concern, that if maintenance is required both
73 buildings are accessible in multiple ways. Mr. Brodeur stated that everything impervious is included that
74 is covered by the ordinance i.e. parking areas, roof area. Mr. Hadaway asked what would occur if they
75 sold the property. Mr. Brodeur stated that this variance would be a known condition and that the
76 purchaser would know what they were buying. Mr. Buckley noted there was no P.E. or surveyor’s stamp
77 on the exhibit 1 site plan. Mr. Brodeur assured Mr. Buckley that would be done.

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79 Mr. Hadaway opened the public hearing at 7:30 p.m.

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81 Mr. Hadaway closed the Public Hearing at 7:31 p.m.

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83 Mr. Buckley reviewed the criteria and felt all areas were met. In addition, Mr. Conti mentioned there were
84 three curb cuts and this is where the building extension should go.

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86 Mr. Hadaway went through the criteria for Board approval.

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MEMBER	HARDSHIP 1 (A)	HARDSHIP 2 (B)	PUBLIC INTEREST	SPIRIT INTENT	SUB/ JUSTICE	DIMINUTION OF VALUE
Harry Hadaway	met	met	met	met	met	met
Steve Buckley	met	met	met	met	met	met
Joseph Conti	met	met	met	met	met	met
June Branscom	met	met	met	met	met	met
Don Burns	met	met	met	met	met	met

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100 Mr. Hadaway entertained a motion from one of the board members.

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102 *Upon a motion made by Mr. Buckley, and duly seconded by Mr. Conti it was moved to grant the reduced*
 103 *side yard setback variance of Map 36, Block 2, Lot 177D from 30ft. to 7 ft. 11 in. and find that granting*
 104 *the variance recognizes that there are special conditions of this property due to existence of the three curb*
 105 *cuts, and due to the unnecessary need for the side yard setback between two adjoining properties owned*
 106 *by the same owner, and that the property ownership and unique configuration of the buildings and the*
 107 *existence of the three curb cuts justifies finding that this property suffers unnecessary hardship under RSA*
 108 *674:33 thus justifying the end supplying the findings of fact by the Zoning Board of Adjustment in*
 109 *approving the variance. This approval of the variance is granted on the condition that the plan, marked as*
 110 *exhibit 1, Zoning Board of Adjustment Site Plan will have a P.E. or surveyor’s stamp on the plan*
 111 *certifying the zoning summary and other issues therein including the maximum lot coverage calculation.*

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113 *Mr. Hadaway proceeded with a roll call vote: Mr. Buckley -yes; Mr. Conti – yes, Mrs. Branscom – yes;*
 114 *Mr. Burns – yes; Mr. Hadaway - yes. The motion passed with A 5-0 vote.*

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116 Mr. Ives returned to the meeting.

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118 **II. New Business – none**

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120 **REVIEW OF MINUTES -November 15, 2022**

121

122 Mr. Hadaway asked if there were any corrections to the November 15, 2022 regular meeting minutes. The
 123 Board discussed edits to the minutes.

124

125 *Mr. Buckley made a motion and Mr. Conti duly seconded to approve the edited November 15, 2022*
 126 *regular meeting minutes.*

127

128 *Mr. Hadaway proceeded with a roll call vote: Mr. Buckley – yes, Mr. Conti – yes, Mr. Ives – yes, Mrs.*
 129 *Branscom – yes, Mr. Burns – yes, Mr. Hadaway – yes. The motion passed with a 6-0 vote.*

APPROVED ZBA Minutes for 12/20/2022

130 Mr. Hadaway asked if there were any corrections to the November 15, 2022 Non-Public meeting minutes.
131 The Board discussed edits to the minutes.

132
133 *Mr. Buckley made a motion and Mr. Conti duly seconded to approve the edited November 15, 2022 Non-*
134 *Public meeting minutes.*

135
136 *Mr. Hadaway proceeded with a roll call vote: Mr. Buckley – yes, Mr. Conti – yes, Mr. Ives – yes, Mrs.*
137 *Branscom – yes, Mr. Burns – yes, Mr. Hadaway – yes. The motion passed with a 6-0 vote.*

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139 *Mr. Conti made a motion to adjourn the meeting.*

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141 8:10 p.m. Meeting adjourned.

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144 Respectfully submitted,

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148 Donald Burns
149 Secretary