



TOWN OF BOW Planning Board

10 Grandview Road, Bow, New Hampshire 03304

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Approved as amended on January 24, 2019.

MINUTES

January 10, 2019

The Town of Bow Planning Board met on Thursday, January 10, 2019 at 7:00 PM in the Town Municipal Building, 10 Grandview Road, Bow, New Hampshire. Chair Oldenburg called the meeting to order with an introduction of the Board.

7:00 ROLL CALL

Other members present were Sandra Crystall, Vice Chair, Don Berube, Jr., David Glasier, Adam Sandahl, Kristen Hayden, Willis Sloat, and Selectboard representative Matthew Poulin. Tony Reynolds and Allen Lindquist were excused. Also present and were Matt Taylor, Community Development Director and Alvina Snegach, recording secretary.

Mr. Oldenburg noted that two regular members were excused and appointed alternates Sloat and Glasier to vote.

CONCEPTUAL CONSULTATIONS/MINOR SITE PLAN MODIFICATIONS

Matthew Braucher request for a change of use for 1143 Route 3A property to be used as an off highway recreational vehicle sales and service business. Block 2, Lot 186.

Mr. Oldenburg read the item into the record. Nobody came to the meeting to present the proposal and it was deferred to a later meeting.

OLD BUSINESS

Consideration of five posted amendments to the Zoning Ordinance (see December 27, 2018 Notice of Public Hearing).

Mr. Oldenburg read the item into the record. Then he announced the first proposed zoning amendment to change zoning for several lots in the southern part of Bow with the following borders – I-93, Hooksett town line, Merrimack River, and River Road, with the biggest lot being owned by Continental Paving. Proposed map and a document with district regulations/uses were part of the packet. The current zoning designation is Business Development (BD), and the proposed will be mixed use, allowing more uses in the district. Name for the district will be South Bow Mixed Use District (SBMU). Mr. Oldenburg also noted that this rezoning proposal is an attempt to be proactive about creating opportunities for prospective development in Town.

Mr. Taylor went over the details of the proposed zoning change and answered questions:

- Background and rationale for proposed changes – increase the tax base and attract more commercial and industrial uses;
- The goal of the new ordinance is to preserve all existing uses and add new ones along with

- appropriate buffer requirements;
- Proposed district allows for residential uses (maximum 25% of ground floor space only) which may be attractive to a prospective commercial developer;
- Potential water/sewer interconnection with Hooksett and higher density in the new district;
- Grandfathered lots would be able to be developed under the new regulations;
- Some changes that would need to be made to the existing language where exceptions were noted on page 3, which would not apply to this zone (neighborhood meeting and noise mitigation);

Board discussion ensued about all the proposed uses and how they would change from existing ones allowed by the BD zoning. For example some public and institutional uses would only be allowed by special exception and with a 20% floor space limitation. Mr. Oldenburg noted all the table of use changes for the record. Then the Board discussed making the following changes:

- child and adult care centers should be permitted as a right as they supplement any mixed use development (originally permitted by Special Exception only).
- permitting the Accessory Dwelling Units (originally permitted by Special Exception only);

Also it was noted that some allowed uses (like automotive and transportation), that would be permitted as a right, were not quite compatible with the mixed use and higher density intent of the ordinance.

Mr. Oldenburg opened the public hearing at 7:23 PM. The following individuals addressed the Board:

Thomas Poltak from Conproco Corp. expressed concerns with the proposed height limitations of 55 feet in the new district, whereas the company's silo currently sits higher. He said it would be problematic if they ever need to service the silo or replace with a new one. Mr. Poltak also noted that the business creates a substantial amount of noise and it may be a problem for the future new uses.

Tom O'Neil from Ciment Quebec said the company currently has a silo that is at 98 feet and there are plans to build an even higher one in the future. Mr. O'Neil also expressed concerns with having residential and institutional uses being so close to their industrial use, as originally their plan was to grow over time, and having a daycare may put a damper on that.

Mr. Taylor said that the proposed height restriction is the same as the current one in the BD district and will apply to new construction only. All existing buildings would be grandfathered as well as any maintenance or repairs on them. He also said that this rezoning is aimed at attracting mainly industrial and commercial developers who may find it helpful to have some multifamily residential units in the area. In this case the zoning requires adequate buffers between the industrial and residential uses. A short discussion ensued about proposed language for industrial uses and Planning Board's discretion to require buffers.

Another discussion was about the lack of a noise ordinance in Town and the fact that noise complaints are decided on a nuisance basis.

Having nobody else address the Board, Mr. Oldenburg closed the public hearing at 7:40 PM.

The board discussed the proposed changes to the language of the SBMU district:

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- pg. 3 – rename Article F “New Uses” to read as follows: “In order to protect the existing uses, all new uses, at the Planning Board’s discretion, new uses may require more extensive screening, buffering, or other forms of mitigation to make such uses compatible with the surrounding area.”
- Pg. 3 – Article G. delete the words “with the following exceptions.”

Mr. Taylor also noted that a Tax Increment Finance district within the same footprint had also been proposed to the Board of Selectmen with a goal to fund any infrastructure improvements in that area.

The Board discussed whether the above mentioned changes to the language and table of use were minimal and would allow the Board to delegate finalizing the draft to Mr. Taylor without holding another public hearing. General consensus was that the changes were minor.

Ms. Crystall made a motion to post the finalized South Bow Mixed Use district as an article to the Town Warrant with the following changes:

- pg. 3 – rename Article F “New Uses” to read as follows: “In order to protect the existing uses, all new uses, at the Planning Board’s discretion, new uses may require more extensive screening, buffering, or other forms of mitigation to make such uses compatible with the surrounding area.”
- Pg. 3 – Article G. delete the words “with the following exceptions.”

Table of use:

- *B. Principal Uses. Public and institutional :*
 - o *child and adult care centers should be permitted as a right as they supplement any mixed use development (originally permitted by Special Exception only).*
- *A. Accessory Uses. Residential.*
 - o *permitting the Accessory Dwelling Units (originally permitted by Special Exception only);*

Mr. Poulin duly seconded and motion passed with a 7:0 vote.

Mr. Oldenburg read the second zoning amendment into the record. This proposed amendment requires a certified plot for all new residences building permits. Board discussed the rationale, types of new construction that it would apply to, and whether to require it before or after construction. Board also discussed whether it would be too burdensome and cost prohibitive to require such plot plan for all types of construction, be it residences, additions, other attached or detached structures. General consensus was to leave the new residence category only. The final change would state “Said plot plan shall be prepared and certified by a licensed surveyor for permits for any new residence.”

Mr. Poulin made a motion to post the amended language of the proposed zoning amendment of Article 14.03 of the Zoning Ordinance as an article to the Town Warrant. Mr. Glasier duly seconded and motion passed with a 7:0 vote.

Mr. Oldenburg read the proposed addition to the Zoning Ordinance, Section 7.01(B)(5) which requires that lots in an Open Space Residential Development shall not have individual access onto an existing town road and the minimum road frontage requirement for each lot shall be provided on a new public or private road. A short discussion ensued about the loophole in the regulations that would be closed by this proposed change and the benefits of closing it. No changes to the language were suggested.

Mr. Glasier made a motion to post the proposed addition to the Zoning Ordinance as written. Mr. Berube duly seconded and motion passed with a 7:0 vote.

Mr. Oldenburg read the proposed change to Section 3.02 of the Zoning Ordinance that revises the definition of the vernal pool and provides a reference to a current edition. “Vernal Pool: a body of water that provides essential breeding habitat for certain amphibians and invertebrates, does not support fish, and meets the criteria established by the New Hampshire Fish & Game Department, Nongame & Endangered Wildlife Program, *Identifying, and Documenting Vernal Pools in New Hampshire*, current edition.”

After a short discussion Mr. Poulin made a motion to post the proposed change to Section 3.02 of the Zoning Ordinance as an article to the Town Warrant as written. Mr. Sloat duly seconded and motion passed with a 7:0 vote.

Mr. Oldenburg read the next proposed addition to the Zoning Ordinance, Section 12.04 (H) which reads “The applicant for a wetland conditional use permit shall submit with the application a New Hampshire Natural Heritage Bureau database check report from the New Hampshire Natural Heritage Bureau (Department of Natural and Cultural Resources) which identifies rare plant and animal species and exemplary natural communities in or near the proposed project.”

After a short discussion Mr. Poulin made a motion to post the proposed addition to the Zoning Ordinance, Section 12.04 (H), as an article to the Town Warrant as written. Mr. Sloat duly seconded and motion passed with a 7:0 vote.

Mr. Oldenburg opened the public hearing for all the four above zoning changes at 8:21 PM and having nobody address the Board closed it at 8:21 PM.

CORRESPONDENCE AND OTHER BUSINESS

Mr. Poulin provided a brief update on the process of the sand pit lot sale that was voted by the Board of Selectmen to go out to bid again.

Ms. Crystall noted that the letter from NHDOT about mitigation priorities that was received earlier was not clear on the vicinity of the project in question and it would be beneficial if it was supplemented with a map or a clearer description of the location.

Mr. Taylor reminded everyone that there will be a site visit for Clark Heintz property on Saturday, January 12th, at 9:00 AM, located at 1298 Route 3A.

UNAPPROVED MINUTES: December 20, 2018 draft minutes were reviewed and changes were made. *Ms. Crystall made a motion to approve the minutes as edited, Mr. Glasier duly seconded, and motion passed with a unanimous vote.*

ADJOURNMENT:

Ms. Crystall made a motion to adjourn, duly seconded by Mr. Sloat and motion passed with everyone voting in favor. Meeting adjourned at 8:30 PM.

Respectfully submitted,

Sandra Crystall, Vice Chair