



TOWN OF BOW

Planning Board

10 Grandview Road, Bow, New Hampshire 03304

Phone (603) 223-3970 | Fax (603) 225-2982 | Website www.bownh.gov

Approved as amended on March 21, 2019.

MINUTES

February 21, 2019

The Town of Bow Planning Board met on Thursday, February 21, 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, Tony Reynolds, Secretary (arrived at 7:02 PM), Don Berube, Jr., David Glasier, Adam Sandahl, Willis Sloat (arrived 7:02 PM), and Selectboard representative Matthew Poulin (arrived at 7:03 PM). Allen Lindquist and Kristen Hayden were excused. Also present and were Matt Taylor, Community Development Director and Alvina Snegach, recording secretary.

Mr. Oldenburg noted that one regular member was excused and appointed alternate Glasier to vote in place of Mr. Lindquist.

MINOR SITE PLAN MODIFICATION

Snow Family Holdings, LLC, dba Tom Snow & Son Construction (Owner – William Targett), Block 2, Lot 189, located at 1199 Route 3-A in the Commercial District. Minor Site Plan Modification for a change of use from residential/motor vehicle sales and repair to professional offices/tradesman’s shop.

Mr. Oldenburg read the item into the record. Ms. Snow introduced herself and her husband Mr. Snow and said that they have a purchase & sale agreement on the property. Their intent is to change the use of the current garage to tradesman’s shop and a year later change the use of the residential house on the lot to an office, which will be used by Ms. Snow for her CPA business. Ms. Snow added that they were not planning any changes to the site as of now, and if they ever plan any site improvements, they will come back before the Planning Board. The Board briefly discussed the change of use and no concerns were raised.

Mr. Glasier made a motion to approve the minor site plan modification to change the use from residential/motor vehicle sales and repair to professional offices/tradesman’s shop. Ms. Crystall duly seconded and motion passed unanimously.

PUBLIC HEARING

Application #501-19, G. Gardner Contracting, LLC (Owners - Paul, Gregory, & Julia Cullen) - Block 3, Lot 133-L, located at 23-27 Bow Bog Rd. Open Space Residential Development subdivision creating 34 house lots, an open space parcel, a recreation parcel, and 5,232’ of new roads; and associated Wetlands Protection Conditional Use Permit #401-19w for 5,985 SF wetland and 32,091 SF of wetland buffer impacts. Public hearing continued from January 24, 2019.

Mr. Oldenburg read the item into the record and noted that a site walk was held on February 16, 2019. Ms. Crystall recused herself from the table stating that she had already commented on the case to NHDES as the Bow Conservation Commission (BCC) Chair and she would be representing the BCC at this public hearing. She then sat in the audience.

Mr. Oldenburg appointed Mr. Sloat to vote in place of Ms. Crystall.

Jennifer McCourt introduced herself as the project engineer and said that the first presentation would be made by Stephen Pernaw who prepared the traffic study. Mr. Pernaw introduced himself and went over the details of the traffic study that his company prepared for this project, which included the following:

- all analyzed intersections on the map;
- all the traffic count areas for the study (including the ones on Route 3-A and Logging Hill Road);
- daily and hourly traffic variations and peak hours;
- existing traffic volumes during AM and PM peak hours;
- trip generation summary for the subdivision (average of 24 trips in the AM peak, and 36 trips in the PM peak);
- comparative data for traffic increase (build and no-build projections) for years 2020 and 2030;
- intersection capacity and level of service (LOS) (current and projected for build and no-build) will remain so that vehicle delays and queuing will be minimal and not create any traffic congestion;
- safety considerations and no need to add either left of right auxiliary turn lanes, or two approach lanes for the intersections;
- sight distances for the intersections are all within regulations and the only recommendation was to keep vegetation trimmed and snowbanks low, as well as install a lighted stop sign for the Boulder Lane intersection;

Mr. Pernaw also answered questions about the following:

- distribution of daily trips per street during the PM peak hour;
- use of Institute of Transportation Engineers (ITE) Land Use Code 210 (Single-Family Detached Housing) for trip generation assumptions;
- capacity analysis and LOS impacts for intersections that are beyond the study area would be minimal as well;

Ms. McCourt added that she had consulted with the NH Department of Transportation (NHDOT) district engineer and was told that NHDOT does not need a traffic assessment study for this development. She also noted that sight distances for the existing intersections (Smokey and Nesbitt) were confirmed to be adequate as well as the newly created intersection would be.

Ms. McCourt introduced Mark Fougere who prepared the fiscal impact analysis. Mr. Fougere introduced himself, noted that he had met with the heads of Public Works, Community Development, Police, and Fire Departments, as well as the School Business Administrator, prior to commencing the study, and went over the details of the assessment, which included the following:

- local revenues from the development – property taxes and car registrations;
- municipal service costs, including fire, police, public works, and other departments;
- projections for the number of school children and school costs;
- School Business Administrator looked at the provided projections (36) and confirmed that the school has capacity to handle the additional students;

- overall, when all the costs and revenues are factored in, there would be a positive impact to the Town.

Mr. Fougere then answered questions about the fact that school cost assumptions were different than the formulas used for the rest of the town services (i.e. full budget for all other departments versus only additional costs for the school), which produced a different per student amount that is much lower than the average. Discussion ensued about the different logic applied to calculations and why the average per student cost was not used for the study. Mr. Fougere noted that it is difficult to apply the same logic, as the distribution of the estimated students will determine the actual impact, whether they could be added to the existing classes, or require hiring new teachers. Mr. Fougere noted that he had provided his estimated distribution to the School Business Administrator and he had no concerns with it. Discussion continued about the method chosen to estimate school costs, and whether the Planning Board could access the data obtained from the Bow sample of 60+ homes that the distribution was based on.

Mr. Fougere also presented the demographics of the proposed development and how the higher home prices may attract second home buyers who may have older children. Then the discussion ensued about the Planning Board's role in looking at growth in the Town as a whole, whether the Town Assessor could review the fiscal analysis; the possible effects of this development on surrounding property values; whether variable costs per student were known; estimated approved unbuilt housing stock in Bow; and the possibility to have a conversation with the School Business Administrator about amount of classes per each grade, and class sizes, in order to make sure that the Board has adequate information to proceed. It was also noted that the Board needs to look at what is going on in Dunbarton in order to have a more accurate projection for the school costs.

Mr. Berube noted that the approval or disapproval of this development should not hinge simply on whether the school costs make a positive or negative impact on the tax roll, however, as a Board, it is helpful to be informed about what kind of growth could be anticipated in the future and how the current school capacity could handle that growth.

Ms. McCourt then displayed the plan on the board and noted that she would like to go over all the comments that had been brought up during her presentation at the previous meeting.

- The need to conduct a hydrology study – she noted that she has not been given any criteria for the study and neither the Town nor the State regulations address such a study. NHDES standards would allow placement of 140 homes on this parcel, given the soil types there.

Discussion ensued about what kind of hydrology study could be done, provided that the main concern was about the effect that drilling of 34 additional wells will have on the existing wells in the abutting neighborhoods, given the testimony from abutters that their wells have gone dry before. The Board also discussed the fact that it is quite difficult to determine why any particular well goes dry; the authority that the Board has in requesting such a study, and if doing so, it would need to set the scope, standards, and possibly identify how the professionals should be selected; past developments that possibly had such a study done (Windchimes) that may serve as an example; how to proceed with subdivision review after the results of the study are obtained, and a possibility of requiring a bond from the developer to mitigate any adverse impact.

- The need to seek independent review by a wetland scientist – Ms. McCourt stated that wetlands mapping and delineation for this project was done by Tom Sokoloski, who is a certified Wetland Scientist, who has done many subdivisions in Bow that have been approved. Concerns

with delineations were raised by lay people and it would be very helpful if the Board was very specific in what needs to be looked at.

Discussion ensued about the time when the project wetlands were identified, which was springtime of 2018, and the fact that the Board was more concerned with being unable to see wetlands now due to the snow cover. Ms. McCourt noted that the developer had agreed to postpone the second sitewalk until April. Then discussion continued about particular lots (3, 10, 11, and 19) that have a lot of wetlands and the fact that most impacts on such lots may take place after the approval and possibly without anyone's knowledge (lawns and lawn care, additional structures, etc.). Ms. McCourt responded that wetlands/buffers on individual lots will be clearly marked, including a 100 foot buffer for the vernal pools. Mr. Sokoloski explained that the 100 foot vernal pool buffer was not part of the Town regulations, but was still used on the plans as a federally recommended buffer. Mr. Oldenburg asked if the Town Engineer could spot check the wetlands delineation, and Mr. Taylor responded that he did not believe the engineering company had a wetland scientist on staff. Ms. McCourt also answered questions regarding the impacts that were planned only for the road, and not on any individual lots, and the fact that regulations do not allow any additional impact past subdivision approval.

- Stormwater treatment in the wetland buffers – Ms. McCourt spoke about the intent being to protect the wetlands by collecting and treating all the road runoff before it is discharged into the wetlands. She also noted that there were concerns about chlorides, however, any treatment system will be ineffective against chlorides, and sometimes it has to be a choice between treating the roads with either salt or sand.
- Sight distances for the newly created intersection for Boulder Lane were confirmed to be 400 feet in both directions, as well as at existing intersections with Smokey and Nesbitt.

A short discussion ensued about the need to control vegetation in the right of way to prevent it from interfering with sight distances.

- Speed control measures within the new subdivision – there will have to be only internal controls.

Mr. Oldenburg added that the Bow Police Chief noted that people have to police themselves as well. He added that no speed bumps were planned, and that the natural alignment of the road and elevations should work as speed control measures.

- Wildlife corridors and open space connectivity – Mr. Sokoloski explained the attempts to provide connectivity to the undeveloped land to the east of the development through the open space parcel and PSNH easement that is currently used by wildlife as a corridor as well. Mr. Sokoloski also spoke about the testimony that there were a lot of deer on the property as well as the multitude of deer tracks observed at the site visit, and said that this was most likely evidence of deer moving a lot (due to a cold winter and lack of food) rather than a larger deer presence.
- Vernal pools and connectivity to uplands – Ms. McCourt went over the locations of major vernal pools on the map and showed how connectivity to uplands was reserved. She also added that most major pools are located on the open space parcel. Mr. Sokoloski concurred and also answered questions about vernal pool species and how the vernal pool quality would be identified.
- Access to trails – Ms. McCourt showed the Boulder Trail on the map and explained that access to it will be provided between the lots.
- Buffer to the trails – Ms. McCourt said that a 50 foot buffer was already provided between the lots and the Town forest where the trail is located, as well as the open space strip along the trail which will be donated to the Town and where the large boulders are located that are seen from

the trail. She added that neither 50 nor a 100 feet will make a large difference in a hardwood forest in terms of visibility.

- One waiver would be requested, to not mark the boundary every 500 feet between the donated parcel and the Town forest, similar to the Albin Road subdivision.
- There is a temporary hammerhead turnaround at the end of Smokey Road and Ms. McCourt would like to know whether the Board wants it to stay.

General consensus was that the people who live on Smokey should be consulted prior to making any final decisions.

- Director of Public Works request to provide access to all drainage basins and add an inch and a half of top coat to existing portions of Nesbitt Drive and Smokey Road. Ms. McCourt noted that a maintenance road to all detention ponds was provided, and that it was not commensurate with the impact the proposed development may have on the existing roads.

Discussion ensued about DPW concerns with roads being torn up by the use of construction equipment and if there is a middle ground that the developer would be amenable to. Ms. McCourt offered to prepare a rational nexus proposal for the Board, similar to what was used in some other municipalities. Mr. Oldenburg added that another approach would be to require a financial guarantee for restoration.

Mr. Oldenburg opened up the public hearing at 8:50 PM. The following members of the public addressed the Board with their concerns and questions.

- Alex Shakhau, Odgen Drive, his concerns were with the increased traffic and what it would do to the pedestrian safety, which he had not heard being addressed by the developer. He also doubted the school costs analysis as he believed that there were more elementary school children living in the area as opposed to high schoolers identified by the report. Another concern was with well water quantity and quality going down because of the new subdivision and the negative effects to the assessed values of abutting homes;
- Nick Copadis, Robinson Road, asked if any analysis was done to project the traffic during construction phases, when school buses and construction vehicles will be using the roads simultaneously. He wondered if there would be any hours of operation set to mitigate that. He also spoke about water quality issues, like radon in water, and whether this new development would affect the homes nearby.

Ms. McCourt responded that only one test pit on the whole parcel hit ledge at 4 feet.

- Mr. Copadis also asked about open space ownership and maintenance.

Mr. Oldenburg explained that part of open space land will be donated to the Town, and the other part will be owned jointly by all property owners in the subdivision. Ms. McCourt added that currently no association is planned and that the ownership will be addressed in the deeds. Mr. Oldenburg added that the open space land will not be developable in any way, it will stay in its natural state.

- Ben Soucy, Ogden Drive, interjected with a statement that radon comes from the ledge that is where the well is and that there is radon in the water in the area already. He also stated that the water does not percolate back into the aquifer unless it is a pond or a pool, therefore whatever water is sprayed on the lawn does not go back to the aquifer.
- Malgorzata Borawska, 16 Nesbitt Drive, was concerned that the traffic on the road is already going fast. She also noted that she had received a letter from the Board of Selectmen about street name changing and that she was upset about the hardships that such a name change will create for the existing residents, and about the meeting being held during school vacation, and the notice arriving late in the mail.

Mr. Oldenburg elaborated that the renaming is done for safety reasons, although he knows himself what a hardship it is to change one's address. He added that the name Boulder Lane, that was approved by the

Board of Selectmen, was similar to the name Boulder Trail, that was located in the Town forest, and it may be problematic, although he was not sure if that would be an issue with E911.

- Trish Ramsay, 5 Nesbitt Drive, was concerned that the notice from the Board of Selectmen about road naming was not clear whether the subdivision had been already approved or not.
- Harry Hadaway, 10 Timmins Road, Bow Open Spaces President, spoke about Article 7.01 of the Town of Bow Subdivision Regulations that governs open space development with the intent of promoting more open space in Bow. As proposed the subdivision will detract from the existing open space by taking away the privacy of those who hike on the Boulder Trail that traverses the northern border of the parcel. Mr. Hadaway proposed a 100 foot buffer as opposed to the 50 foot one planned. He also was not sure if the smaller size of the lots would be sufficient to accommodate larger homes that were planned.
- Robert Lux, Allen Road, was concerned with the accuracy of the traffic study and noted that there will be additional 62 vehicles put on the road with the subdivision and traffic being bad and fast already. He added that Parsons Way and Peaslee Road were not put through existing subdivisions, therefore, they could not be used as a comparison.
- Linda Millman, 80 Robinson Road, read a letter to the Planning Board reiterating the importance of due diligence in the review process. She spoke about all the concerns raised at the previous meetings of the Planning Board and Conservation Commission and about recommendations to retain independent wetlands, hydrology, and wildlife experts to provide verification and additional input. She also spoke about the importance for the Board to take the time it needs to fully review the Application before it votes to approve or disapprove it, and she outlined several ways the statutory review period is able to be extended. She then requested the Board and the applicant to agree on a 90 day extension and schedule the next site visit for a time when there is no snow cover.

Mr. Oldenburg noted that a lot of work is being done by the staff, other Town departments, and the Town Engineer between the meeting dates of the Board. The Board is very well aware of all the timeframes and the developer is amenable to working with the Board on extending the deadline if necessary, and even offered to delay the next hearing until spring so that the site visit could take place at a more appropriate time. Mr. Poulin asked Mr. Sokoloski whether he was a wildlife expert, and he responded that he is a certified wetland scientist and that New Hampshire does not have wildlife biologist certification, although he was knowledgeable on the subject as he had taken a number of courses on the subject.

- Peter Cook, 7 Smokey Road, displayed the plan of his lot and showed where wetlands were located on it and how careful they were to not impact any of them when building their house. He also said that when they bought the property, they were sure that this would be a dead end road and they would only be surrounded by wetlands. This will all change with this development. He is concerned with increases in traffic, speeds, and related safety issues. Mr. Cook also showed a triangular parcel that abuts the proposed development and asked if it ever could be developed with another road going through the open space land. Mr. Oldenburg noted that no road could be planned through the open space. Mr. Cook continued and said that the 2017 Master Plan calls for preserving the rural character of the Town and he was not sure if this parcel, that abuts the Town Forest with lots of trails, and serves as a valuable habitat, was a good fit for the Town with a subdivision on it.

Discussion ensued about the need to keep the hammerhead on Smokey Road (Mr. Cook did not have a preference); the fact that the controversy of the development is in part caused by the new houses going up in people backyards; speculations about the houses being bought by people with children, thus having a negative tax impact; the right of any property owner to develop the land if all the regulations are followed; and a possibility to purchase the land collectively if a development was undesirable. Mr. Glasier also

asked whether any abutting subdivisions were open space ones or not and was informed that they were not.

Mr. Poulin noted that he received some information about the road naming meeting by the Board of Selectmen, and that it will only be a workshop to gather feedback from the residents. The actual public hearing will be scheduled at a later date and he will make sure that ample notice is given. He also asked people to submit their comments in writing if they cannot come to the workshop.

- Jean Rich, 11 Nesbitt Drive, said that all the abutting lots are two acre lots, therefore, comparing this new subdivision to the one on Peaslee, which is not surrounded by any existing neighborhoods, is wrong. This subdivision will change the existing nature of the neighborhoods and it cannot be looked at in isolation from the surrounding neighborhoods.

Mr. Oldenburg clarified that Peaslee was used as an example of half a million dollar homes being built on smaller lots, and Mr. Sloat added that there is also a possibility that some buyers would be looking for a home in a smaller lot community.

- Jessica Gieben Lynn, 4 Dunnmoore Drive, said that she has 3.7 acres of land.
- Kristen Cook, 7 Smokey Road, pointed out the Zoning Ordinance Article on page 31 of the ordinance that stipulates that for protection of existing homes, where a proposed Open Space Residential Development lot would abut a non-Open Space Residential Development lot with an existing residence built thereon, the Planning Board is empowered to require that the abutting Open Space Residential Development lot conform to the minimum lot size and frontage requirements of two acres. Ms. Cook also was not clear as to how the developer could put a new road through wetlands with variances and conditional use permits, where the Zoning Ordinance only allowed exceptions for driveways.

Mr. Oldenburg clarified that it was Zoning Ordinance Article 7.02.C.6 and explained how the conditional use permits are obtained. Mr. Glasier added that Section 12 of the Zoning Ordinance regulates conditional use permits and there are no prohibitions per say, there are conditions that have to be satisfied to get approval.

- Frank Ritter, 77 Bow Bog Road, noted that there will be a lot of houses, bad traffic, and wells will go dry, as his house already had three wells. He was wondering why he should pay for this new development. Mr. Ritter was concerned with the loss of Boulder Trail attractiveness and use due to that. He predicted that there will be a lot of impacts to the schools, roads, police, and there will be rotaries and lots of traffic. Mr. Ritter concluded with saying that it will be a big deal and everyone was against it.
- Joe Trefethen, 5 Smokey Road, stated that he was not against allowing private land to be developed, but he is an abutter who lives on a two acre parcel, and all similar neighborhoods in the area are now getting surrounded by higher density development. All they are asking is for help in maintaining some semblance of the peace that they thought they were buying into.
- Annette Denise, 13 Ogden Drive, was questioning the numbers provided in the fiscal analysis regarding the number of children per grade. She also stated that the development will change the neighborhood.
- Sandra Crystall, 1 Shoreview Drive, Bow Conservation Commission (BCC), said that she was a Professional Wetland Scientist and spoke about the following:
 - o Yield plan – it seems that lot size calculations on the yield plan were done with only the dimensional considerations, as opposed to looking at it realistically. There were four wetland road crossings, and about seven or eight lots that were either too small or would require a conditional use permit for access: therefore, it is very possible that the number of lots should be less than 34;

- Stormwater treatment areas were not shown on the yield plan as well, which could also reduce the number of lots;
- Independent wetland scientist review – Rockingham County Conservation District provides such peer reviews. This case may require vernal pools to be peer reviewed, as Mr. Sokoloski did mention that the vernal pool identification was done during a rather dry year, therefore, it would make sense to look at the vernal pools one more time this year;
- Stormwater treatment is proposed in wetlands buffers, which will adversely affect the vernal pools, as chlorides do not get treated; therefore, it is important to keep the stormwater away from vernal pools and their inhabitants;
- Planning Board should request vernal pool forms from the wetland scientist;
- The connectivity diagram shown by the engineer did not have the road depicted on it.

Ms. McCourt responded that the road was shown on the diagram. Ms. Crystall said it was not visible from where she sat. Ms. Crystall continued to say that while deer will not have a problem crossing the road, the vernal pool critters will get run over. Vernal pools need to have large buffers. She also added that sometimes stormwater basins are not built as designed and that they should be kept away from vernal pools. Harvesting trees in vernal pool buffers impacts their inhabitants' breeding as it causes the pools to dry out earlier.

- Ben Soucy, Ogden Drive, wondered about the requirements for the water study that the Town does not have as he had already spent a lot of money treating his water and had to frack his well deeper. He asked about a possibility of the wells on smaller lots running dry and where would the new wells be drilled. He also stated that those houses will not be worth as much when there is no water. He urged the Board to vote right now to require two acre lots and have the developer work from there. He also concurred with all the comments about children and noted that there are almost no young drivers in the area now, as opposed to a few years back, when he would not allow his kids to play on the street. He thought that a lot of things could be addressed reasonably. He did not believe that the number of lots proposed is reasonable and that this cannot be compared to Peaslee subdivision as the latter does not use existing roads.

Mr. Berube noted that if the subdivision was to be built with two acre lots, there would be much more impact to the wetlands. Mr. Glasier added that the two alternatives (34 lots - either open space or two acre minimum) were not the only ones possible. Mr. Oldenburg clarified the comments about the yield plan and said that it should be looked at closely in order to verify the number of lots that it would allow. Mr. Taylor explained that the plan has been reviewed and the Board needs to take up the issue of the conditional use permits that would have been required should the lots be developed according to the plan.

- Mr. Soucy continued and said that he was not sure how the Planning Board could approve this without requiring any kind of a hydrology study, given that there were so many abutters testifying about their water problems. He repeated several times that the water quality was terrible.
- Tom Sokoloski, Wetland Scientist for the project, went back to clarify his work in relation to vernal pool identification done last spring, when there were many late winter storms happening. He was able to observe the pools and wetlands when they were at near full water levels. When he did his final vernal pool assessment later in June, there was still plenty of activity in them. He also addressed the cutting of the tree canopy in the vernal pool buffers and noted that it would only be done on the one at the end of Smokey Road, and the area that will be cleared is on the northern side of the pool, which is not in direct path of sunlight. In addition, trees will remain in about three quarters of the area around that pool, which should be sufficient for the pool to maintain its function.

- Linda Millman, 80 Robinson Road, read another letter in which she addressed the Master Plan goals and how this subdivision related to them; reiterated the open space subdivision regulations and their intent; noted that attempts to maximize the number of lots and fragmenting the open space actually defeat the purpose of the ordinance and minimize the livability and functionality of existing neighborhoods; mentioned the fact that the subdivision does not provide access to recreation and takes away existing access to trails and ability to aesthetically enjoy them; reiterated the importance of wildlife and how this subdivision interferes with its corridors; noted the traffic impacts that the subdivision will bring; and urged the Board to conclude that his plan as presented will not be suitable for either this parcel or the Town.
- Dave Obolewicz, 3 Smokey Road, asked why the traffic study did not address Bow Bog Road and Bow Center Road intersection, which he thought was the most dangerous intersection. He also said that Bow Bog Road traffic backs up and there are a lot of near misses.

Mr. Oldenburg explained that the traffic study addressed the immediate vicinity of the subdivision and the impacts were estimated to be quite small, therefore, it should not affect the intersections farther away as much. Mr. Pernaw concurred and added that he was provided a list of intersections to study.

Mr. Berube added that he had heard a lot of concerns about speeds and near misses, and that it was the people who already live in Town who speed, and it would not be fair to blame any new development for it. Mr. Oldenburg elaborated that the traffic is increasing already and it is unreasonable to expect that the developer could somehow solve that problem. The population of the state is increasing, and the development would not add a sufficient amount of traffic.

- Nick Copadis, Robinson Road, asked how long it may take until the subdivision is built out.

A short discussion ensued about market forces playing a role in how fast the developer can sell homes, current use penalties, tax implications, and timeframes.

- Crystal Proulx, 26 Bow Bog Road, noted that the increased traffic on Bow Bog will directly impact her as she has to back out of her driveway and it is already dangerous to do so. She expressed doubts about Boulder Lane going in as she thought it was not enough distance to put another road between already existing intersections.
- Alex Shakhau, Ogden Drive, asked Mark Fougere if Ogden Drive was included in the financial analysis. Mr. Fougere responded that Ogden Drive has 14 students and 4 of them are in elementary school. Mr. Shakhau disagreed with the numbers provided as he felt that there are a lot more elementary school students on Ogden Drive and urged the Planning Board to not accept the numbers from the fiscal analysis. Mr. Fougere elaborated that the numbers were provided to him by the school district. Mr. Shakhau then spoke about having water problems, both in quantity and in quality, including radioactive substances found in his water. His concern was with losing water in his well if more wells are drilled around.

Ms. McCourt then addressed some of the concerns expressed earlier:

- Yield plan – the regulations allow to use USDA soil survey which would yield even more lots on this parcel, however, she used the wetlands mapping to arrive at the number of lots that was proposed;
- The Bow Zoning Ordinance mandates a developer to use open space format if the parcel is over 30 acres;
- The individual lots that would have had wetland and buffer impacts on the yield plan;

Mr. Taylor clarified that the provision mandating open space subdivision is contained in the Bow Subdivision Regulations.

- There are no lots that abut the two acre lots, as there is an open space 50 foot buffer that abuts all the neighboring subdivisions;

Members of the public raised concerns with the intent of the provision. Discussion ensued about the engineer's position that no open space lots abut two acre lots due to the open space buffer and the need to seek the interpretation of that provision by the Town Counsel. Ms. McCourt also added that the lots can be made part of the 50 foot open space buffer, and she does have some lots go within the buffer, as long as the buffer is not used in the buildable area calculations. Mr. Glasier also asked about the Robinson Road lots and whether they are part of the open space subdivision and concurred that the Town Counsel has to weigh in on the assessment of the two acre abutting lots provision.

Having nobody else there to address the Board, Mr. Oldenburg closed the public hearing at 10:41 PM. (After the closing of the public hearing the Board asked for input from some members of the public, which reflected in the minutes).

Mr. Glasier asked whether a motion was required from the Planning Board to make an inquiry to the School Business Administrator about the school data. General consensus was that it was not necessary. Mr. Glasier also asked if a motion was needed to extend the 65 day deadline. Mr. Taylor noted that the developer has to offer the extension first. Ms. McCourt said that the offer would be to extend to the April 18, 2019 Planning Board meeting.

Mr. Sloat made a motion to accept the developer's offer to extend to April 18, 2019. Mr. Berube duly seconded and motion passed unanimously.

Mr. Oldenburg also noted that the site visit will be scheduled before the April 18th meeting when the conditions change and there is no snow cover.

- Ms. Crystall noted that the wetland scientist was also requested.

Mr. Oldenburg reiterated that a hydrology expert, wildlife, and wetland scientist. Mr. Glasier noted that there are no statutory parameters for the hydrologist to go by and that would make a hydrology study more complicated. Discussion ensued about the following:

- wells in the area;
- possible criteria for a water study;
- Mr. Reynolds noted using Windchimes as an example where a hydrology study was possibly done;
- the need for staff to find more information on the criteria used for Windchimes water study;
- whether the study could report back on the possible impacts to water quality/quantity of the abutting wells;
- how fast the houses will be built (5-6 a year) and it will be a slow process;
- the need for the Board to also give instructions to staff for selecting a specialist;
- whether a water budget would suffice;

- Ms. Crystall noted that there are well drilling logs filed with the State for the ones drilled in recent years.

Mr. Taylor summarized the discussion and suggested that the Board could require a report from a hydrologist to determine the potential impact of this subdivision on the quantity and quality of the water for wells of adjacent properties and whether a request for qualifications would be necessary to start the process. Some names were discussed, and Ms. McCourt noted that the name she provided was of a specialist that she had never worked with or knew prior. *Mr. Glasier made a motion to require that the developer provides such a report done by a professional hydrologist.*

Discussion ensued about what the Board would do with the received information and whether any restrictions could be enforced. A potential bond was also discussed, as was possibly done with Windchimes.

Mr. Glasier made the motion again to get a report from a certified hydrologist as to the applicant subdivision's potential impact on the abutting water quality and quantity for existing wells. Mr. Sandahl duly seconded and motion passed with everyone voting in favor.

Mr. Oldenburg noted that a wildlife specialist was also requested.

- Ms. Crystall added that wildlife and wetland review could be done together.

Mr. Berube said that the wetland specialist who did the work for the applicant is very reputable and much of his work was approved by the Town before. Mr. Sloat added that should the site visit take place in no snow conditions, the Board would be able to see a lot more and be able to identify areas that are be questionable. He also added that some abutters expressed concerns about particular spots that could be looked at as opposed to remapping the whole parcel. Mr. Oldenburg concurred that a spot check would be more reasonable, should it be required.

Mr. Oldenburg then asked about the wildlife specialist again. Mr. Berube noted that he did not see the need to hire one as the plan had left plenty of open space for wildlife. Discussion ensued about the results of such a study and what it will show, like impacts on the habitat, the migration routes, the connectivity, etc.

- Ms. Crystall added whether the developer could improve it to make it better for the wildlife.

Mr. Taylor asked Mr. Oldenburg if this has ever been done.

- Ms. Crystall answered that a wildlife study was done for McNichol subdivision.

Mr. Oldenburg noted that the Board would need to decide whether the need exists. Mr. Berube said that checking on the wells was something that the Board should be concerned, whereas wildlife did not seem to be that much of a concern in this case.

- Ms. Crystall disagreed and said that the Bow Conservation Commission did express concerns over wildlife impacts.

Mr. Berube noted that Mr. Oldenburg was asking the Board to make the decision, and that Ms. Crystall had recused herself from this discussion. Mr. Poulin asked what could be done with the results of such a study. Mr. Glasier added that the Board had heard evidence on the wildlife and if anyone on the Board needed additional evidence they should move to make a request for more evidence.

Mr. Oldenburg asked about drainage to the buffers. Ms. McCourt responded that she had to keep water running to the vernal pools and keep the stormwater going where it is going today. The vernal pools are down at the outlets. There are level spreaders that helps spread out the water so it gets treated before it gets to the vernal pool. There is a treatment swale down by Smokey Road, so that the water going through it will get treated before going into the vernal pool. She concluded by saying that she had tried to do her best to protect these resources.

Mr. Glasier asked whether a real estate value impact assessment has ever been done. Nobody could answer that question.

Mr. Taylor also asked about the provision for the open space subdivision lots abutting two acre lots and whether the Board would like an interpretation by the Town Counsel. Discussion ensued about the conflicting nature of the 50 foot buffer in that provision and whether it creates a loophole to circumvent the regulations. Mr. Sloat added that the Planning Board could also require a larger buffer to mitigate the problem of larger lots abutting smaller ones.

Mr. Taylor also noted that the provision about mandated open space development for lots larger than 30 acres is in the Bow Subdivision Regulations, Article 3.06. He added that the Board could also waive this requirement, meaning that the developer potentially will be able to plan a traditional subdivision with two acre lots. Discussion ensued about how the developer would be able to do that and whether the yield plan

is a good representation of such an option. Mr. Glasier noted that the Board should bear in mind that there are not only two options out there and the members should not be limited by only discussing the two plans that have been presented. Mr. Sloat also asked about the location of the trail in the adjacent forest. Discussion about the trail ensued and that it comes close to the property and a 50 foot buffer and the hardwood forest do not work to keep the trail private. Ms. McCourt also added that making the buffer larger would push the road closer to the vernal pool. Mr. Sloat noted that there were a lot of concerns about the 50 foot buffer between the lots and the trail and that the regulations specifically allow for a larger buffer. Mr. Berube said that, given the big issue that the trail had become, in the future, the trails that are planned adjacent to any private property, should be planned at least 200 feet away, so as to avoid the taking of private land. He offered that the trail could be moved and signs installed warning people about the backyard views ahead.

Mr. Berube made a motion to continue the public hearing to April 18, 2019 regular Planning Board meeting at 7:00 PM in Room C of the municipal office building on 10 Grandview Road, Bow, NH with a sitewalk scheduled sometime before April 18th. Mr. Poulin duly seconded and motion passed with everyone voting in the affirmative.

ADJOURNMENT: *Mr. Poulin made a motion to adjourn, duly seconded by Mr. Sandahl and motion passed with everyone voting in favor. Meeting adjourned at 11:10 PM.*

Respectfully submitted,

Tony Reynolds,
Secretary