



# TOWN OF BOW

## Planning Board

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Approved as amended on May 20, 2021

### MINUTES April 15, 2021

The Town of Bow Planning Board met on Thursday, April 15, 2021 at 7:00 PM via Zoom Meeting. Chair Berube began the meeting with the reading of the virtual meeting checklist and roll call introduction of the Board.

#### 7:00 ROLL CALL

Other members present were Sandra Crystall, Vice Chair, Tony Reynolds, Secretary, Bill Oldenburg, Adam Sandahl, Willis Sloat (joined at 7:39 PM), Garth Orsmond (alt), David Glasier (alt), Jonathan Pietrangelo (alt), and Selectboard representative Bruce Marshall (alt). Also present were Matt Taylor, Community Development Director, Bryan Westover, Assistant Planner, and Alvina Snegach, recording secretary.

Chair Berube directed everyone's attention to item I.I on the Agenda. He also noted that Mr. Sloat was not yet present and appointed alternate Glasier to vote for him until his arrival.

#### CONCEPTUAL CONSULTATION/MINOR MODIFICATION

**Conceptual Consultation, Ensio Resources, Inc. for potential 7,500 square foot pad, 6 storage containers, and fabric covered dome for processing clean container glass into sandblasting media. Block 2, Lot 200-BO, located at 431 River Rd Ensio Building.**

Mr. Berube read the item into the record. Paul Bruillard and Peter Ensio from Ensio Resources presented details of the request which is to add a 75' X 100' concrete pad in their yard to house equipment for sorting and preparing glass for the final processing. Shipping containers will serve as walls on three sides and a dome fabric roof will be installed to cover the operation. Then Mr. Ensio and Mr. Bruillard answered Board questions about the process, glass collection, abutter concerns with noise and vibration, work schedules, wastewater, moving equipment inside the structure, etc.

After a brief discussion whether this request qualified for a minor modification, Mr. Oldenburg made a motion to approve the requested minor modification to the site plan by Ensio Resources. Mr. Reynolds duly seconded and motion passed with a 6:0 roll call vote: *Ms. Crystall – yes; Mr. Reynolds – yes; Mr. Oldenburg – yes; Mr. Sandahl – yes; Mr. Glasier – yes; Mr. Marshall - yes.*

**Conceptual consultation, Richard Geddes, three lot subdivision at 8 Blevens Drive, Block 3, Lot 27.**

Chair Berube read the item into the record. Rick Geddes introduced himself and displayed the conceptual plan to subdivide the lot at the end of Blevens Drive into three lots with two driveways coming off the temporary turnaround at the end of Blevens and the third – off Putney Road. Mr. Geddes noted that the frontage requirements for creating three lots could only be met if the "T" temporary turnaround would be considered a cul-de-sac, which he would like the Planning Board to consider. He added that the sight distance for the driveway off Putney was reviewed by the Director of Public Works and he did not have an issue with it. Mr. Geddes then displayed drone images of the turnaround and said that Public Works

Director said that he is ok with plowing the turnaround and as there will be no more additional roadways created. Mr. Geddes noted that extending the road will require significant wetland impacts and drainage issues, whereas the two driveways would be much less impactful.

Discussion ensued about a similar request at the end of Timmins Road that was not approved and why. Mr. Sloat arrived at 7:39 PM. Members continued discussing the proposal and asking Mr. Geddes questions about wetland impacts, drainage, culverts, Putney Road sight distance, acres of upland, etc.

Another discussion was about the hammer head and whether it indeed could be considered a cul-de-sac, which can have only 50 feet frontage requirement for each lot. Discussion ensued on the fact that the Planning Board cannot waive a Zoning Ordinance requirement, thus, a variance for the lot frontage requirements may be necessary for all three lots. Discussion continued about the Board being more in favor of only three lots being created versus many more, however, the process must be followed as the Planning Board does not have the ability to waive zoning.

Then the members discussed the regulations and how the hammer head and cul-de-sac would be different or not. There were suggestions made that the Planning Board determines what a cul-de-sac is and none of the typicals in the regulations specify that a hammer head is not one. Another note was made that the frontage is required off a maintained paved road, which makes the sides of the "T" questionable with regards to be considered frontage. The opposing argument was that the right of way is also maintained, and the frontage is calculated off the property line, although it is not paved all the way to it. A suggestion was made that maybe the applicant could give more right of way to the Town by extending the "T" itself to satisfy frontage requirements. After a long discussion, it was still noted that the Mr. Geddes may need to apply for a variance from the Zoning Board, whether he decides to apply for frontage relief or hammer head to cul-de-sac designation.

Mr. Reynolds noted that he would like to abstain from any votes on the matter as he is also a member of the Zoning Board. Mr. Berube noted that since Mr. Sloat was back, he is now voting and appointed alternate Glasier to vote in place of Mr. Reynolds.

Mr. Glasier made a motion for the Planning Board to adopt a resolution in support of this development plan to send to the ZBA for whatever adjustment Mr. Geddes needs. Ms. Crystall duly seconded and motion passed with a 6:0 roll call vote: *Ms. Crystall – yes; Mr. Oldenburg – yes; Mr. Sandahl – yes; Mr. Sloat- yes; Mr. Glasier – yes; Mr. Marshall - yes.*

After this vote Mr. Reynolds was voting again.

#### **PUBLIC HEARINGS**

**Application #502-21, Pinnacle Lane Development, LLC. Lot line adjustment (Minor Subdivision) merging two residential lots and a portion a private road right of way. Block 4, Lots 106-C, 106-D, and Pinnacle Lane; located at 40 & 36 Pinnacle Lane. For Final Approval.**

Mr. Berube read the item into the record . Jeff Kevan from TF Moran introduced himself and presented the application. He went over the displayed plan of the proposed lot line adjustment and spoke about drainage easement, right of way changes, Unitil easement, etc. he also answered questions about meeting frontage with the changes to the right of way. He also said that there were several waivers that they are requesting to not show the same features that were shown on the original subdivision plan.

Mr. Berube opened the public hearing at 8:20 PM.

Katie Lyon-Pingree, 36 Pinnacle Lane, in response to drainage easement questions said that the easement is mentioned in the HOA documents and has been recorded.

Mr. Sloat suggested that it be referenced in the new deeds as well.

Having nobody else to address the Board, Mr. Berube closed the public hearing at 8:21 PM.

*Ms. Crystall made a motion to approve Application 502-21, with the waivers as noted in the staff report, finding that granting the waivers will carry the spirit and intent of the regulations. Mr. Oldenburg duly*

*seconded and motion passed with a 7:0 roll call vote in favor: Ms. Crystall – yes; Mr. Reynolds – yes; Mr. Oldenburg – yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Marshall – yes; Mr. Berube – yes.*

**Application #503-21, HLF South, LLC. Planned Business Subdivision creating one additional industrial lot and extending Evolution Drive by ~370' to create a cul-de-sac to be accepted as a Class V public road. Block 2, Lots 164-C & 159-F8; located at 29 Dunklee Rd & 60 Ryan Rd. For Fin**

Mr. Berube read the item into the record. Chris Nadeau from Nobis Group presented the details of the subdivision. He went over the plan for the proposed 3 lot Planned Business subdivision showing the new P shaped turnaround at the end of Evolution Drive. He noted that they are asking the Town to accept Evolution Drive as a class V public road. The waivers that the application requests are for a driveway off the turnaround on Ryan Road for the smallest lot, and reduced setbacks for that same lot. Mr. Nadeau then answered questions about the comments from the Town engineer, which he said he would contact him to clarify the radius issue and that he agrees with the rest of the comments. He also answered questions about driveway off the turnaround, green area on the plan, snow storage, etc.

Mr. Berube opened the public hearing at 8:32 PM. Having nobody there to address the Board, he closed it at 8:32 PM.

Members discussed the displayed waiver requests, one for 8.01.G1 for lot 159-F8 to allow a driveway off a temporary turnaround on Ryan Road, and the other is a request to have reduced setbacks for lot 159-F8 from 50 ft to 20 ft, which is not technically a waiver, but could be approved by the Planning Board under the Planned Business Subdivision ordinance provision.

*Ms. Crystall made a motion to approve the waiver from Section 8.01.G1 of Bow Subdivision Regulations for lot 159-F8 finding that granting the waiver will carry out the spirit and intent of the regulations. Mr. Sandahl duly seconded and motion passed with a 7:0 roll call vote in favor: Ms. Crystall – yes; Mr. Reynolds – yes; Mr. Oldenburg – yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Marshall – yes; Mr. Berube – yes.*

*Ms. Crystall made a motion that the Board makes a finding that the planned business subdivision meets the criteria set forth in Article 7.23 of the Bow Zoning Ordinance.*

*Mr. Oldenburg made a friendly amendment by adding the five conditions listed in the staff report. Ms. Crystall agreed with the friendly amendment. Mr. Oldenburg seconded, and the motion passed with a 7:0 roll call vote in favor: Ms. Crystall – yes; Mr. Reynolds – yes; Mr. Oldenburg – yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Marshall – yes; Mr. Berube – yes.*

*Mr. Sloat made a motion to approve the Planned Business subdivision Application # 503-21. Ms. Crystall duly seconded and the motion passed with a 7:0 roll call vote in favor: Ms. Crystall – yes; Mr. Reynolds – yes; Mr. Oldenburg – yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Marshall – yes; Mr. Berube – yes.*

**Application #403-21: Eversource Energy – Easement on Block 2, Lots 128, 130, 138, 141-A, 134, 42-A, 134-C, & 200-B, located on lots off Bow Bog Rd, Old Johnson Rd, & Dicandra Dr, and at 196 Woodhill Hooksett Rd, 191 Bow Bog Rd, & 67 Ryan Rd. Wetlands Protection Conditional Use Permit for 28,245 sq ft of temporary wetland impact to replace 14 utility structures along the D121 Transmission Line. For Final Approval.**

Mr. Berube read the item into the record and asked the Planning Board if there was agreement on whether such requests for utility maintenance should be reviewed and approved administratively. A short discussion followed, and it was concluded that if the Board would like to pursue it, it would need to be done via zoning changes.

Kelly Merritt from Eversource introduced himself and the members of his team who were there to present the application: Sam Harris, Matt Cardin, Jennifer Cote, and Lindsey White from GZA. Matthew Cardin then took over presenting the details of the application which is to replace 14 wooden pole structures with metal ones along the right of way in Bow, which will result in temporary impacts to wetlands – 28,245 square feet. He showed the maps of the proposed work locations and proposed access to them. He also

listed all the required state permits, types of affected wetlands, and types of maintenance. He also spoke about the hits that the NHB data check had produced and how the company will work to minimize any impacts to sensitive species and resources. Next Mr. Cardin addressed the comments from the Bow Conservation Commission. Then Mr. Cardin answered questions about the age of the poles, type of steel used for the new ones, small height changes, timeframe of work as it relates to sensitive areas, resources, and species, and other towns' permitting requirements.

Mr. Berube opened the public hearing at 9:08 PM and having nobody there to address the Board, closed it at 9:08 PM. After noting that the impacts to the wetland buffers need to be mentioned in the staff report, *Ms. Crystall made a motion to approve the conditional use permit Application #403-21 finding that the application meets the standards for granting a conditional use permit in the Wetland Conservation District under Section 10.01 (F) of the Town Zoning Ordinance. Mr. Oldenburg duly seconded and motion passed with a 7:0 roll call vote in favor: Ms. Crystall – yes; Mr. Reynolds – yes; Mr. Oldenburg – yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Marshall – yes; Mr. Berube – yes.*

**Request for tree trimming on designated scenic roads. Unutil has proposed tree trimming and removal**

**along Putney Rd and Woodhill Hooksett Rd and has requested approval per RSA 231:158.**

Mr. Berube read the item into the record. Chris Moulthrop introduced himself and said that the request was part of regular scheduled utility maintenance along the listed roads. He then answered questions about notification, wood being left or not, and the company hired to do the work. Mr. Berube opened and closed the public hearing at 9:15 PM having nobody there to address the Board.

*Mr. Oldenburg made a motion to approve the request for tree trimming and removal along Putney Road and Woodhill Hooksett Road. Mr. Reynolds duly seconded and motion passed with a 7:0 roll call vote in favor: Ms. Crystall – yes; Mr. Reynolds – yes; Mr. Oldenburg – yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Marshall – yes; Mr. Berube – yes.*

**Consideration of amendments to the Subdivision Regulations: 9.02 Performance Guarantee; 9.03 Maintenance Guarantee; 9.04 Street Opening and Acceptance.**

Mr. Berube read the item into the record. Mr. Taylor displayed the proposed language and went over the proposed changes to Bow Subdivision Regulations to articles dealing with performance and road maintenance guarantees and street opening and acceptance. Members discussed the proposed changes and suggestions were made to alter some of the verbiage relative to the maintenance guarantees and the time of placing the topcoat. It was suggested to have add to section 9.03.B to state that the final wearing course shall not be placed until authorized by the Town Engineer, and to have the same language on both performance and maintenance guarantees for them to be self-calling and non-lapsing. Another change was proposed to the term subgrade to clarify that it is base course material. Mr. Taylor noted that he can make these changes before the final discussion and the Board would need to continue the public hearing until the next meeting. Mr. Berube opened the public hearing at 9:35 PM and closed it at 9:35 PM as there was nobody there to address the Board.

*Mr. Sloat made a motion to continue the public hearing on amendments to the Bow Subdivision Regulations until the next Board meeting on May 20<sup>th</sup>. Mr. Oldenburg duly seconded and motion passed with a 7:0 roll call vote in favor: Ms. Crystall – yes; Mr. Reynolds – yes; Mr. Oldenburg – yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Marshall – yes; Mr. Berube – yes.*

**CORRESPONDENCE AND OTHER BUSINESS**

**1. Revise Planning Board Schedule for June 2021.**

Mr. Berube read the item into the record. Mr. Taylor said that the vacation schedule for June makes conducting the meeting on June 17 very problematic so he was wondering if the Board would consider

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rescheduling. Members discussed possible dates. *Mr. Sloat made a motion to reschedule June 17<sup>th</sup> Planning Board meeting to June 3<sup>rd</sup>. Mr. Oldenburg duly seconded and motion passed with a 7:0 roll call vote in favor: Ms. Crystall – yes; Mr. Reynolds – yes; Mr. Oldenburg – yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Marshall – yes; Mr. Berube – yes.*

Mr. Marshall spoke about the Board of Selectmen receiving many requests to consider implementing an impact fee as related to large residential developments. Members discussed the statutory requirements of implementing any impact fees in New Hampshire and the previous impact fees the Town had along with the remaining one for the public safety building. Mr. Marshall reiterated that the citizens are requesting that the Planning Board discuss the merits and possibilities of implementing such a fee.

**UNAPPROVED MINUTES: February 18, 2021**

03/18/2021 draft Planning Board minutes were reviewed, and changes were made. *Ms. Crystall made a motion to approve 03/18/2021 minutes as amended. Ms. Crystall duly seconded and motion passed with a 7:0 roll call vote in favor: Ms. Crystall – yes; Mr. Reynolds – yes; Mr. Oldenburg – yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Marshall – yes; Mr. Berube – yes.*

**ADJOURNMENT:** *Mr. Sloat made a motion to adjourn. Ms. Crystall duly seconded and motion passed with a unanimous vote in favor. Meeting adjourned at 9:53 PM.*

Respectfully submitted,

Tony Reynolds,

Secretary