



TOWN OF BOW Planning Board

10 Grandview Road, Bow, New Hampshire 03304

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Approved as amended on July 18, 2018.

MINUTES June 20, 2019

The Town of Bow Planning Board met on Thursday, June 20, 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 7:35 PM), Don Berube, Jr., Allen Lindquist, Adam Sandahl, Willis Sloat, David Glasier, and Selectboard representatives Mike Wayne and Harry Judd. Kristen Hayden was excused. Also present were Matt Taylor, Community Development Director and Alvina Snegach, recording secretary.

Mr. Oldenburg noted that Mr. Reynolds was not in yet and appointed Alternate Sloat to vote for him until he arrives.

CONCEPTUAL CONSULTATION

Ryan Lamey, request to rezone 30 Carriage Road from Residential to Commercial use. Block 1, Lot 107.

Mr. Oldenburg read the item into the record. Ryan Lamey, owner of 30 Carriage Road, introduced himself and explained that the lot is adjacent to I-93 and he would like to offer the Town to rezone it commercial as it would make more sense to have a business in that area rather than a residential property which it is currently zoned for. Discussion ensued about the procedure for any zoning changes and the fact that spot zoning is not allowed. General consensus was that the issue would need to be discussed during the zoning amendment season which is coming up in the fall.

Dan Hebert (Owner: Seawall Realty, LLC) - Block 2, Lot 187, 1167 Route 3-A.

(Sales of Construction Equipment/Material w/ outdoor display/storage – Special Exception for Commercial District.)

Mr. Oldenburg read the item into the record. There was nobody to speak to the case and Mr. Oldenburg moved onto the public hearing section of the agenda.

PUBLIC HEARINGS

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 linear feet of new roads; and associated Wetlands Protection Conditional Use Permit #401-19w for 5,985 SF wetland and 32,091 SF wetland buffer impacts. The specific purpose of this hearing is to review the yield plan and or a new conceptual subdivision plan. (Continued from the May 16, 2019 meeting.)

Ms. Crystall recused herself. Mr. Oldenburg noted that the applicant had requested a continuation of the public hearing to the July 18th meeting and extended the time period for review until July 18, 2019.

Mr. Berube made a motion to continue the public hearing to the Planning Board's meeting on July 18, 2019 at 7:00 PM in Room C at 10 Grandview Road, Bow, NH. Mr. Sloat duly seconded and motion passed

unanimously. Mr. Sloat made a motion grant the time extension for review until July 18, 2019. Mr. Berube duly seconded and motion passed unanimously.

Application #503-19, Ronald & Diane Jobin - Block 2, Lot 144 located at 11-15 Morgan Drive. Minor Residential Development subdivision creating one additional house lot. For Expedited Review.

Mr. Oldenburg read the item into the record and noted that a sitewalk took place prior to the meeting. Ms. Crystall was voting again. Mark Sargent with Richard Bartlett & Associates, LLC introduced himself as the engineer for the project and went over the details of the subdivision, which intended to cut one 31.12 acre lot into two. Mr. Sargent went over the following plan features: frontage, acreage, buildable areas, wetlands, proposed driveway and house locations, test pits, and etc. Mr. Sargent also spoke about the requested waiver to the requirement of depicting topography, unsuitable land, and natural features on the portion of the property located west of PSNH easement and a waiver to the required yield plan. He then answered some questions on whether there were any wetland buffer impacts, about septic depicted in the setback, granite bounds, and the multiple street numbers assigned to the subject lot. Mr. Oldenburg also noted that the Bow Conservation Commission made a comment that the wetland scientist and surveyor stamps needed to be put on the plan.

Mr. Oldenburg opened the public hearing at 7:19 PM and closed it at 7:19 PM having nobody to address the Board.

Ms. Crystall made a motion to accept the application #503-19 for expedited review. Mr. Berube duly seconded and motion passed unanimously.

Ms. Crystall made a motion to grant the requested waivers for application #503-19 (as stated in the letter dated June 17, 2019). Mr. Sandahl duly seconded and motion passed unanimously.

Ms. Crystall made a motion to approve application #503-19. Mr. Berube duly seconded and motion passed unanimously.

Application #504-19, Steven & Michael Chadwick and Joan Pushee - Block 4, Lot 100-A, located at 71-77 Brown Hill Road. Open Space Residential Development subdivision creating 9 house lots, an open space parcel, and 1,095' of new road; and associated Wetlands Protection Conditional Use Permit #403-19w for 1,580 SF wetland and 24,585 SF wetland buffer impacts. For Receipt of Application.

Mr. Oldenburg read the item into the record. Jason Lopez from Keach Nordstrom Associates Inc. introduced himself as the project engineer and noted that John Langill and Chris Grondin, the developer and the builder were also present in the audience. Then he went over some details of the proposed subdivision:

- Location and acreage;
- Proposed open space subdivision with nine house lots ranging from 0.75 to 2.1 acre in size and a 28.2 acre open space lot;
- The yield plan;
- Wetlands and proposed impacts, vernal pools, and Natural Heritage Bureau Datacheck;
- Road construction, sight distances, and no need for a traffic study;
- Erosion control measures and drainage features;

Then Mr. Lopez answered questions from the Board members about the following:

- Stormwater management on the proposed road and on Brown Hill Road;
- Rationale for designing a reverse P cul-de-sac and other road specific issues, like proposed curbing and road width;
- Department of Public Works comment about a boulder wall;

The Board discussed the yield plan and viability of some lots depicted on it and whether nine lots was a

reasonable number. Also discussed was the applicant's request to donate the recreation parcel to the Town and different ways such donations could be handled, whether it is land or cash in lieu. A request was made to possibly provide access to the recreation parcel for the people who live nearby. A site visit was scheduled to the property for Saturday, July 13th, at 8:00 AM.

Mr. Oldenburg opened the public hearing at 8:00 PM. The following individuals addressed the Board:

- Diane Benoit, 63 Brown Hill Road, noted that the plan that was sent to abutters did not look like the one displayed.

Mr. Oldenburg explained the difference between the yield and the open space plan and that the abutters only got the latter.

- Todd Noce, 10 Sundance Lane, noted that there is a petition that will be presented once it is signed by the abutters to oppose this subdivision due to various issues, like wetland impacts, conventional size abutting lots, water issues on existing properties, and etc. He concluded that this would be a third development within the two mile radius and asked whether it was necessary.

Mr. Oldenburg explained that the Board is empowered to require lots to be conventional size if there are abutting conventional subdivisions, however, the open space type of development does provide recreational land that will not be built upon as well as a 50 foot no cut strip around the whole subdivision.

- Chris Benoit, 63 Brown Hill Road, spoke about abutting subdivisions and that he has not seen any owner clear cut their lot so far. He also said he was concerned with the open space type development and smaller lot sizes and how it will change the whole area.
- Bruce Treat, 3 Hop Kiln Road, asked if the recreational parcel could be clear cut.

Mr. Oldenburg explained that there can be a forest management plan implemented if the lot becomes part of surrounding Town land, however, clear cutting was not an option.

- Chris Wilke, was concerned with smaller lot size, the recreation parcel not having enough buildable land to fit the regulations, water sheet flow on the road as Sundance had some issues already that have been repaired, water in the surrounding wells, and etc.
- Austin Kesar, 12 Sundance Lane, spoke about a mention of over twenty homes that could be put on this lot and the nine lot yield plan and how would a reasonable number be arrived at.

Board members explained that the reasonable number is not an exact science, however, there are regulations that are used during review that set the parameters. It was also noted that there cannot be more than 12 lots on a dead end road in Bow.

- John Langill, the developer, said that he had many iterations of this plan prior to arriving at the number nine and that this plan presents the most reasonable opportunity to develop the lot and still provide the continuity of the surrounding conservation land and wildlife corridors;
- Chris Sukenik, 12 Sundance Lane, asked about the type of homes to be built.
- John Langill, the developer, said that it was too early to tell exactly, however the general idea was to have 2,700 square foot homes with two car garages in the price range of \$550 to \$750 thousand. He also noted that in the subdivision on Fawn Court, that he is currently building, the lot sizes are much smaller than what is proposed here.
- Jeff Wheeler, 3 Sterling Place, spoke about his concerns with the well water quantity in the area as he is aware of some wells that have dropped from 38 gpm to 4 gpm as well as a 3000 foot deep well that was recently drilled nearby. He was very concerned with the adverse effects that the proposed subdivision may bring and wondered what the current owners' recourse may be.
- Austin Kesar, 12 Sundance Lane, asked if the Board may be interested in any information that current homeowners can provide on their existing wells.

General consensus was that any information will be helpful for further review process.

- Todd Noce, 10 Sundance Lane, spoke about the Fawn Court development and that the 50 foot strip

there did not look like 50 feet to him.

Having nobody else to speak, Mr. Oldenburg closed the public hearing at 8:34 PM. Chris Benoit asked to address the Board and Mr. Oldenburg reopened the public hearing again at 8:34 PM. The following individuals addressed the Board:

Chris Benoit, 63 Brown Hill road; Karen Owen, 6 Sundance Lane, Chris Sukenik, 12 Sundance Lane and Jonh Langill, the developer. The abutters reiterated their concerns with the plan and how the development may affect them and also asked about the process going forward and how they will be kept informed. Mr. Langill offered anyone who had a question to contact him as for any explanations.

Mr. Oldenburg briefly explained the review process and assured everyone present that there will be notices sent out every time there is a hearing. It was also suggested to post the Board packet online in order for the abutters to have access to it. Mr. Taylor noted that the full application file is always available for review in the Community Development Department.

Having nobody else to speak, Mr. Oldenburg closed the public hearing at 8:41 PM. Mr. Reynolds arrived at 7:35 PM and was voting.

Ms. Crystall made a motion to accept the application #504-19 for review. Mr. Berube duly seconded and motion passed with a unanimous vote in favor.

Ms. Crystall made a motion to continue the public hearing for the application #504-19 to the Planning Board regular meeting on July 18, 2019 at 7:00 PM in Room C at 10 Grandview Road, Bow, NH. Mr. Wayne duly seconded and motion passed in favor.

OLD BUSINESS

Pinnacle Lane bond reduction request.

Mr. Oldenburg read the item into the record. Robert Beaver, 5 Underwood Lane, Merrimack, introduced himself and spoke about the letter and a punch list from TFMoran Inc. that stated all the work that had recently been done on site and that the road is deemed substantially complete. He also noted that he had already met with the Bow Board of Selectmen (BOS). Mr. Judd said that if the Planning Board finds that the road is substantially complete, the Board of Selectmen delegated to its Chairman the authority to act on behalf of the BOS before they hold another public hearing. This would allow the Town to issue certificates of occupancy for homes on the street. Mr. Beaver then went over the amount listed on the punch list by TFMoran and gave a brief explanation of how it was calculated.

Mr. Oldenburg then went over the letter from TFMoran and compared what is listed there with what the Board was able to observe on a site walk prior to the meeting. A short discussion followed on what remains to be done.

Mr. Taylor expressed his concern with releasing the bond amount without specifying the new items related to erosion control. Discussion ensued about which items on the punch list are new and which ones are related to the road bond and whether it would make sense to ask the applicant to alter the bond language or require a new bond altogether.

Mr. Wayne made a motion to release the old financial guarantee for Pinnacle Lane under the following condition:

- 1) The release will be contingent upon receipt of the new financial guarantee in the amount of \$126,639.40 that would cover all the items listed in the letter from TFMoran, Inc. dated June 17, 2019.*

Mr. Berube duly seconded and motion passed unanimously.

Mr. Wayne made a motion to accept Pinnacle Lane as substantially complete based on the report by TFMoran Inc. and having all the road signs put up. Ms. Crystall duly seconded and motion passed unanimously.

OTHER BUSINESS

UNAPPROVED MINUTES

May 16, 2019 draft minutes were reviewed and small changes were made. *Mr. Wayne made the motion to approve the May 16, 2019 minutes as presented. Ms. Crystall duly seconded and the motion was approved unanimously.*

ADJOURNMENT: *Mr. Lindquist made a motion to adjourn, and Mr. Berube duly seconded. Motion passed unanimously. Meeting adjourned at 9:10 PM.*

Respectfully submitted,

Tony Reynolds,
Secretary