



TOWN OF BOW

Planning Board

10 Grandview Road, Bow, New Hampshire 03304

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

DRAFT MINUTES

January 7, 2021

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

7:00 ROLL CALL

Other members present were Sandra Crystall, Vice Chair, Tony Reynolds, Secretary (joined at 7:06 PM), Bill Oldenburg, Adam Sandahl, Willis Sloat, Garth Orsmond (alt), Jonathan Pietrangelo (alt), and Selectboard representatives Mike Wayne and Bruce Marshall (joined at 7:05 PM). Also present were Matt Taylor, Community Development Director, and Alvina Snegach, recording secretary. David Glasier (alt) was excused. Chair Berube appointed alternate Garth to vote in place of regular member Reynolds.

Chair Berube directed everyone’s attention to item I.I on the Agenda.

PUBLIC HEARINGS

Public hearing #1. Application #206-20: Capozzi Theresa + Hallet Patricia TTS/William J Capozzi Family Trust, Block 2, Lot 196, located at 237 River Rd, for Site Plan Review for proposed 6,000 square foot industrial building for manufacturing. (continued from the 12/17/2020 public hearing)

Mr. Berube read the item into the record. Jacques Belanger, from J. E. Belanger Land Surveying introduced himself as the applicant’s representative and noted that the applicant Shane Phelps was also in the audience. Mr. Belanger went over the revised plans and he and Mr. Phelps then answered Board questions about the waivers, potential building design (as there was none available at the hearing), adding parking to match the regulations, burn pit location and possibility of moving it, as it is close to the existing residence, business operations, landscaping, etc. After the Board had a short discussion about flood elevations needing to be added to the plan, requested waivers, and handicapped parking and building access, Mr. Berube opened the public hearing at 7:38 PM. Having nobody there to address the Board, he closed it at 7:38 PM.

Mr. Oldenburg made a motion to approve the following waivers, finding that they will properly carry out the spirit and intent of the regulations and conditions:

- *From Section 8.02.N of the Town of Bow Site Plan Regulations requiring plan views of all buildings;*
- *From Section 8.02.O of the Town of Bow Site Plan Regulations requiring building elevations; and*
- *From Section 5.02.Y and 8.02.R of the Town of Bow Site Plan Regulations requiring certain aesthetic design standards.*

Ms. Crystall dully seconded and motion passed with a 7:0 vote by roll call: Ms. Crystall – yes; Mr. Oldenburg - yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Orsmond – yes; Mr. Wayne – yes; Mr. Berube – yes.

42 *Mr. Oldenburg made a motion to approve the following waivers, finding that they will properly carry out*
43 *the spirit and intent of the regulations and conditions:*

- 44 - *From Section 8.02.N of the Town of Bow Site Plan Regulations requiring plan views of*
45 *all buildings;*
- 46 - *From Section 8.02.O of the Town of Bow Site Plan Regulations requiring building*
47 *elevations; and*
- 48 - *From Section 5.02.Y and 8.02.R of the Town of Bow Site Plan Regulations requiring*
49 *certain aesthetic design standards.*

50 *Mr. Oldenburg made a motion to approve the application # 206-21 with the following conditions:*

- 51
- 52 1) *Mr. That the landscaping plan be revised to include native and varied species;*
- 53 2) *That a note is added to the plan that the burn pit is to be covered when not in use;*
- 54 3) *That copies of all required state approvals (septic and burn pit) be supplied;*
- 55 4) *That flood elevation be added to the plan;*
- 56 5) *Have the building design be reviewed and approved by the Planning Department and*
57 *any variations from what is typical be brought back to the Planning Board and that*
58 *100% metal can be used on the siding as that is now considered standard.*

59 *Ms. Crystall dully seconded and motion passed with a 7:0 vote by roll call: Ms. Crystall – yes; Mr.*
60 *Oldenburg - yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Orsmond – yes; Mr. Wayne – yes; Mr. Berube –*
61 *yes.*

62 **Public hearings # 2 and #3. Application #201-21: Public Service of New Hampshire DBA**
63 **Eversource, Site Plan Review for proposed ~1,900 square foot addition for storage and maintenance**
64 **of equipment, and associated Aquifer Protection conditional Use Permit #401-21 for storage of**
65 **regulated substances. Block 2, Lot 200-B1 located at 722 River Rd. For Expedited Review.**
66 **Application #501-21: Christopher and Diane Benoit, Residential lot line adjustment (Minor**
67 **Subdivision) affecting 4 lots. Block 4, Lots 99, 99-A, 100 & 100-O located at 63, 61, & 65 Brown Hill**
68 **Rd & 1 Sundance Ln. For Expedited Review**
69

70 Mr. Berube read both items into the record. Mr. Taylor noted that both applicants had requested that the
71 public hearing be continued to the next meeting due to an advertising error made while noticing the
72 applications in the paper.

73 *Mr. Sloat made a motion that the public hearing on applications # 201-21 and 501-21 be continued to the*
74 *Planning Board regular hearing on January 21, 2021 which will take place via ZOOM at 7:00 PM. Ms.*
75 *Crystall dully seconded and motion passed with a 7:0 vote by roll call: Ms. Crystall – yes; Mr. Oldenburg*
76 *- yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Orsmond – yes; Mr. Wayne – yes; Mr. Berube – yes.*
77

78 Mr. Berube noted that Mr. Reynolds was present, and he was now voting.

79 **Public hearing #4. To consider placing the following amendments to the Zoning Ordinance on the**
80 **Town Warrant:**

81 **C. To revise Section 14.03 and require a certified foundation plan for all new residences.**

82 Mr. Berube read the item into the record. Mr. Taylor displayed the proposed language. Members discussed
83 the original proposal that had been approved last year, which was for a certified foundation plan before the
84 building permit and the new proposal for a certified as-built foundation plan prior to back fill. After
85 discussing the rationale for the new proposed language and whether it should also be applied beyond new
86 residence, members agreed to keep the requirement only for the new residences and made small changes
87 to the proposed language. Tim Bernier, engineer from TF Bernier Inc. was present at the meeting and Mr.

88 Berube allowed him to speak on the matter. Mr. Bernier said that it makes more sense to certify an
89 existing foundation plan, than a proposed one.

90 Mr. Berube opened the public hearing at 8:10 PM and having nobody there to address the Board, closed it
91 at 8:11 PM.

92 *Mr. Sloat made a motion to put the new suggested language for Section 14.03 that would include the*
93 *words 'plan, that shows the as-built footing and foundation location and dimensions, certified by a*
94 *licensed surveyor' as an article on the Town Warrant. Ms. Crystall dully seconded and motion passed*
95 *with a 7:0 vote by roll call: Ms. Crystall – yes; Mr. Reynolds – yes Mr. Oldenburg - yes; Mr. Sandahl –*
96 *yes; Mr. Sloat – yes; Mr. Wayne – yes; Mr. Berube – yes.*

97 **OLD BUSINESS**

98 **Planning Board Rules of procedure review.**

99 Mr. Berube read the item into the record. Mr. Taylor displayed the proposed changes to Article V.H,
100 which were to reference RSA 91-A:2 for the standards of minutes production, lengthen the meeting
101 audio/video recording keeping time to 20 years, and making the requesting individual (not just the
102 applicant) responsible for paying for the transcription if such is requested. Members briefly discussed the
103 changes. Mr. Berube opened the public hearing at 8:20 PM and having nobody there to address the Board,
104 closed it at 8:20 PM.

105 *Ms. Crystall made a motion to approve the proposed changes to the Planning Board Rules of Procedure*
106 *as presented. Mr. Sloat duly seconded and motion passed with a 7:0 vote by roll call: Ms. Crystall – yes;*
107 *Mr. Reynolds – yes Mr. Oldenburg - yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Wayne – yes; Mr.*
108 *Berube – yes.*

109 **CORRESPONDENCE AND OTHER BUSINESS**

111 **Receipt of proposed zoning amendments from other Town boards and the public.**

112 Mr. Berube read the item into the record.

113 Mr. Taylor presented the first proposed change to the Article 6.07 Table of Dimensional Requirements, to
114 reduce the minimum acreage and road frontage requirements for lots in the Commercial, General and
115 Limited Industrial Districts, depending on the availability of public utilities. Members discussed the
116 rationale for the proposed changes and potentially looking at the building height requirements. Mr. Berube
117 noted that there was a member of the public who would like to speak. He opened the floor to the public
118 input at 8:31 PM.

119 Linda Millman, 80 Robinson Road, noted that the footnote for the table published in the packet listed 10
120 feet for the driveway setback, which was changed to 15 feet last year. Members discussed whether it was a
121 typo or if an older document has been used to draft the change language. Mr. Berube closed the public
122 hearing at 8:36 PM, having nobody else willing to address the Board. *Ms. Crystall made a motion to*
123 *schedule the public hearing for the review of the proposed changes to Article 6.07 at the next Planning*
124 *Board meeting on January 21, 2021 via Zoom at 7:00 PM. Mr. Oldenburg made a friendly amendment*
125 *that Mr. Taylor would figure out the footnote issue with the driveway setbacks. Ms. Crystall duly seconded*
126 *both and motion passed with a 7:0 vote by roll call: Ms. Crystall – yes; Mr. Reynolds – yes Mr. Oldenburg*
127 *- yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Wayne – yes; Mr. Berube – yes.*

128 Mr. Taylor presented the proposed changes to Article 14.07, Violations, and noted that a draft discussion
129 from the Town Manager's office was also attached for more information. He then read in the proposed
130 change, which is to add paragraph H with a stipulation for a flagrant and egregious violation visible from
131 public street, on which the Zoning Administrator could act without a written complaint. Members
132 discussed the rationale for the presented changes. Discussion ensued about the delicate balance between
133 the Zoning Administrator acting on a violation without a written complaint and others trying to use code

134 enforcement as a tool for neighbor disputes. Members also discussed possible variations of the proposed
135 language. Mr. Sloat offered the following: “Notwithstanding the above procedures, if the Building
136 Inspector or Zoning Administrator observes a violation from a public street during a normal workday, and
137 said official, in said official’s sole opinion, deems said violation to be flagrant and egregious, that official
138 may take any other action to address the violation, including, but not limited to issuing a cease and desist
139 order.”.

140 *Mr. Sloat made a motion to adopt the above noted language as the proposed changes to Article 14.07,*
141 *with a comma added after “limited to” and removing the word ‘other’ before the words “action to*
142 *address” and that it would be reviewed at a public hearing scheduled for the next Planning Board*
143 *meeting, on January 21, 2021, via Zoom at 7:00 PM. Ms. Crystall duly seconded, and motion passed with*
144 *a 7:0 vote by roll call: Ms. Crystall – yes; Mr. Reynolds – yes Mr. Oldenburg - yes; Mr. Sandahl – yes;*
145 *Mr. Sloat – yes; Mr. Wayne – yes; Mr. Berube – yes.*

146 Ms. Crystall presented another version of the Wetlands Conservation district, went over the document, and
147 answered Board questions on the proposed language. A long discussion ensued about the following:

- 148 - Changing the Vernal Pool definition as part of Article 3, not Article 10;
- 149 - Bow Business Development Commission concerns with possible impacts to
150 commercial development and a possibility to only apply the changes to the residential
151 and rural zones;
- 152 - Vernal pool sizes, and whether it is possible to establish a minimum size for the
153 regulations;
- 154 - Vernal pool identification based on functionality, and what other towns have for vernal
155 pool buffers;
- 156 - Possibility of applying the vernal pool buffers directionally;
- 157 - Rationale for increased vernal pool buffers and ground/drinking water protection;
- 158 - Possibility of including vernal pools with the poorly drained soils category for buffer
159 size determination;

160 Mr. Sloat went over each proposed change to the proposed by Ms. Crystall draft page by page. Consensus
161 was that the definition of vernal pool would be adopted as proposed, with some additional language
162 referring to NHDES document and amended as a change to Article 3, Definitions. Members also agreed
163 that the vernal pool category could be included with the category B (Surface waters, poorly drained soils,
164 and bogs) as opposed of having its own category in the table of setbacks or table of uses; therefore, the
165 proposed buffer to vernal pools would be 75 feet.

166 *Mr. Sloat made a motion to put the modification of the definition of vernal pool with primary and*
167 *secondary indicators as contained in the presented document here on page 51 (1) and adding before that*
168 *language that we are adopting the definition of the NH Department of Environmental Services, and that*
169 *Ms. Crystall will include the specifics of which NHDES document it is contained in. Mr. Oldenburg duly*
170 *seconded and motion passed with a 7:0 vote by roll call: Ms. Crystall – yes; Mr. Reynolds – yes Mr.*
171 *Oldenburg - yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Wayne – yes; Mr. Berube – yes.*

172 *Mr. Sloat made a motion to adopt the edits to Article 10.01 with the following modifications:*

- 173 - *on page 53 (3) change to RSA 482-A; adding the language “in compliance with town*
174 *and state and federal permitting.”*
- 175 - *regarding the table of minimum wetland buffers we are not amending it as indicated in*
176 *the draft instead buffers to vernal pools shall be included in the line for 75 feet which*
177 *shall read “buffers to surface waters, wetlands with very poorly drained soils, vernal*
178 *pools, bogs.”*
- 179 - *on pages 53 (3) and 54 (4) the renumbering of that table remains as it was before with*
180 *A, B, C and D and that the new section B is not being added; include the language*
181

- 182 “wetland buffers described above shall consist of ungraded and undisturbed upland;
183 for the definition of an excavated agriculture irrigation or fire pond we are not adding
184 the language “still in use”; for the table of minimum wetlands setbacks we are not
185 adding the setbacks from vernal pools, thus the rest of that section will not be
186 renumbered; we are not adding the new column B, so it will remain columns A, B, C,
187 and D; that column B that now reads 100 and 125, is not being added in the definition
188 for what is on here is C for the new section B, and it will say “setbacks from surface
189 waters, wetlands with very poorly drained soils, vernal pools, bogs.” So, we are adding
190 vernal pools into that portion which will give them these setbacks of 75, 125, 75, and
191 200. the other amendments are essentially mostly deletions.
- 192 - on page 55 (5) we are adopting the amendments and changes to the table, which is
193 mostly a combination of two tables, as well as the separation of ‘Repair and
194 maintenance of streets’ use versus “Construction of streets” into two separate
195 categories; adding a definition for vernal pool to the abbreviations at the bottom of the
196 table; and inserting the footnotes that were deleted earlier.
 - 197 - on page 56 (6) the deletions are adopted, which is the repositioning of that table to a
198 higher section of the document.
 - 199 - on page 57 (7) adding the language “information obtained during a site walk” to
200 Section F.1; Section F.2.D is being split into two sections, one reading “the proposed
201 activity or use cannot practically be located otherwise on the site to eliminate or reduce
202 the impact to the wetland or surface water”, and then the new section is going to read
203 what used to be the second part of that “the proposed activity cannot practicably be
204 located otherwise on the site to eliminate or reduce the impact to the wetland buffer”,
205 and that the remainder of the Section F.2 is renumbered to include the addition of the
206 new subsection; section F.3 we are adding those definitions that were deleted earlier
207 regarding wetland buffers and erosion controls (the language goes down to page 58
208 and is part of the same amendment).

209 *And that these changes will be presented for the consideration to be added to the warrant in two weeks.*

210 *Mr. Oldenburg duly seconded and motion passed with a 6:1 vote by roll call: Ms. Crystall – yes; Mr.*
211 *Reynolds – yes Mr. Oldenburg - yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Wayne – yes; Mr. Berube –*
212 *no.*

213 It was suggested that a short statement be prepared to accompany the proposed changes document with an
214 explanation why this change is needed. Ms. Crystall will work on it. She will also send the newly made
215 changes to the Planning Department by tomorrow for publication.

216
217 *Mr. Sloat made a motion that the two sets of changes approved just now be placed for a public hearing at*
218 *the next Planning Board meeting, which will take place on January 21, 2021 at 7:00 PM via Zoom. Mr.*
219 *Reynolds duly seconded and motion passed with a 7:0 vote by roll call: Ms. Crystall – yes; Mr. Reynolds –*
220 *yes Mr. Oldenburg - yes; Mr. Sandahl – yes; Mr. Sloat – yes; Mr. Wayne – yes; Mr. Berube – yes.*

221 **ADJOURNMENT:** *Ms. Crystall made a motion to adjourn. Meeting adjourned at 10:55 PM.*

222
223 Respectfully submitted,

224
225
226 Tony Reynolds,

227
228 Secretary.