



TOWN OF BOW

Planning Board

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UNAPPROVED MINUTES

May 18, 2023

<https://youtu.be/sblQAeH-CRc>

The Town of Bow Planning Board met on Thursday, May 18, 2023 at 7:00 PM in Room C of the Municipal Office Building. Chair Don Berube began the meeting with the roll call of the Board.

7:04p.m. ROLL CALL

Planning Board Members present were Don Berube, Chair; Sandy Crystall, Vice Chair; Adam Sandahl, Secretary; David Glasier, member; Michael Lawton, member; Mike Wayne, Selectman Representative; and Kip McDaniel, alternate. Others present were Karri Makinen, Community Development Director; Ginger Iverson, Recording Secretary. Not present: Jonathan Pietrangelo, member and Sarah Guinther, alternate.

I. MINOR MODIFICATION/CONCEPTUAL CONSULTATION

II. PUBLIC HEARINGS

Chair Berube noted that he would like to take the agenda items out of order this evening and directed everyone’s attention to the PUBLIC HEARINGS section of the Agenda to hearing #2, Strategic Contracting Co., LLC.

Chair Berube read the item into the record.

- 2. **Application #501-23: Strategic Contracting Co., LLC (Continued from 4/20/2023)** – Major Subdivision for a five-lot residential subdivision. Located at 178 Woodhill Hooksett Road; Map 43, Block 2, Lot 43.

Tim Bernier presented the application along with Pat Panciocco, attorney for Strategic Contracting Co., LLC. Mr. Bernier stated that they left the last meeting on March 23, 2023 with the understanding that the Board would get insight from Town Counsel. Ms. Makinen stated that the information received from Town Counsel was discussed in Non-Public session, so it cannot be disclosed. Chair Berube addressed the 2004 plan registered with the Merrimack County Registry of Deeds which had a note specifying that there would be no further subdivisions unless a secondary egress is provided. The past Chair felt strongly that there should be no further subdivisions. Chair Berube struggles with going against the past approved plans. Ms. Crystall noted that the Fire Chief and other Department heads had concerns about too many houses on a single egress. Reference: Section 3.02 (P) Access: Any road serving more than twelve (12) lots shall have an approved secondary means of egress. The secondary egress may, at the discretion of the Board, be parallel to the primary access, separated by a continuous island with a minimum width of 25 feet, to accommodate safety vehicles. The applicant said after this regulation was adopted in 1979 there were already 18 lots on the road; there are now 32. After the regulation was adopted, the Planning Board approved six additional subdivision plans on Woodhill Hooksett Road. Attorney Panciocco believes this rule applied to new subdivision roads not existing roads. Woodhill Hooksett Road is a Class V road at each end and a Class VI road in the middle. The attorney states this is due to non-maintenance, not as a

43 result of a Town vote. She feels it's still a second access and stated that the regulation does not specify
44 what kind of road it is. Attorney Panciocco said regarding the note on the plan, that nothing has changed.
45 Their belief is that the note on the plan is an unintentional error, a private deed restriction. This note is the
46 applicant's problem to resolve. Mr. McDaniel asked why the applicant didn't resolve the issue with the
47 note prior to coming to the Planning Board and the applicant replied they decided they were going to come
48 to the Planning Board first. Mr. Bernier said the issue with the note was not caught as a title flaw. Ms.
49 Makinen asked if the note on the recorded plan is removed by the courts will it also be removed from the
50 Notice of Decision and Attorney Panciocco said yes.

51
52 *Upon motion made by Ms. Crystal and duly seconded by Mr. Lawton it was resolved to accept jurisdiction*
53 *of application 501-23, Strategic Contracting Co., LLC – Major Subdivision. The motion passed by*
54 *unanimous vote of the Board.*

55
56 Mr. Bernier then presented information on the application. The Conservation Commission has reviewed
57 the application. The project has 1,094 ft. of frontage and is 41.43 acres. Proposing to subdivide existing
58 house on 2.379 acres, another on 2.3 acres, and three additional lots – 11.5 acres, 8.7 acres and 16.4 acres.
59 The owners propose a recreational easement on Lot 1. Four of the five lots would have access to the
60 easement. Mr. Bernier described the driveway access. There is 250 ft. frontage for the three driveways.
61 Mr. Bernier discussed the three waivers they requested:

- 62
- 63 1. To allow the existing house, which has overhead utilities, to have overhead utilities. All other lots
64 would have underground utilities.
 - 65 2. Erosion control plan. The Conservation Commission did ask for a profile view of the driveways,
66 particularly the one closest to the wetland. There is no established ditch line along the travel way
67 so they will probably have to create one, so this waiver may be removed.
 - 68 3. Operational Brief (6.03W) – 5 lots fronting on 41 acres with 1100 ft. of frontage.
- 69

70 Ms. Crystall said we would need to know more about the recreational easement as a large portion of it is
71 wetlands. The Board needs more information on adjacent conservation land and what is allowed.

72
73 At 8:02 p.m. Chairman Berube opened the Public Hearing.

74
75 Richard Thomas, 181 Woodhill Hooksett Road

76 Mr. Thomas objected that the application was accepted. He stated that Town officials did note objections
77 in the public record to having this complete. He is confused about the driveways and vehicle headlights
78 will be pointing into his house. He questioned how driveways crossing lot lines conform with the zoning
79 requirement for a 15 ft. driveway setback. There is scouring upstream of the culvert as well as
80 downstream so that requires a 75 ft. setback. Ms. Crystall said the National Wetland Inventory shows this
81 as a stream the whole way. Mr. Thomas objects to more houses being built on this road that is already
82 overbuilt.

83
84 Joel Jolicoeur, 182 Woodhill Hooksett Road

85 Mr. Jolicoeur has a restriction on his property which does not allow any further subdivisions. Ms.
86 Makinen clarified this was a lot that was subdivided in 2004 into two lots, one owned by Mr. Jolicoeur.
87 Both lots have the restriction of no further subdivisions. He stated that Mr. Starace, a professional realtor
88 and builder, should have known of the restriction when he bought this property. Mr. Jolicoeur objected to
89 the Board accepting jurisdiction of the application and Mr. Berube stated that this was so he could open

5-18-2023 Unapproved Planning Board Minutes

90 the public hearing. Mr. Jolicoeur would like a judge to decide on the restriction in court before any
91 decisions are made by the Planning Board.

92
93 Mr. McDaniel said that this Board should do what is right regardless of any previous Board exceptions
94 and feels the applicant should go to court to pursue removing the restriction of no further subdivisions and
95 then come back to the Planning Board.

96
97 Robert Starace, Strategic Contracting Co., LLC

98 Mr. Starace noted that the plan says no more subdivisions without secondary access. Mr. Starace said the
99 Class VI road is the secondary access.

100
101 Mr. Glasier stated that limiting the number of houses limits the probability of an issue. Mr. Sandahl asked
102 if the applicant proposed to return the road to Class V, but this would be a major project.

103
104 Ms. Makinen asked if the secondary access provision was waived for those subdivisions or whether it was
105 determined to not apply. The applicant was unsure. Ms. Makinen said that a previous Chair might be
106 willing to share some insight into the intentions of the Board at the time.

107
108 8:33 p.m. Chairman Berube closed the Public Hearing.

109
110 Ms. Makinen suggested addressing the CUP application's completeness.

111
112 *Upon motion made by Ms. Crystall and duly seconded by Mr. Lawton it was resolved to accept*
113 *jurisdiction on application 404-23, Strategic Contracting Co., LLC - Wetland Protection Conditional Use*
114 *Permit. The motion passed by unanimous vote of the Board.*

115
116 Ms. Crystall stated according to the Wildlife Action Plan the lot is in a Tier 1 habitat area and she has
117 concerns about development on that lot and minimizing impacts.

118
119 8:35 p.m. Chairman Berube opened the Public Hearing.

120
121 Richard Thomas, 181 Woodhill Hooksett Road

122 Mr. Thomas wanted to correct a statement Attorney Panciocco made earlier in that this is a scenic road for
123 the whole length. Attorney Panciocco asked him to show her the vote. Mr. Thomas said it's been in the
124 Master Plan for 20 years.

125
126 8:38 p.m. Chairman Berube closed the Public Hearing

127
128 There was a discussion on regional impact. Ms. Makinen stated that if it is determined to have regional
129 impact the additional communities would be notified and the Regional Planning Commission would weigh
130 in as well. Due to the parcel's location on a town boundary, Mr. Bernier said they have already notified
131 the abutting town(s) and Central NH Planning. Ms. Makinen asked Mr. Bernier to send her this
132 verification.

133
134 *Upon motion by Ms. Crystall and duly seconded by Mr. Lawton it was resolved that applications 501-23-*
135 *Major Subdivision and 404-23- Wetland Protection Conditional Use Permit, Strategic Contracting Co.,*
136 *LLC, do have regional impact as a result of being located on the border with the Town of Hooksett. The*
137 *motion passed by unanimous vote of the Board.*

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Ms. Makinen asked the Board what questions they would like her to ask Town Counsel?

1. Is the regulation that limits the road to 12 lots intended for new subdivisions and not existing roads.
2. Review documentation for decisions on previous subdivision applications for this road.
3. Is it a scenic road and was there a Town vote?
4. Pre and Post 1979, did you buy your land knowing it was a Class VI road?

Upon motion made by Mr. Glasier and duly seconded by Mr. Sandahl it was decided to enter non-public session for the purposes of reviewing correspondence from the Town Attorney.

Upon discussion, it was decided to complete the remainder of the public business before moving into non-public session.

Roll call vote: Mike Wayne, no; Adam Sandahl, no; David Glasier, no; Michael Lawton, no; Sandy Crystall, no; Don Berube, no. The vote was 0-6 against; motion failed.

Upon motion made by Mr. Glasier and duly seconded by Mr. Wayne it was resolved to continue applications 404-23– Wetland Protection Conditional Use Permit and 501-23– Major Subdivision, Strategic Contracting Co., LLC to June 15, 2023. The motion passed by unanimous vote of the Board.

Chairman Berube read item no. 4, application 203-22, Amber Bow Associates, LLC into the record.

4. Public hearing to revise and amend the August 18, 2022 Notice of Decision, approving the Application for Site Plan Approval filed by Amber Bow Associates, LLC and the Sarah Santy Estate and related to the property located at 75 Dow Road (Block 5, Lot 42) and Lots 47 and 48 located off Baker Road. The Planning Board’s August 18, 2022 Notice of Decision and the associated meeting minutes from the Planning Board’s August 18, 2022 meeting reflected that the Planning Board’s decision related only to Phase 1 of the proposed project, when the Planning Board previously intended for its decision to approve the entirety of the proposed project. The purpose of this hearing, therefore, is to correct the previously inaccurate decision.

Tim Bernier of T.F. Bernier and Andy Prolman of Prunier and Prolman, PLLC, Nashua, NH, were there to present the application. Mr. Bernier stated that based on the Board’s approval of application 203-22 this evening, three phases of the project, not just phase one would be approved. Mr. Wayne asked about the Dow Road intersection, and Mr. Bernier stated that they were working with Dave Stack, Town Manager, and the Selectmen right now. Attorney Prolman then noted that this issue is important to Peter Levine, potential tenants and lenders involved so that they know the whole project is approved.

8:44 Chairman Berube opened the Public Hearing

Susan McCloud, 26 Clearview Drive

Ms. McCloud asked about the impacts to Baker Road. Mr. Bernier explained that there would be no access to Baker Road from the site and they will not utilize Baker Road for any purpose. Ms. McCloud asked if the site would be lit 24/7 and Mr. Berube said there is an ordinance, Article 15.15, which states, “Any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining properties or from the public streets.” Mr. Bernier stated that the lighting is designed to not escape the site.

Rodney Sandlin, 16 Clearview Drive

187 Mr. Sandlin stated that you can see the site from I-93 and asked whether you can access it from there. Mr.
188 Bernier said you cannot access it from I-93, only from Dow Road.

189
190 Rodney Doucette, 7 Clearview Drive

191 Mr. Doucette asked if the same construction will be used throughout the site, panels of precast concrete,
192 and how will they be insulated. Ms. Makinen said the concrete walls are 8” thick and didn’t think the
193 warehouses would have additional insulation.

194
195 8:46 p.m. Chairman Berube closed the Public Hearing.

196
197 *Upon motion made by Mr. Sandahl and duly seconded by Mr. Glasier it was resolved to correct the*
198 *previously inaccurate Notice of Decision for Application 203-22, Amber Bow Associates, LLC, and the*
199 *Sarah Santy Estate to reflect that the Planning Board’s decision related to the entirety of the proposed*
200 *project rather than only Phase 1. The motion passed by unanimous vote of the Board.*

201
202 Mr. Bernier then presented a minor modification to the existing plan due to architectural changes to the
203 buildings, specifically the pass door, overhead door locations and a reduction in loading docks. They have
204 increased the parking spaces from 29 to 30 and 31 depending on the building. The increase was a result of
205 a request by the end users. The building can have up to 29 employees based on septic and the NTNC water
206 system. Each parking lot is required to have two handicapped spaces, which means that additional parking
207 was required if none of the employees required use of the handicapped spaces. These changes result in a
208 net reduction in impervious surface of 13,865 sq. ft. There is no proposed change to lighting or the
209 approved uses at this time.

210
211 *Upon motion made by Ms. Crystall and duly seconded by Mr. Lawton it was resolved to approve the*
212 *minor modifications to application 203-22, Amber Bow Associates, LLC and the Sarah Santy Estate as the*
213 *proposal complies with the Zoning Ordinance and the Site Plan Regulations given the plans presented.*
214 *The motion passed by unanimous vote of the Board.*

215
216 Chairman Berube read item no. 5 into the record.

217
218 **5. Application #203-23: 12 Tallwood, LLC** – Change of Use Site Plan Application for a
219 contractor’s yard/tradesman’s shop with associated site improvements in the General Industrial
220 Zone. Located at 12 Tallwood Drive; Map 35, Block 2, Lot 190-J.

221
222 Chairman Berube recused himself from this application, as his business is located on Tallwood Drive. Ms.
223 Crystall will chair the meeting for this application.

224
225 Matthew Peterson of Keach Nordstrom Associates, applicant and Ryan Fillion, owner were there to
226 present the application.

227
228 The proposed project consists of changing the use of the site from sporting arenas to manufacturing. The
229 subject property consists of one lot, approximately 8.49 acres. They will use the existing access driveway
230 off Tallwood Drive. They manufacture steel frame trusses. No changes to the building footprints are
231 proposed. There are three existing buildings totaling 70,000 sq. ft. One building will be for product that
232 comes in, the second for production, and the third for finished product. Outside storage of finished studs
233 will be in 8-, 10- and 12-foot stockpiles.

234 The Board discussed several items including the proposed gate and snow plowing and turnaround of
235 vehicles, Knox box on any gate and for building, updating the Aquifer Protection plan, no hazardous

236 materials which is noted on plan, change “tradesmen shop” to “manufacturing” in plan notes, waiver for
237 parking calculations, Fire Chief’s recommendation of 3rd party review regarding fire alarms and sprinkler
238 system, ventilation and any other life safety issues, the Operational Brief, hours of operation need to be
239 stated in narrative and on plan, traffic study, the stormwater management plan, professional stamps and
240 signatures as well as owner signatures on final plan, and Notice of Decision to be recorded at the
241 Merrimack County Registry of Deeds if plans cannot be recorded.

242

243 The Board reviewed the below listed checklist requirements and item 1 was met, item 2 will be addressed
244 with Fire Chief and met, and item 3 was met and documented on the plan.

245

- 246 1. Checklist Item 1 (5.02A & 8.02A) – Northing and Easting provided for two benchmarks,
247 elevation not provided.
- 248 2. Checklist Item 11 (5.02R) – Evacuation and emergency access plan not addressed.
- 249 3. Checklist Item 15 (5.02X) – CNHRPC could not locate the snow storage areas as
250 referred to in note 12.

251

252 *Upon motion made by Mr. Glasier and duly seconded by Mr. Sandahl it was resolved to accept*
253 *jurisdiction of application 203-23, 12 Tallwood, LLC. The motion passed by a 5-0 vote of the Board.*

254

255 *Upon Motion made by Mr. Sandahl and duly seconded by Mr. Glasier it was resolved that application*
256 *203-23, 12 Tallwood, LLC does not have regional impact. The motion passed by a 5-0 vote of the Board.*

257

258 9:33 p.m. Ms. Crystall opened the Public Hearing

259

260 Don Berube, 135 River Road

261 Mr. Berube’s business is at 2 Tallwood Drive. He has 50-60 trucks entering/exiting daily. Mr. Berube
262 stated it would be a positive to have them as a neighbor.

263

264 9:34 p.m. Ms. Crystall closed the Public Hearing.

265

266 *Upon motion made by Mr. Glasier and seconded by Mr. Sandahl, it was resolved to approve the following*
267 *waiver for Site Plan Application #203-23: 12 Tallwood, LLC – Change of Use Site Plan:*

268

- 269 1. *Appendix A, Off-Street Parking Regulations– 82 spaces are provided where 141 are required.*

270

271 *The motion passed by a 5-0 vote of the Board.*

272

273 *Upon motion made by Mr. Glasier and seconded by Mr. Sandahl it was resolved to conditionally approve*
274 *Application #203-23: 12 Tallwood, LLC – Change of Use Site Plan as it complies with the Zoning*
275 *Ordinance and the Site Plan Regulations given the plans presented and waivers granted. The motion*
276 *passed with a 5-0 vote of the Board.*

277

278 Conditions of Approval:

279

- 280 1. Update narrative with information relating to the Aquifer Protection Overlay District.
- 281 2. Professional stamps and signatures as well as owner signatures on final plan
- 282 3. All Waivers granted and conditions of approval need to be on the final plan
- 283 4. Notice of Decision to be recorded at the Merrimack County Registry of Deeds if plans cannot
be recorded.

- 284 5. Address concerns of the Fire Department regarding requirement of third-party review by a fire
285 prevention engineer for sprinkler, alarm system, ventilation, and other life safety issues for the
286 proposed use; Turn around/gate access to allow for plowing and turnaround of vehicles; Knox
287 box on any gate and for building; and evacuation and emergency access plan.
288 6. Updated Operational Brief with more detailed information
289 7. Provide evidence indicating that traffic study is not required
290 8. Provide notes on plan and/or a narrative describing a stormwater management plan
291 9. Address concerns of the Public Works Department related to the proposed gate and its impacts
292 on snow plowing.
293

294 Chairman Berube rejoined the meeting and read item no. 1 into the record.
295

- 296 1. Public Hearing to review proposed amendments to Subdivision Regulations (**Continued from**
297 **4/20/2023**) – Revisions to Section 8.01.C and associated typical drawings in the Appendices
298 relative to road construction standards. Specific language can be found at the Town Hall during
299 regular business hours or on the Town’s website.
300

301 The Board reviewed the updated road standards. Ms. Crystall addressed the subject of requiring closed
302 drainage if not all lots have 200 feet of frontage. The Town engineer recommended the language. Ms.
303 Crystall has an issue with requiring closed drainage. For new subdivisions, engineering reviews of open
304 or closed drainage are recommended.
305

306 10:15 p.m. Chairman Berube opened the Public Hearing
307

308 10:15 p.m. Chairman Berube closed the Public Hearing
309

310 *Upon motion made by Mr. Glasier and duly seconded by Mr. Sandahl it was resolved to amend the*
311 *“Updated Road Standards”, Section 8.0 – Design Standards, Section C by striking, “If lot frontage is not*
312 *at least 200 feet for each lot in the street or black withing the development, closed drainage is required.”*
313 *and striking, “OR”. The motion carried by a 5 yes – 1 no vote of the Board*
314

315 *Upon motion made by Mr. Glasier and duly seconded by Mr. Wayne it was resolved to approve the*
316 *amended “Updated Road Standards”. The motion carried by a 5 yes – 1 no vote of the Board.*
317

318 New Business: The Board decided to continue the election of officers to a future date.

319 *Upon motion made by Mr. Glasier and duly seconded by Ms. Crystall it was resolved to continue the*
320 *Election of Officers to a future date. The motion carried by unanimous vote of the Board.*
321

322 Review of Minutes

323 *Upon motion made by Mr. Wayne and duly seconded by Mr. Lawton it was resolved to approve the*
324 *April 20, 2023 Planning Board meeting minutes. The motion carried by a 5 yes – 1 abstain vote of the*
325 *Board.*
326

327 Non-Public Session RSA 91-A:3

328 *At 10:22 p.m. Upon motion made by Mr. Glasier and seconded by Mr. Sandahl it was voted to enter*
329 *Non-Public Session according to RSA 91-A:3, II (l) Consideration of legal advice provided by legal*
330 *counsel, either in writing or orally, to one or more members of the public body, even where legal*
331 *counsel is not present. Roll call vote: Mike Wayne, yes; Adam Sandahl, yes; David Glaiser, yes;*

5-18-2023 Unapproved Planning Board Minutes

332 *Michael Lawton, yes; Sandy Crystall, yes; Don Berube, yes. The motion carried by a 6-0 vote of the*
333 *Board.*

334

335 Public session reconvened at 10:46 p.m.

336

337 *Upon motion made by Mr. Glasier and seconded by Mr. Wayne it was resolved to adjourn the meeting.*
338 *The motion carried by a unanimous vote of the Board.*

339

340 Meeting adjourned at 10:47 p.m.

341

342 Respectfully submitted,

343

344

345 *Adam Sandahl*

346 *Secretary*