



TOWN OF BOW

Planning Board

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UNAPPROVED MINUTES

April 20, 2023

<https://www.youtube.com/watch?v=cazhBq1Lm6Y>

The Town of Bow Planning Board met on Thursday, April 20, 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.

7:07 p.m. ROLL CALL

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

I. MINOR MODIFICATION/CONCEPTUAL CONSULTATION

II. PUBLIC HEARINGS

Ms. Makinen stated that Strategic Contracting requested to continue to a date to be determined.

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 HEARING section of the Agenda to hearing #4, application 405-23: Eversource Energy. Chair Berube read the item into the record.

1. **Application #405-23: Eversource Energy** – Wetland Protection Conditional Use Permit for 285 sq. ft. of wetland impact and 14,236 sq. ft. of wetland buffer impact to replace four utility poles along the shared 334 and 335 Distribution Line corridor. Located at Eversource Energy Right-of-Way; Map 40, Block 2, Lots 141-B & 141-B1.

Douglas Pimentel of Eversource Energy and Logan Young from GZA GeoEnvironmental were there to present the application.

The applicant stated that they made a presentation to the Conservation Commission on Monday. The proposed project involves the replacement of two existing utility structures (i.e., utility poles) and one structure requiring cross-arm replacement along the 334 Distribution Line, and the replacement of two existing utility structures along the 335 Distribution Line in the town of Bow, New Hampshire. These lines are located adjacent to each other in a shared right-of-way (ROW). The proposed work requires approximately 285 sq. ft. of temporary wetland impact. Timber matting will be placed within wetlands and will be reviewed to ensure cleanliness to prevent the spread of invasive plant species. Upon completion of work, timber matting will be removed, and temporarily impacted wetlands will be stabilized with mulch, but not seeded, allowing the native vegetation to regrow. A NHDES Wetlands Statutory Permit by Notification (SPN) will be submitted for proposed wetland impacts. Where access and work pads are

42 proposed within uplands, Eversource is proposing to utilize existing access routes using tracked vehicles
43 to limit erosion and sedimentation. During construction, Eversource will grade an approximate 100-ft x
44 100-ft (maximum) temporary work area. Erosion and sedimentation controls will be installed along access
45 routes and temporary work areas adjacent to wetlands. Upon completion of structure replacement work,
46 access routes and work areas will be regraded and stabilized with mulch and native upland seed mix. As
47 part of the proposed project, grading for access and work pads includes approximately 14,236 sq. ft. of
48 wetland buffer impact. The Board reviewed The Bow Zoning Ordinance, Articles 10.01 and 12.05.

49

50 *Upon motion made by Ms. Crystall and seconded by Mr. Wayne it was resolved to accept jurisdiction of*
51 *Application #405-23: Eversource Energy. The motion passed by unanimous vote of the Board.*

52

53 At 7:17 p.m. Chairman Berube opened the Public Hearing.

54

55 Patricia Leighton of 767 River Road expressed her concern about the plan to stop the stream flow. The
56 applicant stated that they would not stop the stream flow. They would use timber matting to cross over to
57 minimize the impact and would be using the existing paved road to access the area.

58

59 At 7:20 p.m. Chairman Berube closed the Public Hearing.

60 *Upon motion made by Adam Sandahl and seconded by Sandy Crystall, it was resolved that Application*
61 *#405-23: Eversource Energy does not have regional impact. The motion passed by unanimous vote of the*
62 *Board.*

63

64 *Upon motion made by Ms. Crystall and seconded by Adam Sandahl it was resolved to conditionally*
65 *approve Application 405-23 as the proposal complies with Zoning Ordinance Articles 10.01 and 12.05*
66 *given the plans presented, and subject to the following conditions:*

- 67 1. *Receipt of NHDES SPN permit prior to beginning work*
68 2. *Filing of Notification to Army Corps of Engineers*

69

70 *The motion carried with the unanimous vote of the Board.*

71

72 Ms. Makinen addressed a March 31, 2023 e-mail correspondence from Eversource Energy addressing a
73 previous application 402-23 whereby Eversource restored an abutters' access ramp. The property owners
74 are satisfied with the work and Eversource is in compliance with the conservation easement on the
75 property.

76

77 Chair Berube directed everyone's attention to agenda item IV, New Business.

78

79 Tim Bernier of T.F. Bernier, Inc. and Peter Levine, Principal of Amber Bow Associates were there to
80 present their request for correction of the approved minutes of the August 18, 2022 meeting concerning
81 application 203-22. Mr. Monahan described that there are multiple phases of this application and the
82 question before the Board was whether the approval was only for Phase 1 or for the entire application
83 which consists of three phases. The issues involving improving the intersection of Route 3A and Dow
84 Road played a role in the decision to approve the project. Phases 1 and 2 did not necessarily warrant

85 these improvements, but Phase 3 would. Ms. Makinen stated that the temporary recording secretary that
86 evening did not know the requirements of the Planning Board to retain the audio recordings and there was
87 no video recording. The Board would have to rely on their memory and the written minutes.
88

89 Mr. Bernier stated that they were confident that the project was approved as a whole with conditions at
90 each phase. Conditions would have to be met before proceeding with Phase 2. Mr. Bernier said that
91 Phase 3 was approved if they met the conditions relating to improvements to the intersection. Mr.
92 Pietrangelo asked if we should approve Phase 3 if the road does not get approved. Ms. Makinen stated that
93 the minutes do not reflect who will be funding the road improvements. Mr. Pietrangelo asked that Mr.
94 Bernier walk through Phase 1 and Phase 2. Mr. Bernier gave an account of those phases of the project.
95

96 Ms. Makinen stated that this is not a Public Hearing and that the abutters were not notified about this
97 meeting. The abutters should have the chance to review the minutes and Notice of Decision and have the
98 opportunity to appeal if the decision is changed. The question tonight is if the August 18, 2022 minutes
99 accurately reflect what happened.
100

101 Mr. Pietrangelo stated that he didn't think the Board would have put the stipulations on the conditions if
102 they weren't approving of the whole project. Mr. Sandahl stated that if the application was for a three-
103 phase project, how could they only approve Phase 1? Ms. Crystall noted that the Notice of Decision,
104 condition number 8, referenced both Phase 1 and Phase 2. Chair Berube thought they were approving the
105 whole project. Ms. Crystall questioned notifying abutters because the application was for a three-phase
106 project.
107

108 Mr. Wayne voiced that we should seek advice from the Town Counsel. We have a procedural issue to
109 address. Questions for the Town Counsel are how to correct the minutes, notification of abutters and
110 whether a Public Hearing is required. Mr. Monahan suggested getting a consensus for what the Board
111 recalls happened on August 18, 2022.
112

113 Chair Berube stated that four of the Board members present tonight, Chair Berube, Mike Wayne, Adam
114 Sandahl and Jonathan Pietrangelo were at the August 18, 2022 meeting. Chair Berube took a roll call
115 consensus of the four members present at the August 18, 2022 meeting stating that the minutes should be
116 corrected to reflect approval of the entire three-phase project: Roll call consensus: Don Berube, yes;
117 Mike Wayne, yes; Adam Sandahl, yes and Jonathan Pietrangelo, yes.
118

119 Chair Berube directed everyone's attention to Agenda item II, number 1 and read the item into the record.
120

- 121 1. Public Hearing to review proposed amendments to Subdivision Regulations (Continued from
122 3/23/2023) – Revisions to Section 8.01.C and associated typical drawings in the Appendices
123 relative to road construction standards. Specific language can be found at the Town Hall during
124 regular business hours or on the Town's website.
125

126 Ms. Makinen stated that due to the number of inconsistencies and other issues discussed at the March 23,
127 2023 meeting of the Planning Board, she had revised and clarified the document and reformatted the table.
128 There were several items pertaining to open and closed drainage requiring further revision. Mr. Sandahl
129 agreed to review the proposed amendments prior to the next meeting date of May 18, 2023.

130 At 8:40 p.m. Chair Berube opened the Public Hearing

131 At 8:41 p.m. Chair Berube closed the Public Hearing
132

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133 *Upon motion made by Jonathan Pietrangelo and seconded by Mike Wayne it was resolved to*
134 *Continue the Subdivision Regulations, Revisions to Section 8.01.C and associated typical drawings in the*
135 *Appendices relative to road construction standards to the May 18, 2023 meeting of the Planning Board.*
136 *The motion carried with the unanimous vote of the Board.*

137
138 *At 8:53 p.m. Upon motion made by Jonathan Pietrangelo seconded by Adam Sandahl it was voted to*
139 *enter Non-Public Session according to RSA 91-A:3, II (l) Consideration of legal advice provided by legal*
140 *counsel, either in writing or orally, to one or more members of the public body, even where legal counsel*
141 *is not present. Roll call vote: Mike Wayne, yes ; Adam Sandahl, yes; Michael Lawton, yes;*
142 *JonathanPietrangelo, yes; Sandy Crystall, yes; Don Berube, yes Passed 6 - 0.*

143 The Board decided to amend the vote and exit Non-Public session to discuss other business matters prior
144 to entering the Non-Public session.

145 *At: 8:55 p.m. Upon motion made by Jonathan Pietrangelo seconded by Sandy Crystall it was voted to exit*
146 *Non-Public Session. Roll call vote: Mike Wayne, yes ; Adam Sandahl, yes; Michael Lawton, yes;*
147 *Jonathan Pietrangelo, yes; Sandy Crystall, yes; Don Berube, yes Passed 6 - 0.*

148
149 Chair Berube directed everyone's attention to Agenda item VI, review of the March 23, 2023 meeting
150 minutes.

151
152 The Board discussed edits to the minutes.

153 *Upon motion made by Adam Sandahl and seconded by Mike Wayne it was resolved to approve the*
154 *amended March 23, 2023 meeting minutes. The motion carried with the unanimous vote of the Board.*

155
156 Chairman Berube directed everyone's attention to Agenda item V, Correspondence and Other Business

157
158 Ms. Makinen requested the Board to refer to the April 19, 2023 e-mail correspondence from Nicholas
159 Golan, P.E. at T.F. Moran, Inc. regarding requirements for as-built plans. Mr. Golan stated that in the past
160 as-builts haven't been required as commonly as regulations suggest, but limited to when it was a specific
161 condition of approval on a project where the Town might have an interest to maintain drainage in the
162 future or have a drainage easement. Regulations say prior to a Certificate of Occupancy (CO) an approved
163 site plan that has a new private street, common water or sewage disposal systems for multiple structures,
164 or underground stormwater management facilities. (Reference Site Plan Review Regulations, As-Built
165 Plans, 5.02 CC)). Mr. Berube stated if it is not built to the plan we would want to know where it is. Mr.
166 Sandahl said if they built it exactly per the plan and stamped the plan as record drawings, then that would
167 suffice. If there are changes, mark it up. Ms. Makinen asked about projects getting close to Certificate of
168 Occupancy (CO) and applicants who are unaware or surprised that we requested these as-built drawings
169 based on the regulations and the longer-term question whether we should add this to the list of potential
170 changes to the regulations for the future. Ms. Makinen stated that she has to follow what is in the Planning
171 Board's regulations. Mr. Wayne asked how we would know that they are built to the plans. Mr. Sandahl
172 stated that some of these projects that Mr. Golan brought before the Planning Board were AoT projects
173 and those projects require submitting record drawings. Mr. Monahan said if they don't submit record
174 drawings, they need to submit a waiver. Mr. Pietrangelo said if they made modifications to the plan it
175 should be documented. The consensus was that the Planning Board should continue to enforce the
176 regulation. Mr. Wayne asked if a verification of as-builts is on the Building Inspector's checklist prior to
177 issuing a Certificate of Occupancy. Do they need a waiver if they have not met the requirement prior to
178 issuing the Certificate of Occupancy? Mr. Monahan said the Certificate of Occupancy is the trigger to
179 make sure they have met the regulation. Mr. Pietrangelo said that with their concern about having a

180 licensed surveyor to stamp their record drawings that he could understand them wanting to have the ability
181 to have a licensed P.E. stamp it. Ms. Makinen said she could work with them on that. Mr. Pietrangelo said
182 it should not be waived.

183
184 Ms. Makinen then discussed the Community Development Budget for fiscal year starting July 1, 2023.
185 For the next budget year, we won't have funds to continue having Matt Monahan from Central NH
186 Regional Planning Commission (CNHRPC) supporting us as planner as he does now. Mr. Monahan
187 suggested we might consider going back to having an escrow payment with the application, paid by the
188 applicant, and CNHRPC would do the plan review so that we have that extra support and to assure the
189 plans are getting the full review. Mr. Monahan gave an example of the Boscawen model. Mr. Monahan
190 gave an approximate estimate of cost for a plan review for small and large subdivisions and site plans.

191
192 Ms. Makinen then mentioned the time frame for election of officers. This process should be done after
193 Town meeting but no later than August. Ms. Makinen will add this to the May 18, 2023 Agenda.

194
195 *At 9:45 p.m. Upon motion made by Jonathan Pietrangelo seconded by Michael Lawton it was voted*
196 *to enter Non-Public Session according to RSA 91-A:3, II (l) Consideration of legal advice provided by*
197 *legal counsel, either in writing or orally, to one or more members of the public body, even where legal*
198 *counsel is not present.*

199 *Roll call vote: Mike Wayne, yes; Adam Sandahl, yes; Michael Lawton, yes; Jonathan Pietrangelo, yes;*
200 *Sandy Crystall, yes; Don Berube, yes Passed 6 - 0.*

201

202 Public session reconvened at 10:15 p.m.

203

204 *Upon motion made by Ms. Crystall and seconded by Mr. Pietrangelo the meeting was adjourned.*
205 *The motion carried with the unanimous vote of the Board.*

206

207 *Meeting adjourned at 10:15 p.m.*

208

209 Respectfully submitted,

210

211

212

213 *Adam Sandahl*

214 *Secretary*

215