



# TOWN OF BOW

## Zoning Board of Adjustment

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### APPROVED MINUTES

May 17, 2022

The Town of Bow Zoning Board of Adjustment met on Tuesday, May 17, 2022, at 7:30 PM in Room C of the Municipal office building. Chair Harry Hadaway called the meeting to order with a roll call introduction of the Board.

Members present were Harry Hadaway, Chair, Robert Ives, Vice Chair, Donald Burns, Secretary (via Zoom), Stephen Buckley, Michael O'Neil, alternate Joseph Conti and alternate June Branscom. Barbara Hayes recorded the minutes.

Mr. Hadaway noted that all voting members were present, and no alternate votes were needed.

Mr. Burns stated that it was not reasonably practical for him to attend in person due to medical reasons and to be allowed to participate remotely in accordance with RSA 91-A:2, III. *Mr. Buckley made a motion to find that Mr. Burns' in person attendance is not reasonably practical. Mr. O'Neil duly seconded and motion passed with a unanimous roll call vote in favor.*

Mr. Hadaway directed the attention of the Board to Agenda item I.1.

### PUBLIC HEARINGS

**Case #104-22V. Donna L. & Peter D. Holden. Variance to Article 5.11 of the Bow Zoning Ordinance to construct a storage building and an addition to other existing building as accessory uses without a permitted principal use in the Rural District. Block 4, Lot 122-A, located at 78 Brown Hill Rd.**

Mr. Hadaway read the item into the record and noted that there was a site walk at the property prior to tonight's meeting and all present attended.

Mr. Hadaway asked if there were someone to speak to this case.

Attorney John Cronin, representative of the applicant Peter Holden, who was also present, introduced himself. Atty Cronin addressed the Board stating that he had attended the site walk. There were some concerns regarding Dunbarton and notice. He stated that it's believed that all appropriate abutters were noticed. Probably not an issue of regional notification but do not want to run the risk of going through the process and have it become an issue. May make the variance easier to grant if we were willing to agree to a condition that would prohibit the sale of either lot without a primary structure being built on the subject lot. It had been discussed whether it was appropriate or not and Atty Cronin said he agreed with Mr. Buckley that a variance is perpetual and runs with the land. Atty Cronin stated that he had cases where there has been consensual agreement that the property owner agrees to a condition that would term it out. He also stated that's never been resisted before but understands there may be a legitimate concern. He had a discussion with Mr. Holden after the site walk and suggested they revisit and see if there's some supporting authority or some alternative to propose a condition, to avoid a situation where people have concerns about it long-term. Atty Cronin suggested this case be tabled to a future date (next meeting) and to notify Dunbarton whether necessary or not. This will give us time to come up with a condition that is suitable to the Board which may remove some concerns of long-term use of the lot without a primary structure.

Mr. Hadaway asked if there were questions for the applicant. There were no direct questions asked.

APPROVED ZBA Minutes for 05/17/2022 Meeting

Mr. Buckley stated the request to table to a later date is appropriate because an abutter (Mr. Sheppard) who was unable to attend tonight made notice of request that the matter be continued to a date when he could be present. Hopefully that will be consistent with the date scheduled. It's a reasonable request to continue this to the next Board meeting assuming that's suitable for all concerned.

*Mr. Buckley made a motion to continue to the next Board meeting, June 21, 2022, at the request of the applicant and stated by Atty Cronin.*

There was further discussion as to whether it was necessary to send notice to Dunbarton. RSA 674-53 was cited. Interpretation of the RSA was noticing Dunbarton was probably not an issue but sending a notice to Dunbarton eliminates all doubt someone could argue regional impact.

Mr. Conti stated importance of having on the record there will be no new abutter notices or site walk because the case has been tabled to a later date.

Mr. Buckley discussed RSA 676-7 stating no notice is required of a continued public hearing if you open the public hearing, but the hearing hasn't been opened. Not sure we can skip abutter notifications, that's an expense to the applicant, but as a courtesy to Mr. Sheppard, we would at a minimum send him a notice that the matter has been continued. Mr. Buckley deferred to Atty Cronin. Atty Cronin stated he will discuss this with Mr. Holden.

*Mr. O'Neil duly seconded and motion passed with a unanimous roll call vote in favor.*

**REVIEW OF MINUTES: 04/19/2022**

April 19, 2022 draft minutes were reviewed, and small changes were made. *Mr. Buckley made a motion to approve the minutes as edited. Mr. O'Neil duly seconded and motion passed with a unanimous roll call vote in favor.*

Mr. Hadaway requested Barbara Hayes to look into election of offices after Town meeting for the next Board meeting.

Ms. Branscom asked to discuss the use of the lot pertaining to Case #104-22 and zoning laws. Mr. Buckley suggested waiting for the next meeting when the applicant is present to discuss.

Motion to adjourn by Mr. Ives. Duly seconded by Mr. Burns which passed unanimously, the meeting adjourned at 7:51pm.

Respectfully submitted,

Don Burns,  
Secretary