



TOWN OF BOW

Planning Board

10 Grandview Road, Bow, New Hampshire 03304

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

APPROVED 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 of T.F. Bernier, Inc. 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 subdivision of this lot 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

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

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

56
57 Mr. Bernier then presented information on the application. Mr. Bernier stated that the Conservation
58 Commission has reviewed the application. The property has 1,094 ft. of frontage and is 41.43 acres. The
59 existing residential lot, previously subdivided, is 2.379 acres. Parcels to be subdivided on the main parcel
60 would be 2.3 acres, 11.5 acres, 8.7 acres and 16.4 acres. The owners propose a recreational easement on
61 Lot 1. Four of the five lots would have access to the easement. Mr. Bernier described the driveway
62 access. There is 250 ft. frontage for the three driveways. Mr. Bernier discussed the three waivers they
63 requested:

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

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

75
76 At 8:02 p.m. Chairman Berube opened the Public Hearing.

77
78 Richard Thomas, 181 Woodhill Hooksett Road

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

86
87 Joel Jolicoeur, 182 Woodhill Hooksett Road

88 Mr. Jolicoeur is the owner of the previously subdivided lot on the parcel and has a restriction on his
89 property which does not allow any further subdivisions. Ms. Makinen clarified this was a lot that was
90 subdivided in 2004 into two lots, one owned by Mr. Jolicoeur. Both lots have the restriction of no further

91 subdivisions. He stated that Mr. Starace, a professional realtor and builder, should have known of the
92 restriction when he bought this property. Mr. Jolicoeur objected to the Board accepting jurisdiction of the
93 application and Mr. Berube stated that this was so he could open the public hearing. Mr. Jolicoeur would
94 like a judge to decide on the restriction in court before any decisions are made by the Planning Board.

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

99
100 Robert Starace, Strategic Contracting Co., LLC

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

103
104 Mr. Glasier stated that limiting the number of houses limits the probability of an issue. Mr. Sandahl stated
105 that the applicant could propose to return the road to Class V, but this would be a major project.

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

110
111 8:33 p.m. Chairman Berube closed the Public Hearing.

112
113 Ms. Makinen suggested addressing the CUP application's completeness.

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

118
119 Ms. Crystall stated according to the Wildlife Action Plan the lot is in a Tier 1 habitat area and she has
120 concerns about development on that lot and minimizing impacts.

121
122 8:35 p.m. Chairman Berube opened the Public Hearing.

123
124 Richard Thomas, 181 Woodhill Hooksett Road

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

128
129 8:38 p.m. Chairman Berube closed the Public Hearing

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

135
136 *Upon motion by Ms. Crystall and duly seconded by Mr. Lawton it was resolved that applications 501-23-*
137 *Major Subdivision and 404-23- Wetland Protection Conditional Use Permit, Strategic Contracting Co.,*
138 *LLC, do have regional impact as a result of being located on the border with the Town of Hooksett. The*
139 *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.

188 Rodney Sandlin, 16 Clearview Drive

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

191
192 Rodney Doucette, 7 Clearview Drive

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

196
197 8:46 p.m. Chairman Berube closed the Public Hearing.

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

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

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

217
218 Chairman Berube read item no. 5 into the record.

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

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

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

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

236 The Board discussed several items including the proposed gate and snow plowing and turnaround of
237 vehicles, Knox box on any gate and for building, updating the Aquifer Protection plan, no hazardous
238 materials which is noted on plan, change “tradesmen shop” to “manufacturing” in plan notes, waiver for
239 parking calculations, Fire Chief’s recommendation of 3rd party review regarding fire alarms and sprinkler
240 system, ventilation and any other life safety issues, the Operational Brief, hours of operation need to be
241 stated in narrative and on plan, traffic study, the stormwater management plan, professional stamps and
242 signatures as well as owner signatures on final plan, and Notice of Decision to be recorded at the
243 Merrimack County Registry of Deeds if plans cannot be recorded.

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

- 247
248 1. Checklist Item 1 (5.02A & 8.02A) – Northing and Easting provided for two benchmarks,
249 elevation not provided.
250 2. Checklist Item 11 (5.02R) – Evacuation and emergency access plan not addressed.
251 3. Checklist Item 15 (5.02X) – CNHRPC could not locate the snow storage areas as
252 referred to in note 12.
253

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

256
257 *Upon Motion made by Mr. Sandahl and duly seconded by Mr. Glasier it was resolved that application*
258 *203-23, 12 Tallwood, LLC does not have regional impact. The motion passed by a 5-0 vote of the Board.*

259
260 9:33 p.m. Ms. Crystall opened the Public Hearing

261
262 Don Berube, 135 River Road
263 Mr. Berube’s business is at 2 Tallwood Drive. He has 50-60 trucks entering/exiting daily. Mr. Berube
264 stated it would be a positive to have them as a neighbor.

265
266 9:34 p.m. Ms. Crystall closed the Public Hearing.

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

- 270
271 1. *Appendix A, Off-Street Parking Regulations– 82 spaces are provided where 141 are required.*

272
273 *The motion passed by a 5-0 vote of the Board.*

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

279
280 Conditions of Approval:

- 281 1. Update narrative with information relating to the Aquifer Protection Overlay District.
282 2. Professional stamps and signatures as well as owner signatures on final plan
283 3. All Waivers granted and conditions of approval need to be on the final plan

- 284 4. Notice of Decision to be recorded at the Merrimack County Registry of Deeds if plans cannot
285 be recorded.
286 5. Address concerns of the Fire Department regarding requirement of third-party review by a fire
287 prevention engineer for sprinkler, alarm system, ventilation, and other life safety issues for the
288 proposed use; Turn around/gate access to allow for plowing and turnaround of vehicles; Knox
289 box on any gate and for building; and evacuation and emergency access plan.
290 6. Updated Operational Brief with more detailed information
291 7. Provide evidence indicating that traffic study is not required
292 8. Provide notes on plan and/or a narrative describing a stormwater management plan
293 9. Address concerns of the Public Works Department related to the proposed gate and its impacts
294 on snow plowing.
295

296 Chairman Berube rejoined the meeting and read item no. 1 into the record.
297

- 298 1. Public Hearing to review proposed amendments to Subdivision Regulations (**Continued from**
299 **4/20/2023**) – Revisions to Section 8.01.C and associated typical drawings in the Appendices
300 relative to road construction standards. Specific language can be found at the Town Hall during
301 regular business hours or on the Town’s website.
302

303 The Board reviewed the updated road standards. Ms. Crystall addressed the subject of requiring closed
304 drainage if not all lots have 200 feet of frontage. The Town engineer recommended the language. Ms.
305 Crystall has an issue with requiring closed drainage. For new subdivisions, engineering reviews of open
306 or closed drainage are recommended.
307

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

310 10:15 p.m. Chairman Berube closed the Public Hearing
311

312 *Upon motion made by Mr. Glasier and duly seconded by Mr. Sandahl it was resolved to amend the*
313 *“Updated Road Standards”, Section 8.0 – Design Standards, Section C by striking, “If lot frontage is not*
314 *at least 200 feet for each lot in the street or block within the development, closed drainage is required.”*
315 *and striking, “OR”. The motion carried by a 5 yes – 1 no vote of the Board*
316

317 *Upon motion made by Mr. Glasier and duly seconded by Mr. Wayne it was resolved to approve the*
318 *amended “Updated Road Standards”. The motion carried by a 5 yes – 1 no vote of the Board.*
319

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

321 *Upon motion made by Mr. Glasier and duly seconded by Ms. Crystall it was resolved to continue the*
322 *Election of Officers to a future date. The motion carried by unanimous vote of the Board.*
323

324 Review of Minutes

325 *Upon motion made by Mr. Wayne and duly seconded by Mr. Lawton it was resolved to approve the*
326 *April 20, 2023 Planning Board meeting minutes. The motion carried by a 5 yes – 1 abstain vote of the*
327 *Board.*
328

329 Non-Public Session RSA 91-A:3

330 *At 10:22 p.m. Upon motion made by Mr. Glasier and seconded by Mr. Sandahl it was voted to enter*
331 *Non-Public Session (regarding the Strategic Contracting applications) according to RSA 91-A:3, II*

5-18-2023 Approved Planning Board Minutes

332 *(l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more*
333 *members of the public body, even where legal counsel is not present. Roll call vote: Mike Wayne,*
334 *yes; Adam Sandahl, yes; David Glaiser, yes; Michael Lawton, yes; Sandy Crystall, yes; Don Berube,*
335 *yes. The motion carried by a 6-0 vote of the Board.*

336
337 Public session reconvened at 10:46 p.m.

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

341
342 Meeting adjourned at 10:47 p.m.

343
344 Respectfully submitted,

345
346
347 *Adam Sandahl*
348 *Secretary*