

# TOWN OF BOW

10 Grandview Road  
Bow, New Hampshire 03304

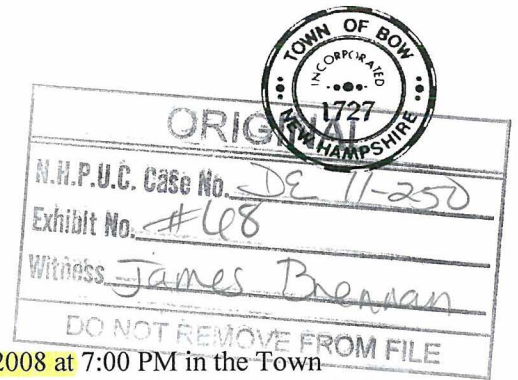
## Planning Board

Approved 11/06/08

## MINUTES

Planning Board

SEPTEMBER 4, 2008



The Town of Bow Planning Board met on Thursday, September 4, 2008 at 7:00 PM in the Town Municipal Building, Meeting Room 'C', 10 Grandview Road, Bow, New Hampshire. Chairman Arthur Cunningham called the meeting to order with an introduction of the Board and an announcement that any Applications and Public Hearings that have not been considered by the Board by 10:45 PM would be continued to a time and a place to be announced.

### 6:15 Site Walk for Site Plan #202-08 located at 25 Dunklee Road

Site Walk was held as scheduled.

### 7:00 ROLL CALL

Members in attendance were Mark Attorri (R), Sandy Crystall (R), Arthur Cunningham (R), Bill Oldenburg (A), John Wallace (R), Andy Young (A) and Selectmen's Representative, Harry Judd. Also present were Bill Klubben, Town Planner, and Louise Knee, Recording Secretary. Excused were Don Lane (R), Bruce Marshall (A) and Dennis Ordway (A). For the record, all Members present voted.

### I UNAPPROVED MINUTES: Feb 15, Apr 19, June 21, Sept 6 & 20, Oct 18, Nov 1 & 15, and Dec 6, 2007 and Jan 10, Feb 7, Mar 6 & 20, Apr 17, May 15, June 19, & July 10, 2008

January 10, 2008 Minutes: Board performed a detailed review and applied amendments. **Motion** made by Ms. Crystall and duly seconded by Mr. Young to approve the 1/10/08 Planning Board Minutes as amended. Vote was 5:0:2. Messrs Judd and Young abstained. Motion passed

### II PUBLIC HEARINGS

1. **Application #202-08: L & C Real Estate Associates, LLC** - Block 2, Lot 159-A located at 25 Dunklee Road. **Site Plan Review** to construct 4140 SF addition to plastics machining and fabrication shop and related Aquifer Protection Conditional Use Permit 409-08. **For Final Approval.**
2. **Application #409-08** [Section 10.03 E of the Zoning Ordinance (Aquifer Protection)]: **L & C Real Estate Associates, LLC** - Block 2, Lot 159-A located at 25 Dunklee Road. A **Conditional Use Permit** for addition to plastics machining and fabrication shop in a primary recharge area (see Site Plan 202-08). **For Final Approval.**

Both Applications were read into the record. Robert Rook, PE, posted a plan, identified the location of the site and the 60' x 69' addition to the existing building, the impact onto parking and drainage. Mr. Rook stated that there is 58% impervious surface on the site with the proposed addition, that the drainage

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has been designed for a 50-year storm event, and that no water leaves the site. With regard to parking, Mr. Rook stated that nineteen (19) are required and have been configured onto the site; however, a waiver is needed to allow either six (6) parking spaces in the front setback or reduced number of parking spaces from the required nineteen (19) to twelve (12). There are only seven (7) employees. Mr. Rook noted that the handicap parking spot is located by the front door, encroaching the front setback, and would like consideration for it to remain there. In addition, Mr. Rook addressed the Business Development criteria noting the desire to continue with motion sensor lighting, continuity with the landscaping and continuation of no windows on the east side of the addition to match the existing building.

Public Hearing opened at 7:19 PM and closed at 7:22 PM. Two individuals addressed the Board.

- (1) Kevin McCann, owner of a business on River Road, stated that he drives by this site twice a day, that it is a nice looking property, well kept and complimented the owner and added that it is a nice place in a sandpit.
- (2) Don Berube, 27 River Road, also recognized the attractiveness of the current site and voiced his support for the proposal.

**Motion** made by Mr. Wallace, duly seconded by Ms. Crystall and unanimously voted to approve **CUP** Application #409-08 subject to the standard conditions.

Board engaged in an in-depth discussion regarding the requested waivers, with particular focus on parking. Concerns were expressed for future need of the total required spaces versus the immediate need, to having parking spaces in the front setback. The option to pave just twelve (12 parking) spaces and reserve the remaining spaces, clearly depicted on the plan and not in the ROW, to accommodate the total of nineteen (19) spaces was explored and generally considered acceptable.

**Motion** made by Mr. Judd, duly seconded by Ms. Crystall and unanimously voted to grant a **waiver** to **15.12.C** to allow the handicap parking space to encroach 28' the front set back and remain by the front door, as shown on the plan.

**Motion** made by Mr. Judd, duly seconded by Ms. Crystall and unanimously voted to grant a **waiver** to **15.12.A** to reduce the number of parking spaces from nineteen (19) to twelve (12) with the remaining spaces shown on the Plan as future reserve and not in the ROW.

**Motion** made by Mr. Wallace, duly seconded by Mr. Young and unanimously voted to grant the following **waivers**, as requested:

- 5.02Q – to not provide planting details on landscaping plan
- 8.02U – to not submit an illumination analysis
- 15.09 – Landscaping & Screening [to match existing as specified in original #201-03]
  - 15.09.B – required locations
  - 15.09.D – structured landscape strip [10' wide required]
  - 15.09.E – street tree landscape strip
  - 15.09.F – side and rear landscape strip dense 4 season buffer required
- 15.10 – Building Façade [to match existing building, including no windows on east side]
  - 15.10.A – exceed maximum of 20% metal on visible surface
  - 15.10.E – varied offsets, roof heights & forms, and window placement
- 15.12.D – landscaping strip to screen parking from ROW
- 15.15 – Lighting Standards – to not provide an illumination analysis and allow lights to match existing motion sensor lights – total cutoff at 75 degrees required

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With regard to 15.12.H – ROW to Abutting Property, there was no motion – the paper ROW is on the plan.

**Motion** made by Mr. Wallace, duly seconded by Ms. Crystall and unanimously voted to approve Site Plan Review Application #202-08 with the standard conditions.

3. **Application #203-08: Public Service Co of NH** - Block 2, Lots 200 & 200-A located at 97 & 92 - 128 River Road. **Site Plan Review** to construct 29,000 SF (145' tall) flue gas desulfurization building, 15,800 SF (70' tall) gypsum storage building, 11,800 SF (45' tall) wastewater treatment building, 6400 SF (160' tall) limestone silo & 3700 SF limestone unloading building, 2400 SF (445' tall) chimney, 1080 SF service water building, 140 SF guard house, related conveyance & transmission structures, 1660 SF outdoor gypsum stockpile, construction staging & laydown areas, temporary parking areas, and new permanent parking areas, and related Conditional Use Permits 410-08 (Wetlands Protection) and 411-08 (Aquifer Protection). ***For Final Approval.***
4. **Application #410-08** [Section 10.01 E of the Zoning Ordinance (Wetlands Protection)]: **Public Service Co of NH** - Block 2, Lots 200 & 200-A located at 97 & 92 - 128 River Road. A **Conditional Use Permit** for a Reasonable Exception to dredge and fill wetlands to permit construction of contractor parking (34,520 wetland & 87,768 buffer), pedestrian bridge & construction management area (5420 wetland & 19,904 buffer), and chimney fabrication area (2250 wetland & 16,713 buffer) related to PSNH Clean Air Project Site Plan 203-08 with total wetland impact of 42,190 SF in five areas and 124,385 SF of impact in four buffer areas. ***For Final Approval.***
5. **Application #411-08** [Section 10.03 E of the Zoning Ordinance (Aquifer Protection)]: **Public Service Co of NH** - Block 2, Lots 200 & 200-A located at 97 & 92 - 128 River Road. A **Conditional Use Permit** for flue gas desulfurization building, related buildings, and air pollution control processes in a primary recharge area related to PSNH Clean Air Project Site Plan 203-08. ***For Final Approval.***

All three (3) Applications read into the record. Nick Golon, Project Manager from TF Moran representing the Applicant, stated that he would like to address the Interim Notice of Decision [INOD].

**Traffic:**

Mr. Klubben stated that, per ITE (Institute of Transportation Engineers) calculations, the fee is \$41,017; however, there were only three (3) samples in the manual and the Applicant provided all the data for the calculations. Mr. Klubben suggested third party review. Mr. Golon stated that PSNH is willing to pay \$20,000 for Traffic Impact providing no further analysis is required. Bob Duval, traffic engineer from TF Moran, stated that there would only be increased truck traffic during construction and that the operation will receive material by rail and the resulting gypsum would leave the site on the empty coal trucks that already come to the site. Mr. Duval stated that any excess gypsum not hauled away by the coal trucks would leave the site by rail. Discussion revealed that the wood chip storage operation, that was approved and recorded, was never implemented, and that there is no firm data on truck traffic numbers to/from the site. Concern was expressed regarding the weight load of the trucks and the accumulated impact on the road. Several Members expressed the need for a more specific proposal - one that deals with limits on future truck traffic as well as current operations [chip hauling, back hauling etc] and suggested that the

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Applicant submit a revised traffic impact fee proposal.

Chimney Height / Vapor Plume / Lighting:

It was noted that the balloon test was not feasible. PSNH submitted photos of the site from various locations and altered photos of same location with the proposed buildings and stack superimposed. Mr. Judd suggested allowing FAA to rule the lighting.

Community Outreach:

Elizabeth LaRocca, PSNH Community Relations Manager, addressed the Board and stated that she had contacted Hooksett, who expressed no issues, and Pembroke, who expressed concern with the stack height. She delivered the folders [Clean Air Project – Merrimack Station folder that contained the power point presentation and fact sheets initially presented to the Planning Board] to Allenstown but was not able to meet with anyone. Ms. LaRocca stated that the biggest concern seems to be the visual impact followed by the emissions. The Board referenced Rose Galligan [15 North Browning Court, Pembroke, NH] 9/3/08 letter expressing concern for the increased noise from the power plant. Comment made that ambient noise level be established.

Monitoring Wells:

Board reviewed the 8/20/08 report prepared by Haley & Aldrich and generally agreed with the additional monitoring well by the scrubber

Wetlands:

Ms. Crystall stated that even though a Site Walk was held in June, another is needed with the focus on wetlands proposed for impact and the proposed mitigation site. Mr. Golon agreed to set a Site Walk with the Conservation Commission.

Jim Fougere, Certified Wetland Scientist and Wildlife Biologist from Schauer Environmental Consultant, LLC, representing PSNH addressed the Board. Mr. Fougere discussed the impacts from the contractor yard and the plan to fill-in the area to create construction truck parking. It was noted that the construction of the new building would decrease current parking from 600 to 300 spaces. Rick Roy of PSNH confirmed that the reduction meets their business need requirement as up to 300 employees could be called to the site when there is a full power outage.

Mr. Fougere identified four (4) wetland impact areas – three toward the west side of the site and one by the river, in the floodplain. Discussion ensued regarding the proposal to excavate existing forested area for flood storage to compensate for the fill in the chimney staging area and several concerns were expressed that ranged from the significant impact not only to the land but also to the wildlife habitats for a temporary time [estimated at two years] for the stack to be constructed to the placement of the stack so close to impact the peninsula. Mr. Golon stated that he would check with NH DES and the Army Corps of Engineers to modify or eliminate tree cutting and excavation for flood storage and instead remove the fill in the temporary chimney staging area once construction is completed.

Mitigation:

One acre of impact requires ten acres of mitigation as protected land. Two (2) proposed sites were presented for consideration. Option A has a forested area with wetlands and a stream located by the ballpark and across the street from the boat ramp and would have road access with possibility for a future trail. Option B has a large pond and intermittent stream located by the railroad tracks. Ms. Crystall stated that a Site Walk should be scheduled with the Conservation Commission, that the functions and values needs to be evaluated and that the vegetation should be identified. Both options received support from the Members. Mr. Golon stated he would coordinate and schedule the Site Walk.

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Board took a ten-minute break at 9:05 PM. Mr. Cunningham called the meeting back to order at 9:15 PM noting that all Board Members had returned to the table.

Hazardous Materials:

Bob Mullen, PE from Haley & Aldrich representing PSNH, stated that the gypsum is not hazardous and that it would be sorted between commercial grade and non-commercial grade. The commercial grade will be placed in the Gypsum Storage Building and the non-commercial grade gypsum would be stored outside, deposited on an asphalt surface in an area approximately 50' in diameter with a berm and covered with tarps, to be accumulated in small quantities and disposed of on a weight basis. Rob Roy added that the commercial gypsum would be removed from site daily.

Discussion ensued, questions raised and concerns were expressed. Question asked how commercial and non-commercial gypsum is identified and processed. Mr. Roy stated that it is via the conveyor belt system high up with parking underneath. Point made that the gypsum is not hazardous and question asked if that applies to both dry and wet gypsum [unanswered]. If area under conveyor is used for parking, then the possibility exists that gypsum could go onto vehicle tires and onto the roads in Bow. The question why the non-commercial gypsum could not be stored in containers led to a discussion that dry gypsum weighs less, that the purpose of the berm is dual, to protect water from coming in and wet gypsum leaching out, to anticipated volume production to concerns that the bermed area could become a 'bathtub' and result in added odor potential. Groundwater protection – leaching of sulfate is the sole environmental risk, per Mr. Mullen. Rough calculations were performed in an attempt to understand the magnitude in quantity and time span of non-commercial gypsum accumulation. With the estimated production of 28-30 tons of gypsum per hour, and the fact that a cubic yard weighs two tons, it would take an estimated ten hours for the non-commercial gypsum to reach a depth of one yard.

Mr. Golon stated that this aspect of the project has not yet been fully designed, that it will be addressed in Phase II and that the important matter at hand is to get the project underway as soon as possible. More details regarding the Phasing Plan was requested.

ZBA Conditions:

Mr. Klubben reported that Bill Rollins, PE from Stantec, reviewed the drainage calculations and referred to Mr. Rollins' 9/3/08 letter for resolution of the concerns expressed in his 8/25/08 review letter.

It was noted that the time limit for the Review Period expires next week. Mr. Golon verbally requested a 30-day extension. **Motion** made by Mr. Judd, duly seconded by Mr. Wallace and unanimously voted to grant the requested 30-day extension to the Review Period.

**Motion** made by Mr. Wallace, duly seconded by Mr. Judd and unanimously voted to continue PSNH CAP Applications to the October meeting and that the purpose of the continuation is to:

- (1) Allow the Applicant to address Planning Board comments including a revised traffic impact fee proposal, modifying or eliminating the tree cutting and excavation required for flood storage, and providing more detail on the phasing plan;
- (2) Allow the Applicant to complete and submit the noise analysis; and
- (3) Allow noise and environmental peer review consultants to review and comment on the Applicants' plans and reports and to allow the Applicants to respond.

Public Hearing opened at 10:00 and closed at 10:08 PM. Jim Bassett, attorney from Orr and Reno representing abutters Stan and Pete Emanuel, addressed the Board. Mr. Bassett stated that he would review the material and submit their substantive questions and concerns in writing but would like to

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address four (4) items: (1) Were all conditions of acceptance satisfied? Mr. Klubben stated that they were on 7/17/08. (2) Project was deemed DRI [development of regional impact] and were those conditions met? Mr. Klubben advised that the mailings were done on 7/17/08. (3) Additional Site Walks should be publicly noticed and to please notify him and his clients when scheduled. (4) Please do the traffic study and would/should the traffic impact be limited to Phase II?

Mr. Wallace stated that due to the sequence of holding the public hearing after the motion, offered another motion to affirm the motions made prior to the public hearing. Ms. Crystall seconded the affirming motion. Vote was unanimous.

### III RECEIPT OF APPLICATIONS

None were presented for Board consideration

### IV CONCEPTUAL CONSULTATION

1. **Request by Matthew Peterson, Woodland Design Group for Edward & Eunice Dalton / Falcon Heights Properties, LLC** to discuss reactivation of Kaitlyn's Purchase Major Open Space Residential Subdivision application 504-05 (tabled May 4, 2006) on Lot 8, Block 4 located between 24 and 26 Bela View Drive

Request read into the record. Maria Dolder, attorney from Concord, addressed the Board, stated that the six-lot open-space subdivision of the 20.446 acre site has been engineered and underwent Peer Review and that it was tabled in May of 2006 in order to determine access via the 50' ROW strip from Bela View Drive. Ms. Dolder stated that in December 2007, the court advised that they would not decide until the Town of Bow advises on the ROW rights, and that they met with the Board of Selectmen who accepted the ROW as a public ROW at 50'. Mr. Judd clarified that the Board of Selectmen accepted it as a public ROW with the provision that it be built to current Town standard and that the current standard is 60', not 50'. Ms. Dolder stated that the presentation to the Board of Selectmen was based on the premise that they only have 50' and that it was her interpretation that the provision referred to the construction of the road. Clarification from the Board of Selectmen needed prior to proceeding with plan review.

### V OLD BUSINESS

1. **Subcommittee Reports and Appointments:**

Aquifer Protection & Working Group / Drinking Water Protection Committee: Ms. Crystall stated that Mr. Young is part of the group and that with Mr. Klubben's assistance they are in the process of revamping the Ordinance.

2. **Road construction, inspection, latent defects, & bond reduction requests:**

None presented for Board consideration.

3. **Extension of June 5, 2008 approvals of Site Plan 201-07 and AP CUP 401-07 by Stan & Pete Inc and Beau River Associates / Bow Recycling Center - Block 2, Lots 159-C, -D, -H, -K, -L, & -M, 159-F4, 160, and 160-A located at 70 - 76-A River Road, 3 - 7 Thibeault Drive, 7 Dunklee Road, & 5 Ryan Road.**

Request read into the record. Per Dave Emanuel's 8/21/08 request letter, the extension is needed to finalize the permits for the project. **Motion** made by Mr. Young, duly seconded by Mr. Wallace and

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unanimously voted to grant the 90-day extension as requested and with the understanding that all provisions of the approval remain in effect.

## VI NEW BUSINESS

**1. ZBA referrals: Case #110-08 Brian and Merwin Stowell – Variance to construct a duplex on a substandard lot located at 600 Rte 3A on Block #5 Lot #38 + #39 in the 'R' Zone and 'AP' District**

Board discussed and expressed concerns. General consensus was to not support or endorse the Variance [when combined, both lots total 1.37 acres and a duplex requires 2.5 acres of buildable land], cautioned the ZBA not to set precedent, suggested that an Accessory Dwelling Unit be considered and noted that the two lots are considered merged per Zoning Ordinance and must be merged legally.

**2. Site Walks on built and/or proposed projects:**

It was noted that a Site Walk specific to the wetlands proposed for impact and the proposed options for wetland mitigation sites would be scheduled for the PSNH CAP Project for both BCC and PB.

**3. Fiscal Year 2010 Capital Improvements Program - appoint Planning Board members and CIP chair**

John Wallace and Arthur Cunningham agreed to participate again this year with Mr. Wallace chairing.

**4. Election of Officers.**

Chairman: Arthur Cunningham. Motion made by Mr. Judd, seconded by Mr. Wallace and unanimously voted to reappoint Mr. Cunningham as Chairman of the Planning Board.

Vice Chairman: John Wallace. Motion made by Mr. Judd, seconded by Mr. Young and unanimously voted to appoint Mr. Wallace as Vice Chairman of the Planning Board.

Secretary: Don Lane. Motion made by Mr. Attorri, seconded by Mr. Judd and unanimously voted to nominate by acclamation Don Lane as Secretary of the Planning Board.

## VII CORRESPONDENCE AND OTHER BUSINESS:

None presented for Board consideration.

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**Motion** made by Mr. Young, duly seconded by Mr. Judd and unanimously voted to adjourn the meeting. The 9/4/08 Planning Board meeting adjourned at 10:48 PM.

Respectfully submitted,

Arthur J. Cunningham, Chairman

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