

Approved 5/7/09

MINUTES
Planning Board Meeting
APRIL 16, 2009

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| ORIGINAL | |
| N.H.P.U.C. Case No. | <u>DE 11-250</u> |
| Exhibit No. | <u>#69</u> |
| Witness | <u>James Brennan</u> |
| DO NOT REMOVE FROM FILE | |

The Town of Bow Planning Board met Thursday, April 16, 2009 at 7:00 p.m. at the Town Municipal Building, 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 9:45 PM would be continued to a time and a place to be announced and that the order of business is subject to change without notice.

6:00 Site Walk for Application #402-09 at 44 & 42 Putney Road

Site Walk was held as scheduled and attended by Jamie Long, CWS.

7:00 ROLL CALL

Members present were Mark Attorri (R), Don Berube, Jr. (A), Sandy Crystall (R), Arthur Cunningham (R), Dennis Ordway (A), John Wallace (R), Andy Young (A) and Selectmen's Representative alternate Tom Keane. Also present were Bill Klubben, Town Planner, and Louise Knee, Recording Secretary. Excused were Bruce Marshall (A), Bill Oldenburg (R) and Selectmen Representative Eric Anderson. Don Lane (R) resigned 3/17/09. For the record, the Regular (R) Members and Alternates Berube and Young voted.

I UNAPPROVED MINUTES: Feb 15, Apr 19, June 21, Sept 6 & 20, Oct 18, Nov 1 & 15, & Dec 6, 2007 and March 5, & April 2, 2009

Three (3) sets of edited Minutes were presented – 9/20/07, 3/5/09 and 4/2/09. Ms. Crystall provided additional changes to both the 9/20/07 and the 3/5/09 Minutes and asked the Board to defer action on the 4/2/09 Minutes until she had a chance to review. **Motion** made by Mr. Young, duly seconded by Mr. Wallace and unanimously voted to **approve** the September 20, 2007 and the March 5, 2009 Minutes as edited and amended.

II RECEIPT OF APPLICATIONS

None presented for Board consideration

III PUBLIC HEARINGS

1. **Application #402-09** [Section 10.01 E of the Zoning Ordinance (Wetlands Protection)]: **Donald & Katharine Lane** - Block 3, Lots 25-F & -J located at 44 & 42 Putney Road. **Conditional Use Permit** for a single family house driveway in the buffer of a poorly / very poorly drained wetland (see LLA 504-07 M). Continued from March 19, 2009. ***For Final Approval.***

Mr. Cunningham read the Application into the record. Tim Bernier of TF Bernier, Inc. introduced himself and Jeff Knight who is buying the lot and added that when the Lot Line Adjustment was granted it was with the condition that a Conditional Use Permit (CUP) would be required for the driveway. Mr. Bernier posted a plan and stated that the 75' buffer has been maintained. With regard to drainage, Mr. Bernier stated that to divert the water to the pond and prevent it from going onto Page Road, an 18" culvert has been placed by the road, but not located in the ditch line, and another 12" culvert has been located near the house site/footprint to divert the water to the pond.

Public Hearing opened at 7:09 PM and closed at 7:10 PM. Bob Conn of 40 Putney Road stated that it appears to be a "done deal" and is still concerned with water.

Motion made by Mr. Wallace, duly seconded by Mr. Young and unanimously voted to approve Conditional Use Permit Application # 402-09 as presented and with the understanding that the Wetland buffer signs must be placed in conformance with Zoning Ordinance 10.01 B 4.

IV CONCEPTUAL CONSULTATION

None presented for Board consideration.

V OLD BUSINESS

1. Subcommittee Reports and Appointments:

No Subcommittee Reports were presented and no Appointments were made.

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

None presented for Board consideration.

3. PSNH Notice of Availability of Shoreline Management Plan - Request for Comments. Continued from April 2, 2009.

Mr. Cunningham read the item into the record. It was noted that PSNH is being required by FERC to provide a Shoreline Management Program [SMP] as part of the Federal permitting process. It was further noted that the management program is to protect fish and wildlife and that it charges PSNH with ongoing management of the shoreline program. PSNH has drafted a shoreline management program and has solicited input from the affected communities by 4/17/09 before submitting the final Shoreline Management Program on 5/19/09.

As promised, Ms. Crystall provided written draft comments on her review of the Shoreline Management Plan and the FERC Guidelines for federal permitting. In depth discussion arose. Concerns were expressed regarding: the ambiguity in defining "project boundary" and the need for an accurate and complete boundary identification, perhaps with an overlay of parcels and a mileage chart; the variables of the 200' buffer deviations needs to be better understood and clearly depicted in the Plan and on Plan maps; the Shoreline Management "Classification" Categories and the desire for more specifics regarding which of the three (3) types of management would be applied; and the incorporation of Town of Bow specific buffers and land use regulations. Questions were also raised regarding the selection of specific aquatic species cited in the SMP, noting that the Aquatic Resources Section only referred to anadromous fish [fish that are born in fresh water and migrate to salt water – i.e. salmon]. It was noted that the Bow Planning Board is interested in more details regarding how all lands and shorelines in Bow will be managed and protected.

Discussion focused on how to provide the Board's SMP comments to PSNH by the 4/17/09 deadline and insuring that they are incorporated in the final SMP submitted to FERC on 5/19/07. At 8:04 PM, Mr. Cunningham asked if anyone from the public wished to comment. No one addressed the Board. Harold Keyes, PSNH Station Manager, was in the public on another matter. The Board asked if he wished to comment on any of the discussion and Mr. Keyes responded that "he heard enough" - to understand the concerns raised by the Board.

Motion made by Mr. Wallace, duly seconded by Ms. Crystal and unanimously voted to authorize the Chairman to submit, on behalf of the Planning Board, comment based on the Board's discussion of the Shoreline Management Draft Program to Jim Kearns of PSNH via email to meet the deadline of 4/17/09.

VI NEW BUSINESS

1. ZBA referrals:

None presented for Board consideration.

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

No Site Walks were scheduled.

VII CORRESPONDENCE AND OTHER BUSINESS:

- **Merrimack River Watershed Wetland Restoration Strategy posted**

Ms. Crystall stated that in 2007 NH DES created a program to offset impact with land protection or wetland projects with an option to put money in a watershed fund. The funds accumulate for two (2) years and wetland restoration strategies are developed. Mr. Klubben added that there is money in that fund from Bow projects. The matter is to be discussed at the Bow Conservation Commission meeting Monday, 4/20/09.

- **Dunbarton PB – extension request to complete Chan subdivision on Gile Hill Road**

Mr. Wallace stated that he had no issue with an extension providing that the Bow access remains an emergency-only and gated access.

- **PSNH scrubber – future use of coal trucked from Portsmouth**

Mr. Klubben reported that when the scrubber goes on-line, PSNH will no longer be obligated to use low-sulfur coal. Low-sulfur coal is trucked to the site. Harold Keyes, PSNH Merrimack Station Manager, stated that it is certain that PSNH will not be burning more offshore coal. Mr. Wallace questioned why the reduction in truck-transported coal was not part of the discussion of the scrubber project in general and specifically because it could have affected the Traffic Study. It was noted that what was presented and approved was the dual use of the coals trucks – bringing coal to the site and then being used to remove the gypsum byproduct of the scrubber operation - and the use of rail should there not be enough trucks to remove the gypsum.

- **New Boston ZBA – two (2) New Cingular Wireless PCS applications for 100' monopoles**

Item read into the record. No Board comment

- **UNH Cooperative Extension – wildlife and wetland workshops/publication announcement**

Item read into the record. No Board comment

- **TDR [Transfer of Development Rights] Workshop**

Mr. Klubben stated that Cliff Sinnott from RPC (Rockingham Planning Commission) can attend the 5/7/09 meeting for a TDR workshop.

- **Appointment to CNHRPC [Central Regional Planning Commission]**

Mr. Klubben stated that Steve Buckley's term expires this year and added that Mr. Buckley is willing to continue representing Bow. **Motion** made by Mr. Wallace, duly seconded by Ms. Crystall and unanimously voted to reappoint Steve Buckley as Bow's Planning Board representative to the

CNHRPC. Mr. Wallace referred to Mr. Buckley's comment at the last meeting that he had never met the other Bow Representative, Bruce Marshall. Mr. Klubben stated that he has introduced the two (2) gentlemen and they now have one another's contact information.

Motion made by Ms. Crystall, duly seconded by Mr. Young and unanimously voted to adjourn the meeting. The 4/16/09 Planning Board meeting adjourned at 8:26 PM.

Respectfully submitted,
Arthur J Cunningham, Chair

Not Official until reviewed, approved and signed.
Approved 5/7/09 as edited.
