

**TOWN OF BOW  
PLANNING BOARD**

**CONDITIONAL USE PERMIT APPLICATION  
AQUIFER PROTECTION ORDINANCE  
Article 10.03 of the Town of Bow Zoning Ordinance**

To the Applicant:

This constitutes the application form for a Conditional Use Permit for purposes identified in Article 10.03 E of the Zoning Ordinance.

Once completed, the application, together with the required fee, must be submitted to the agent of the Planning Board by 3:00 PM at least ten (10) days prior to the next meeting of the Conservation Commission.

The Planning Board will not grant a Conditional Use Permit prior to receipt of recommendations from the Conservation Commission.

A final application which is not complete may be rejected by the Planning Board at a regular meeting. To be complete an application must include:

1. \_\_\_\_ Three (3) copies of the completed application form
2. \_\_\_\_ Seven (7) paper copies of a sketch plan of the proposal, with the Aquifer Protection District delineated. (If not previously submitted with a Site or Subdivision Plan.)
3. \_\_\_\_ Three (3) copies of any construction plans
4. \_\_\_\_ Sufficient legible copies of the preliminary plan reduced to no more than 11x17 inches; (30 copies plus one for each abutter) (If not previously submitted with a Site or Subdivision Plan.)
5. \_\_\_\_ A narrative which addresses the criteria of Articles 10.03D, 10.03G, and 12.05 of the Zoning Ordinance (attached)
6. \_\_\_\_ Complete and accurate abutters list (including any PE/LLS/CSS/WS whose seal appears on the plan)
7. \_\_\_\_ The appropriate filing fee (Additional fees may apply if submitted with Site Plan Review or Subdivision application)  
  
\$\_\_\_\_\_ Application Fee (\$400)  
\$\_\_\_\_\_ Plus per Abutter (\$20)  
\$\_\_\_\_\_ Total (Not including any other applications)

TOWN OF BOW PLANNING BOARD  
AQUIFER PROTECTION CONDITIONAL USE PERMIT APPLICATION

10 Grandview Road  
Bow, NH 03304  
commdevel@bow-nh.gov

(603) 225 3008  
fax (603) 225 2982

Owner(s): \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Daytime Telephone # (\_\_\_\_) \_\_\_\_-\_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Daytime Telephone # (\_\_\_\_) \_\_\_\_-\_\_\_\_\_

FOR OFFICE USE ONLY
Application # _____
Date Received: ___/___/___
Fee Paid \$ _____
Check # _____
Received By: _____

E-mail address for contact person: \_\_\_\_\_

1. Block # \_\_\_\_ Lot(s)\_\_\_\_\_

2. Street Address for parcel: \_\_\_\_\_

3. Property located in the \_\_\_\_\_ Zoning District.

4. Land is in open space (current use): \_\_\_\_ YES \_\_\_\_ NO

5. Date of most recent timbering operation: \_\_\_\_\_

6. Purpose for which the Conditional Use Permit is sought:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The applicant agrees that he/she is familiar with the current Zoning Ordinance of the Town of Bow and in submitting this application has complied with the requirements of the Ordinance.

\_\_\_\_\_  
Property Owner(s) or Applicant's  
Signature with Certification

\_\_\_\_\_  
Date

## **Article 10.03 of the Zoning Ordinance of the Town of Bow**

10.03 Aquifer Protection Overlay District Ordinance - Conditional Use Permit

Required Criteria to be Addressed in a Narrative by Applicant  
Per changes adopted at May 12, 2009 Town Meeting

### **10.03 G. Conditional Uses**

Prior to granting CUP approval the Planning Board must first determine that the proposed use is not a new prohibited use and will be in compliance with Section D. Performance Standards as well as all applicable local, state and federal requirements. The Planning Board may, at its discretion, require a performance guarantee or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards.

### **10.03 D. Performance Standards**

The following Performance Standards apply to all uses in the Aquifer Protection District unless exempt under Section J. Exemptions:

1. For any use that will render impervious more than 15% or more than 2,500 square feet of any lot, whichever is greater, a stormwater management plan shall be prepared which the planning board determines is consistent with New Hampshire Stormwater Manual, December 2008, Volumes II and III.
2. Conditional uses, as defined under Section H. Conditional Uses shall have a current National Pollutant Discharge Elimination System permit or develop stormwater management and pollution prevention plans and include information consistent with Stormwater Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices. (US EPA, 1992) The plan shall contain provisions to:
  - a. Minimize the release of regulated substances into stormwater, through a source control plan that identifies pollution prevention measures;
  - b. Prevent recharge to groundwater that will result in violation of Ambient Groundwater Quality Standards (Env-Wq 402.06) at the property boundary;
  - c. Stipulate that expansion or redevelopment activities shall require an amended stormwater plan and may not infiltrate stormwater through areas containing contaminated soils. The applicant may submit a Phase I Assessment in conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI) to demonstrate that such infiltration will not result in a violation of Ambient Groundwater Quality Standards.

3. Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, August 2008 and any subsequent revisions;
4. All regulated substances stored in containers with a capacity of 5 gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains;
5. Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner;
6. Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located at least 50 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems;
7. Secondary containment must be provided for outdoor storage systems for regulated substances if an aggregate of 275 gallons or more of regulated substances are stored outdoors on any particular property. Secondary containment shall also be provided for outdoor conveyance systems;
8. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;
9. Prior to any land disturbing activities, all inactive wells on the property, not in use or properly maintained at the time the plan is submitted, shall be considered abandoned and must be sealed in accordance with We 604 of the New Hampshire Water Well Board Rules;
10. Disposal of stumps is permitted for same site disposal of stumps generated on site where a minimum separation of four feet (4') is maintained between stumps and estimated seasonal high water.

#### **10.03 G. Conditional Uses**

An Aquifer Protection Conditional Use Permit (CUP) is subject to the provisions of Article 12 of this Ordinance, except where modified below. The Planning Board may grant a CUP for a use that is otherwise permitted within the underlying district, if the permitted use is involved in one or more of the following:

1. Storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time, provided that an adequate spill prevention, control and countermeasure (SPCC) plan is approved by the local Fire

Department ;

a. The Spill Prevention, Control and Countermeasure (SPCC) Plan shall be submitted to the Fire Chief who shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods or fires that may cause large releases of regulated substances. It shall include:

(1) A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas.

(2) Contact list and phone numbers for the facility response coordinator, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment.

(3) A list of all regulated substances in containers of 55 gallons or greater in use and locations of use and storage;

(4) A prediction of the direction, rate of flow, and total quantity of regulated substance that could be released where experience indicates a potential for equipment failure.

(5) A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.

2. The expansion of a Solid Waste Landfill;
3. The expansion of outdoor operations of a Junkyard;
4. The expansion of a Wastewater or Septage Lagoon;
5. The expansion of a petroleum bulk plant or terminal;
6. The expansion of a gasoline station; and
7. The expansion of any other non-conforming use.

For Aquifer Protection CUP applications that involve development subject to Site Plan Review approval, the application shall be subject to Section 12.02 A of this Ordinance.

For all other Aquifer Protection CUP applications, the activity or development subject to CUP approval shall be accurately sketched on a copy of the recorded site plan or plan of similar reliability. Six full scale copies and one copy reduced to 11" X 17" paper shall be submitted. For Aquifer Protection CUP applications for which a recorded site plan is not available, six copies of a legible, accurate sketch of the activity or development subject to CUP approval and existing improvements shall be submitted. At least one copy shall be reduced to 11" X 17" paper.

**Article 12.05 of the Zoning Ordinance of the Town of Bow**

**12.05 Hearing and Decision**

Following a public hearing on the proposed use, the Planning Board shall issue a conditional use permit, if it finds, based on the information and testimony submitted with respect to the application, that:

- A. The use is specifically authorized by Article 5, Section 5.11 Table of Use Regulations as a conditional use;
- B. If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this ordinance for the particular use;
- C. The use will not materially endanger the public health or safety;
- D. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;
- E. The use will not have a substantial adverse impact on highway or pedestrian safety;
- F. The use will not have a substantial adverse impact on the natural resources of the town; and
- G. The use will be adequately serviced by necessary public utilities and community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide sufficient additional capacity or services.