

EPHING, NH PLANNING BOARD MEETING MINUTES

THURSDAY January 10, 2019

PRESENT – Joe Foley, Susan McGeough, Heather Clark; Selectman’s Rep. Mike Yergeau; Alternates Paul Spidle and Joe Trombley; Planner Brittany Howard; Secretary Phyllis McDonough.

CALL TO ORDER: Chairman Foley called the meeting to order at 6:00

PLEDGE OF ALLEGIANCE TO THE FLAG

DISCUSSION: Rob Graham - Solar project on Fresh River Road.

Rob Graham came before the Board for a discussion regarding a solar array on property behind Wal-Mart and Lowes; he noted he will be back before the board for a subdivision application on this proposal. He explained the state of NH has a rule that allows only one megawatt of array on one property, and since the array is three megawatts is the reason for the subdivision. Graham explained there will be paved and grass land under the solar arrays. Graham showed on the plan where there will be tree cutting to eliminate shading of the panels. He stated he will be going to the zoning board for relief for the setbacks and informed the Board there will be a fence to keep deer and snowmobiles out of the area.

McGeough asked what percent of sunlight is on that side. Graham explained the array is pointed south and once the trees are cut there will be 100%.

Graham informed the board they would like to come back before the Board with the subdivision before going to the Zoning Board and if approved by the Planning Board have an approval pending Zoning Board approval.

Chairman Foley asked Graham what his hardship is having to go to the Zoning Board and advised Graham to bring the application to the Zoning Board before coming back to the Planning Board.

PUBLIC HEARING: New & Continued Site Plan
Owner/developer: Sig Sauer, Inc
Location: 205 & 233 Exeter Road & Route 27, Map 038 – Lots 003 & 005

Chairman Foley read notice of a Continued Site Plan & new Site Plan by Sig Sauer, Inc.
Abutters present: Nicholas Noujam, Malcolm Bradsher.

Clark moved McGeough seconded the motion to accept the plan. The motion carried unanimously.

Joe Coronati and Steve Matulewicz came before the Board. Coronati explained the plan given to the Board is for “doghouse” to go over the sand backstop. The purpose of this would be to stop

any potential ricochets from the sand backstop. In addition, there is currently a steel plate at the top of the berm to stop high fires and ricochets. The steel plate will remain.

Matulewicz approached the Board to show a picture of how this wall will look. He explained it is a steel wall, a berm and a baffle will be built on top. He explained this will all be built to keep everything inside the area for safety.

Clark asked if what is being built is how most of what is built on site. Matulewicz responded yes. Clark asked why wasn't the one before the Board built that way when it was initially built. Matulewicz explained sig didn't recognize any safety issues until they were brought to their attention, and then it was addressed immediately.

Matulewicz explained this is a tertiary safety measure, there's sand berm, the concrete, baffled safety measure to keep everything inside.

Chairman Foley asked if the Board is not discussing the three ranges that were constructed without permits as part of the Site Plan. Howard explained that's what was continued from the previous meeting, in the meantime Sig gave a new application to address an additional safety feature on the range, for the safety, and before the Board is the continuance of the previous site plan and the new application.

Attorney Robert Dietel representing Malcolm Bradsher gave a letter to the Board. He explained his understanding from the previous meeting was that there is a continued application that was for an after the fact site plan approval that was continued for the board to get input from town counsel on concerns that he had regarding safety issues, variance issues and whether or not this was an application with a regional impact. He stated the agenda that is posted doesn't show a new site plan application and that Bradsher hasn't received a new site plan application to have an opportunity to see that and doesn't feel the board should address the new site plan at this meeting. He asked what the Board has received from Town Counsel in terms of the variance that's required and any other issues he's raised.

Howard noted she gave the Board the response from town attorney and if that is to be shared it would be up to the Board. Chairman Foley noted he doesn't feel comfortable giving Attorney Dietel information from Town Attorney.

The Chairman explained the board will treat this as a separate site plan than was originally before the board (the three ranges that were constructed without permits.) Attorney Dietel agreed with the Chairman and questioned the agenda that does not show the new site plan, and stated Bradsher has not gotten his public notice.

Howard explained the new site plan was noticed. In response to Attorney Dietel the Board noted that it had sent out new notices by certified mail. Mr. Bradsher did not sign for the notice for the first hearing. The post office returned a receipt indicating unclaimed. The January meeting notice was sent and the Town has a receipt. We have not received anything back from the post office yet as to whether it was accepted or not.

Attorney Dietel made a request to look at town council's comments to the Board. He stated in order for the application to go forward there needs to be something from the board on whether or not it needs a variance.

Abutter Malcolm Bradsher stated when Sig came before the planning Board, they wanted to put in a gun range, which they did and he thought it was a good idea. Bradsher stated while Sig was doing things, things have changed. Bradsher explained if he remembers correctly, Sig stated there would be no R & D at this facility, which has now changed. He stated there's a range they're talking about was supposed to be used for classrooms which is not, it's a full "cowboy" range which is out of control. He explained he spoke with the person who was in charge and stated Sig needs to turn it around because it's not safe.

Attorney Dietel reiterated the three things the Board needs to consider by state law on whether this is a regional significance and to vote on this, traffic, noise and proximity, and to see if a Variance is required. He stated he believes it does and it needs a variance for a non-conforming use.

Selectman Yergeau stated he will be recusing himself as he did some work at Sig approximately eight years ago. He cautioned the Board that counsel gave statements without town counsel being present and suggested a continuance of the hearing. Joe Trombley was appointed to sit in lieu of Dave Reinhold.

Matulewicz explained on the R & D range, it is a research range with no firing lines, and three shooting positions right outside the door of the R&D building. He explained the shooting positions are those of a table type position so they can shoot high speed video of the weapon after it's been in sand, dust, fog, frozen to capture for testing and that is not an active range used outside of Sig engineers, no customers use that range and welcomes anyone that would like to visit the range.

Clark asked how frequently this range is used. Matulewicz explained it could be used daily depending on the testing that's being done, anywhere from their silenced guns to pellet guns

The Chairman asked if they are fully automatic. Matulewicz responded they are and that no one shoots there other than Sig employees and engineers.

Howard advised the Board to decide on the continued application whether or not it's a regional impact and if so, it would have to be re-noticed and then move on to the Variance question.

Chairman Foley put before the Board that he feels both applications should be continued and decide if either or both are regional impacts

Matulewicz asked for a continuance so they can have counsel also, as the Board and Bradsher will have counsel. Coronati stated that would give him time to look over if this needs a variance.

Howard explained she is the one who decided this did not need a variance and sent the applicant to the Planning Board.

Abutter Nick Noujam reiterated from the previous hearing that he has no problem with Sig, but as a property owner he wants to make sure there are no stray bullets that will go onto his property.

After a somewhat lengthy discussion a motion was called for on the continuance on both applications. McGeough asked for Town Counsel to be present.

McGeough moved Clark seconded the motion to continue both Site Plan applications to February 14, 2019. The motion carried.

PUBLIC HEARING: Zoning Warrant Articles – 2019

Warrant Article 2

Variations and Special Exceptions – Zoning Article 13

Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Town Zoning Ordinance to adopt state statute 674:33, this provides a three-year sunset for variations and special exceptions approved before August 19, 2013 that have not been acted upon? Variations that may have been granted in as early as 1972 and never acted upon may now be inconsistent with surrounding properties. This gives property owners that may have outstanding variations or special exceptions until 2022 to exercise them. [Recommended by the Planning Board 5-0] Majority Vote Required

Warrant Article 3

Removing Multi-family as a use with a special exception from the Residential Zone – Zoning Article 2 Section 6 Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Town Zoning Ordinance to remove Multi-family as a special exception in the Residential Zone? The Board feels that these types of developments are not consistent with the housing type in this zone. [Recommended by the Planning Board 5-0] Majority Vote Required

Warrant Article 4

Reorganize the Multi-family Regulations - Zoning Article 6 Section 10

Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Town Zoning Ordinance to reorganize the multi-family regulations and incorporate duplex regulations into this section? This also eliminates special exceptions in this section of the ordinance. [Recommended by the Planning Board 5-0] Majority Vote Required

Warrant Article 5

Adding Light Industrial to the Residential Commercial Zone – Zoning Article 2 Section 2

Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the Town Zoning Ordinance to allow light industrial in the residential commercial zone? (This is the corridor along 125 from Rt 87 to the Lee town line). Light Industrial will be defined as follows in article 12: A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging incidental storage, sales and distribution of such products; but excluding

basic industrial processing such as casting and forging. It does not result in significant noise, glare, odor, dust, smoke, or vibration which could be detectable beyond the building. This use would be consistent with other uses in the zone. **[Recommended by the Planning Board 4-1] Majority Vote Required**

Warrant Article 6

Residential Access in the Residential Commercial Zone – Zoning Article 2 Section 2

Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the Town Zoning Ordinance to prohibit residential development for lots that only have frontage on Route 125? New residential driveways on Route 125 in the area between Route 87 and the Lee town line will create safety and traffic congestion issues. This change would require new residential developments to have their driveways on a road other than Route 125, which would allow the traffic to come out at already existing intersections. [Recommended by the Planning Board 5-0] Majority Vote Required

MINUTES OF 12/13/18 FOR APPROVAL – McGeough moved Trombley seconded the motion to approve the minutes. The motion carried 3-0-2, McGeough and Yergeau abstained.

ADJOURNMENT: Clark moved McGeough seconded the motion to adjourn the meeting at 7:45pm. The motion carried.

NOTE: THE NEXT MEETING DATE IS FEBRUARY 14, 2019 at 6:00 p.m.

Respectively Submitted,

Phyllis McDonough
Planning Board Secretary