

## **EPPING, NH PLANNING BOARD MEETING MINUTES**

**THURSDAY December 13, 2018**

**PRESENT** – Joe Foley, Susan McGeough, Dave Reinhold; Alternate Joe Trombley; Planner Brittany Howard; Secretary Phyllis McDonough.

**CALL TO ORDER:** Chairman Foley called the meeting to order at 6:00 and appointed Trombley to sit in for Clark.

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

**PUBLIC HEARING:** Two-Lot Subdivision  
**Owner/developer:** Harlow-Way Realty Trust c/o Joan Harlow  
**Location:** 38 Lee Hill Road Map 005 – Lot 015

Chairman Foley read notice of a Two-Lot Subdivision by Harlow-Way Realty Trust c/o Joan Harlow. Abutters present: Keith & Vilayick Moody and Anthony & Erin Lasorsa.

McGeough moved Trombley seconded the motion to accept the plans. The motion carried unanimously.

Surveyor Raymond Bisson came before the board to explain the proposal. He explained this site sits on the Epping/Lee town line; he stated the town of Lee has seen the plan and requires no subdivision approval since all the land is in Epping. Bisson stated the purpose is to divide one house lot off the 9.61+/- acre property. He explained the test pits have been performed to verify soils for future systems and wetlands have been delineated and located. He showed a modest size home, and an existing field with no trees being cut.

Bisson informed the Board they met with the Conservation Commission to discuss the setback, and stated they endorse the plan with the condition there be a deed restriction that the adjacent land remain hay fields or revert to forests. He explained there are two driveways and they will keep a driveway easement to use as an exit. He showed the hatched area will need to be cleared per state requirement.

Bisson informed the Board they have received state permit for septic.

Bisson spoke of both the upland and wetland soils and a sale that runs through the middle of the field. He stated since the wetland area will be greater than an acre in size, where the regulations require a 75-foot buffer from the wetlands, they are requesting a reduction to the 50-foot setback to be consistent with wetlands. He informed the Board the Conservation Commission reviewed a concept plan and was in favor of the reduced setback.

Bisson noted there is a request for two waivers under 10.3.a proposed grades and topographic contours & 10.3.b. construction drawings.

McGeough moved Trombley seconded the motion to approve the Conditional Use permit from 75 feet to 55 feet. The motion carried unanimously.

McGeough moved Trombley seconded the motion on the waiver 10.3.a for Topo. The motion carried unanimously.

McGeough moved Trombley seconded the motion to approve the waiver 10.3.b. construction drawings. The motion carried unanimously.

McGeough moved Trombley seconded the motion conditional on final DOT permit. The motion carried unanimously.

**PUBLIC HEARING:** Site Plan  
**Owner/developer:** EHNR Realty Development Trust of 2001  
**Location:** Fogg Road Map 022 – Lot 082-001

Chairman Foley read notice of the continued Site Plan by EHNR Realty Development Trust of 2001. Abutter present: Heidi Dunham.

McGeough moved Trombley seconded the motion to accept the plans. The motion carried unanimously.

Rob Graham and Joe Coronati came before the Board on the continuation off the site plan and updates to share with the Board. Graham explained they have done a site walk with abutter Heidi Dunham, Chairman Foley and Planner Brittany Howard. Graham stated they are before the Board to talk about landscaping and Impact fee.

Chairman Foley read his list of what will be discussed: Auxiliary parking, clubhouse, Impact fees and landscaping.

Howard reminded the board the Zoning Board gave a waiver to the parking requirement but want an area on the plan for future parking.

Graham showed on the plan the area for auxiliary parking should there be an issue to require more parking.

Graham showed additional landscaping with advice from Eunice Miller and showed it has been essentially doubled from what was on the first plan. Graham explained they have added more landscaping on the curve, and the intersection area.

Graham explained they met with some of the abutting properties and showed the old Dulong property where they agreed to do plantings on the curve and at the intersection area. A turn analysis was done to help with the headlights so not to have them shine into abutting properties.

Graham informed the board they will be staying with the free-standing clubhouse.

Howard explained this project is restricted to 80%, and 20% may have school age children. Howard explained after having a conversation with Graham and Attorney Ratigan, it was decided to do 20% to the school and the 80 % will go to police and fire for 55 and over.

Howard explained the offsite improvement fee is \$35,112 for the roads. They gave a ten-foot easement for water and sewer, and a ten-foot easement from the property line to Fogg Road.

Graham explained the best mechanism is an easement to provide for any utility infrastructure or sidewalks. He explained an easement to connect to their pipe, internally they need to speak to their attorney and Ratigan on that.

Howard questioned, they are stubbing out to Fogg Road but unsure if water and sewer will be able to connect because the pipe has not been designed yet. Graham stated that is correct, but the primary reason is for a fire hydrant.

Howard stated there will be generator's on site.

Trombley moved Chairman Foley seconded the motion to approve with conditions Submit with auxiliary parking, all state permits, correspondence with Tighe and Bond, final approval with Water & Sewer and connection fees are due before building permit being issued. Impact fees are due at CO, road infrastructure offsite improvements fees pay full amount at the time of impact fee on first building and no limitations on how money is spent. Will come back with condo plans. The Motion carried 2 - to - 1. McGeough voting against the approval. McGeough stated she is fine with the landscaping, but the health and safety of the Town is paramount.

**PUBLIC HEARING:** Site Plan  
**Owner/developer:** Black Birch Development Group, LLC  
**Location:** Delaney Road Map 023 – Lots 176 & 176-001

Chairman Foley read notice of a Site Plan by Black Birch Development Group, LLC.

McGeough moved Trombley seconded the motion to accept the plans. The motion carried unanimously.

Mike Sievert explained this request is for a Site Plan and Special Use permit on an 18-acre parcel. He explained in May of 2018 the property was granted a Special Exception use for multifamily. Currently it's subdivided into two lots, on a vacant parcel. In September 2017 the Zoning Board approved to declare the whole zone Map 023 – Lot 176 to Residential.

Sievert explained the general land cover is grass, woods and wetlands; gravel roads that are existing are from a previous development that didn't go forward. He explained the proposal is for ten condo units with 1200 feet of road which is the full loop, a private road and each unit will have own driveway and will have onsite water and septic systems.

Sievert stated the drainage infrastructure, all impervious is collected in an open drainage system down into a large treatment system, there's a swale and into ponds. He noted this has to go to state for AOT.

Sievert stated they are proposing fire cisterns on site, so the entire frontage is a wetland and will be utilizing the access road. He explained there is about 6,000 square feet of wetland impact, and also about 59,000 square feet of wetland buffer impacts.

Sievert noted there are two waivers road width designed for the loop to go down to 20-foot-wide and added a 4-foot gravel shoulder on the inside, and a waiver for curbing, the regulations require granite curbing, the request is for bituminous curbing, the reason is to minimize the cost and collected storm water.

Chairman Foley asked how many feet of curbing. Sievert stated approximately 450 feet.

Howard explained they were given a variance to do the subdivision for smaller frontage, which the applicant decided not to do that when it went before the Zoning Board, so they applied for a Special Exception for multi-family so they would have their previous granted not granted and abandon the subdivision approval.

Chairman Foley stated he was against going to 20 feet but was ok with 22 feet. The applicant agreed.

Steven Kniaz explained he went to the Conservation Commission and that Board wants a culvert removed and the treatment swale area to put in a more natural contour in that area.

Attorney Wyskiel advised the Board that Black Birch will not sign or record any type of declaration until appeal periods have ended, following final approval by the board and any state approvals.

McGeough moved Trombley approved with conditions waiver to 22 feet with a 4-foot gravel shoulder, granite curbing and paved straight away; come back with condo plans, any and all state permits, impact fees will be required, and abandon the variance for the subdivision. The motion carried unanimously.

**PUBLIC HEARING:** 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 Site Plan by Sig Sauer, Inc. Abutters present: Malcolm Bradsher and Nick Noujam.

Joe Coronati accompanied by Steve Matulewicz, Aaron Williamson and Scott Chamberlin from sig. Coronati explained what has been constructed on site and what's been expanded, an indoor range to help alleviate a lot of the outside shooting. He also informed the Board they are in the process of building a fire pond in Epping, which was recently permitted, and have raised back stops in certain areas to reduce ricochets, and have purchased a trommel for processing sand and gravel berms and backstops to remove rocks, stones and lead.

Coronati gave an explanation of the ranges that were constructed in 2009-2010:

Skip's Range which is basically a sand pile where an employee would shoot into. There's a small shed that was added for shooting out of the weather. This is not a public range and only used when testing to be done.

BAE Range and Classroom 5 is a range that is 50 yards long and 50 feet wide used for classes that are held in the trailer located in the range which has a sand backstop approximately 12 feet high. He explained the range to the north, Classroom 5, that area has been in existence for many years. BAE pistol range. If weapons are sold to law enforcement and military and not functioning the employers will go to this area to find the problems and the solutions for fixing. Approximately four hours a week, unless the ventilation faulty in the Exeter facility.

Howard informed the Board regarding Skips range and the pistol range there are no approvals and no hours for shooting.

Chairman Foley questioned if there is no shooting on Sunday at the pistol range. Matulewicz stated only if they have to find the solution of a weapon that isn't working properly.

Matulewicz stated Sig Sauer continues to invest capital in there Epping and Brentwood properties, and has full time safety range officers on site.

Attorney Robert Dietel representing Malcolm Bradsher, stated he has a couple of points to bring to the Board. His first point is to speak about the safety issues, and the other is to talk about procedural issues and where this fits in the zoning compliance. He stated this is a project that should be treated as a new applicant while it relates to prior approvals, Sig is seeking after the fact that weren't property permitted. He advised the board to vote that this application has regional significance.

Attorney Dietel spoke about the safety issues with bullets found on Bradsher's property. He passed out two containers of bullets found on a bridge on Bradsher's property in 2017 and 2018, and photos of ammunition on the ground. That if on a small structure all of this is found, he feels this is a reasonable conclusion of the safety issues.

Attorney Robert Dietel spoke on the zoning concerns. He stated it is his prospective that this needs regional significance according to State Statute.

Attorney stated his point is that the Board should decline to take any action before them.

Chairman Foley noted what Attorney Dietel's argument is this is a non-conforming that needs a variance before it can be expanded and that it's a regional impact.

Steve Matulewicz from Sig Sauer informed the Board he has seen all that Attorney Dietel has provided to the Board. Matulewicz explained he has walked Bradsher's property with him, and stated to the Board that Bradsher is an avid attendee of the Sig Sauer Academy and shoots very often. He stated Bradsher also has live firing range on his own property, which goes toward Route 101 and was shown to him by Bradsher. Matulewicz also allows hunting on his property, advised the board to go to slide #7, that huge steel wall was purchased and erected by Bradsher to stop any type of fragmentation from Sig, as a good will Sig had him put that up. Matulewicz informed the board that Bradsher has said part of his retirement is selling his property to Sig, which Matulewicz stated on behalf of Sig that they are interested in purchasing his property to have a larger buffer, not to expand. He stated Bradsher is asking for a huge amount his property, where counselors will sit and discuss.

Chairman Foley advised the Board will take the legal advice given by Attorney Dietel under advisement, but will turn to Town attorney for his advice.

Abutter Nick Noujam stated 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.

McGeough moved Trombley seconded the motion to continue to January 10, 2019. The motion carried unanimously.

**PUBLIC HEARING:**                      Zoning Changes

Chairman Foley read notice of a public hearing on zoning changes.

The Board agreed to continue the hearing to the January 10, 2019 meeting as some members were not present for the hearing. There were a few minor changes that will be voted on at that meeting.

**MINUTES OF 11/8/18 FOR APPROVAL** – McGeough moved Trombley seconded the motion to approve the minutes. The motion carried.

**INVOICE FROM TIGHE & BOND FOR PAYMENT – RE: EQUESTRIAN ESTATES \$880** – It was the consensus of the Board to pay the bill in the amount of \$880.

**INVOICE FROM TIGHE & BOND FOR PAYMENT – RE: NOTTINGHAM SQ. RD. \$1,100** – It was the consensus of the Board to pay the bill in the amount of \$1,100.

**INVOICE FROM TIGHE & BOND FOR PAYMENT – RE: TOWN DRY HYDRANTS \$783.75** – the consensus of the Board was to have the Fire Department pay this bill.

**ESCROW ACCOUNTS TO CLOSE** – Bruce Gatchell \$301.50; Beals Associates –\$500.00; Buxton Oil –\$1,500. It was the consensus of the Board to close the accounts.

**ADJOURNMENT**: McGeough moved Trombley seconded the motion to adjourn the meeting at 9:00pm. The motion carried.

**NOTE: THE NEXT MEETING DATE IS JANUARY 10, 2018 at 6:00 p.m.**

Respectively Submitted,

Phyllis McDonough  
Planning Board Secretary