

EPPING, NH PLANNING BOARD MEETING MINUTES
THURSDAY March 14, 2019

PRESENT – Joe Foley, Susan McGeough, Heather Clark, Dave Reinhold; Selectman’s Rep. Mike Yergeau; Alternate Joe Trombley; Planner Brittany Howard.

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

PLEDGE OF ALLEGIANCE TO THE FLAG

(PUBLIC HEARING: Condominium Duplex (Condo)
Owner/developer: Michael Picard
Location: 260 Prescott Road, Tax Map 014 – Lot 007

Chairman Foley read notice of a Site Plan for a Condominium by Michael Picard. Abutters present: Mike Fecteau.

Dennis Quintal from Civil Construction Management Inc. was representing the property owner. Quintal described the lot as having extensive frontage, existing wells and previously had a single-family house on the lot. There are currently two wells on the property; a dug well and artisan well. The duplex will use a shared septic, but each unit will have its own septic tank.

Clark moved to accept the plan, McGeough seconded. The motion passed unanimously, 4-0.

Howard explained that the only reason this is before the Board is because of the form of ownership.

Chairman Foley opened the meeting to the public. There were no comments from the public.

Clark moved McGeough seconded to approve the plan. The motion passed unanimously.

PUBLIC HEARING: 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 Review by Sig Sauer, Inc. Abutters present: Malcolm Bradsher. Chairman Foley stated that only items for review are the two ranges that were constructed without permits and the instructors’ offices.

Joe Coronati from Jones and Beach representing Sig Sauer, stated that the regional impact committee held a meeting last night, March 13.

Howard read the letter from the Rockingham Regional Planning Commission into the record. It stated that there were no concerns regarding the six criteria for regional impact and noise impacts from the facility may exist and recommend mitigation measures continue to be implemented.

Coronati explained to the Board the location of the ranges. He visited the site today and stated that Skips range does have a concrete dog house and that it does not appear that the pistol range had been used recently.

Chairman Foley opened the meeting to the public.

Rob Dietel, attorney representing abutter Malcolm Bradsher stated that the Board should be concerned with safety and environmental concerns. He had been to the office to review the file on the site. He stated that it was only approved as a pistol range with assertion from Sig that there would be minimal impact to the abutting properties. The Board required a sound study when SIG first opened. He stated the file showed that there were many past violations at the site regard construction and operation outside approved hours. In 2000 Sig requested an expansion and no sound study was required. After this date there were impacts to Bradsher's property.

Dietel stated the Board should require a life safety and environmental study by a third-party engineer, who is qualified in range design and confirm that the ranges are safe. The Board should require a sounds study and that SIG should supply the Board with documentation on how much the site is used, such as are there range officials, are they adhering to hours of operation, what types of weapons and ammunition are used? Essentially treat this as a brand-new application.

Chairman Foley clarified what Dietel was requesting and listed the following: third party life safety study, third party sounds study, and miscellaneous information regarding the usage of the site.

Tom Hildreth attorney representing Sig Sauer spoke, he stated that Bradsher has been an abutter to SIG for almost 20 years, the current ranges were constructed in 2008/2009, a decade ago. Since Bradsher has owned this property SIG has been before the Board no less than 10 times, Bradsher has been to one, discounting the current meetings. In 2014, Dietel and another attorney representing Bradsher tried to negotiation a sale of land to SIG which was not fruitful.

Hildreth stated that according to SIG records, Bradsher has took two classes in 2016, one class in 2017, and one class in 2018. Only in December in 2018 did SIG hear about safety concerns. According to the records Bradsher did not voice these concerns at prior meetings. We dispute that the bullets are coming from this property.

Hildreth stated that the ranges have been operating for a decade. There is no doubt about what impact they have and as Coronati has indicated they are seldomly used. I would submit that it is unnecessary to have third party review. They have and environmental safety plan that they implemented. In 2017, the state police investigated a bullet on RT 101. SIG made some adjustments to the ranges in Brentwood and there have been no occurrences since. The state police did not require SIG to employ a third-party review of the ranges.

Chairman Foley closed the public portion of the meeting.

Chairman Foley stated that he, Trombley, and Howard toured the facility and that one range has a concrete dog house and the other range has a covered target area. Sig insurance company and liability company would require review of the ranges or they would be uninsurable. The building department will determine any fines. Trombley concurred with Chairman Foley regarding the

site visit and that the ranges have more safety precautions installed than any range that he has been to.

Clark has concerns that the ranges were built without permission and that Sig came in after the fact is a bigger issue. What Sig has done to mitigate, make the ranges as safe as possible has been done.

Howard stated when she first started working in town, 2010 she received noise complaints because they were shooting the 50-caliber ammunition. They no longer shoot those weapons on site.

The Board then reviewed the hours of operation for the site. Indoor ranges can operate 24 hours, most outdoor ranges are 8-6 during the week with limited outdoor ranges. Chairman Foley stated that since the ranges are an expansion of outdoor hours that he would mitigate the expansion of the two ranges by no outdoor shooting on Sundays in Epping.

Arron Williamson from SIG stated the hours for operation on Skips range starts at 8:30 and the pistol range is used in the afternoon.

Clark stated that all ranges should have the same time so that it is easier to enforce. The Board agreed to 8am to 6pm Mon-Saturday. Chairman Foley stated there needs to be a reclamation plan reviewed by Howard with appropriate slopes, tree plantings, and the boundary marker shall be reset for the disturbed area where a third range had been proposed but never completed.

The Board discussed the temporary instructors' offices. The Building Department issued a building permit as a temporary structure and if they were there longer than two years, they need site plan review. Trombley stated he has concerns that the buildings are not tied down. Howard stated these buildings are similar to temporary classrooms used at schools. The buildings and electrical connections have been inspected by the building department. The Board discussed SIG shall come back before the Board in two years at the February 2021 meeting with plans for a permanent building or have plans for a permanent foundation for the temporary building to ensure that they are tied down properly.

Clark motioned McGeough seconded to approve the plan with the conditions as follows; no shooting in Epping on Sunday, a reclamation plan reviewed by Howard for the range that Sig had begun construction on, and SIG shall come back before the Board in February 2021 with a permanent foundation for the temporary building or a plan for a new building.. The motion passed unanimously 4-0. Yergeau recused himself.

PUBLIC HEARING: Continued Site Plan (backstop berm for Classroom 3/Eng. Bldg. & R&D Range)
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 for a backstop by Sig Sauer, Inc. Abutters present: Malcolm Bradsher. Yergeau recused himself.

Joe Coronati from Jones and Beach representing Sig Sauer, reviewed the cover-house plan with Board. Aaron Williamson from SIG and Coronati stated the dimensions of the berm, dog-house, and steel plate for the Board. They also discussed the location for the cover-house. They will be leaving the steel plate in place. Williamson confirmed that anyone shooting from this range is in seated position.

Rob Dietel attorney representing abutter Malcolm Bradsher, stated that this is the range that Bradsher is most concerned with. He believes all damage to his property and his building has come from this range as shown in the pictures provided to Board at the previous meeting. Firing ranges can be inherently dangerous to abutters and the community. Firing ranges must be built to recognized safety standards to prevent overshooting and ricochets. Dietel then reviewed the topography plan with the Board and that the Board should be looking for objective data from SIG and that should SIG should give the Board then their documentation and plans regarding range safety and not just accept their word. Dietel also stated that Bradsher has text messages between SIG and Bradsher regarding safety concerns.

Tom Hildreth attorney representing Sig Sauer would like to review the texts. Hildreth stated that this is an improved range. The steel wall that was installed was purchased from Bradsher. They are now asking to install a cover-house that is not required or being imposed by any agency. The site has a 30-year history of being safe. The fact of the matter is if a bullet leaves SIG, the abutter can take legal action against SIG.

Chairman Foley closes the public portion of the meeting.

McGeough stated that this addition would be make the range safer, Clark concurred. Trombley stated that after review of the range in person he feels confident that this range is safe given the large berm, steel plate, and dog-house. The addition of the cover-house will only make it safer.

Reinhold motioned Clark seconded to approve the site plan. Motion passed unanimously, 4-0.

PUBLIC HEARING: Continued Conditional Use Permit
Owner/developer: Gatchell Land and Development
Location: Depot Road, Tax Map 027 – Lot 190

Chairman Foley read notice of a continued conditional use permit for Gatchell Land and Development. Abutters present: none.

Joe Coronati from Jones and Beach stated that they are working on a boundary line agreement and they met with the conservation committee and the committee has some conditions.

McGeough motioned Clark seconded to continue the application to April 11th. The motion passed unanimously, 5-0.

PUBLIC HEARING: Site Plan
Owner/developer: Route 125 & 101 Investments
Location: Fresh River Road, Tax Map 29 – Lots 283-5 & 283-5-1

Chairman Foley read notice of a solar site plan for Route 125 & 101 Investments. Abutters present: none.

Clark motioned to accept the plan McGeough seconded. Motion passed unanimously 5-0.

Rob Graham for Route 125 & 101 Investments, the application has been before the ZBA and received setback relief as well as before the conservation commission for relief from wetland setbacks. They have applied to NHDES for and AOT permit to fill in a portion of the site bringing it up approximately 1%. The site it to remained grassed with 16-foot drive isles.

Howard stated that the ZBA granted the following setback relief, 0 feet for interior lot lines, 12-foot front setback, and 10-foot setback from all other exterior lot lines.

Graham stated that they would like to include in their package that they would like to add a storage shed within the seconded cul-de-sac to store replacement parts. The Board has some questions about setbacks and if the shed can be located within the right-of-way. Howard is going to work with Graham and speak with town counsel. This will be reviewed at the next meeting.

The Board then discussed the electrical design of the units as well as the location of transmission lines and the connection with Eversource. Everything on site is either underground or on a rack. Transformers will be stored in the Right-of-way so that Eversource will have access.

Clark Fenner, NH Solar Garden, stated the site will match the voltage coming out of the transformer to what exists on the pole. This will be determined by Eversource and will generally be pole mounted. The site will be remotely monitored if there are any issues or any panels go down so that they can be replaced.

Howard stated some items that shall be addressed; any and all state permits, subdivision plan shall be recorded, respond to letter from Tighe and Bond, the site will need to submit an as-built when the project is completed, conditional use permit for wetland buffer reduction, dry hydrant, subdivision being recorded.

The Board discussed active and substantial development. The applicant waived having a requirement for active and substantial.

McGeough moved to approve the conditional use permit, Yergeau seconded. The motion passed unanimously.

McGeough moved, Yergeau seconded to approve the plans with the following conditions: any and all state permits, subdivision plan shall be recorded, respond to letter from Tighe and Bond, and the site will need to submit an as-built when the project is completed, the motion passed 4-1.

PUBLIC HEARING: Site Plan
Owner/developer: Ben & Amy Brown
Location: 415 North River Road, Tax Map 005 – Lot 023

Chairman Foley read notice of a site plan for Ben & Amy Brown. Abutters present: Dave Reinhold, flag hill properties.

Reinhold recused himself, Chairman Foley appointed Trombley to sit.

Clark moved to accept the plans McGeough seconded, motion passed unanimously.

Scott Frankiewicz from Brown Engineering described the existing conditions of the site. They are proposing five cabins, ice-cream stand, and a parking lot. The plan shows the multiple future phases. The buildings are 20x20 at max, with a bathroom and small kitchenette and they have a drip edge for infiltration. The lot has 51 spaces and would be constructed with recycled pavement and the walkway will be chipped stone. They are proposing dark sky low lighting for the site. The landscaping plan will have native plants and trees around each cabin and throughout the site. An AOT permit is not required and this phase is not within the shoreland area.

The Board then reviewed the waivers requested by the applicant:

- Section 20.K – site specific mapping – the lot is all one soil per NCRSS.
 - The Board was comfortable with the NCRSS and the Gove Environmental flagged the wetlands on the site. They also reviewed the test pit data. Yergeau motion Clark seconded to approved the wavier, motions passed unanimously.
- Section 22.D – all commercial driveways shall be paved & Section 24. B – all parking lots shall be paved – they are proposing using recycled asphalt
 - The current driveway already uses recycled asphalt. They are showing a large detention pond for treatment and are not planning on striping the parking lot to keep with the rustic feel. Brown will be installing parking stops. Clark motion McGeough seconded to approve the waiver, motion passed unanimously.
- Section 28. IV.1.c-d – photometric data
 - The Board reviewed the night time pictures. Brown stated that fire will go out at 11:45pm and there will be quiet hours. The pathway between Flag Hill and the site will be done with solar lights and the golf cart will have lights. McGeough motion Clark seconded, the motion passed unanimously.

The Board viewed a short video walk-through of the site as well as night time photos. This will be a seasonal site, April 1 to November 30.

Brown went over the materials that will be used in the walkways. Howard stated that the fire department had no concerns with the walkways or materials for their access.

Brown then discussed the access between Flag Hill and this site. There is a path between both properties. The golf carts will be limited to the pathways and GPS controlled so that the carts will stay on site. The dumpster will be fenced and lighted. They also discussed having a shuttle to start with and if parking becomes an issue, the Board will review it when the applicant comes before the Board for the future development phases.

Howard then stated that the fire department has been working with Brown to install a dry hydrant at this location and is it currently being permitted with DES.

Chairman Foley discussed if this were to go to year-round use, that he would not be comfortable with the applicant using salt since they are close to Lamprey river. Brown stated that he does not use salt on recycled pavement.

Howard read a letter of support from Flag Hill into the record.

If they want to operate year-round, they need to come back before the Board. The Board then discussed that this should not turn into residences. This was also a condition set as part of the Zoning Board approval for the site. Cabin rental is only for short term stays. Clark motioned Yergeau seconded that the maximum stay can be 14 days, motion passed 4-1.

Active and substantial development shall be phase I.

Hours of operation for the ice cream stand are Mon-Sun 11am to 9pm. Howard shall review the signage.

Clark motioned Trombley seconded to approve the plan with the following conditions impact fees, any and all state permits, and respond to letter from Tighe and Bond. The motion passed unanimously.

OTHER BUSINESS:

1. **MINUTES OF 2/14/19 FOR APPROVAL** – McGeough moved Reinhold seconded the motion to approve the minutes. The motion carried, 4-0-1.
2. Site Plan & Subdivision – extensions – Great Bay Drive – The Board approved a six-month extension, Clark motioned McGeough seconded, motion carried unanimously.
3. Chairman Foley signed the following NOD – McPhee Subdivision, Solar Subdivision, Farmstands of NE, Buxton
4. The Board signed the mylar for the subdivision for Route 125 & 101.

ADJOURNMENT: Clark moved McGeough seconded the motion to adjourn the meeting at 8:55pm. The motion carried.

NOTE: THE NEXT MEETING DATE IS April 11, 2019 at 6:00 p.m.

Respectively Submitted,

Brittany Howard
Town Planner