

EPPING, NH PLANNING BOARD MEETING MINUTES

THURSDAY April 11, 2019

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

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

PLEDGE OF ALLEGIANCE TO THE FLAG

DISCUSSION: Jack Murray – site plan continuance - Mr. Murray was not at the meeting.

PUBLIC HEARING: Site Plan Amendment – outdoor seating
Owner/developer: James McSharry - Railpenny
Location: 8 Exeter Road, Tax Map 030 – 044

Chairman Foley read notice of a site plan for outdoor seating at Railpenny Tavern. Abutters present: none.

Kate McGrath from the Railpenny presented having an outside seating area to serve food and alcohol as well as acoustic music. The area will remain grass and they will have picnic tables. Music will go until 10pm.

Howard brought up concerns about parking. If both areas are used at the same time. McGrath stated that the same guest will be visiting and just be sitting outside instead of inside. Chairman Foley stated as long as there is no parking issue, he has no concern with them using both dining spaces. If parking becomes an issue, they will have to limit utilizing both spaces.

Tom Wiseness from Ladds Lane, had questions about amplification with the music. McGrath stated she has no intention for loud music. There might be a small amplifier for an acoustic guitar but that is the extent. McGeough stated if noise becomes a problem to please contact the Town.

McGough motioned Reinhold seconded to approve the application. Motion passed – 4-0-1 with Clark abstaining.

PUBLIC HEARING: 14- lot Subdivision
Owner/developer: Joseph Falzone
Location: Pleasant Street, Tax Map 021 – Lot 008

Chairman Foley read notice of a 14-lot subdivision for Joseph Falzone. Abutters present: Kenneth & Mary Harper.

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

Scott Cole from Beals Associates representing Joseph Falzone presented the plan to the Board. There are 14 proposed lots, the existing house will remain. There are no wetland impacts with the project. To update

the Board, the applicant spoke with conservation groups that may be interested in the back land. No groups were interested due to the size. The last time this was before the Board a waiver was requested to not supply topography and soils. The wetlands were mapped on the whole site.

Cole then discussed some issues that came about from the engineer review from Tighe and Bond. Clark asked about the access to the house next to existing house. Cole stated it will be a shared driveway with the existing house. It will be staying away from the wetlands area. McGeough asked about the bioretention area and why our engineer requested a 12'' pipe while the plan is showing 6'' pipe. Cole stated if this is an issue, they can increase the pipe to 12''. The pipe under the bioretention area is 6'' so they kept the same diameter to be consistent. McGeough does not want to this become an issue like some other culvert have. Chairman Foley stated why would you put a 12'' pipe on 6'' pipe. Selectmen Yergeau stated the bioretention this below the surface and for infiltration.

Cole then discussed the length of the roadway. The roadway length actually begins are the centerline of 27, so the road length is not an issue.

The Board discussed the two waivers and a potential stop sign. The Board does not feel that a stop sign is necessary.

Chairman Foley opened the meeting to the public.

Ben Harper, 217 Pleasant Street, had concerns about well location and how it may impact his well. Cole stated the 75' well radius is entirely on the lot. Harper then asked about proposed house locations. Cole stated the house will be pushed as far east on the lot, farther away from Harpers house. Harper then had some questions about the drainage and where the water will be discharged from the ponds. Cole stated the water will not be leaving at a faster rate or volume then it already does. Normal storms the water will stay in the pond.

Laura, representing the Perkins Family who are abutters. The have concerns about drainage. Cole stated nothing will be affected across Route 27. Harper stated that the pond and the wetland area are connected by a culvert. Cole explained that is why the bioretention area is proposed for the front of the lot.

Chairman Foley spoke about the abutter directly across from the roadway. If it is an issue with headlights at night, could the applicant plant shrubbery to block lights from cars at night if requested from the property owner. The applicant has no issue with this request.

The Board discussed the waiver from section 10.2.D for topography and soils. The Board discussed that since this is back land and no proposed for the development they are ok granting the waiver. Clark motioned Reinhold seconded to grant the waiver, motion passed unanimously.

The Board discussed the waiver from to allow a 3% slope toward route 27 when a 2% slope is required. Reinhold spoke about the states requirements for plowing and how they do not want to damage incoming streets. Clark motioned Reinhold seconded to grant the waiver, motion passed unanimously.

Howard stated the road name will have to be approved, impact fees shall be required, any and all state permits, respond to any future letters from Tighe and Bond, road bond. Clark motioned Reinhold seconded to approve the plan with conditions, motion passed unanimously.

PUBLIC HEARING: Ladds Lane Relocation

Owner/developer: Ladd's Lane Development Group
Location: Westerly intersection of Ladds Lane and Exeter Road

Chairman Foley read notice for Ladd's Lane relocation. Abutters present: Thomas Weisensee.

Joe Coronati from Jones and Beach was before the Board for the site plan for apartments on Ladd's Lane. Part of that approval was to review the intersection of Ladd's Lane with Route 27. This is part of the public hearing process and this will be before the Board of Selectmen on April 22. This needs NHDOT approval and DES permit for a wetland in the roadside ditch. The Board reviewed the site distance plan. The new location meets the state requirement of 400 feet. There will be some fill for the new location. Part of Ladd's Lane will be removed. Coronati is unsure what NHDOT will require, maybe a possible deceleration lane.

The Board discussed how the road will be plowed. There will be a lot of snow storage at the end of Ladd's Lane and that the proposed intersection will be safer.

Chairman Foley opened the meeting to the public.

Thomas Weisensee, Ladds Lane, agreed that they are visibility issues but there have been no major accidents at the intersection. There some concerns with the turning configuration and the existing intersection has better access. The new road will be directly across from his drive way and there are concerns with lights at nights. Removing the trees will be removing so natural privacy. The grade is substantial between Ladd's Lane and Route 27, this new section is a ramp. Where is the rain water going to go. What is the Town fixing? There are some concerns with the turning radius for emergency vehicles and plow trucks. Where does the snow go when it melts? What is the Town accomplishing? Removing nice big trees. This new design does not seem safer.

Chairman Foley closed the public hearing and stated there will be another public hearing on April 22. The reason this is being considered is for safety.

There was then a discussion about signage and widening the road to fix the problem. A 90-degree turn is difficult for large vehicles.

Reinhold stated it going to be better with the development that is proposed and will make the intersection safer. Chairman Foley stated there may need to be shrubbery planted to deal with headlights at night. Coronati will look into this and report back to the Selectmen.

The Board supports the proposal with Coroanti looking into where the lights will sweep on Mr. Weisensee's property.

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 site plan for a conditional use permit. Abutters present: none.

Joe Coronati from Jones and Beach went of the history of the lot. The Town took the lot for taxes and then sold it. The tax map shows the lot quite differently than the survey. A boundary plan needs to be completed prior to the Board reviewing it. The deed was not well written. The applicant made a boundary

line agreement with the abutter. The on item required is a conditional use permit. Almost the entire lot is wetland. The garage that encroaches on the lot will be removed. The new house will not be any closer to the roadway than the neighboring house. The conservation commission has some stipulations for the site. Howard read the conditions from the conservation commissions meeting, there shall be no future expansion of footprint including a garage, they may have and 8x10 shed, no swimming pool, and granite bounds shall mark the wetland edge. The Planning Board may require a deed restriction if they believe it is necessary.

Coronati said the septic plan will be in the front corner of the lot. If the Board would like a deed restriction they will comply.

The Board discussed the need for a deed restriction. The deed shall reference that there are restrictions on the lot, specifically note 10 on the plan. The plan shall be recorded with both abutters' signatures.

Clark motioned McGeough seconded to grant the conditional use permit for the reduction of the setback from 75 feet to 26.5 feet. Motion passed unanimously 5-0.

Clark motioned McGeough second to approve the plan with conditions regarding conservations commission restrictions, the plan being recorded, and the note on the deed, motion passed unanimously.

<u>PUBLIC HEARING:</u>	Site Plan - Asphalt Plant
<u>Owner/developer:</u>	Sam Patterson Real Estate Dev., LLC
<u>Location:</u>	Shirking Road, Tax Map 035 – Lot 026-002

Chairman Foley read notice of a site plan for an asphalt plant on Shirking Road. Abutters present: none.

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

Joe Coronati from Jones and Beach was representing Sam Patterson the property owner. Coronati went over the history of the lot. The property is in the industrial commercial zone. There are many industrial and commercial uses. New England Paving has relocated to the lot in front of the lot of the proposed asphalt plant. The roadway leading to site is complete up to gravel. New England Paving recycles the pavement from various projects. The proposed plant is portable but would be permanent at this site. Asphalt is made with sand, gravel and/or recycled asphalt. This plant would allow them to recycle the asphalt they have from projects. This is not a large commercial operation. They cannot compete with Pike or Continental; this is going to be small use mostly by the owner. They will have to buy all their own material; they do not have their own pits.

The proposed plant is an AZTEC six pack. It is brought in on 6 or 7 trailers and can be used temporarily. They are proposing a permanent use. The roadway into the site is one way. They back of the property is where the material will be stock piled to create a buffer for abutters. The grading on the site will be changed so that the site will drain toward the road and not toward the abutters. The area between the roadway and the site will be a bioretention pond for treatment not infiltration. It goes from there to a et pond and then another swale so any water from the site will be treated at 3 separate areas.

Three components go into making asphalt, sand, gravel, and liquid asphalt. Liquid asphalt is hard when it isn't heated. Drinking water pipes, water tanks are lined with liquid asphalt. This site will be mainly used for New England Paving, they do parking lots and driveways. The do not do roads. They currently leave the site empty but by having this plant they could leave the site with asphalt.

Chairman Foley asked how many tons they would make in a day. Sam Patterson stated on a good day it is 400 ton but typically it is 100 ton. The trucks carry 20 ton.

Coronati stated that the stated that the Zoning Ordinance requires the operation be in a building. The proposal is that the area of the plant that mixes the material will be inside but the areas where the materials are placed in and the conveyor belts are not within the building. The site will be paved for dust control and a cleaner site. There will be a generator and a small office. There will be a port-a-potty and the ability to use the building on the other site. The heating system will run on propane.

Chairman Foley asked about the emission from the site. Coronati stated that they have applied for and received their permit from air emission department part of NHDES, at the state level. Clark asked why it is a temporary permit. Coronati stated the permit is good until 2020. They have to get the plant up and running and the state comes down to monitor the plant. The plants have to meet air emission. There is not grandfathering. All plants have to meet the air emission standards.

Clark asked what they do with their current recycled asphalt. Sam Patterson stated that they bring it back to their site, screen it, crush it and use it as a gravel product. With the asphalt plant we can reheat it and use it more permanently. Coronati stated that recycled asphalt is also used on dirt roads. Clark Patterson spoke about emissions. The more efficient the plant the cleaner the emission, steam is what comes out of the stack. Asphalt does not containment water.

Chairman Foley stated that this site is very close to the border and that the access is out through Fremont. Does the Board think this is a regional impact development? All members agreed that it is. The Board wants the regional planning commission to be involved as well as the surrounding communities.

Chairman Foley opened the meeting to the public.

Scott Barthamely – Fremont. Barthamely believes that they are hardworking men. They are good neighbors. He has concerns about the smell. When they received the original approval, they stated it would be a paving prep site not an asphalt plant.

Coronati stated that this plant will not be running all the time. It is a small operation. They make it on the spot. We will get more information on smell.

Clark asked what the life of the plant is. Clark Petterson stated wear and tear parts need to be replaced more regularly but other part may last forever. Clark then asked if they have future plans to turn this into a permanent plant that can make more asphalt Clark Patterson stated that their permit is only for a certain amount of asphalt and they don't plan on requesting more. We are not trying to pave 101, we cannot complete with the bigger companies.

Mary Fosel – Fremont Road – They are good neighbors. There is an issue with traffic and full trucks. Right now, they can't go Railroad Ave. They can't go through Fremont. They are going down St. Laurent Street to Main Street and the roads are too small. There are also concerns about smell coming from the site.

Mark Vallone, 252 Blake Road. What if 20 years from now Pike wants to buy them out and increase the operation on the site. Howard stated that the Board can stipulate that they can only produce a certain amount and if they want to exceed that amount, they would need site plan approval.

Vallone also asked what the plan is to mitigate the air pollution. Coronati stated there is an air emission permit from the state. This is not an unregulated situation where something is happening in your town without oversight. The stack is up 35 feet in the air. Clark Patterson then explains this plant will have a bag house, similar to a diesel engine with an after burner. It is equivalent to 12 wood stoves burning a year. The bag house is a large filter system. The material that is in the filter and gets fed back into the fire. Vallone asked how the site is monitored. Clark Patterson stated that they do a stack test and drive by test. The state can tell by the color of your emission if you are burning clean. A lot of the smell you get from an asphalt plant is when plants are recycling shingles. Howard stated the Board can restrict the recycling of shingles on the site.

Cary Cloutier, Martin Road Fremont. Last week he informed the Town Administrator about the meeting. The Town Administrator and the Board of Selectmen did not know about the meeting. This is a regional impact and does impact Fremont and the residents. North Road- no thru trucking. Martin Road no through trucking and there is weight limit because of the bridge. A number of residents on Martin Road are unhappy with the amount of trucks every day. Many residents in Epping will be unhappy with all the traffic because residents in Fremont are going to get Shirking Road restricted which means all traffic will go through Epping.

Joe Jean 27 Fremont Road. Is very concerned with the smell. Shirking Road may be industrial commercial but is sandwiched in between residential. I very rarely see New England Paving trucks coming past my property but there are concerns about the smell.

Howard read the letter from the Town of Fremont's Town Administrator into the record. There are concerns about traffic and the conditions of the road, concerns about air and water quality.

Chairman Foley stated that the applicant should reach out to the other communities that have a similar plant, so that Board members of abutters may drive by the plant and see about smell. Clark Patterson stated that you should only be able to smell it when the material is dropped into the trucks. Chairman Foley has concerns about Shirking Road and the traffic.

Coronati then showed the Board Fremont Zoning map. All the traffic from the Industrial Zone in Fremont will be going through Epping.

Dennis Howline – Zoning Board of Appeals in Fremont. The ZBA denied an asphalt plant in Fremont because of traffic. We weren't worried about smells, emissions, or contamination. It was denied because of the impact to the residences in the area and the traffic.

Clark motion Reinhold seconded to continue the meeting to May 9th. The motion passed unanimously.

<u>PUBLIC HEARING:</u>	Site Plan - Solar
<u>Owner/developer:</u>	Route 125 & 101 Investments
<u>Location:</u>	Fresh River Road, Tax Map 29 – Lots 283-006

Chairman Foley read notice of a site plan for an asphalt plant on Shirking Road. Abutters present: none.

Clark motion Reinhold seconded to accept the plans; motion passed unanimously.

Paige Libby from Jones and Beach represented Route 125 and 101 Investments. The shed will no longer be in the right-of-way. The site will need a condition use permit for wetland and wetland buffer impacts. The

site will need a NHDES wetland permit. The conservation commission suggested the applicant move the panels to the front of the lot to consolidate the panels but would be more of a wetland fill.

The Board discussed the relocation of the panels and filling in more wetlands. McGeough stated there are different types of wetlands. Chairman Foley stated the conservation commission is agreeable to this why would this Board disagree with them. Selectmen Yergeau asked about mitigation Coronati stated mitigation will be required either way. The Board will conditionally approve both proposals allowing the applicant to work with the state. The Board will need an as-built at the end of the project.

The applicant will also work with the fire department in installing a dry hydrant near the water tower.

Reinhold motioned Clark seconded to approve the plans with conditions, as-built, any and all state permits, motion passed unanimously.

OTHER BUSINESS:

1. Minutes of 3/14/19 for approval – Clark motioned Yergeau seconded motion passed unanimously.
2. NOD for approval – SIG back stop, SIG ranges, Nexus cabins, Solar – Route 101 & 125 Investments, Picard - Duplex Condo – Chairman Foley signed the NODs
3. Reorganization – McGeough nominated Foley for Chairman Reinhold seconded, motion passed unanimously. Chairman Foley nominated Clark for Vice Chairman seconded by Reinhold, motion passed unanimously.
4. McPhee Mylar for Signature – the plan was duly signed
5. RPC dues \$6944.00 – Clark moved McGeough seconded to pay the bill, motion passed unanimously.
6. Lot merger form for the conservation lots off Joshua Lane – Chairman Foley signed the form.
7. ERRCO – the Board had a brief discussion about a noise complaint regarding ERRCO. Howard will look into the issue more and determine if it was because of plowing. Send a memo to Chief Wallace about monitoring the site.
8. Chairman Foley is working with RPC regarding contracts with electricity and the school. The Town should look into when their contract is up.
9. Selectmen Yergeau was notified by NHDOT about expanding 125 and that plans will be coming before the Board of Selectmen.

ADJOURNMENT: Chairman Foley moved Clark seconded the motion to adjourn the meeting at 8:52pm. The motion carried.

NOTE: THE NEXT MEETING DATE IS May 9, 2019 at 6:00 p.m.

Respectively Submitted,

Brittany Howard