



Town of Enfield

Planning Board Minutes

April 23, 2014

APPROVED May 14, 2014

Present: Tim Taylor-Chairman, Dan Kiley- Vice Chairman, John Kluge-Selectmen's Representative, Paula Rowe – Alternate and minute taker, Paul Withrow, Kurt Gotthardt, Scott Osgood-Town Planner,

Regrets: Suzanne Laliberte, David Saladino.

Guests: Leah Wood, Joby Plante, Paulette Dunbar, Donald Plante, Michael Trempe, Dick Lane, David Dow, June Marshall, Paul Marshall, John Downing, Ray Rose, Julie Rose, Shawn Bard, Arnold Koch, Bruce Hettleman, Daniel Bergamini, Ryan Gallien, Anita Warren, Bill Warren, Dave Beaufait, Nancy Smith, Brian Cavanaugh, David Stewart, John Donnelly, Anna Gado, Jeff Wilkinson.

CALL MEETING TO ORDER ~ 7:00 p.m. Chairman Taylor called the meeting to order.

APPROVAL OF MINUTES:

Motion made to accept the minutes of March 26, Seconded and approved unanimously.

SELECTMEN'S REPORT

John Kluge-Selectmen's Representative reported. Committee attendance from Selectman Kluge will continue. Dog park discussion of fundraising help from a national product firm.

CITIZENS FORUM

No action.

PUBLIC HEARING

Enfield Outing Club will request a Site Plan Review for revisions to property at 378 Shaker Hill Road, Enfield, NH Map 11 Lot 16.

Planner Osgood said that the Enfield Outing Club has brought their plans as complete with the request for three waivers. The illustration has not been done to scale, though close.

Dan Kiley made a motion to accept the application as complete with a second from Paul Withrow. The motion carried, with a vote of 5 for and 1 against.

Chairman Tim Taylor motioned and Dan Kiley seconded a motion to begin a public hearing for the Outing Club Site Plan Review.

Ryan Gallien, Chief Range Safety Officer (RSO) of the Enfield Outing Club, opened the hearing to the public with an explanation of his position informing that they now have 180 members and extending range use to private non-profit groups such as Appleseed, Sisters of the Second Amendment, Youth Club, and the Enfield Police Department. He continued with showing the illustration as betterment for the club and its users. Dan Bergamini, President of the Enfield Outing Club continued the presentation informing of the benefits that they have provided in the past year. Bergamini expressed being part of the community.

This proposal includes the establishment of a range parallel to the existing, though 25 ft shorter. It will be separated by a bullet resistant wall and a new berm. This new range will be flat

Donald Plante, who lives directly across the street, said he disagrees with most of what is being said this evening. Gallien asked for specifics and Plante informed that he has history with the range. Plante felt that there is uncontrolled growth at the range. He spoke of congestion. Mr. Plante asked the board what the zoning is for this range. Chairman Taylor said that this range predates zoning by 35 years, and the board will vote on whether to use is an allowed use. Planner Osgood noted the facility is in the R1 zone, and allowed use in this zone include "non-commercial outdoor recreation"

Planner Osgood informed Mr. Plante that there are 52 ranges' in the state and most Town Zoning regulations he has found do not specifically mention Shooting Ranges. Selectman Kluge noted that State Law does not have substantial regulations controlling shooting rages. Selectman Kluge advised reading the RSA on firearm ranges.

Mr. Plante said he has lead in his water well. Gallien noted that the club manages environmental issues in accordance with accepted National and State Practices. My Gallien further went explained the testing of the soil of the new berm. Mr. Plante said that he has approached the club in the past, specifically 5 years ago with a list of his concerns.

At this time, Gallien explained expanding the range and a division creating 2 ranges.

Dr. Hettleman said he talked with the Dept of Environmental Services and learned that there are few laws about shooting ranges and mostly up to the towns. He provided two handouts to the Planning Board, which was passed to the Outing Club. He further said that the soil needs to be carefully looked at. One of the rules is that you cannot shoot into wetland areas. The State said they would come out and investigate if there is lead in the wetlands or any acids that dissolve the lead. Dr. Hettleman said pollution problems cost a lot of money to fix. Dr. Hettleman abuts the property. Dr. Hettleman said the town needs to be leery of this project because providing double use of the property means double the noise. He said that when he walks his property and comes near the shooting range he has to leave because of the noise. He suggests enclosing the range. Dr. Hettleman takes the problem of lead and pollution very seriously noting it causes retardation and other problems to children.

Gallien continued his presentation and informed that the project will be done at a cost of \$24,000. Gallien is fully aware of lead contamination he soil acidity is being done properly to deter the leaching of the led.

David Dow asked how many of the 180 members Enfield residents are. The President felt 80 percent. David Stewart, EOC member thought it was less than that but pointed out that the club brings others into Enfield.

Mr. Plante asked about the tax status of the club. President Bergamini said that the club is non profit. Mr. Plante asked if all of the fundraising is done on the property privately. He asked if there are private people making money at the range, and if is this allowed.

Mr. Plante pointed out that the range has changed heavily in the past 20 years. It used to be a 'good ol' boys club,' it no longer is. Mr. Plante said he had been threatened by club members in the past. (Mr. Plante addressed David Stewart about past communications. Mr. Plante felt threatened by them and stated that the communications were at night and had escalated. Point of order was made by the Chair to address all comments to the Board.) Mr. Plante was asked if he called the Police when he claims he was threatened. He stated he did not call the Police.

David Stewart addressed the board and said that the new berm will contain the lead contamination in a more efficient manner than the berm that is currently there).

Anna Gato asked if the range shooting use or size has increased in the past 2 years. Gallien said no. Ms. Gato asked if there was a ruling of every other Sunday. She said that she just purchased her property 2 years ago and listened for the range. She specifically asked if a double range would increase the noise level. Gallien said no. Gallien said that the berm should absorb the noise. She reiterated that this double range would lessen the wait for those trying to use the range. Gallien said it will aid entities such as the police dept doing their annual range qualifications.

Kurt Gotthardt pointed out that he sees where this increases the number of shooters.

Gato said if you are going to increase the noise, lead amount, etc. the idea of a Grandfathered use should not apply.

David Stewart pointed out that the noise is not going to increase.

Paul Marshall, who has been here for 28 years, said the range has grown, especially on Sunday afternoons the "artillery" comes out.

Julie Rose, new homeowner on Easy Street, said she was very concerned of the traffic and noise.

David Dow asked if the club has thought about limiting the amount of time a person is on the range. Gallien said that it has not been addressed. Gallien said that they have not seen any complaints. A couple was noted by Gallien. Gallien said the youth shooting team is there on Sundays from 1 to 4 p.m. David Dow said it is at supper time.

Mr. Plante said that this proposal is doubling it. Two items need to be taken care of – pollution/lead, noise suppression.

Dave Trimpi said he hears a lot of gun fire, especially at dinner time. Trimpi said he would like to see the range have no gun fire on one day of a weekend. He feels that would serve the community well.

Gallien asked those in attendance this evening to join the Enfield Outing Club and bring to the meetings their concerns. Gallien said he would like to work with everyone on their concerns and said he has considered offering free memberships to neighbors and those in close proximity to the range.

Trimpi asked if there could be a specific time that firing stops every evening (not at dusk).

Selectman Kluge suggested that those here look at the RSA's on line.

Dr. Beaufait spoke and said that he lives down in the village near the post office and feels that when you live in this area you need to take into account the noise such as this.

Nancy Smith is on Shaker Hill Road and hears the noise of the guns all the time and is not happy about it. Nancy asked if any of the members on this board were members. N board members, nor the Planner, are members of the Outing Club. Nancy said she hopes that they recognize this proposal as not grandfathered.

Planner Osgood explained the recreational use of this proposal can be deemed as within the intent of follows in with the laws and regulations.

David Stewart said that the Appleseed Project and one other class by Instructor (Thompson) are additional uses allowed by the club.

Kurt Gotthardt asked how many times the police department uses the range in a year. Gallien said that they practice to a higher level and train more than once a year for qualifications.

Gallien realizes that the sport of shooting has grown – mostly amongst women, especially in the last couple of years.

Ms. Gato understood that there is an increase in use of the range. She said it is irrelevant who is using it and when, rather that there is growth of a greater level of noise and that it would be naive to see otherwise.

Gallien apologized if he misled about the growth. A female asked if the additional berm would allow more people shooting at one time. Mr. Gallien indicated that it would.

Chairman Taylor pointed out that this is not commercial growth and that this is an allowed use. If this board decides that this is commercial – the EOC will have to go back before the Zoning Board. Chairman Taylor asked if the EOC makes a profit from individuals who use it and make money. Gallien said no. Chairman Taylor reiterated that there are some outside instructors coming in and charging. Mr. Plante said there are people instructing on the property of EOC and making a living.

Chairman Taylor announced that the board will be asking for a legal opinion of the Town of Enfield Attorney if this is a non profit if others are using the range and making a profit.

David Stewart informed that they are registered with the state as a non profit and are registering with the IRS.

Gallien said that they do not charge for those who use it and charge for instruction. Gallien said they may have accepted donations, but they do not charge. President Bergamini acknowledged this and realizes that the club is not the best neighbor. Pres Bergamini said that this is not what the club wants to do to the neighbors.

Mr. Rose asked if they could hire someone from the club to teach them how to fire a weapon. Gallien said yes, we cannot control if they charge you or how much.

Kurt Gotthardt asked if they have to reserve the range to teach someone. Gallien said yes and no. If someone shows up to use the range – they work it out with those that are instructing.

Dr. Beaufait asked the difference between hand gun and rifle. Gallien briefly explained the difference.

Bill Warren said his grandfather is a charter member and his father gave them the building that they have. Warren said that he wants to make a profit with this abutting land. Warren said that we can have recreation in the Zone 1 – and that if a site plan review is required by the Zoning Regulations then the property must be classified as commercial. Planner Osgood stated this is not the requirement for Site Plan review is not determined by whether the property is commercial or not. Any substantive change in use to any property requires Site Plan Review. Mr., Warren stated that he sees this as going back to the Zoning Board.

Kurt Gotthardt asked where the Right of Way is that is indicated in the Deed for this property. (last paragraph of deed). No one had been aware of this item on the deed. The Club members agreed to investigate this question.

Mr. Plante asked that the board address the pollution of lead be asked of the town attorney.

Chairman Taylor said that we have to seek a legal opinion of the fact if this is a commercial use or not.

Two issues should be addressed: 1. Site contamination in a water supply. 2 Commercial uses.

One individual in the audience asked what Thompson charges for a basic course and if it is in the logs on how many times Thompson has instructed there and when.

Question asked as to how high the Concrete Berm is going to be. Gallien thought 8 feet. Gallien further stated that they contacted the NRA for a recommendation. Question asked as to where the 100 yard range on the illustrated provided. Range begins about 35 feet from the edge of the building.

Chairman Taylor closed this public hearing at 8:37 p.m. and advised it will continue on May 14th, 2014.

BUSINESS DISCUSSIONS

- a. 8 Sunrise Farm Lane - Class VI Driveway access and discussion on use. Selectman John Kluge recused himself, although, he does not need to do this. This is only a conceptual. David Dow said that that he and his wife would like to build themselves a retirement home. He will need to enter on Dustin Road which is a Class VI Road. One other area – 30 feet from Dustin Road could become an entrance, however, there is a stream and no site distance on Kluge road. They will be subdividing into two lots – one is 5 acres and one is 91 acres. Chairman Taylor informed David Dow that they will need the selectmen's approval to enter on Dustin Road.
- b. Master Plan Update – Planner Osgood has worked on Land Use, Vision needs to be worked on. These chapters of the master plan need to be complete in order to apply for certain grants.

COMMUNICATION

- a. Intent to excavate and inspect for closure of the North End Conkey Pit - Planner Osgood has toured the area. Approved Intent to excavate. The State will be going through the procedures for the formal closure of the north section of the pit.

INFORMATIONAL ITEMS

- a. CDBG Grant – Going in on Wed, 30. Shelly Hadfield is working on this.
- b. Evenchance Conditions – Received the Wetlands Permit. The Fire Chief has signed off on the fire inspection for water. The roads, water and sewer line needs to be in place and inspected by the town prior to issuance of building Permit. Inspection agency needs to be identified. The cost of this will be assumed by Iskandar.
- c. Pit Closure – David Deck pit sold, to be formally closed.
- d. DES Wetlands Permitting Information session. New rules by Dec 2015
- e. Resilient Communities Forum – Monday April 28th, 2014 at DHMC.
- f. Legislative Activity - copies for all members.
- g. Discussion with Upper Valley Housing Coalition Director – Studio apartments are in demand for our transient people in the Upper Valley. Lakeview Condominiums is experiencing high turnover.

NEW BUSINESS

NEXT MEETING

Regular Planning Board Meeting on May 14, 2014. The Enfield Outing Club hearing will continue.

ADJOURNMENT

Motion to adjourn came at 9:32 p.m. from Selectman Kluge with a second from Dan Kiley.
Motion carried.