

Town of Winchester  
Zoning Board of Adjustment  
Minutes  
8-11-16

Meeting opened: 7:05pm.

Members present: Rebecca Roy, Jason Cardinale (V. Chair), Lou Fox (Chair), William McGrath, and Ken Cole. Mike Doherty an alternate is present and Margaret Sharra as the Land Use Administrator (LUA).

Public: Many

First order of business: The board reviews the minutes of 5-12-16 for approval. **B. McGrath moves to approve the minutes, L. Fox seconds the motion. The vote is 4 yes and 1 abstain (BR).**

The board reviews the minutes of 8-2-16, site visit, for approval. B. Roy notes the error of her name.

**B. McGrath moves to approve with that correction, B. Roy seconds. The vote is 4 yes and 1 abstain (JC).**

Second order of business: The board is here to review an applications for completeness and if complete move into a public hearing. The applications are for a variance and a special exception for a proposed outdoor firing range and survival skills area that was submitted by Bergeron Consultants for Ridgeline Marksmanship Park. The property is located on Hinsdale Road, Rt. 119W, on map 8 lots 2 & 25, and map 7 lot 32, and is owned by N&M Winchester Properties, LLC. All board members had received copies of the application, plans and Terracon's( town's consultant) report. The Chairman asks everyone who plans to speak tonight to fill out a card so all can speak in an organized fashion and for up to 5 minutes.

The LUA reads the hearing notice and informs all where this proposal is located. All notices were done and sent. All but one certified was returned, Barry Montgomery, who did inform the LUA last week he did receive it. The LUA reads the criteria for determining whether or not this proposal is a development of regional impact. **L. Fox moves the proposal is not a development of regional impact, J. Cardnale seconds. The vote is 5 yes.**

**J. Cardinale moves to accept the applications as complete, B. McGrath seconds. The vote is 5 yes.**

**J. Cardinale moves to open the public hearing, B. McGrath seconds. The vote is 5 yes.**

Shawn Bergeron presents for the applicant. A power point presentation is done showing what this site could look like and what other facilities in the country look like. The slides were narrated by Alex Hartmann (proposed owner). The slides included: an aerial of a Florida facility, a shooting area, sound barrier, sound shadow display, noise radius of the site if it were flat and without a sound barrier, photos of various ranges, buildings, gabions, individual pistol areas, various ranges, ranges vs topography, what an 8% grade of an upslope looks like, and proposed range 1 & 2 side containment and berms.

The only building will be the main building all other components of the operation are natural products and quick removal products such as targets. Alex explains the gabion walls and the photos of the pits with 1:1 sifted material slopes. Sifted material prevents ricochet of bullets. The side berms are 4' wide and are 12-15' high. All areas will be built to NRA and Military specs. Red River clay is great for gathering lead from the bullets. The applicant will abide by the EPA's BMP's for lead recovery. The individual pistol areas will have concrete sides. Alex explains this proposal is not designed for the average person to come in and shoot. The shooters must qualify to Alex's standards in order to use the facility. Much of the time only the facility equipment shall be used. Persons who shoot at this high standard have very expensive rifles. A photo of a high end rifle is shown. At this time Ridgemark will not be selling ammo but it is planned for the future.

The Chairman asks if anyone from the public has any questions.

Ken Berthiaume reads a letter from Martha & Matthew Donachie expressing their concerns with the proposal regarding the noise and the survival school where persons will be prowling around neighborhoods and opposes it. He also reads another letter in opposition from Sharona Ben-Sorek. She expresses her concerns about noise, stray shots, lead impact and the survival school with people crawling around in the woods.

Alex Hartmann responds to these concerns. The persons utilizing the survival area will not be armed or unsupervised. These persons will not leave the property. Regarding guns; there will not be any automatic weapons, except for law enforcement officials. Animals will not be fired at. There will always be patrols to assure animal and people safety. The rifles costs run between 4-10K and will not be used to shoot animals. Again, this is only a range for rifles and these shots hit +/- 1 inch in a 10 inch target. This would all be controlled by extensive supervision. The employees will mostly be Special Forces and Marine Corps veterans.

Paul Taylor of Ashuelot has questions on the noise/decibel plan.

Alex Hartmann explains the 640' and 1280' decibel reading on the plan. These readings show that if the area was flat and open and without any sound barrier, these would be the readings. Alex states that due to the topography of the property, vegetation and the sound barriers he expects the reading to drop significantly below what is already the noise from the traffic.

Mr. Taylor than asks how many people are expected to come to the range.

Alex, this range will be the largest in NE and expects 300 visitors a week. These visitors will buy gas and food in Winchester, and will support the town's economy.

Gary Kinyon, attorney for Sander Lee & Wendy Smith abutters, submits his opinion in writing and orally. He does not think this use is permitted and states why. He asserts the impulse noise will change the character of the neighborhood even though the noise may be under the town's decibel levels. He strongly requests for the hearing to be continued to another night so members of the public have time to review all information. Also this is a complex application that the board also needs to consider. He does not believe the applicant has met the criteria for both the special exception and a variance.

Sander Lee, an abutter, shows on the plan where his property is located. He explains he will be directly affected. He submits in writing his concerns with the proposal which include noise, safety, lead contamination, diminished property values, loss of peace & quiet, hearing problems and a nuisance.

Brian Gettings, an abutter, opposes the application. He explains his parents live a mile from a gun ranges in Andover MA and they can hear the gun fire. He is concerned about safety.

Kim Gordon, an abutter, gives an example of how sound rises using a metal bowl, a radio, and a box. She submits a written opinion. She informs the board of her education and knowledge of topography, noise and environments. Her animals are very frightened of loud noises such as fireworks and guns. This proposal creates noise pollution and is not in the spirit of the ordinance. This would affect tax revenues because values of properties would go down.

Julia Ferrari comments this proposal is closer to Ashuelot Village than the center of Winchester. She is concerned this will change the character of the town and is afraid the noise will impact the village. She opposes the application.

Julianne Mallet, an abutter, lives at the end of the longest range with her two children on Fenton Hill. She moved to this spot for the quiet and so the children could run around outside. This proposal will ruin everything for her. She would be constantly worried about bullets hitting her house and kids.

Alex Hartmann responds to her concerns. He had expected to address the safety components during site plan review but explains the berms, topography, warning signs and patrols that will assure all persons will be safe.

Paul Dobbs opposes this application because he feels this will endanger lives nearby, it will pollute the land and air all along with the pulsing noise of shots being fired. He submitted his comments in writing also. He requests of the board not to trust any promises made. He also informs the board of RSA 159B which exempts existing shooting ranges from many noise complaints. He speaks of an article about Monadnock Gun Club in Peterborough where the neighbors were complaining about the noise.

Jeff Scott from Chesterfield opposes the application because it would affect the quality of life.

Nola Garrett of DYG Resources, an abutter, voices her concerns that city people will go onto her land when they are doing their survival training.

Tom Turant asks what the noise will be like downtown. Alex responds that noise dissipates once it hits rt.119 and the noise decibel becomes less than the traffic noise decibel.

Dawn Doyle, lives next to rt. 119 and has a 5 year old child. She does not believe she won't hear the guns. She has been in town 26 years and the trucks now shake her house, she doesn't want it any worse. She believes this is the wrong element to bring into town.

Cindy Ryder says she can't comprehend that she will not hear the noise of gun fire.

Mike Coope reads a letter from Elena Heiden expressing her opposition of this proposal. She believes this will affect people and animals because of the noise and safety concerns.

Board member B. McGrath interjects that the applicant never said the noise would not be heard. The noise would be under the noise limits and less than the traffic on rt.119.

Alex Hartmann describes Monadnock Gun Club and relates how he has been there. That facility was constructed in 1947 and while improvements have been made, the facility is not constructed of the standards today. This proposed facility will be state of the art and will put these past problems to rest. He reiterates these plans will not eliminate the noise but bring it to levels less than rt. 119.

Ken Berthiaume comments it is a beautiful piece of land and it would be a shame to use it this way.

Paul Taylor does not believe there is such a thing as full containment. There is no benefit to the town.

Alex Hartmann replies explaining the economic benefits to the town such as gas, lodging and food. This would be an economic driver.

Julianne Mallet thinks this would drive away the bikers and other persons using our trails and old roads.

Sander Lee asks for a continuance.

Gary Kinyon requests also for a continuance and to have all supporting material available for review many days ahead of the next hearing.

Nola Garrett asked why the applicant chose this town besides the topography of the land being ideal.

Alex Hartmann replies the location to major highways, the size of the property for safety and it just met all the criteria. He had looked at dozens of sites before picking Winchester. The Winchester site met all his needs.

Board member B. McGrath refers to the booklet on outdoor shooting ranges put out by the Department of Energy. He reads a portion aloud which speaks of ideal ranges will face east and uphill ranges are ideal. This location fits this recommendation.

Alex Hartmann agrees and he also used the best range designer in the country.

Board member B. Roy asks if the noise chart would change in the winter when much of the foliage is gone.

Alex Hartmann explains how the winter ground covered with leaves and snow helps with the noise.

Kim Gordon points out the location of her property on the plan. She comments that she doesn't believe bullets won't be on her property and that there will be a safety problem on Fenton Hill.

Alex Hartmann informs all that Fenton Hill would be posted with warning signs, Ridgeline employees would constantly patrol the area and he explains bullets projections. He states what is feared cannot happen.

Board member K. Cole asks for more clarification.

Alex Hartmann explains because of the elevations of the site and ranges an accident cannot happen on the long ranges because the bullet would run out of range.

Robert O'Donnell comments that out west the ranges are 30-40 miles outside of town, why put this so close to a residential area?

Julia Ferreri asks what the town gains from this. There would only be one building to tax. This will change our life completely.

Board member B. Roy wants to know if similar facilities have had accidents.

Alex Hartmann replies no and adds no loaded gun will be moved around the site from place to place. He states this facility will be better than all in the country in noise abatement, safety and overall layout. He describes the duties and qualifications of a Range Safety Officer.

The board prepares to continue the hearing. Shawn Bergeron expresses the applicant has heard what was said and will respond to the concerns.

**B. McGrath moves to continue the public hearing to Sept. 8, 2016 at 7pm, J. Cardinale seconds.**

**Discussion: Members agree all new information should be in by 8/31/16 so all have time to review it.**

**Members have questions. It is agreed members can submit questions to the LUA who will forward them to the applicant. The questions and responses will be available to the public. Mr. Kinyon acknowledged this is ok. Member's questions must be to the LUA by the 18<sup>th</sup> so the applicant has time to respond by the 31<sup>st</sup>. The vote is 5 yes. 9:32pm.**

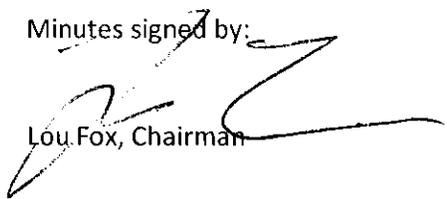
**B. McGrath moves to adjourn, J. Cardinale seconds. The vote is 5 yes. 9:35pm.**

Minutes respectfully submitted by:

Margaret Sharra, LUA 

Minutes approved by the board on: 9/8/16

Minutes signed by:

  
Lou Fox, Chairman