

**Brentwood Planning Board  
Minutes  
November 7, 2019**

**Members Present:**

Bruce Stevens, Chairman	Town Planner Glenn Greenwood
Ken Christiansen, BOS rep	
Kevin Johnston, Vice Chair	Present but not voting:
Steve Hamilton	Kathy St. Hilaire, Alternate
Mark Kennedy	Doug Finan, Alternate
Matt Bergeron	David Menter, Alternate
Jon Morgan	Lorraine Wells, Alternate

**Open**

Chairman Stevens opened the meeting at 7:00 pm. Board members & alternates introduced themselves.

Motion made by Bergeron, 2<sup>nd</sup> by Kennedy, to give St. Hilaire voting rights. All were in favor. Motion carried. Morgan arrived a few minutes later and St. Hilaire stepped down to let Morgan, a regular member, sit on the Board.

**7:00 Public Hearings**

**7:00 pm** Danna Truslow from Truslow Resource Consulting, LLC to present the 2019 annual summary and findings of the water sampling and monitoring program.

Present: Danna Truslow from Truslow Resource Consulting, LLC; concerned resident Bill Brown.

Truslow gave an overview of the water sampling program and results (*once the final report is available from Truslow Consulting it will be on file in the PB office and posted on the Town website*). Truslow said for the past 4 years, she's been working with the Planning Board and the Conservation Commission on sampling the surface water in a number of locations in Town. The Exeter River is the major river that flows through Town coming west from Fremont and leaving at the Pickpocket dam on the east to Exeter. The watershed area is the area that drains to a surface water. Brentwood has the Exeter River, Dudley Brook, a sub-water shed of the Exeter River, and the Little River watershed area, a tributary to Dudley Brook. The Planning Board wanted to have this work done initially to get a sense of what the overall water quality was coming into the streams and rivers in Town and as a preliminary understanding in case municipal storm sewer regulations were ever to be imposed by the Federal Government.

Truslow uses 10 water sampling points including Exeter River and Dudley Brook. Runoff is made up of nutrients, manmade and natural, and we look at PH and dissolved Oxygen (DO), temperature and specific conductance, which give us general water quality information. These are field measured. Samples taken for laboratory analysis are phosphorus, nitrate, and bacteria and at a couple of locations dissolved phosphorous samples were taken. Samples are taken 3 times per year; May 7, 2019, July 25, 2019 and September 26, 2019. This gives a range of flow over the course of the year. The graph discussed showed differences in the amount of flow over the last 4 years and a 22-year average. 2016 was a low flow year. 2017 was normal. 2018 high flows due to a lot of rain. 2019 normal year but dry in September with low flow. In addition, NHDES collected measurements with dedicated instruments to take water quality analyses every 15 minutes in 3 locations (*at no additional charge*).

**Results:** In general, the water quality is good. PH is generally good throughout Town. DO is lower than optimal level at Dudley Brook but good DO levels in the Exeter River. Total phosphorus is a nutrient with sources from runoff, sediment, plant and animal waste, fertilizer and waste water. Phosphorus is what

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impacts the health of fresh water. It can build up and too much biological activity will cause algae growth which saps the DO in freshwater. There is more phosphorus than there should be building up in the small tributaries. Nitrate is the problem in the estuaries. This is monitored as that can get into Great Bay and the Exeter River etc. The nitrate has been low. Bacteria; e-coli bacteria is an indicator of fecal matter from warm blooded animals and there were elevated levels at BR1 on South Road and BR4, Pickpocket Road. Overall the Exeter River water quality is good. Bacteria spikes with rain storms; dog waste, animal waste, septic systems, or combination, can be sources of that bacteria.

**Suggestions:** Add a few more points for dissolved phosphorus to track total vs. dissolved. Change BR5 testing location as it's often dry, especially in the summer.

Truslow also mentioned that there was ongoing investigation by the state of the Fire Training area at Rockingham County complex as PFAS were found and all that information is available on-line. Dudley Brook near BR7 did detect PFAS compounds but at low levels. There will be further investigation and cleanup.

Resident Bill Brown, who has 43 years of experience doing this type of work, had comments and concerns regarding the water sampling program itself and its results. His major concern is with Great Bay and thought that this is what the program was about. It's a real issue that will cause Town's like Brentwood to have to reduce their non-point sources like animal waste, septic systems, air pollution, fertilizer etc. down the road. Brown went on to explain why nitrogen is the problem for Great Bay as its located so far inland from the ocean that the tidal flushing is very small. It takes 18 days to flush nutrient rich water to the ocean. Larger communities have been squeezed very hard; EPA and DES have direct regulatory lines and the bigger communities and treatment plants have spent several hundred million in the past few years dealing with these requirements. EPA and DES models show that even with that requirement, Great Bay won't obtain its goals and that non-point source reduction is going to be required by communities like ours in the watershed. It's not easy to regulate and a requirement will take time to implement but it's inevitable.

Brown commended the two Boards for being pro-active initiating the sampling program 4 years ago in order to understand the nitrogen problem but disagreed that it would position Brentwood for regulatory negotiations due to the design of the water sampling program. It's not on target with respect to nitrogen and in his professional opinion, suggested the program stop or be modified to include all forms of nitrogen. The program doesn't compare the total nitrogen in the system with the standard concerning Great Bay. He suggested self-educating to understand the nitrogen sources that exist in Town and control options to better influence the regulatory process. He doesn't think Brentwood needs a consultant and made the following recommendations; self-education, obtaining Exeter's control plan, reviewing the DES model of nitrogen to see where Brentwood's nitrogen comes from, educate the public on control options, control lawn fertilizer, best management practices for agriculture, etc. and to document everything. The sampling program missed the mark if the prime goal was assessing the nitrogen impacts to Great Bay from Brentwood even though it did provide some good general knowledge of water quality such as revealing that Brentwood has a dissolved oxygen problem in Dudley Brook. His goal is to save the Town money and to best position Brentwood for water quality regulations with the streams and Great Bay.

Stevens suggested a PB workshop session in the next couple of months with some back and forth discussion at that time. Brown suggested that in the workshop, the first order would be to clarify what

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the purpose is. At the ConComm meeting he attended, the assumption was that the study was explicitly for Great Bay and the nitrogen regulations coming and that's a common perception in Town. Maybe this is to help with the stormwater regs, that's in the report, but the issue with that is there's less than 2% of the Town subject to stormwater rules and it's only concentrated at the intersection of Rte. 125 and Middle Road. 90% of the sampling is outside the stormwater area. Stormwater regs only apply to municipal stormwater systems that meet this urban area definition and its only 1.8% of the Town. This extensive study would never be done for stormwater regs.

Stevens replied we were looking at the big picture. Towns like Exeter spent 60 million, anything like that would be financially crippling to Brentwood so we wanted to get out ahead of it. We heard at these initial meetings that some of the bigger towns has large engineering firms come in and had models. These models indicated that Brentwood was one of the largest nitrogen polluters, possibly due to amount of agricultural land here. They were assigning a certain number of fertilizer applications per acre to some of these larger agricultural enterprises when in reality, most of them are not commercial enterprises employing a lot of fertilizer. We didn't want Brentwood subjected to these models and wanted to see what Brentwood was actually contributing. It made sense to look at the water coming into and leaving Brentwood. It's not a total insurance policy but it's something rather than nothing. The Town's spent about 40K over the last 4 years on it so think of what the first legal fee would be if the EPA came in to impose a restriction on the Town. Brown agreed but corrected that the consultants didn't develop the model, DES did. Brown was a peer reviewer of it and his former firm did the work in Exeter; he's retired now. Brown's concern was that Brentwood is only measuring the nitrate when there are several other forms. The EPA regulates total reactive nitrogen, not nitrate. When you sample nitrate, you also have to sample ammonia, organic nitrogen, all of these forms so we know how much nitrogen there is. The sampling methods we have, if the nitrogen went up by 10% from one end of the river to the other, the tools we are using are plus or minus 20%; there's too much room for error and it's hard to be accurate. Stevens said further discussion is warranted. The Board will have a future workshop to further discuss the topic.

**7:00 pm: Design Review Application:** Applicant: Kevin Brittingham; Owner: Unio Realty Trust and Maria Szava-Kovats, Trustee. Site location is tax map 217.024.000; Route 125, Brentwood, NH 03833. Intent: Construct a new approximately 32,000 square foot commercial building for a firearm manufacturing facility with the ability to shoot indoors and potentially outdoors for production processes. Located in the comm/ind zone.

Present: Applicant Kevin Brittingham; Eric Poulin from Jones & Beach Engineers, Inc.

Residents: Robin Wrighton; Eleanor McLaughlin; Bill Dale; Bill Brown; Bill Pendergast; Liz Faria; Bill Wolf; Dave Webber; Ward Byrne; Barbara Zvodar; Bob Gallacki; Michelle Siudut; Bob Glowacky; and many more. An extremely large number of residents, standing room only.

Stevens noted that the paperwork was in order and abutters were notified from the list provided by the applicant. Greenwood explained that the design review phase is a discussion with the Planning Board authorized by state statute so that an applicant can come talk to the Board about what they would like to do and the Board can ask questions. It's done in a forum that includes abutters and is a non-binding discussion that ends tonight with no decisions being made. It's a voluntary planning exercise where the applicant pays for legal notices and abutter notices. Stevens suggested meeting at the BRC when an application for site plan review for this applicant is received.

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Poulin of Jones and Beach presented the proposal. Property is map and lot 217.024; roughly 46 acres on Rte. 125 just south of 111A. Years ago, the property was cleared. There's a large wetland system with beaver dam activity and several large upland pockets. Currently only looking at this upland area near 125 in the bottom right quadrant. Proposing a 32,000 sq. ft. commercial building for more of a warehouse use. This is a research and development facility for firearms; Q, LLC. The building sits here with one access point from Rte. 125 which will require a driveway permit from the state. Parking area here, main building with access around the building for fire and off-loading and loading of trucks. The plan shows some possible future development areas on site. The front pad is about 39,000 square feet. Our plan is to consider that impervious and to design treatment systems to handle this building plus any possible future build-outs so that the treatment systems are in place to handle that additional impervious.

The property is in the aquifer protection district and has prime wetlands. There are some additional state and local regulations for those districts which are getting worked into the design. This is preliminary and we're still working on the full design; we're here to get input. Gove Environmental has done the soils and wetland mapping for the site. Survey work is being done. A state AOT (alteration of terrain) permit will be required so the site design and treatment systems for the project have to be designed to state standards to get AOT approval.

Brittingham gave an overview of the company. We're a fire arms manufacturing company with a focus on design and innovation so we license a lot of products. They test fire all the firearms; shot for accuracy with a 100-yard indoor range. There's also shipping, receiving, design, and manufacturing. No retail, no public shooting range. They're in Portsmouth now and need a larger facility.

Poulin added the length of the building is designed for an indoor 100' yard shooting range and we are proposing an outdoor firing range specifically for the testing of firearms somewhere on site. It's not for the public, employees only, strictly for R & D for the firearms, no recreational firing. No lessons, no certifications for the public, no training. This is strictly a warehouse use, employees only, discharge of firearms for research and development.

Stevens asked how often would test firing be done outside? Brittingham replied currently it's a couple of days a week but it's random. Most of the testing we do now is outdoor because we don't have a 100-yard indoor range, so that will now be indoors. Outdoor testing is primarily for some of the government regulations with silencers and firearms to the military. There are military standards for noise requirements so you have to shoot outdoors. Currently we use Major Waldron's in Barrington.

Morgan asked where would an outdoor range go? Poulin replied possibly behind the rear of the building, between the wetland and the building or a lane just to the side of the access road.

Brittingham said there's no rapid fire. Sig Academy for instance, on certain days, there's more firing there in a day than an entire year at our facility. 99% of our shooting is done with silencers. The greatest silencer is 45 acres and off of a highway. We want to be good neighbors, air and space reduces sound. All our shooting is done now at Major Waldron's outside. We've grown 50% since last year so we anticipate growth and hiring but the majority of the shooting would be done indoors.

Residents complained about Sig Sauer and hearing the gunfire and were concerned about hearing more gunfire. Brittingham said we use silencers so the sound reduction is incredible. The indoor range, I don't

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think you would hear it at all unless you were trespassing on the property. A gunshot, there's two sounds, first sounds like a whip cracking as the bullet breaks the sound barrier and the loud sound that damages hearing is the explosion at the muzzle of the gun but the silencer masks that. That's why you can shoot without ear protection. If we shot one in here with a silencer, someone in the next room would think it was a staple gun.

**Resident Concerns:** Wrighton of Middle Road asked how many jobs this would bring into Town? Brittingham said I'm not sure. We've hired 4 new local people in the last month. I want the company to grow and this area, the workforce is superior to where I was in Georgia. Stevens asked how many were employed now? Brittingham said about 18. A resident asked about how far the bullets travel. Brittingham replied into the backstop.

Dale of Fellows Road asked about ammunition on site, is it limited to bullets, what's the caliber? Brittingham replied small arms; 22 to a 308. Small arms military, regular standard rifles. Dale was concerned about stray bullets. Is there a reason why you need an outdoor facility? Brittingham replied it's a big expense, a hassle and it's hindering our growth to have to transport to go elsewhere to fire offsite. Dale asked about fabrication on site? Brittingham replied we have a facility now, so we have engineering, development and design, offices and then we have assembly and quality control, we machine very few, most of it is sourced. Dale's concern was contaminants or environmental hazards with the processes. Brittingham said machine coolant, water, air, EPA for an indoor range has standards. We're regulated like everyone else. I was at Sig for a couple of years and they do training for all levels, that's not our situation. Our employees are trained and we do simple test fires for function and accuracy.

Poulin added regarding the backstop issue at Sig. His company was hired to remedy the design there. That ricochet bullet was believed to be from the buildup of lead in the backstop and the bullet ricocheted off of that lead buildup. Processes were implemented to auger out the sand and extract the lead to keep the sand clean and then that's taken off site. It would be designed to federal standards; how high, how wide, the material and so many feet; it has to be clean sand with nothing in it. The lead is extracted out of the sand after an allotted amount of time and keeps that backstop safe. There are security measures online that the federal government lays out.

Bill Brown asked will there be any process wastewater that needs to be disposed on-site or is just sanitary waste with a septic system? Brittingham referred to Ethan, head of engineering, coolant gets swapped out so we have a service that comes in; no plating or anything like that.

Pendergast on Fellows Road was concerned that the noise would attract children and this property is surrounded by residents. Resident Wolf said 130 decibels comes out of that firearm. It's an audible sound. Faria of South Road asked if you put the outdoor range behind the building, how much land is there between the building and out back? Poulin said the parcel is 46 acres, the upland (buildable area) is about 15 acres behind the building. The quarry is the largest neighbor to the side. Faria asked about the lead; off-site where does it go? Brittingham said it's taken off site and recycled. Webber said testing 9 mm is a certain sound and a 147 is a lot louder, you're testing suppressors to get them to a certain level. It's going to be very loud in my back yard. I'm all for the building the facility here, but find another location for the outdoor range. There are houses all around that area. I'm all for this but not for the outdoor range. Reconsider the outdoor range. Many residents agreed with this sentiment.

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Byrne of Rowell Road East was in favor of the proposal and outdoor range if it meets state and local regulations. Zvodar from Diane McCain Drive added it's in my view. A few years ago, a bullet hit my garage door from someone shooting back there. Too many kids around. Is there soundproofing in the building for the indoor range? Brittingham confirmed that the building is not metal, it's poured concrete and has baffling. Siudut from Middle Road was in favor of the facility and for bringing business to Town. I think people are overacting because they hear the word guns and hopes that Brentwood will welcome this company to Town.

A resident asked who's to say that at some point they wouldn't want to do training or retail there? Stevens replied they will apply for certain allowances and then this process closes. So it's approved by the Town for certain uses. Then they would have to come back to the Board to amend the site plan to do other things. Once your engineering is complete, come back with a site plan application and notices will go out and a future meeting will be scheduled. Do you know the time frame? Poulin replied the survey's being completed now and a state AOT permit is required so that takes some time, full design with plan set, application and drainage analysis so possibly December or January?

Glowacky of Northrup Drive asked about a maintenance schedule. Removal of lead from outdoor range and stormwater treatment, you can design the best thing but if you don't have a good maintenance plan, especially with the aquifer and the wetlands there. Poulin replied we will submit with our drainage analysis an operations and maintenance manual to include information on how to properly maintain treatment systems on site, invasive species information, salt minimization; add a section on proper maintenance regarding the range and the sand etc. with a full submission.

Stevens added that these plans and studies will be peer reviewed. Some residents were against this altogether but most residents seemed to be in favor of the business as long as there is no outdoor range. Brittingham said they could go somewhere else (*in reference to the outdoor range*). Kennedy added Brentwood has a noise ordinance. If you want to have an outdoor range, put the exact location on the plan and we'll hire an expert and measure the noise at the boundary line. Stevens reiterated that this is discussion only and no decisions are made tonight. The design review session was closed.

**7:00 pm – Possible Planning Board Work Session #3** to discuss potential Zoning Amendments – Draft #3. If agreed upon, PB to schedule a public hearing for December 5<sup>th</sup>, 2019.

Board discussed the zoning amendments. Greenwood said the existing ADU language about the 1/3 of the assessed living area of both units is confusing and the new language cuts out both and it can't be greater than a 1/3 of the existing primary unit. Finished space was also added. Greenwood to check with the Building Inspector to make sure finished space is the sufficient term to make it clear. These four amendments will be noticed for December 5<sup>th</sup>.

### Board Business

1. Board signed the manifest which included a refund check of \$800 of leftover escrow funds for PSNH-CUP for 6 replacement poles. PB office received email verification that it's complete as of July 8, 2019. Conditional approval has been met and satisfied. Check to be mailed to Vanasse Hangen Brustlin, Inc, who initially paid for the application.

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2. Board signed the **Affidavit of Amendment for Conquer Self Defense** of 313 Route 125, Brentwood, NH. Conditional approval has been met and satisfied. Affidavit will be recorded and affixed to plan D-41231 in the PB office.

**Approval of Minutes:** Motion made by Bergeron, 2<sup>nd</sup> by Hamilton to approve the minutes of October 17<sup>th</sup>, 2019 as presented. All were in favor with Morgan abstaining as he was not present at that meeting. Motion carried.

Greenwood updated the Board on two items:

1. **Brickhouse Motors:** Board discussed the continued display of vehicles at Brickhouse Motors; Map/Lot: 208.027.000; 398 Route 125. Greenwood had sent a letter telling them they weren't in compliance as there was to be no display of vehicles. But vehicles were only turned around and additional vehicles are also being parked below on the North Road side of the property, which is wetland. They said they would probably do a site plan review but they haven't and they just moved vehicles onto that wetland area. Greenwood to now write a letter to the state letting them know that Brickhouse Motors in in non-compliance with their state license of no display of vehicles.

Motion made by Hamilton, 2<sup>nd</sup> by Johnston, to have Greenwood send a letter to the state informing them of Brickhouse Motor's non-compliance issue and copy Brickhouse Motors. All were in favor. Motion carried.

2. **Sampson property:** Greenwood received a response to his letter to Sampson from Sampson's attorney requesting examples of non-compliance. Greenwood to respond with a letter.

Motion made by Bergeron, 2<sup>nd</sup> by Hamilton, to adjourn at approximately 9:10 pm. All were in favor. Motion carried.

Respectfully submitted,

Andrea Bickum  
Administrative Assistant,  
Brentwood Planning Board