



## TOWN OF MASON, NH - PLANNING BOARD

Mason Town Offices & Library  
Mann House, 16 Darling Hill Road  
▪ Mason, NH 03048-4615



[Planning Board Website – masonnh.us](http://masonnh.us)

Phone: (603) 878-2070 ▪ Fax: (603) 878-4892 (Selectmen's Office)

Phone: (603) 417-6570

### **Mason Planning Board Meeting** **Mason Town Hall - 7 Meetinghouse Hill Road** **Wednesday, January 26, 2022** **7:00 PM** **NOTICE of AGENDA**

- 7:00** Call to order by Chairman  
Attendance  
Set date of next meeting  
Minutes of previous meeting to approve (12/29/21)  
Reading of communications directed to the Board
- 7:10** Approval of Wetlands Buffer Amendment for inclusion on town warrant articles (Vote Required)
- 7:25** **Preliminary consultation:** E-31 & E-36-3 Scripps Lane, Randy Haight, Meridian Land Services

#### **Other Business**

Application automation and document storage  
CIP Update

- Adjourn -

*The public is invited to attend the above-described Mason Planning Board Meeting.*



# Mason Planning Board

16 Darling Hill Road, Mason, NH 03048

**Date: December 29, 2021**  
**Location: Mason Town Hall**  
**Minutes: Unapproved**

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## Call to Order

The meeting was called to order at 7:00 PM by Dane Rota.

## Attending Members

Charlie Moser (Ex-O), Dane Rota, Dotsie Millbrandt (Vice Chair), Mason Twombly (NRPC), John Suiter, Gerry Anderson

## Absent Members

Katie Boots, Cynthia Donovan

## Attending Public

Dave Morrison, Pat Letourneau, Nancy and Jon Bryan, Judy Anderson, Liz Fletcher

## Voting Members Tonight

Charlie Moser, Dane Rota, Dotsie Millbrandt, John Suiter, Gerry Anderson

## Minutes

The Board read the minutes of November 17, 2021. The November minutes should be amended in the section approving the October minutes, as follows. "Amend minutes to state: Charlie not only recused himself from the MAS 21-03 hearing but also left the room. Amend minutes to state that no abutters were present for the hearing."

Vote: All in favor as amended.

## Communications to the Board

None.

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## **New/Continuing Hearings**

### **Scenic Road Tree Removal**

Eversource wants to remove some trees from Darling Hill Road. This requires a hearing as it is a scenic road. Dave Morrison, road agent, stated that each tree to be removed has been marked and permission has been granted by each affected landowner.

Discussion ensued about whether due diligence has been performed. There is a full list of the trees, their locations, names of property owners and photographs of each tree. Consensus is that this is sufficient.

Dotsie made a motion to approve the tree cutting on Darling Hill Rd as denoted in the road agent's documentation. John seconded. All voted in favor.

### **MAS 21-04 Garside Family Trust**

An application by the Garside Family Trust to subdivide lot F-36-1. The result will be two lots F-36-1-1 (9.04 acres) and lot F-36-1-2 (4.14 acres). The existing home on proposed lot F-36-1-1 has onsite septic and an individual well.

Proposed lot F-36-1-2 will be serviced by onsite septic and individual wells. Both lots would have frontage on Brookline Road, are in the GRAF district, and lie outside of the 100-year floodplain.

Owners present: No. A letter of authorization appointing Nick Loring as a representative has been submitted to the board.

Presenting: Nick Loring for Benchmark Engineering, Inc.

Abutters: None

Items brought up in the first hearing have been addressed.

Applicant has worked with the road agent to change the driveway location.

In the first hearing, Nick indicated the applicant would be asking for two waivers. It has been determined that they are no longer necessary.

Open for public comment. No comments received. Public comment closed.

John made a motion to approve application MAS 21-04. Charlie seconded.

Vote: Dotsie - aye, Charlie - aye, Dane - aye. John was not present for the first hearing and so was not asked to vote.

Application MAS 21-04 is approved.

### **Wetlands Buffer Ordinance Update**

Third hearing on Wetlands amendment. This is an amendment to the existing Wetlands

Ordinance, Article XVI of the Planning Ordinance. The amendment will establish a 50' protective buffer around wetlands and year-round streams.

Nancy Bryan - Questions our reference to the Master Plan survey question where respondents indicate they wish to conserve undeveloped lands and wildlife habitat. When she filled out the survey, she had no intention of being in favor of something that intruded on her property use. Who would be the enforcement agent for surveillance? Municipalities are allowed to use drones for surveillance. Can text be added to prohibit use of drones for surveillance of wetland buffers?

Charlie - Town has no right to enter property unless it has a warrant.

Jon Bryan - Swales are an inverse taking of our property and breed mosquitoes. Has the town budgeted for taking property? Mosquito control?

Charlie - The town is not taking property and thus there is not a budget for that. DES is in charge of mosquito control.

Pat Letourneau - Can domestic animals go to ponds for drinking? PB answer: Yes. Can one build a cabana near a pond? Boat rack? Dock?

Charlie - The amendment prohibits buildings, not all structures. Our zoning ordinance defines structures more broadly than buildings.

Judy Anderson - If a building permit is not needed for a building under 200 sq. ft, is it subject to this?

Charlie - Structures/buildings have to meet zoning requirements even if they don't need a permit.

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## **Other Business**

### **CIP Update**

Nothing at this time

### **Application Automation and Document Storage**

Dane has found two vendors willing to work with us. He'd like to have more board members be included in discussions to determine what they can do for us. But RSA 91-A Right-to-know prohibits any board interactions without the public being able to participate.

Judy Anderson suggests we make our applications into Interactive PDFs that applicants can fill out and submit online. She has extensive experience with these processes. Maybe she can help us.

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## **Action Items**

In the next iteration of updates to our application forms, we could add text allowing people to use interactive forms if available. They would not be required to use interactive forms.

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**Adjourn**

Dane made a motion to adjourn. Charlie seconded. Motion carried unanimously. Meeting adjourned at 8:35 pm.

Unapproved

# Mason Zoning Proposed Buffer Amendments

## ARTICLE XVI: WETLANDS CONSERVATION DISTRICT ORDINANCE

### A. Purpose and Intent

In the interest of public health, safety, and welfare, the regulations of this District are intended to guide the use of areas of land with extended periods of high-water tables:

1. To prevent the development of structures and land uses on naturally occurring wetlands which would contribute to pollution of surface and groundwater.
2. To prevent the destruction of natural wetlands which provide flood protection, recharge groundwater supply, and augmentation of stream flow during dry periods.
3. To protect potential water supplies and existing aquifers (water-bearing strata) and aquifer recharge areas.
4. To prevent unnecessary or excessive expenses to the Town to provide and maintain essential services and utilities.
5. To encourage those uses that can safely and appropriately be located in wetland areas.

### B. Definitions

1. Wetlands - means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
2. Surface Waters – perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses, and other bodies of water, natural or artificial (RSA 485-A:2 XIV). Seasonal streams are exempt from the wetlands buffer requirement in this ordinance
3. Perennial Stream – A perennial stream (Env-Wt 101.68) is a watercourse that is in the groundwater table for most of the year and so has groundwater as its primary source of water for stream flow, with runoff from rainfall and snowmelt as a supplemental source of water, so that it contains flowing water year-round during a typical year.
4. Mean High-Water Level - the line on the shore, running parallel to the water body, that defines the high level of the water body, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter or debris, or other appropriate means that consider the characteristics of the surrounding areas.
5. Wetland Conservation District Buffer - an upland area adjacent to a wetland or surface water, where construction is not permitted, and the natural woodland vegetation shall be retained if existing. The buffer shall extend a distance of fifty (50) feet as measured on a horizontal plane away from the delineated edge of a wetland or the Mean High-Water Level of a surface water.

### C. District Boundaries

1. The Wetlands Conservation District comprises all surface waters, wetlands, and the associated buffers as determined by the following criteria:

- a. The edge of the wetland shall be defined by NH RSA 482-A:2, X as established and defined by the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, Environmental Laboratory, Department of the Army, 1987:
- b. The edge of surface waters shall be defined as the Mean High-Water Level. Where the mean high-water level is not easily discernable, the mean high-water level may be determined by the NH Department of Environmental Services.

#### **D. Performance Standards**

1. Setbacks
  - a. Buildings must be set back fifty (50) feet from delineated wetlands and the Mean High-Water Level of water bodies.
  - b. No septic tank or leach field may be constructed or enlarged closer than seventy-five (75) feet to any wetland.
2. Wetlands Conservation District Buffer
  - a. No fertilizer shall be applied to the vegetation or soils located within 50 feet of the delineated wetlands or water bodies. Slow or controlled release fertilizer, as defined by the NH Department of Environmental Services, may be used up to 25 feet from the delineated wetland or water body. No chemicals, including pesticides or herbicides of any kind, shall be applied to ground, turf or established vegetation within 50 feet of the delineated wetland or water body, except if applied by a licensed horticultural professional.
3. In all cases where the Wetland Conservation District is superimposed over another zoning district in the Town of Mason, the more restrictive regulations shall apply.
4. Wetland areas may be used to satisfy minimum lot areas provided that at least one and one-half acres per lot exist that can fulfill all state standards for sewage disposal and water supply. For on-site septic tank and leach field systems, this shall include both a primary and secondary leach field location.
5. There shall be no net increase in peak flow or overall volume of stormwater runoff in the Wetland Conservation District as a result of any development, in accordance with “Stormwater Management and Erosion and Sediment Control for Urban and Developing Areas in New Hampshire”, DES, RCCD, 1992, and Chapter ENV-Ws 415 of the “NH Code of Administrative Rules. Calculations shall be based on 25-year storm events.

#### **E. Delineation of Wetlands**

Wetlands in the Town of Mason shall be determined in accordance with NH RSA 482-A and the criteria referenced under Article XVI.B.1 through site specific delineation conducted by a soil or wetland scientist certified by the State of New Hampshire. A certified soil or wetlands scientist determination is not required for minimum impact projects unless they are part of a subdivision.

#### **F. Wetlands Incorrectly Delineated**

In the event that the Planning Board or the Zoning Board of Adjustment disputes the delineation of an area as determined by the applicant’s certified soil or wetland scientist, the Planning Board or Zoning Board of Adjustment may, at the expense of the applicant, retain its own soil or wetland scientist certified by the State of New Hampshire to delineate the area in question.

#### **G. Wetlands Exempt**

The regulations and restrictions set forth in this District shall not apply to the following wetland areas or their buffer zones:

1. an isolated wetland or surface water of 3000 s.f. or less which does not meet the definition of a bog or vernal pool.
2. manmade ditches and swales
3. sedimentation/detention basins or ponds
4. manmade agricultural/irrigation ponds
5. fire ponds, drafting basins and cisterns
6. Seasonal streams

## **H. Permitted Uses**

Any use that does not result in the erection of any structure or alter the surface configuration by the addition of fill and that is otherwise permitted by the zoning ordinance:

1. Forestry, tree farming, using best management practices to protect streams from damage and to prevent erosion and sedimentation.
2. Cultivation and harvesting of crops according to recognized soil conservation practices, including the protection of wetlands from pollution caused by fertilizers, pesticides, and herbicides used in such cultivation.
3. Water impoundments and construction of wells for water supply.
4. Maintenance of existing drainage ways - streams, creeks, or other paths of normal runoff water.
5. Wildlife habitat management.
6. Parks and such recreational uses as are consistent with the purposes and intent of this ordinance.
7. Conservation areas and nature trails.
8. Open space as permitted by subdivision regulations or zoning ordinance.

## **I. Special Exceptions**

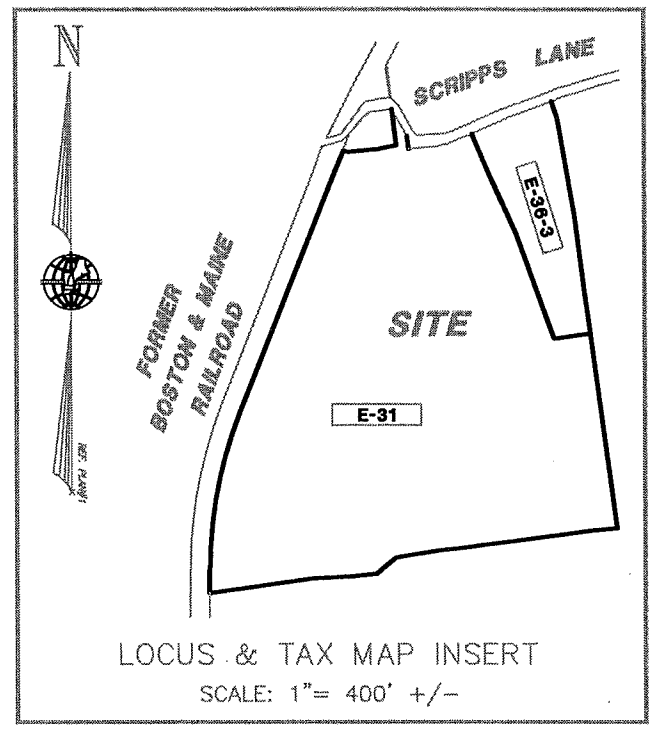
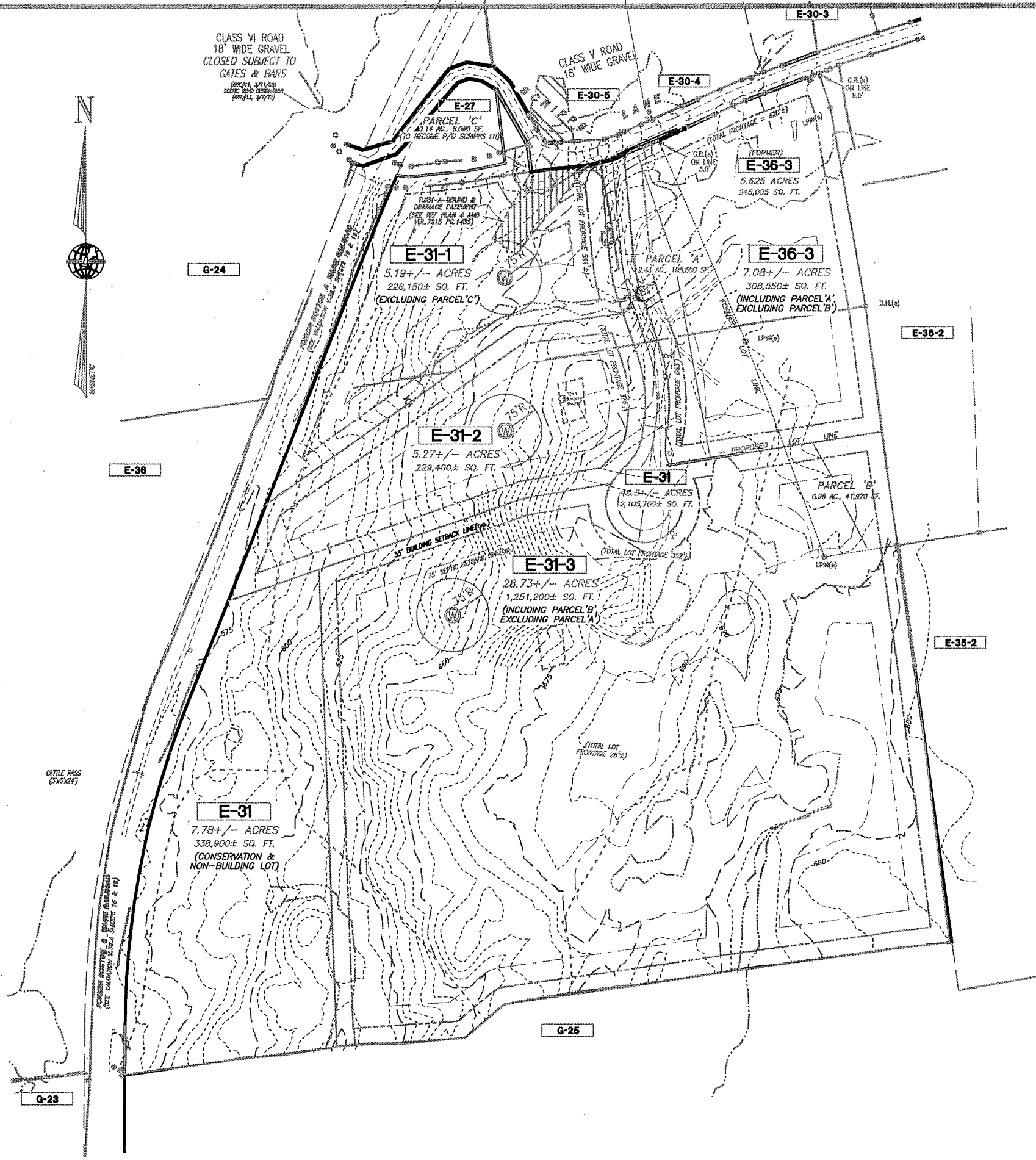
Special exceptions may be granted by the Board of Adjustment for the following uses within the Wetland Conservation District. The Mason Conservation Commission will be requested to comment on applications requiring special exception.

1. Streets, roads, and other access ways and utility rights of way easements including power lines and pipelines if essential to the productive use of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands.
2. The undertaking of a use not otherwise permitted in the Wetland Conservation District, which may include the erection of a structure, dredging, filling, draining, or otherwise altering the surface configuration of the land if it can be shown that such proposed use will not conflict with the purpose and intentions of this ordinance and if such proposed use is otherwise permitted by the zoning ordinance. Proper evidence to this effect shall be submitted in writing to the Board of Adjustment and shall be accompanied by the findings of a soil scientist certified by the New Hampshire Board of Natural Scientists selected by the Zoning Board of Adjustment and/or the Planning Board.
3. Pre-existing Uses. This Ordinance shall not prohibit the continuation of a legally pre-existing use in the Wetland Conservation District. The use may be expanded without a special exception if the expansion is in the direction away from the delineated wetlands and surface waters; however, a special exception granted by the ZBA is required for all other expansions of legally pre-existing uses.



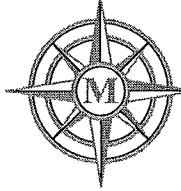
**AREA CHART**

LOT NO.	EXISTING	PROPOSED	FINAL
E-31	49.7± ACRES 2,117,200± S.F.	49.20± ACRES 2,108,700± S.F.	7.78± ACRES 338,900± S.F.
E-31-3	5.62± ACRES 245,000 S.F.	7.08± ACRES 308,550± S.F.	7.08± ACRES 308,550± S.F.
E-31-1	---	---	5.19± ACRES 226,150± S.F.
E-31-2	---	---	5.27± ACRES 229,400± S.F.
E-31-3	---	---	28.73± ACRES 1,251,200± S.F.
PARCEL 'A'	---	2.43± ACRES 105,600± S.F.	---
PARCEL 'B'	---	0.96± ACRES 41,920± S.F.	---
PARCEL 'C'	---	0.14± ACRES 6,000± S.F.	---



REV.	DATE	DESCRIPTION	C/O	DR	CK
A	---	---	---	---	---

CONCEPTUAL LOT LINE REVISION & SUBDIVISION PLAN  
 TAX MAP E, LOT 31  
**BLC HOLDINGS, LLC**  
 SCRIPPS LANE  
 MASON, NEW HAMPSHIRE  
 SCALE: 1" = 120'    NOVEMBER 9, 2021



**MERIDIAN**  
 LAND SERVICES, INC.  
 ENGINEERING | SURVEYING | PERMITTING  
 SOIL & WETLAND MAPPING | SEPTIC DESIGN  
 31 OLD NASHUA ROAD, AMHERST, NH 03031    TEL. 603-673-1441  
 MERIDIANLANDSERVICES.COM    FAX 603-673-1584

**2022 Town of Mason Planning Board  
Meeting Schedule and Application Deadlines**

**Meetings are Held the Last Wednesday of the Month at 7:00PM**

<b>Meeting Date</b> Last Wednesday of Month	<b>Application Submission</b> ≥21 Days Prior to Meeting	<b>Monadnock Ledger Deadline</b> - 5:00PM	<b>Mail Abutter Notices</b> Local Notices Posted	<b>Legal Notice Publication</b> Date - published in Monadnock Ledger
Wednesday – 7:00PM Mann House or as Posted	Wednesday – 3:00 PM NRPC & Selectmen's Office	Monday	Wednesday	Thursday
December 29, 2021	December 8, 2021	December 13, 2021	December 15, 2021	December 16, 2021
January 26, 2022	January 5, 2022	January 10, 2022	January 12, 2022	January 13, 2022
February 23, 2022	February 2, 2022	February 7, 2022	February 9, 2022	February 10, 2022
March 30, 2022	March 9, 2022	March 14, 2022	March 16, 2022	March 17, 2022
April 27, 2022	April 6, 2022	April 11, 2022	April 13, 2022	April 14, 2022
May 25, 2022	May 4, 2022	May 9, 2022	May 11, 2022	May 12, 2022
June 29, 2022	June 8, 2022	June 13, 2022	June 15, 2022	June 16, 2022
July 27, 2022	July 6, 2022	July 11, 2022	July 13, 2022	July 14, 2022
August 31, 2022	August 10, 2022	August 15, 2022	August 17, 2022	August 18, 2022
September 28, 2022	September 7, 2022	September 12, 2022	September 14, 2022	September 15, 2022
October 26, 2022	October 5, 2022	October 7, 2022*	October 7, 2021	October 11, 2022
November 16, 2022	October 26, 2022	October 31, 2022	November 2, 2022	November 3, 2022
December 28, 2022	December 7, 2022	December 12, 2022	December 14, 2022	December 15, 2022
January 25, 2023	January 4, 2023	January 9, 2023	January 11, 2023	January 12, 2023

^Holiday- Applications are due by close of business on the preceding business day if the Mason Town Offices are closed.

\*Due date and publication date earlier due to holiday – Verify with Monadnock Ledger

**INFORMATION – Application Assistance, Schedule Hearings, Application Submission**

**Nashua Regional Planning Commission:**

Mason Twombly

Phone: (603) 417-6570 x6575

e-mail: [masont@nashuarpc.org](mailto:masont@nashuarpc.org)

**OFFICIAL APPLICATION SUBMISSION**

**Selectmen's Office:**

Hours: Monday-Thursday, 9:00am-3:00pm

Phone: (603) 878-2070

Fax: (603) 878-4892

e-mail: [administration@masonnh.us](mailto:administration@masonnh.us)

**\*\*Applicant must also submit one application, plan set, mailing labels, and electronic set to NRPC by deadline**

Official Town Website [www.masonnh.us](http://www.masonnh.us)