



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, September 28, 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 (8/31/22)

Reading of communications directed to the Board

7:10 Hearings on submitted applications and regulatory changes - No hearings will be started after 9:30 pm. (Hearings in progress at 9:30 PM will proceed at the Planning Board's discretion)

MAS 22-02: An application by Martin Ruggiero, for Site Plan approval to permit development of a gravel overflow parking lot, approximately 95,000 sq. ft. in area, on Lot J-60, Churchill Road, to support an approved seasonal outdoor recreational use across Churchill Road on Lot J-69-1.

MAS 22-03: An application by Andrea Iodice for Site Plan approval to permit development of a 118' x 68' pole barn and an adjacent 200' x 70' indoor riding arena for an equine training/boarding business on Lots L-17-1 and L-19, 399 Hurricane Hill Road.

Other Business

New business

- Rules of Procedure
- ADU Zoning Update
- Proposed Subdivision Regulation Changes

- Adjourn -

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



Mason Planning Board

16 Darling Hill Road, Mason, NH 03048

Meeting Date: Wednesday, August 31, 2022

Location: Mason Town Hall

Minutes: **Unapproved**

Call to Order

The meeting was called to order at 7:06 PM by Dane Rota.

Attendance

	Attending	Absent	Voting
Dane Rota (Chair)	x		x
Dotsie Milbrandt (Vice Chair)	x		x
Charlie Moser (Ex-O)	x		x
Katie Boots		x	
Jerry Anderson		x	
Cynthia Donovan (Alt.)		x	
Chris Jones (Alt.)	x		x
Antje Skorupan (Alt.)	x		x
Jay Minkarah (NRPC)	x		N/A

Date of Next Meeting

The next regular meeting is September 28, 2022.

Minutes of Previous Meeting

The board read the minutes of July 27, 2022.

Dane made a motion to accept minutes from July 27, 2022 with the two corrections below. Charlie seconded. Charlie, Dane, and Antje approved. Dotsie abstained due to absence at last month's meeting. Motion passed.

Two corrections: 2nd page second paragraph should read, "Once Charlie has completed the review..." and "The goal is to have this ready..."

Communication to the Board

N/A

Public Hearings

Hearings on Subdivision / Site Plans

MAS 22-02

An application by Martin Ruggiero, for Site Plan approval to permit development of a gravel overflow parking lot, approximately 95,000 sq. ft. in area, on Lot J-60, Churchill Road, to support an approved seasonal outdoor recreational use across Churchill Road on Lot J-69-1.

Owner or authorized representative present:

Nicole Ruggiero is representing Martin Ruggiero. Letter of authorization received. Nicole is present.

Abutters present:

Chris and Michelle Gauthier – 403 Churchill Rd
Nathan Archambault – 326 Churchill Rd
Wendy Sue and Dennis Avery – 209 Churchill Rd

Plan is presented by:

Plan presented by Earl Sanford of Sanford Surveying and Engineering.

This plan is a supporting use to a seasonal outdoor recreational use. A ZBA special **exception** is required. An application is pending to the ZBA, scheduled for a hearing on September 19.

[N.B. Items in **bold** are things the board might want to consider when evaluating conditions for approval.]

This parking lot will be unpaved and so there will be no parking lot stripes to mark spaces. How will parking be managed? Pedestrians will need to cross Churchill Road to the recreational site. How will safety be managed?

Mr. Sanford stated: Currently the lot has a gravel surface. Drainage was monitored through 3 significant rain storms. Most water went through the permeable gravel, there was a small amount of runoff. See the “Erosion Control Notes” on the plat for information about erosion control and drainage structures.

Charlie asked about lighting. Mr. Sanford replied that the one “existing portable light stanchion” provided sufficient light for the entire lot.

Board’s review of plat:

Locus plan is 1”=1000” instead of 1”=400”

Full survey has not been done but the main property line has been surveyed.

Not all culverts shown

Compliance with Mason regulations - a special exception is required

Review by town departments:

Police Chief Maxwell - Our main concern over the years has been cars backing out on to Rt 124. This alleviates that concern. Past issues with cars getting stuck on the greens, or sliding down the slope has also been alleviated. Our concern about emergency vehicle access - again this new parking lot alleviates this. It's a huge improvement in safety. There is sufficient lighting in the parking lot and on the path to the parking lot. No issues with people crossing Churchill Rd.

Road Agent Dave Morrison - The design seems to catch water in parking lot. There are 2 existing **culverts** that are **not shown**. Also there's **another** culvert that the Roads crew replaced today - previously it was not visible. That should be shown. Concern about elevation and slope - 20' to road. Drainage plan okay if structure is maintained.

Fire Chief Tony Burns - The plan needs a **deadend turnaround** at the end of the parking lot.

Dane makes a motion to accept the application as substantially complete. Antje - aye, Chris - aye, Charlie - aye, Dane - aye, Dotsie - aye. The application is accepted.

Dane makes a motion that the plan has no regional impact after a brief discussion. Charlie seconded. All voted aye - Antje - aye, Chris - aye, Charlie - aye, Dane - aye, Dotsie - aye.

Hearing open to public.

Speaking in favor of the application:

Nathan Archambault - abutter across the street - no problem with noise or lighting

Mark McGinnis, Valley Road - family enjoy the range, wonderful place. Parking lot vast improvement

Speaking against the application:

Wendy Sue Avery - process was not followed. Lot was in operation before this application was made. Charlie replied: Yes. A cease-and-desist order was issued and the selectmen send a "serious letter". Construction ceased. However, the Selectmen felt the plan should be allowed to proceed through proper process.

Christian Gauthier - lives across from the venue parking. His family does hear the music, light comes into their house from multiple angles. Lights from some cars shine into house at times. Nicole replied, saying she'd like to try to work with the Gauthiers. Charlie asked if the could be a berm or setback to alleviate light coming into the house. Sanford says there is a 12' berm. **Trees** could be planted along the top.

Michelle Gauthier - But will it stay a parking lot. There's a yurt.

Derek Matthew – 271 Reed Rd (riding school). The first concert was loud. He brought it to management’s attention, next concert was quieter. Riding students complained they had trouble hearing the instructor.

Dennis Avery – how many cars? Up to **256**.

Public hearing is closed.

Board comments:

Chris Jones – wanted to make sure the culvert is designed to accept any runoff. The ability to handle a 25 year storm flow is specified in site plan reg. Are we satisfied with opinion of Road Agent? Chris wants assurance that the culvert will be sufficient. Nathan Archambault says it flows into a large catch basin. Chris would like to see a **calculation** demonstrating it would handle a 25 year rain event.

Jay – We should reference the previous plans in the notes regarding parking plans and flows.

Dotsie – The locus plan should better show this lot’s relation to the abutting Driving Range as this is a supporting use for it.

Dane made a motion to continue this hearing to Sept 28 at 7:15 pm. Charlie second. Antje – nay, Chris – aye, Charlie – aye, Dane – aye, Dotsie – aye. Ayes have it, hearing will be continued.

New Business

Conceptual Consultation

(This is not a public hearing) – Hector Bermudez and Rachel Tadeo, 663 Valley Road, tax map lot G-69-1. Wants to build a yurt and outhouse behind and to the right of his residence. For “glamping,” so-called glamorous camping. This will include commercial use. The board communicated some thoughts and suggestions.

Conceptual Consultation

(This is not a public hearing) – Andrea Iodice, Hurricane Hill Rd. Tom Hildreth, attorney. Barn and indoor riding rink.

Old Business

Rules of Procedure

N/A

ADU Zoning Update

N/A

Proposed Subdivision Regulation Changes

Dane handed out a write-up of proposed changes for future discussion.

It has been pointed out that the site plan reg makes references to the Subdivision regulations, but many are incorrect.

Other Business

New requirements from the state legislature. Some board members attended a lunchtime webinar. Items we need to address:

Fees – Application fees for land use changes for all town boards should be posted in the town office.

Notice of Decision – All approvals and conditional approvals receive a notice of decision. For applications given a conditional approval, the board should also issue a notice indicating the date the conditions were deemed met and the plan signed.

Process timeline -

The provision allowing the board to ask the selectmen for a 90-day extension for acting on the plan has been removed. (We have never used it – all our applicants so far have authorized any extensions we've needed.)

If an application has regional impact, the board has 30 additional days to act on the plan. (95 total, before asking applicant for an extension)

Adjournment

Dane made a motion to adjourn at 9:58. Charlie seconded. Motion carried unanimously.



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NASHUA REGIONAL PLANNING COMMISSION
STAFF REVIEW

Project Name: Overflow Parking Site Plan for Marty's Driving Range Case Number: 22-02
Plan (Plat)/Revision Date: 8/24/22 Tax Map: J Lot #: 60

Table with 3 columns: MEETING DATE, APPLICANT(S), APPLICATION TYPE, APPLICATION STATUS, APPLICANT'S CONSULTANT, REVIEWED BY.

EXECUTIVE SUMMARY:

Lot Requirements for GRAF District:

- Area - The minimum lot area shall be 4-acres (174,240) sq. ft. per dwelling unit
Frontage - A conventional lot shall be 350 ft. on a Class V highway or better
Setbacks - Front, Side and Rear Set Back of 35 ft.

Waivers: NA

Fees: Verified and paid.

Issues:

- No new plans, information or materials have been received since 8/31/22 Planning Board Meeting.
The proposed overflow parking is intended to support events approved for the adjacent Marty's Driving Range site. Therefore, a Special Exception is required under Article VIII, Section A, 2(c) to permit a seasonal outdoor entertainment use on the site. The Special Exception has been applied for and is scheduled to be heard by the ZBA on September 19.
Minimum submission requirements having otherwise been met; staff recommends acceptance as a complete application subject to granting of the Special Exception request on 9/19/22.
Given that the parking is to be unpaved and not striped, applicant should address how parking and internal circulation will be managed. Applicant should also address pedestrian safety in crossing Churchill Road to access the Marty's Driving Range site.
Input from the Fire Chief and Road Agent has been received and is attached. Comments from the Fire Chief and Road Agent regarding access ways should be addressed. The 2 culverts referenced in the Road Agent's memo should be added to the plan.



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BACKGROUND

Tax Map / Lot: J-60

Area / Acres, Ft.²: Existing J-60: 18.04 acres or 785,800 sq. ft.

Current Land Use: Undeveloped

Steep Slopes: none

Road Access / (Closest Intersection): Reed Road

Zoning District(s): Overlay Districts: GRAF District

Aquifer / Wetlands / Floodplain (FEMA Flood Hazard Zone): Yes / No

Surface Water Bodies: N/A

ISSUES:

- Waiver(s) Conditional Use Permit (CUP) Special Exception(s) Variance(s)
- Easements Condo Documents State Permit(s) / Road Cut Excavation Permit
- Road Bond

APPLICATION ACCEPTANCE:

1. Verify abutter notices received (Match return receipts to abutter list)
2. Verify all fees have been paid, plats stamped and signed, all checklist items are complete
3. Accept, continue, or deny (staff recommendation: application appears complete)
4. Consider and determine whether the application is a development of regional impact (staff recommendation: no regional impact)

APPLICATION REVIEW AND APPROVAL:

1. Board open public hearing for approval consideration
2. Presentation by applicant
3. Staff review report
4. Board questions on the application
5. Abutter comments on approval
6. Consider any other staff, conservation commission and other issues
7. Board consideration of and action on requested waivers
8. Determine any additional fees or other possible conditions
9. Act on approval, conditions, denial or continue to a date certain (**staff recommendation: continue to October 26, 2022 unless satisfactory updated plans received**)



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CONDITIONS OF APPROVAL

- 6 Plan copies with professional seals & signatures
- 1 Original Mylar with professional seals & signatures
- Bond estimate (where applicable)
- State Permits – Curb-cut, Subdivision (Sub Surface/Septic), Dredge and Fill, Alteration of Terrain
- All fees paid, and escrow maintained as required
- Changes to Plat as detailed in minutes and this report (List) **IF ANY**: see issues noted above
- Others (List): List any additional conditions identified during the hearing.

Town of Mason, NH
APPLICATION FOR SITE PLAN REVIEW

Application Number: _____

1. Name, mailing address and telephone number of applicants: Nicole Ruggiero
(603) 759-4760 therange.martys@gmail.com 96 Old Turnpike Road
Mason, NH 03048

2. Tax Map J Lot Number 60 Zoning District(s) GRAF

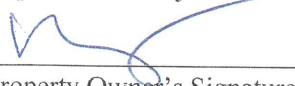
3. Location of Project: TAX LOT J - 60, OFF CHURCHILL ROAD

4. DESCRIPTION OF THE PROJECT:
THE EXISTING RECREATIONAL APPROVED ACTIVITIES ON LOT J-69-1 AT "THE RANGE" INCLUDE EVENTS SERVING PATRONS. TO BETTER FACILITATE SAFE AND ORDERLY PARKING FOR PATRONS, THE OWNER PURCHASED THE ADJACENT LOT J-60 TO PROVIDE OVERFLOW PARKING. THE PROPOSED PARKING IS ACCESSED OFF CHURCHILL ROAD, OPPOSITE THE ENTRANCE TO THE AUTO REPAIR SHOP ENTRANCE AND PARKING LOT THAT WAS ALSO APPROVED FOR OVERFLOW PARKING. THERE IS A DEDICATED PEDESTRIAN AND CART PATH FROM THE PROPOSED PARKING AREA TO "THE RANGE". THE PARKING IS DEDICATED SOLELY FOR EXISTING APPROVED USES ON OTHER LAND OF THE OWNER, AND NOT FOR AN EXPANSION OF EXISTING APPROVED USES/OPERATIONS.

A list of required submission items appears on the reverse of this application. Numbers in the second column refer to sections and paragraphs in the Town of Mason Site Plan Review Regulations (August 30, 2005).

All notifications directly to individuals/firms/corporations requested by the property owner shall be done in the same manner as required be done for the abutting owners. That is, the property owner shall list them (#2 on the Checklist) and submit the required notification fee for both abutters and additional notifications.

I, NICOLE RUGGIERO (see authorization letter) hereby give the Mason Planning Board, the Road Agent/Engineer and Representatives of the Planning Board permission to walk the site whose plan is the subject of this application.



Property Owner's Signature

8/24/22

Date

Summary:

Application Received: _____
Application Submission Accepted as Complete: _____
Site Plan: _____

Approved _____ Date
Conditionally Approved
Disapproved _____

Conditions shall be met by: _____

Comments:

Mason Planning Board
Mann House, Mason, NH 03048

SITE PLAN REVIEW CHECKLIST

*****TO BE FILLED IN BY THE PLANNING BOARD*****

(For the information of the Property Owner)

Application PROCEDURAL Requirements

APPLICATION SUBMISSION ITEMS		yes	no
1. Application Form (this form)	Sec. 5. A	X	
2. Notification List, including:	Sec. 5. A	X	
a. All abutters		X	
b. Applicant		X	
c. Person(s) whose seal appears on the plat (e.g., engineer, architect, land surveyor, soil scientist)		X	
d. All holders of conservation, preservation, or agricultural preservation restrictions		X	
3. Check to cover submission fees.	Sec. 5. A, Sec 6	TBD	
4. Escrow account to cover Town of Mason fees and consulting fees (separate check).	Sec. 5. A	TBD	
5. Letter of authorization by property owner, if applicable.	Sec. 5. A	X	

PLAT SUBMISSION ITEMS		yes	no
1. Seven (7) paper copies of the Plat sized in accordance with Site Plan Review standards, but at a scale no more than 40 feet = 1 inch.	Sec. 8. B	X	
2. Block for Planning Board endorsement.	Sec. 8. B. 1	X	
3. Name of owner and project.	Sec. 8. B. 1	X	
4. Name, seal and signature of person(s) who prepared the plat (when applicable).	Sec. 8. B. 1	X	
5. North arrow, scale, date of plan, revision block, legend.	Sec. 8. B. 1	X	
6. The statement to the effect of: "The Site Plan Review Regulations of the Town of Mason are part of this plat and approval of this plat is contingent on completion of all requirements of said regulations, excepting only any variances or modifications made in writing by the Mason Planning Board and attached hereto."	Sec. 8. B. 2	X	
7. A Locus Plan at 1" = 400'.	Sec. 8. B. 3	X	
8. Perimeter survey with line bearings and distances, statement of the precision (1:5,000). <small>PRECISION RELATES TO LOT LINE ADJACENT TO PARKING AREA, SEE SURVEY NOTES</small>	Sec. 8. B. 4	X	
9. Location and amount of frontage.	Sec. 8. B. 4	X	
10. Location of building setback lines. <small>NO BUILDINGS PROPOSED</small>	Sec. 8. B. 4	N/A	
11. Lot area in acres and square feet.	Sec. 8. B. 4	X	
12. Boundaries of any area in Current Use.	Sec. 8. B. 4	N/A	
13. Topography at two-foot intervals, except where terrain is in excess of 5% slope, in which case five-foot intervals are permissible.	Sec. 8. B. 4	X	
14. Location of all watercourses (including intermittent drainageways), waterbodies and wetlands, existing drainage including all culverts, the location of any adjacent wetlands, and the 100-year flood elevation line (if applicable).	Sec. 8. B. 4	X	
15. Types and locations of major vegetation classes (fields, woods, etc.)	Sec. 8. B. 4	X	
16. Soils data from the USDA Natural Resources Conservation Service certified soils survey for Hillsborough County.	Sec. 9	X	
17. Septic setback lines derived from the soil mapping.	Sec. 8. B. 4	na	
18. Location of all existing water supply and waste disposal facilities.	Sec. 8. B. 4	na	
19. Location of all existing off-site water supply and waste disposal facilities if within	Sec. 8. B. 4	na	

Mason Planning Board
Mann House, Mason, NH 03048

100 feet of the site boundary.		na	
20. All public roads to 200 feet beyond the property: name, right-of-way and travel width, travel surface, all entrances onto, and culvert crossings.	Sec. 8. B. 4	X	
21. Names and addresses of all abutters.	Sec. 8. B. 4	X	
22. The use of abutting properties and approximate location of structures and access points thereto within 200 feet of the parcel's boundaries.	Sec. 8. B. 4	X	
23. All significant natural and man-made features.	Sec. 8. B. 4	X	
24. All existing easements. (See Survey Note "no known easements")	Sec. 8. B. 4	na	

PROPOSED CHANGES		yes	no
1. Proposed changes in grades.	Sec. 8. B. 5	X	
2. Proposed changes in drainage.	Sec. 8. B. 5	X	
3. Circulation Plan showing direction of travel.	Sec. 8. B. 6	X	
4. Stormwater Drainage Plan. (In schematic form)	Sec. 8. B. 7	X	
5. Design and location of all proposed water supply and waste disposal facilities.	Sec. 8. B. 9	X	
6. Landscape Plan. (see planting in southwest corner of parking lot)	Sec. 8. B. 10	X	
7. Snow Removal and Storage Plans. na, seasonal use	Sec. 8. B. 11	na	
8. Provision for the control of erosion and sedimentation.	Sec. 8. B. 12	X	
9. Provisions for fire safety, prevention and control.	Sec. 8. B. 13	X	
10. Location of any utilities, any easements attached thereto.	Sec. 8. B. 14	na	
11. Building elevation views and floor plans.	Sec. 8. C.	na	
12. Tabulation of the total lot area, proposed impervious coverage, remaining open space.	Sec. 8. E.	X	
13. Statement indicating that subject parcel is a lot of record.	Sec. 8. F.	X	

General Standards and OTHER Requirements		yes	no
1. Compliance with all other Mason regulations.	Sec. 7. A.	X	
2. Provide for safe and attractive development of the site.	Sec. 7. B.	X	
3. Adherence to principles of good design.	Sec. 7. C.	X	
4. Provide for open spaces and green spaces. (14 acres of green remains on lot)	Sec. 7. D.	X	
5. The land can be developed without danger to health.	Sec. 7. E.	X	
6. Traffic will not create hazards. (approved traffic operations for the Range apply)	Sec. 7. F.	X	
7. Storm water drainage will not adversely affect neighboring properties.	Sec. 7. G.	X	
8. Provision for water supply, wastewater and solid waste disposal.	Sec. 7. H.	na	
9. Screening from adjacent uses.	Sec. 7. I.	X	
10. Outdoor lighting will not cause glare on adjacent properties or passing vehicles.	Sec. 7. J.	X	
11. Signage in accordance with Article IV, Section O of the Planning Ordinance.	Sec. 7. K.	directional only	
12. Certification from the Fire Chief.	Sec. 7. P.1	Pending	
13. Certification from the Road Agent. tbd	Sec. 7. P.2	Pending	
14. Certification from the Selectmen regarding bonding and insurance.	Sec. 7. P.3	Pending	
15. Any state or federal approvals. None required if under 100,000sf of disturbance	Sec. 7. P.4	na	
16. Information on number of employees, number of shifts. (see parking attendant procedures in previous approval)	Sec. 8. D.1	X	
17. Information on hazardous materials.	Sec. 8. D.2	na	
18. Information on any processes that may generate noise or other emissions.	Sec. 8. D.3	na	

Mason Planning Board
Mann House, Mason, NH 03048

Town of Mason, NH
APPLICATION FOR SITE PLAN REVIEW

Application Number: _____

1. Name, mailing address and telephone number of applicants:

Andrea Iodice
399 Hurricane Hill Road
Mason, NH 03048

2. Tax Map L Lot Number 19 Zoning District(s) GRAF

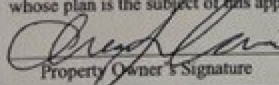
3. Location of Project:
L-19

4. Description of Project: pole barn and indoor riding arena

A list of required submission items appears on the reverse of this application. Numbers in the second column refer to sections and paragraphs in the Town of Mason Site Plan Review Regulations (August 30, 2005).

All notifications directly to individuals/firms/corporations requested by the property owner shall be done in the same manner as required be done for the abutting owners. That is, the property owner shall list them (#2 on the Checklist) and submit the required notification fee for both abutters and additional notifications.

I, Andrea Iodice hereby give the Mason Planning Board, the Road Agent/Enginger and Representatives of the Planning Board permission to walk the site whose plan is the subject of this application.

 _____
Property Owner's Signature

8/10/2022
Date

Summary:

Application Received: _____

Application Submission Accepted as Complete: _____

Site Plan: _____

Approved	<input type="checkbox"/>	_____	Date
Conditionally Approved	<input type="checkbox"/>		
Disapproved	<input type="checkbox"/>		

Conditions shall be met by: _____

Comments:



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NASHUA REGIONAL PLANNING COMMISSION
STAFF REVIEW

Project Name: Unity Equestrian Site Plan Case Number: 22-03
Plan (Plat)/Revision Date: NA Tax Map: L Lot #: 19 & 17-1

Table with 3 columns: MEETING DATE, APPLICANT(s), APPLICATION TYPE; APPLICATION STATUS, APPLICANT'S CONSULTANT, REVIEWED BY.

EXECUTIVE SUMMARY:

Lot Requirements for GRAF District:

- Area - The minimum lot area shall be 4-acres (174,240) sq. ft. per dwelling unit
Frontage - A conventional lot shall be 350 ft. on a Class V highway or better
Setbacks - Front, Side and Rear Set Back of 35 ft.

Waivers: TBD

Fees: No fees submitted

Summary Description:

Proposed is a 68' by 118' pole barn with 24 horse stalls, storage areas, a tack room, and grooming areas together with an adjacent 200' by 70' indoor riding arena. The intended use is an equine boarding and training facility that would be owned and operated under the business name Unity Equestrian. The proposed use is consistent with an agricultural use; therefore, a Special Exception is not required.

The proposed buildings are located on Lot L-19 (19.66 acres) and access would be from Hurricane Hill Road over an existing driveway on adjacent Lot L-17-1 (3.76 acres). Lot L 17-1 currently contains a single-family home that serves as the business owner's residence. The applicant also owns an adjacent 19.34-acre parcel that is not part of the site plan application.

The applicant initially applied for a building permit on July 18, 2022, however, upon further review, the Board of Selectmen determined that Planning Board Site Plan Review was required (see NOD dated 9/7/22).



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Issues:

- The site plan consists of a hand drawn sketch, not to scale, with very limited detail.
- Building elevations and floor plans have been provided to scale that provide sufficient information regarding building size, appearance, and function.
- It is unclear how many parking spaces would be provided or how internal circulation will be managed.
- The plans do not address site access, signage, exterior lighting, wastewater or sanitary provisions and other similar requirements of Section 7 of the Town's Site Plan Review Regulations, nor do they provide most of the information required under Section 8, Submission Requirements.

BACKGROUND

Tax Map / Lot: L 19 and 17-1

Area / Acres, Ft.²: L 19: 19.66 acres or 856,380 sq. ft. and L 17-1: 3.76 acres or 163,786 acres

Current Land Use: Residential/Agricultural

Steep Slopes: No

Road Access / (Closest Intersection): Emerson Lane

Zoning District(s): Overlay Districts: GRAF District

Aquifer / Wetlands / Floodplain (FEMA Flood Hazard Zone): Yes / No

Surface Water Bodies: N/A

ISSUES:

- Waiver(s) Conditional Use Permit (CUP) Special Exception(s) Variance(s)
- Easements Condo Documents State Permit(s) / Road Cut Excavation Permit
- Road Bond

APPLICATION ACCEPTANCE:

1. Verify abutter notices received (Match return receipts to abutter list)
2. Verify all fees have been paid, plats stamped and signed, all checklist items are complete
3. Accept, continue, or deny (**staff recommendation: deny plan acceptance or defer to 10/26/22 meeting with consent of applicant**)
4. Consider and determine whether the application is a development of regional impact (**staff recommendation: no regional impact**)

APPLICATION REVIEW AND APPROVAL:

1. Board open public hearing for approval consideration
2. Presentation by applicant
3. Staff review report



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Phone: (603) 417-6570

4. Board questions on the application
5. Abutter comments on approval
6. Consider any other staff, conservation commission and other issues
7. Board consideration of and action on requested waivers
8. Determine any additional fees or other possible conditions
9. Act on approval, conditions, denial or continue to a date certain

CONDITIONS OF APPROVAL

- 6 Plan copies with professional seals & signatures
- 1 Original Mylar with professional seals & signatures
- Bond estimate (where applicable)
- State Permits – Curb-cut, Subdivision (Sub Surface/Septic), Dredge and Fill, Alteration of Terrain
- All fees paid, and escrow maintained as required
- Changes to Plat as detailed in minutes and this report (List) **IF ANY**: see issues noted above
- Others (List): List any additional conditions identified during the hearing.



**Office of Board of Selectmen
Town of Mason**

16 Darling Hill Road – Mann House
Mason, New Hampshire 03048
(603) 878-2070 (603) 878-4892 Fax

September 7, 2022

Andrea Iodice
399 Hurricane Hill Road
Mason, NH 03048

Dear Ms. Iodice,

Enclosed please find the Board of Selectmen's Notice of Decision relative to the application for a building permit for a barn/arena on Tax Lot L-19.

Please note, due to the State Primary Election, the next Board of Selectmen's meeting will be held on Monday, September 12th, 2022 at 7:30p located in the Mann House.

Regards,

Jennifer Tenney
Administrative Assistant
Board of Selectmen

Cc: Unity Equestrian, LLC; Thomas W. Hildredth, Esq.; Town of Mason Building Inspector; Town of Mason Planning Board



Office of Board of Selectmen
Town of Mason
16 Darling Hill Road – Mann House
Mason, New Hampshire 03048
(603) 878-2070 main | (603) 878-4892 fax

NOTICE OF DECISION

Re: Application for Building Permit submitted by Andrea Iodice

In July 2022 the Building Inspector received a building permit application submitted by Andrea Iodice for a 70' x 318' barn/indoor riding arena. The floor plan submitted with the application shows twenty-four horse stalls, tool room, utility room, feed room, tack room and arena. The estimated cost of the building is stated on the building permit application to be One Million Thirty Thousand Dollars (\$1,030,000). Following receipt of the application, on July 18, 2022 the building inspector sent an email to the Selectmen with the following question:

“She [Andrea Iodice] plans on doing business out of the facility centered on equestrian training. As this is agriculturalish does this venture require zoning boards/planning board approval as a commercial enterprise in the GRAF zone.”

At the Board of Selectmen (BOS) meeting, July 26, 2022, Ms. Iodice described her proposed site improvements and business to the Board. The minutes reflect that she said she is building a barn to start an equine training/boarding business. She stated no trail rides will be offered, but that equine competitions on the premises cannot be ruled out. She also noted that her company, Unity Equestrian, LLC, owns two other contiguous lots. Ms. Iodice also stated that she needed to get the barn built fast because she needed to generate business income from the property to make her mortgage payments. The Selectmen told Ms. Iodice that they would review the situation and advise her as to whether a special exception and/or site plan approval would be required in order to obtain a building permit for the barn/arena.

At its August 9, 2022 meeting the Selectmen heard further from Ms. Iodice. A majority of the board felt they needed more time to consider whether a special exception or site plan is required.

At its August 23, 2022 meeting the Selectmen determined a site visit should be held before a final decision as to whether site plan approval is required. The site visit was scheduled for Monday, August 29, 2022.

On August 29, 2022 all three Selectmen met at the site. A large area was cleared and leveled, and the footprint of the barn was staked out. Ms. Iodice indicated that Tax Lot L-17-1, which contains her home and an existing barn, would provide access to the lot where the proposed barn/arena would be located. The select board agreed that a special exception is not required, but that a site plan approval

is required. Ms. Iodice, the Applicant, was advised that a written decision would be issued by the Selectmen.

FINDINGS OF FACT AND LAW

1. The Applicant, Andrea Iodice, is the manager of Unity Equestrian, LLC, which owns the three contiguous lots (L-17-1, L-19 and L-24) formerly owned by Andrea Iodice. Unity Equestrian, LLC is a New Hampshire Limited Liability Company formed June 14, 2022. Its certificate of formation states its purpose is to “own and operate an equestrian facility.” The certificate of formation lists Andrea Iodice as manager of Unity Equestrian, LLC. Andrea Iodice submitted the building permit application in question as an individual, listing herself as owner, without mention of Unity Equestrian, LLC. The Board of Selectmen therefore treats the building permit application as having been submitted by Andrea Iodice on behalf of Unity Equestrian, LLC.
2. The building permit application refers only to Lot L-19, the lot on which the barn is located. However, the only access to is from Hurricane Hill Road through tax Lot L-17-1, a residential property with a house (Ms. Iodice’s residence) and existing barn. Ms. Iodice stated that access to the barn/arena would be through L-17-1 and that the existing stable on L-17-1 would be a part of the business. Therefore, at a minimum, both L-17-1 and L-19 are clearly part of the proposed business use.
3. The addition of this 70 x 318-foot building including stalls for up to 24 horses, on a previously undeveloped parcel of land, owned by a business organization, and stated by Andrea Iodice to be for commercial boarding and equestrian training, although abutting Unity Equestrian LLC’s existing six (6)
4. The proposed barn is a new non-residential structure.
5. The commercial uses proposed for the property, as stated by the applicant, are permitted uses in the GRAF zone, and do not require a special exception.
6. The Town of Mason Site Plan Review Regulations (“SPRRs”) provide that site plan review and approval is required for

“1. New non-residential or multi-family residential building, whether or not it replaces an existing use or structure...

4. The development or expansion of use of tracts for non-residential uses.”

SPRR Section 4.A.1, 4. (revised through April 28, 2021).

7. The SPRRs also provide that: “Approval of said site plan must be secured:

3. Before any permit for the erection of any building or building development may begin.”

SPRR Section 4.B.3.

8. The application of local site plan regulations to the establishment or substantial expansion of agricultural, farm, and animal husbandry business is specifically authorized by RSA 674:32-b and RSA 674:32-c.

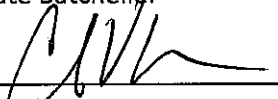
RULING OF THE BOARD OF SELECTMEN

The proposed barn is a new, non-residential structure. Its construction, together with the business plans stated by the applicant, constitute the development and/or substantial expansion of Lots L-17-1 and L-19 for non-residential uses. Therefore, the Board of Selectmen hold that Unity Equestrian, LLC must have a site plan approved by the Mason Planning Board prior to the issuance of a building permit for the proposed barn/arena on L-19.

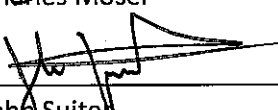
Town of Mason Board of Selectmen

 9/6/2022

Kate Batcheller

 9/6/2022

Charles Moser

 9/6/2022

John Suiter

**Mason Planning Board
Mann House, Mason, NH 03048**

SITE PLAN REVIEW CHECKLIST

*****TO BE FILLED IN BY THE PLANNING BOARD*****

(For the information of the Property Owner)

Application PROCEDURAL Requirements

APPLICATION SUBMISSION ITEMS		yes	no
1. Application Form (this form)	Sec. 5. A		
2. Notification List, including:	Sec. 5. A		
a. All abutters			
b. Applicant			
c. Person(s) whose seal appears on the plat (e.g., engineer, architect, land surveyor, soil scientist)			
d. All holders of conservation, preservation, or agricultural preservation restrictions			
3. Check to cover submission fees.	Sec. 5. A, Sec 6		
4. Escrow account to cover Town of Mason fees and consulting fees (separate check).	Sec. 5. A		
5. Letter of authorization by property owner, if applicable.	Sec. 5. A		

PLAT SUBMISSION ITEMS		yes	no
1. Seven (7) paper copies of the Plat sized in accordance with Site Plan Review standards, but at a scale no more than 40 feet = 1 inch.	Sec. 8. B		
2. Block for Planning Board endorsement.	Sec. 8. B. 1		
3. Name of owner and project.	Sec. 8. B. 1		
4. Name, seal and signature of person(s) who prepared the plat (when applicable).	Sec. 8. B. 1		
5. North arrow, scale, date of plan, revision block, legend.	Sec. 8. B. 1		
6. The statement to the effect of: "The Site Plan Review Regulations of the Town of Mason are part of this plat and approval of this plat is contingent on completion of all requirements of said regulations, excepting only any variances or modifications made in writing by the Mason Planning Board and attached hereto."	Sec. 8. B. 2		
7. A Locus Plan at 1" = 400'.	Sec. 8. B. 3		
8. Perimeter survey with line bearings and distances, statement of the precision (1:5,000).	Sec. 8. B. 4		
9. Location and amount of frontage.	Sec. 8. B. 4		
10. Location of building setback lines.	Sec. 8. B. 4		
11. Lot area in acres and square feet.	Sec. 8. B. 4		
12. Boundaries of any area in Current Use.	Sec. 8. B. 4		
13. Topography at two-foot intervals, except where terrain is in excess of 5% slope, in which case five-foot intervals are permissible.	Sec. 8. B. 4		
14. Location of all watercourses (including intermittent drainageways), waterbodies and wetlands, existing drainage including all culverts, the location of any adjacent wetlands, and the 100-year flood elevation line (if applicable).	Sec. 8. B. 4		
15. Types and locations of major vegetation classes (fields, woods, etc.)	Sec. 8. B. 4		
16. Soils data from the USDA Natural Resources Conservation Service certified soils survey for Hillsborough County.	Sec. 9		
17. Septic setback lines derived from the soil mapping.	Sec. 8. B. 4		
18. Location of all existing water supply and waste disposal facilities.	Sec. 8. B. 4		
19. Location of all existing off-site water supply and waste disposal facilities if within	Sec. 8. B. 4		

**Mason Planning Board
Mann House, Mason, NH 03048**

100 feet of the site boundary.			
20. All public roads to 200 feet beyond the property: name, right-of-way and travel width, travel surface, all entrances onto, and culvert crossings.	Sec. 8. B. 4		
21. Names and addresses of all abutters.	Sec. 8. B. 4		
22. The use of abutting properties and approximate location of structures and access points thereto within 200 feet of the parcel's boundaries.	Sec. 8. B. 4		
23. All significant natural and man-made features.	Sec. 8. B. 4		
24. All existing easements.	Sec. 8. B. 4		

PROPOSED CHANGES		yes	no
1. Proposed changes in grades.	Sec. 8. B. 5		
2. Proposed changes in drainage.	Sec. 8. B. 5		
3. Circulation Plan showing direction of travel.	Sec. 8. B. 6		
4. Stormwater Drainage Plan.	Sec. 8. B. 7		
5. Design and location of all proposed water supply and waste disposal facilities.	Sec. 8. B. 9		
6. Landscape Plan.	Sec. 8. B. 10		
7. Snow Removal and Storage Plans.	Sec. 8. B. 11		
8. Provision for the control of erosion and sedimentation.	Sec. 8. B. 12		
9. Provisions for fire safety, prevention and control.	Sec. 8. B. 13		
10. Location of any utilities, any easements attached thereto.	Sec. 8. B. 14		
11. Building elevation views and floor plans.	Sec. 8. C.		
12. Tabulation of the total lot area, proposed impervious coverage, remaining open space.	Sec. 8. E.		
13. Statement indicating that subject parcel is a lot of record.	Sec. 8. F.		

General Standards and OTHER Requirements		yes	no
1. Compliance with all other Mason regulations.	Sec. 7. A.		
2. Provide for safe and attractive development of the site.	Sec. 7. B.		
3. Adherence to principles of good design.	Sec. 7. C.		
4. Provide for open spaces and green spaces.	Sec. 7. D.		
5. The land can be developed without danger to health.	Sec. 7. E.		
6. Traffic will not create hazards.	Sec. 7. F.		
7. Storm water drainage will not adversely affect neighboring properties.	Sec. 7. G.		
8. Provision for water supply, wastewater and solid waste disposal.	Sec. 7. H.		
9. Screening from adjacent uses.	Sec. 7. I.		
10. Outdoor lighting will not cause glare on adjacent properties or passing vehicles.	Sec. 7. J.		
11. Signage in accordance with Article IV, Section O of the Planning Ordinance.	Sec. 7. K.		
12. Certification from the Fire Chief.	Sec. 7. P.1		
13. Certification from the Road Agent.	Sec. 7. P.2		
14. Certification from the Selectmen regarding bonding and insurance.	Sec. 7. P.3		
15. Any state or federal approvals.	Sec. 7. P.4		
16. Information on number of employees, number of shifts.	Sec. 8. D.1		
17. Information on hazardous materials.	Sec. 8. D.2		
18. Information on any processes that may generate noise or other emissions.	Sec. 8. D.3		