



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 Mann House – 16 Darling Hill Road Wednesday, December 27, 2023 7:00 PM NOTICE of AGENDA

7:00 Call to order by Chair
Attendance
Set date of next meeting
Minutes of previous meetings to approve (11/29/23 meeting and 12/9/23 site walk)
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 23-03 (continued) – An application by Marty's Driving Range, LLC for site plan approval to permit short-term rental camping accommodations (tent, yurt, or teepee) on Map J Lot 56 (Continued).

A public hearing to review and comment on the proposed amendments to *Article XVIII: Floodplain Development Ordinance* of the Mason Planning Ordinance, proposed by the NH Office of Planning and Development to remain compliant with the National Flood Insurance Program.

A public hearing (continued) to review and comment on the proposed amendments to comply with SB78 to the Mason Subdivision Regulations. The proposed amendments will be considered by the Board for adoption.

A public hearing (continued) to review the proposed amendments to comply with SB78 to the Mason Site Plan Review Regulations. The proposed amendments will be considered by the Board for adoption.

A public hearing (continued) to review the proposed amendments to comply with SB78 to the Mason Excavation Regulations. The proposed amendments will be considered by the Board for adoption.



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Other Business

- 2023 Town Report – due early January

- Adjourn -

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



Town of Mason, NH Planning Board

16 Darling Hill Road, Mason, NH 03048

Meeting Date: Wednesday, November 29, 2023

Location: Mason Town Hall

Minutes: **Unapproved**

Call to Order

The meeting was called to order at 7:01 PM by Dane Rota.

Attendance

	Attending	Absent	Voting
Dane Rota (Chair)	x		x
Dotsie Milbrandt (Vice Chair)	x		x
Charlie Moser (Ex-O)	X		
Katie Boots	x		x
Chris Jones	x		x
Antje Skorupan (Alt.)		x	
Cassie Cashin (NRPC)			N/A

Date of Next Meeting

The next regular meeting is December 27, 2023.

Minutes of Previous Meeting

The board read the minutes of 10/25/2023.

Dan made a motion to accept minutes from 10/25/2023 with correction to add a note Chris arrived late, after the reading of the meeting minutes so he did not vote. Dotsie seconded.

Dane- aye

Dotsie- aye

Charlie- abstain since absent from last month's meeting

Katie- aye

Chris- aye

Communication to the Board

General inquiry regarding shed requirements in the town for potential dog grooming site. No additional discussion.

Public Hearings

MAS 23-03 (Continued)

Application by Marty's Driving Range, LLC for site plan approval to permit short-term rental camping accommodations (tent, yurt, or teepee) on Map J Lot 56.

Abutter present: Christian Gauthier (403 Churchill Rd)

Public present: Fire Chief Tony Burns

Applicant (Nicole) requested that Charlie recuse himself from the meeting due to conflict from the previous ZBA meeting as Select board member. Nicole also indicated the meeting would be recorded for her attorney.

Charlie denied recusing himself as he is in attendance representing the Planning Board and not the Select board for this hearing.

Board reviewed site plan review checklist and noted the following:

Plat Submission Item #7: Locus plan on Plat is 1=1000 not 1=400 as required per checklist. Board agreed to waive this requirement as it's clearly indicated on the PLAT

Plat Submission Item #12: Applicant wasn't sure if any land was in Current Use; no boundaries currently noted; recorded by the board as unknown

Plat Submission Item #13: Trails will need to be more detailed

Plat Submission Item #16: Not needed as no septic / well needed

Proposed Changes (all): applicant had written N/A down the line; board requested site walk to review a lot of these requirements on December 9th, 2023 at 10AM (snow date December 16th, 2023)

General Standards Item #8: Each site will be provided a 5G jug of drinking water; applicant will be taking care of solid waste disposal from each site with the Tentrr camp toilets

Board further discussed the access road through Lot J-60, as it was still in the works with the ZBA / State of NH AOT permit.

Dotsie made a motion to accept the application MAS23-03 as a completed application. Dane seconded.

Dane- aye

Dotsie- aye

Charlie- nay

Katie- aye

Chris- aye

Dotsie made a motion confirming that application MAS23-03 does not have regional impact. Charlie seconded.

Dane- aye
Dotsie- aye
Charlie- aye
Katie- aye
Chris- aye

Application approved to proceed forward.

Board discussed lack of 24/7 police presence in town and risk for both town and site; would like feedback from town officials and police Chief.

Public Comment: Chris Gauthier mentioned police / security concern and agreed it should be discussed and mitigated. No issue moving forward with the project.

Application continued to December 9th at 10AM at the physical location for site walk.

MAS 23-04

Application by Marty's Driving Range, LLC to amend the existing site plan for Tax Map J Lot 69-1 (26.53 acres), to include a new shipping container conversion for merchandise sales. The subject property is located at 96 Old Turnpike Road

Board discussed application and reviewed updated plans. No updates / changes needed.

Charlie made motion to accept application MAS 23-04 as completed. Dane seconded.

Dane- aye
Dotsie- aye
Charlie- aye
Katie- aye
Chris- aye

Dotsie made a motion confirming that application MAS 23-04 does not have regional impact. Katie seconded.

Dane- aye
Dotsie- aye
Charlie- aye
Katie- aye
Chris- aye

Public comment: Chris Gauthier in agreement with project and OK to proceed.

Charlie made motion to accept application MAS 23-04 as completed. Chris seconded.

Dane- aye
Dotsie- aye

Charlie- aye
Katie- aye
Chris- aye

[Proposed amendment to Article XVIII: Floodplain Development Ordinance of the Mason Planning Ordinance](#)

Proposed by the NH Office of Planning and Development to remain compliant with the National Flood Insurance Program

Board summarized to public that the proposal is to update verbiage per state guidance so the town remains insurable. If we do not accept these updates/ changes, the town may lose ability to receive federal flood insurance. Board recommends accepting changes.

No public comment. Will be on agenda again for December's meeting.

[Proposed amendments to the comply with SB78 to the Mason Subdivision Regulations](#)

Board reviewed updated amendments for updating bonding requirements per the state. Requested additional time to review and discuss at December 27, 2023 Planning Board meeting.

[Proposed amendments to comply with SB78 to the Mason Site Plan Review Regulations](#)

Board reviewed updated amendments for updating bonding requirements per the state. Requested additional time to review and discuss at December 27, 2023 Planning Board meeting.

[Proposed amendments to comply with SB78 to the Mason Excavation Regulations](#)

Board reviewed updated amendments for updating bonding requirements per the state. Requested additional time to review and discuss at December 27, 2023 Planning Board meeting.

[New Business](#)

[MAS 23-05 Anderson Voluntary Lot Merger](#)

Board discussed with the Anderson's the intent of why they are merging lot. All documentation completed and fees paid.

Dane made motion to accept the merger as documented. Charlie seconded.

Dane- aye
Dotsie- aye
Charlie- aye
Katie- aye
Chris- aye

[Old Business](#)

N/A

[Hearings on Subdivision / Site Plans](#)

N/A

Other Business

N/A

Adjournment

Chris made a motion to adjourn at 9:09 PM. Katie seconded.

Dane- aye
Dotsie- aye
Charlie- aye
Katie- aye
Chris- aye



Town of Mason, NH Planning Board

16 Darling Hill Road, Mason, NH 03048

Meeting Date: Saturday, December 09, 2023 @ 10AM

Location: Lot J-56 Site Walk (Churchill Rd)

Minutes: **Unapproved**

Call to Order

The meeting was called to order at 10AM by Dane Rota.

Attendance

	Attending	Absent	Voting
Dane Rota (Chair)	x		N/A
Dotsie Milbrandt (Vice Chair)	x		N/A
Charlie Moser (Ex-O)		x	
Katie Boots	x		N/A
Chris Jones	x		N/A
Antje Skorupan (Alt.)	x		N/A
Cassie Cashin (NRPC)			N/A

Public in attendance:

Mason Fire Chief Tony Burns, Conservation Committee: Bob Laroche, Liz Fletcher

Applicant Nicole Ruggiero

Public Hearings

MAS 23-03 (Continued)

Application by Marty's Driving Range, LLC for site plan approval to permit short-term rental camping accommodations (tent, yurt, or teepee) on Map J Lot 56.

Planning Board members, public, and applicant met at Lot J-56 to conduct site walk of the lot in question. Members and public walked the existing logging trail; trail will require significant work to get it up to fire dept standards. It was difficult to assess proposed layout of the glamping sites and recommended to applicant to add these to the drawing.

Hearing will continue December 27, 2023.

Meeting adjourned at 11AM.

RECEIVED

JUN 06 2023

BY: [Signature]

Town of Mason, NH
APPLICATION FOR SITE PLAN REVIEW

Application Number: _____

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

Nicole / Martin Ruggiero
96 Old Turnpike Rd Mason NH 03048
(603) 759-4760 (cell)

2. Tax Map J Lot Number 56 Zoning District(s) GRAF

3. Location of Project:

Churchill Rd

4. Description of Project: see attached

low-impact glamping sites

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, Martin Ruggiero 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.

[Signature]
Property Owner's Signature

6/1/23
Date

Summary:

Application Received: _____

Application Submission Accepted as Complete: _____

Site Plan: _____

- Approved _____ Date
- Conditionally Approved
- Disapproved

Conditions shall be met by:

Comments:

May 30, 2023

To: Mason Planning Board

Marty's Driving Range, LLC

I am seeking a Special Exception to put "Glamping" on property J-56 (parcel attached on plat plan for properties J-85 and J-60). We will begin our Glamping experience by working with the company Tentrr (please see attached document and more information below, as we will be utilizing their plans even if we add our own structures as well, ie. yurts), who ensures a low-impact way to enjoy the natural surroundings of our property. "Tentrr Signature Sites are designed to minimize the impact to Mother Nature. From our NASA Loo Bags to the minimized footprint that allows water to flow underneath our campsite platforms, Tentrr sites are thoughtfully designed to protect nature while maximizing fun". The intent of this project is to keep the land as undisturbed as possible for guests to fully embrace nature while embracing the preservation of Mason's natural charm.

Other notes:

Parking: We will utilize the current parking for Marty's Driving Range, LLC.

Safety:

The safety of our Hosts and campers is paramount.

The Tentrr campsite address is not visible on the Tentrr website. It is only issued to campers via email after they complete their reservation. The map on the campsite listing shows the general geographic area only.

Tentrr provides a reservation dashboard that enables safe communication with campers after their reservation is booked. Hosts can decide how they wish to communicate with campers once they are on site and these instructions can be communicated to campers in the emails sent through the dashboard.

Our fire pits are above ground with a cover on the top that is extremely safe. Signature Select and Signature Plus campsites are also equipped with a fire extinguisher and a 5-gallon water container. We take fire education very seriously with our campers. They're aware that fires must be in control, attended to at all times, and completely extinguished at the end of the fun.

Hosts are also covered by Tentrr's commercial liability insurance program which includes coverage of up to \$1mm per incident and \$4mm in aggregate.

We will have a footpath / UTV pathway for guests and emergency access if needed.

Septic / Sanitation:

If you join Tentrr at the Signature Select or Signature Plus level, no toilet is required. Your site will be set up with a Tentrr Loo which uses NASA science for an easy and clean way to dispose of waste. The Tentrr Loo is a sturdy wooden box with a toilet seat and a bucket inside. It can be placed anywhere on the campsite...behind a bush, under a tree, and campers can even bring it inside the canvas tent at night. A small, pop-up privacy tent is also included to house the Loo.

The Loo works in conjunction with Clean Waste sani-bags which hold up to 32 ozs of liquid waste and come with a special deodorizing/gelling agent to make disposal easier (can be disposed of in the garbage in most locations.) These waste bags are landfill-friendly and biodegradable. After campers finish with the Loo, they will be instructed to tie-up the Clean Waste bag and dispose of it in the garbage can that is provided in your kit.

If allowed via the town and state, we would like the option for placement of portapotties or (ideally) compostable toilets in the near future to increase the value of our sites.

Staffing:

No additional staffing will be required for operations.

Abutter List for J-56

J-54-2 Mark LeClair 493 Fitchburg Road Mason, NH 03048

J-55 LeClair Trust 149 Barrett Hill Road Mason, NH 03048

J-57 / J-58 John McGrath and Deb Horan 610 Reed Road Mason, NH 03048

J-85 Nathan Archambault 326 Churchill Road Mason, NH 03048

J-60 Marty's Driving Range, LLC 96 Old Turnpike Road Mason, NH 03048

Sandford Survey 597 New Boston Road Bedford, NH 03110

May 30, 2023

Town of Mason, NH
16 Darling Hill Road
Mason, NH 03048

Marty's Driving Range, LLC
96 Old Turnpike Road
Mason, NH 03048

RE: Owner Authorization

I, Martin Ruggiero, hereby certify that I am the owner of the property at Lot J-56 and that I have authorized Nicole Ruggiero to apply for all Local, State, and Federal permits required to expand business into proposed "Glamping". I further authorize Nicole and her representatives to present the materials to the pertinent boards and agencies and further agree to allow them to access the property as necessary to perform their duties.

Owner

Name: Martin D. Ruggiero

Address: 96 Old Turnpike Road, Mason, NH 03048

Phone: 603-801-2405

Email: donkodiac@aol.com

Sincerely,

Martin D. Ruggiero



APPENDIX A

Instructions for Site Plan Review Applicants

1. All hearings are in the order in which completed application form and fees (see 2, 3, and 4 below) are received.
2. **Deadline for applications:** No application shall be heard at any meeting unless it has been received by the Board a minimum of 21 calendar days prior to the meeting. A schedule is posted at the Town Offices and the Town Hall that provides all necessary dates. Contact the Planning Board to be placed on the agenda for a Planning Board meeting.
3. Fees are accepted in the form of a check or money order made out to the specified party (see Appendix B). All Fees are subject to change. Notice of any changes will be posted in the Town Offices and Town Hall. Applicants are responsible for verification with the Mason Planning Board that they have the latest revision of the application form and the latest fee structures. Fees are non-refundable.
4. In accordance with Section 6 B of the Mason Site Plan Review Regulations, all applications will be reviewed by the Board's Planning Consultant. The cost for review will be charged on an hourly basis at a fee of \$70.00 per hour. The applicant will prepay all fees to be held in escrow by the town in accordance with fees listed on previous page. Upon receipt of an application, the Board's Planning Consultant will issue a notice of receipt and a preliminary cost estimate to the applicant -- actual review times and associated fees will vary depending on the complexity of each application. The following hourly estimates are illustrative of typical review times based on the type of application:

Minor Site Plan:	2-3 hours, \$200
Major Site Plan (3-5 lots):	3-6 hours, \$500
Major Site Plan (5+ lots):	To be determined upon receipt of an application.

Before making the final decision on the application, the Board may require additional information or detailed review of information submitted by the applicant. The Board will inform the applicant of the need for additional information or consulting reviews. The Applicant is responsible for the cost of all application reviews by the Board's designated representative and/or a consultant.

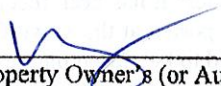
It is highly recommended for the applicant to have a preliminary consultation with the Board's Planning Consultant prior to application submission.

5. Three (3) sets of mailing labels for each notice for abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat are required as part of the material submitted with the application. These labels shall not exceed a size of 1" high by 5" wide and the address must be contained within an area of 15/16 of an inch high by 2 3/4 of an inch wide. Labels any larger and the accompanying application will not be accepted. This requirement must be met to conform to U.S. Postal Service requirements.
6. The Board may cancel your hearing if the owner or authorized representative does not appear within 15 minutes of the scheduled start time. The property owner must submit a letter of authorization to the Mason Planning Board for acceptance of a Representative's signature.

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Mann House, Mason, NH 03048

7. The original application form and filing fees should be submitted to the Town of Mason. At the same time, a copy of the application, 5 copies of the plat, and mailing labels should be mailed to the Planning Board's agent: Nashua Regional Planning Commission, 9 Executive Park Drive, Suite 201, Merrimack, NH 03054-4058. For questions please call (603) 424-2240.

I have read and retained a copy of these instructions.



Property Owner's (or Authorized Representative's) Signature

6/1/23

Date

**** Please SIGN AND RETURN this copy to the Mason Planning Board ****

Appendix B

Mason, NH Land Use Laws and Regulations Application Fee Schedule

A. GENERAL APPLICATION SUBMISSION FEES

(applying to all applications unless otherwise noted)

1. **Basic Application Filing Fee** \$100
2. **Abutter Notification** \$7.33 per abutter
(In accordance with RSA 676:4, I (b)) (Requires 3 adhesive mailing labels per abutter)
The landowner and professionals whose seal appears on the plan need to be on the abutter's list.
3. **Newspaper Notice Fee** \$150
4. **NRPC Escrow**
 - a. **Minor Subdivision/Site Plan (Up to 2 Units or Lots)** \$200
 - b. **Lot Line Adjustment** \$200
 - c. **Major Subdivision/Site Plan (3+ Units or Lots)** \$500
 - d. **Excavations** \$200/acre

Note: For all Escrow accounts the applicant will be billed by the Town for actual hours (in ¼- hour increments) at a \$70 hourly rate. *(Applicant is required to replenish any escrow balance immediately upon the balance falling below the allowed minimum or until final payment and/or release of said escrow by the Town.)*

5. **Consultant Fees** *(Any application that requires a Third-Party Review as determined by the board)*
 - a. **All fees shall be determined by the Reviewer selected by the Board and shall be paid prior to work commencement.**
6. **Recording Fees**
Items a through d to be paid upon town approval.
 - a. **Registry Filing Fee** *See Appendix G in Subdivision Regulations)*
 - b. **LCHIP Fee** \$25
 - c. **Tax Map Update Fee** \$25 per lot *(for total # of lots)*
 - d. **Administrative Filing Fee** \$25

B. SUBDIVISIONS RELATED FEES

1. **Voluntary Merger** \$12.50 plus \$4 per add'l page
2. **Lot Line Adjustment (No new lots created)** *per lot fee waived*
3. **General Subdivision** \$50 per lot *(for total # of lots)*

C. SITE PLAN RELATED FEES

No additional fees

D. EXCAVATION RELATED FEES

1. **Excavation Permit/Renewal (RSA 155-E:8)** \$50
2. **Annual Renewal Field Inspection/Report** TBD Hourly Rate

** This document is for informational purposes only. For additional information regarding fees, refer to the Town of Mason Subdivision, Site Plan Review, and/or Excavation regulations. In the case of any fee discrepancies, all Town regulations take precedent over this document.*

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		

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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	NA	
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	NA	
15. Any state or federal approvals.	Sec. 7. P.4	NA	
16. Information on number of employees, number of shifts.	Sec. 8. D.1	✓	
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	

THE DRIVING RANGE
MARTIN D. RUGGIERO
NICOLE RUGGIERO
96 OLD TURNPIKE ROAD PH. 603-878-1324
MASON, NH 03048

6/1/23
Date

5667
54-7/114
68

Pay to the
Order of

Town of Mason

\$ 500.00



America's Most Convenient Bank



Photo
Deposit
Details on Back

For ~~Appening board~~

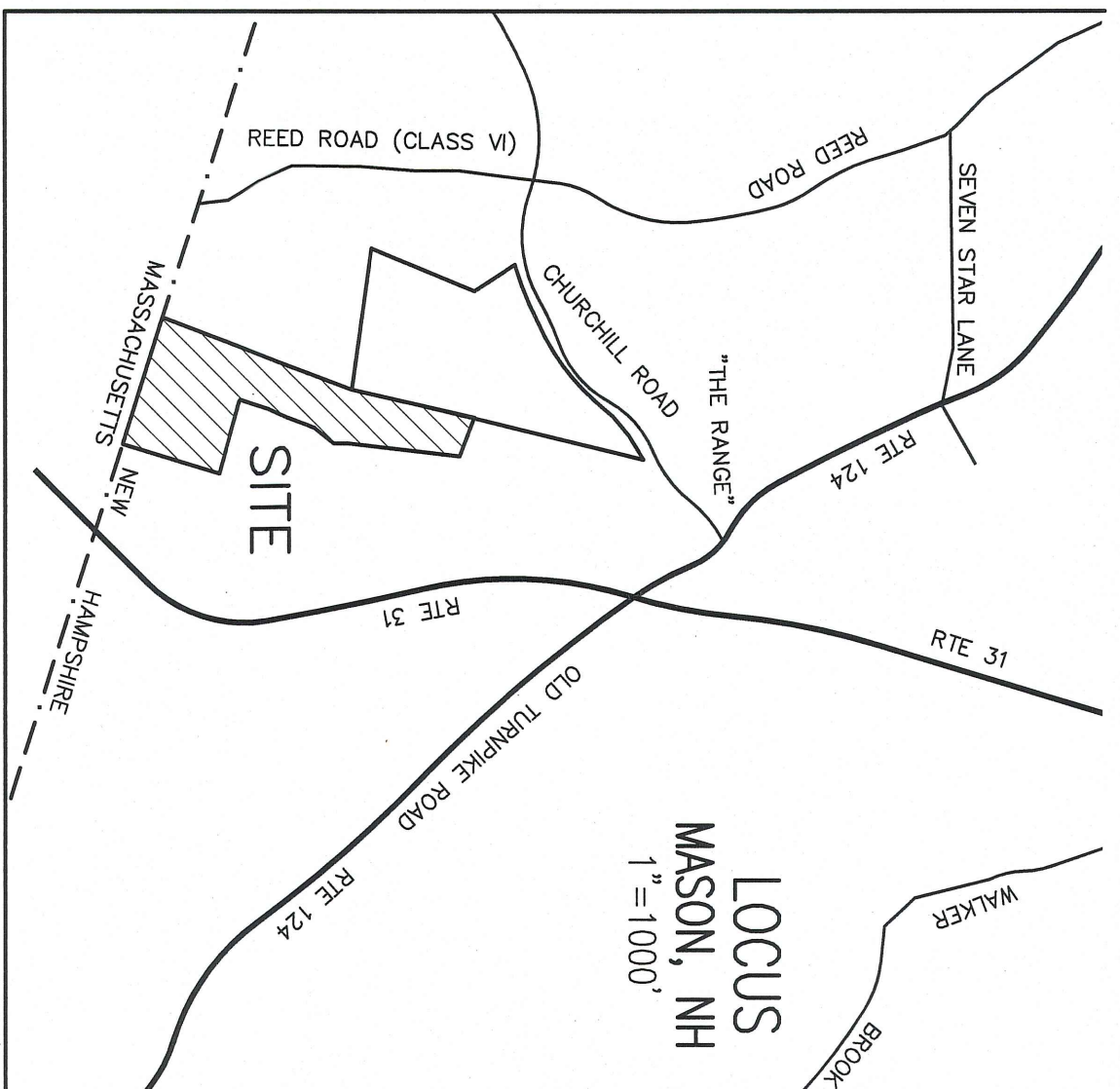
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MS

5667

TD Bank, N.A.

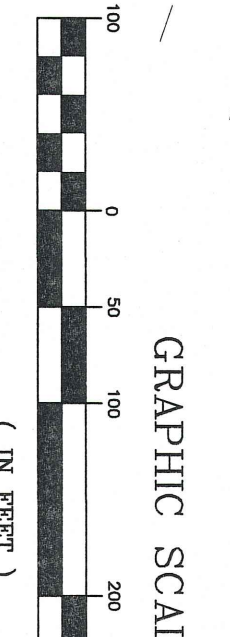
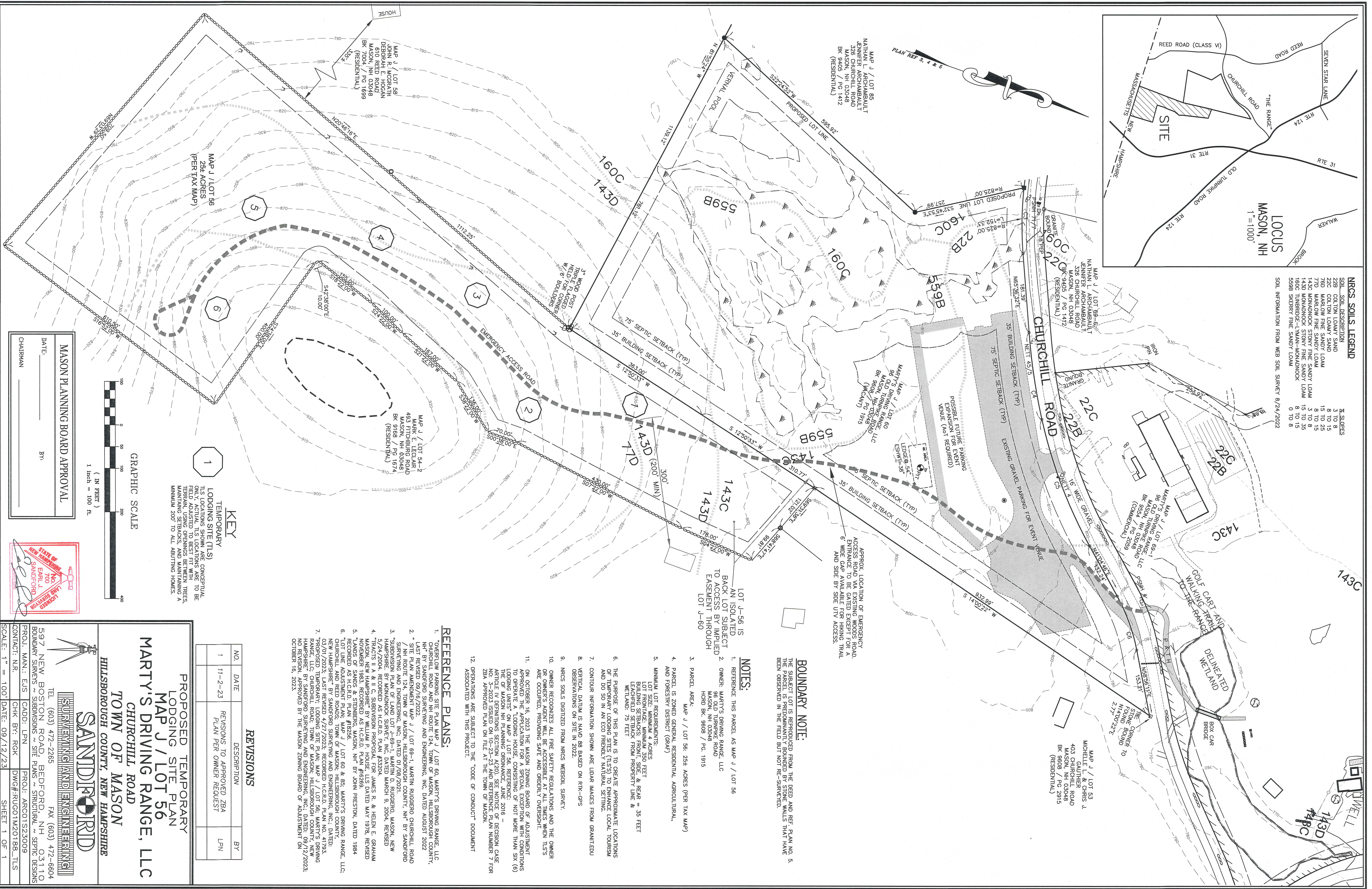
Handing Over



NRCS SOILS LEGEND

SOIL	% SLOPES
22B COLTON LOAMY SAND	3 TO 8
22C COLTON LOAMY SAND	8 TO 15
76D MARLOW FINE SANDY LOAM	15 TO 25
77D MARLOW FINE SANDY LOAM	9 TO 15
17D MONADNOCK STONY FINE SANDY LOAM	9 TO 15
143D MONADNOCK STONY FINE SANDY LOAM	15 TO 35
160C TUNBRIDGE-LYMAN-MONADNOCK	8 TO 15
559B SIBBERY FINE SANDY LOAM	0 TO 8

SOIL INFORMATION FROM WEB SOIL SURVEY 8/24/2022



KEY

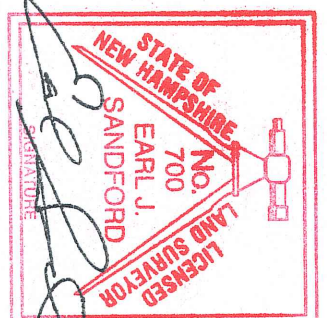
TEMPORARY LODGING SITE (T.L.S.)

T.L.S. LOCATIONS SHOWN ARE CONCEPTUAL ONLY. ACTUAL T.L.S. LOCATIONS ARE TO BE FIELD ADJUSTED TO BEST FIT WITH MAINTAINING SETBACKS AND MAINTAINING A MINIMUM 200' TO ALL ADJUTING HOMES.

MASON PLANNING BOARD APPROVAL

DATE: _____ BY: _____

CHAIRMAN: _____



LOT J-56 IS AN ISOLATED BACK LOT SUBJECT TO ACCESS BY IMPLEDED EASEMENT THROUGH LOT J-60

APPROX. LOCATION OF EMERGENCY ACCESS ROAD VIA EXISTING WOODS ROAD. 6' WIDE GAP AVAILABLE FOR HIKING TRAIL AND SIDE BY SIDE UTV ACCESS.

BOUNDARY NOTE:

THE SUBJECT LOT IS REPRODUCED FROM THE DEED AND REF. PLAN NO. 5. THE BOUNDARY INFORMATION SHOWN IS BASED ON THE SURVEY. FIELD OBSERVATIONS IN THE FIELD BUT NOT RE-SURVEYED.

NOTES:

1. REFERENCE THIS PARCEL AS MAP J / LOT 56
2. OWNER: MARTY'S DRIVING RANGE, LLC
96 OLD DRIVING RANGE ROAD
MARTY'S DRIVING RANGE, LLC
HBO BK. 9608 / PG. 1915
3. PARCEL AREA: MAP J / LOT 56: 256 ACRES (PER TAX MAP)
4. PARCEL IS ZONED GENERAL RESIDENTIAL AGRICULTURAL, AND FORESTRY DISTRICT (GRA)
5. MINIMUM LOT REQUIREMENTS:
LOT SIZE: MINIMUM 4 ACRES
BUILDING SETBACKS: FRONT, SIDE, & REAR = 35 FEET
LOT FRONTAGE: MINIMUM 350 FEET
MINIMUM 75 FEET FROM PROPERTY LINE & WETLANDS
MINIMUM 75 FEET
6. THE PURPOSE OF THIS PLAN IS TO CREATE APPROXIMATE LOCATIONS OF TEMPORARY LODGING SITES (T.L.S.) TO ENHANCE LOCAL TOURISM AND DO SO IN AN ECO FRIENDLY MANNER.
7. CONTOUR INFORMATION SHOWN ARE LIDAR IMAGES FROM GRANTED U OBSERVATIONS ON SITE IN 2022.
8. VERTICAL DATUM IS NAVD 88 BASED ON RTK-GPS
9. NRCS SOILS DIGITIZED FROM NRCS WEBSOL SURVEY.
10. OWNER RECOGNIZES ALL FIRE SAFETY REGULATIONS AND THE OWNER OR OWNER'S AGENT WILL BE ACCESSIBLE AT ALL TIMES WHEN T.L.S'S ARE OCCUPIED, PROVIDING SAFE AND ORDERLY OVERSIGHT.
11. ON OCTOBER 16, 2023 THE MASON ZONING BOARD OF ADJUSTMENT APPROVED THE APPLICATION FOR A SPECIAL EXCEPTION WITH CONDITIONS TO OPERATE A "LODGING HOUSE, CONSISTING OF NOT MORE THAN SIX (6) LODGING UNITS" ON MAP J LOT 56. REFERENCE: 2016 - 2023 ZONING BOARD OF ADJUSTMENT DECISION CASE NO. 3-2023 ISSUED ON 10-23-23 AND REFERENCE PLAN NUMBER 7 FOR ZBA APPROVED PLAN ON FILE AT THE TOWN OF MASON.
12. OPERATIONS ARE SUBJECT TO THE "CODE OF CONDUCT" DOCUMENT ASSOCIATED WITH THIS PROJECT.

REFERENCE PLANS:

1. "OVERFLOW PARKING SITE PLAN MAP J / LOT 60, MARTY'S DRIVING RANGE, LLC CHURCH HILL ROAD AND NH ROUTE 124, TOWN OF MASON, HILLSBOROUGH COUNTY, NH" BY SANDFORD SURVEYING AND ENGINEERING, INC. DATED AUGUST 2022
2. "LAST REVISED 09/16/2022"
3. "SITE PLAN AMENDMENT MAP J / LOT 60-1, MARTIN RUGGERO CHURCHILL ROAD SURVEYING AND ENGINEERING, INC. DATED 01/09/2021"
4. "SUBDIVISION PLAN OF LAND LOT 4-69-1, MARTIN D. RUGGERO, MASON, NEW HAMPSHIRE, BY MONADNOCK SURVEY, INC. DATED JAMES R. 2004, REVISED 5/24/2004, RECORDED AS H.C.R.D. PLAN #33204."
5. "TRACTS 11A & 11C, SUBDIVISION PROPOSAL FOR JAMES R. & HELEN E. GRAHAM NOVEMBER 1963, RECORDED AS H.C.R.D. PLAN #16269."
6. "LANDS OF SANDS & STENBERG, MASON, NH" BY JOHN PRESTON, DATED 1984
7. "RECORDED AS H.C.R.D. PLAN #18256 / LOT 60 & 85, MARTY'S DRIVING RANGE, LLC; NEW HAMPSHIRE" BY SANDFORD SURVEYING AND ENGINEERING, INC. DATED: 03/01/2023. LAST REVISED 4/27/2023. RECORDED H.C.R.D. PLAN NO. 41793.
8. "PROPOSED TEMPORARY LODGING SITE PLAN: MAP J / LOT 56, MARTY'S DRIVING RANGE, LLC, CHURCH HILL ROAD, TOWN OF MASON, HILLSBOROUGH COUNTY, NEW HAMPSHIRE, BY SANDFORD SURVEYING AND ENGINEERING, INC. DATED 09/12/2023; RECORDED AS H.C.R.D. PLAN #18256 / LOT 56, MARTY'S DRIVING RANGE, LLC, CHURCH HILL ROAD, TOWN OF MASON, HILLSBOROUGH COUNTY, NEW HAMPSHIRE, BY SANDFORD SURVEYING AND ENGINEERING, INC. DATED OCTOBER 16, 2023.

REVISIONS

NO.	DATE	DESCRIPTION	BY
1	11-2-23	REVISIONS TO APPROVED ZBA PLAN PER OWNER REQUEST	LPN

PROPOSED TEMPORARY LODGING SITE PLAN

MAP J / LOT 56

MARTY'S DRIVING RANGE, LLC

CHURCH HILL ROAD

TOWN OF MASON

HILLSBOROUGH COUNTY, NEW HAMPSHIRE



597 NEW BOSTON ROAD, BEDFORD, NH 03110
BOUNDARY SURVEYS ~ SUBDIVISIONS ~ SITE PLANS ~ STRUCTURAL ~ SEPTIC DESIGNS
PROJ. MAN.: EIS CADD: LPN PROJ.: ARC01523009
CONTACT: NR. CHK BY: ROK DWG#: RUG01M20188_TLS
SCALE: 1" = 100' DATE: 09/12/23 SHEET 1 OF 1

Glamping Business Plan

Experience nature in the Monadnock region.

Presented By: Nicole Ruggiero



Table of Contents

<u>Executive Summary</u>	03
<u>Business Description</u>	04
<u>Planning & Zoning Components</u>	05
<u>Organizational Structure</u>	06
<u>Competitor Analysis</u>	07
<u>The Future</u>	08



Executive Summary

Mission

To create a unique outdoor experience for guests to enjoy their natural surroundings.

Vision

To be a viable and sought after destination spot for ecotourism.

The Product	(6) Year-round, temporary rental lodging units strategically dispersed throughout property J-56. Note: Temporary can be defined as (up to) 30 days.
The Leadership	Nicole Ruggiero is the founder and Chief Executive Officer.
The Overall Industry	“The global glamping market size was USD 2.73 billion in 2022 and is expected to grow at a compound annual growth rate (CAGR) of 10.2% from 2023 to 2030. The increasing influence of social media among consumers is expected to create awareness about glamping and its benefits. In addition, major discounts, as well as irresistible holiday packages offered by various tourism sites, are expected to have a positive impact on the industry” (https://www.grandviewresearch.com/industry-analysis/glamping-market).
The Competitors	The Pines Campground offers basic tent site rentals and RV hook ups. There are a variety of hotels, motels, inns, and B&Bs within a thirty minute drive. Individual glamping sites (featuring a single yurt, canvas tent, or cabin on a homeowner’s property) can be found in Mason, Wilton, and Mont Vernon.
Future Plans	We are targeting a 10% profit increase by our 3rd year. One of our goals is to be self-sustaining by year 5.

Business Description



HIPCAMP



vrbo

About Glamp Monadnock

Glamp Monadnock will be a series of (6) lodging units of various styles of structures, fully furnished for guests to enjoy an easy transition into a luxurious, eco-friendly stay within nature. There will be an accessible central kitchen area for guests to enjoy meal preparation. The majority of business will take place between May through October, however the units will be equipped to handle all four New Hampshire seasons. At the base of the property will be a check-in unit where guests can meet with staff to answer any questions, provide information on the local area, assist with load-in and load-out as needed, and pick up and last minute necessities such as firewood bundles, bug spray and any basic first-aid supplies.



GLAMP
MONADNOCK

Planning & Zoning Components



Security & Safety

- 20 ft. maintained access road with central turnaround
- On-site staff will enforce access / crowd control for the sites on concert / large event evenings and will remain on-site until concert patrons have fully dispersed from the venue and associated parking lots.
- Guests will be provided a Code of Conduct prior to their stay to adhere to property guidelines



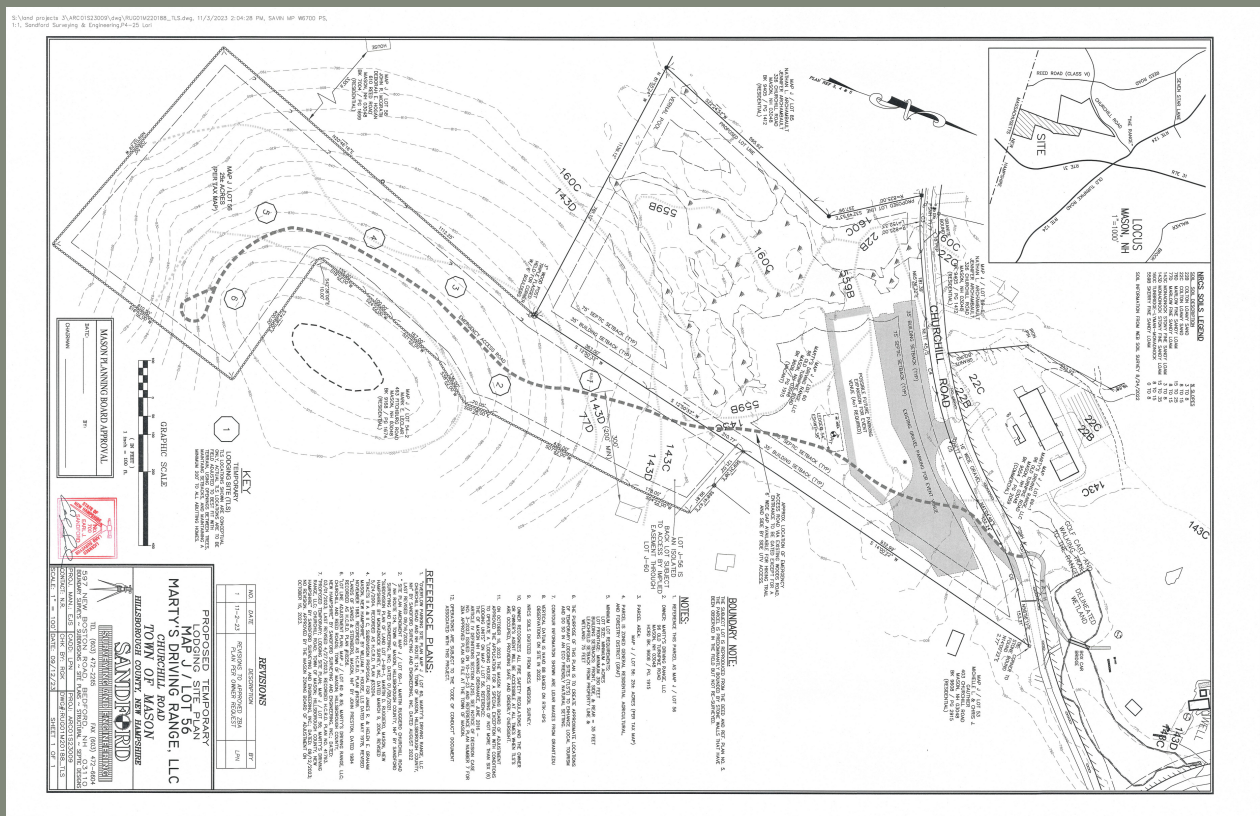
Sanitation & Water Supply

- Each site will be provided with a 5gallon potable water container
- There will be adequate eco-friendly toilets provided for guests.
- Any waste is to be properly secured and disposed of by guests on site; staff will empty receptacles.



Fire Safety

- Each site will be provided with a CO2/smoke detector and fire extinguisher
- The business will adhere to the state of New Hampshire's Fire Codes
- Guests will be properly notified of fire bans



★ NOTE: SITE PLAN WILL BE EDITED PER UPCOMING REQUIREMENTS

Organizational Structure

Founder and CEO

- Managing booking platforms and rental calendars
 - Managing staffing and marketing plans
 - Organizing and creating guest experience packages
-

Booking and Guest Services

- Our booking partners (ie. Hipcamp, AirBNB, and VRBO) provide booking and guest services to renters through their reputable websites and apps. Other perks to utilizing these platforms include ease of calendar control and cross utilization between platforms; supplemental insurance policies and marketing; visibility of property guidelines and rules prior to rental.
-

Staffing

- On-site during concert / large events to ensure crowd control; glamping access is designated to renters and their guests only.
 - Guest check-ins, load-ins, and load-outs as necessary.
 - Cleaning rental sites after check-out and properly disposing of waste from the property.
 - Receiving and responding to calls and messaging in a timely and effective manner.
-

Marketing and Public Relations

- Creation and management of website and calendars
- Creation and upkeep of social media channels, content creation, photo and video content, and guest interaction
- SEO keywords and tracking

Competitor Analysis

Glamp Monadnock

SWOT Table

Strengths	Weaknesses	Opportunities	Threats
<ul style="list-style-type: none"> Established presence in the area Ability to generate income on current land parcels in a way that coincides with the town's preservation goals Cross-promotion with "The Range" provides built-in marketing 	<ul style="list-style-type: none"> Limited natural landmarks for marketing appeal (ie. being lake-front, close proximity to specific points of interest, or having a mountain-view); relying on the business to develop unique selling points Incessant tension with surrounding neighbors Lack of amenities (showers) 	<ul style="list-style-type: none"> Collaborative efforts within the community to develop a superior guest experience Packaging weekend experiences with the existing business ("The Range") via concerts, private, and public events, restaurant, etc. Year-round rental potential (XC Skiing; Snowshoeing; Holiday / festive activities) 	<ul style="list-style-type: none"> Climate and environmental factors beyond the business's control Competitors with stronger social media presence Competitors with more appealing geographical features / landmarks and/or amenities

Our Value Offering

Minimal accommodations within the region make *Glamp Monadnock* an opportunistic entity in itself. This business will be more in tune with the luxuries one would see from a hotel rather than a campground, making The Pines Campground, located in Ashby, Massachusetts, a viable partner rather than a threat. Surrounding communities, such as Temple and Jaffrey, offer Bed & Breakfasts and Inns, appealing to a specific demographic, not directly impacting the *Glamp Monadnock* target audience.

Future Plans & Milestones

Increase customer retention

We will use customer-centric strategies to expand our consumer base.

Increase profit by 10%

We will grow our business through luxury-inspired stays, unique offerings, and satisfactory guest service.

Become a top player in the area

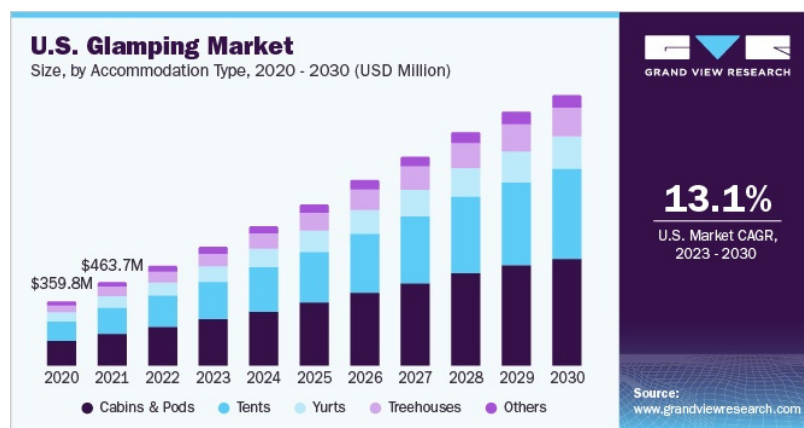
We will become the go-to rental accommodations in our target area.

Hyper-focus on guest experience

We will creatively package and promote various local activities and products to amplify the guest experience while supporting local economy and small business.

Elevating And Expanding Our Brand

While the initial marketing plan will piggyback off of “The Range” and their established network, *Glamp Monadnock* will become self-sufficient as a standalone business, financially sustaining itself as local accommodations in the Monadnock region. Gradually developing the sites into the luxury sector as well as creating a profitable “add-on” list of local experiences and products will adequately position *Glamp Monadnock* for success, despite the business’s weaknesses shown in the SWOT Analysis Table (page 07).





Town of Mason, NH
Zoning Board of Adjustment

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

NOTICE OF DECISION - Approved

Case No: 3-2023

Applicant: Nicole Ruggiero – Marty’s Driving Range LLC,
96 Old Turnpike Rd.
Mason, NH 03048

You are hereby notified that your application for a **Special Exception with Conditions** to operate a **“Lodging House”** on **Tax Map J Lot 56** under Article VIII Section A, 2, D, (a) (b) and (c) of the Town of Mason Planning Ordinance has been **APPROVED with CONDITIONS** by vote of the Town of Mason New Hampshire Zoning Board of Adjustment.

A **Lodging House** is defined as “a building, or portion thereof, or a group of buildings on a single lot, intended to be used for temporary accommodation, consisting of not more than **six (6) lodging units** with or without meals and which provision for cooking may be made in a central kitchen, but may not be in the individual rooms or suites.”

Reference: Town of Mason NH Planning Ordinance, June 2016 - Article IV DEFINITIONS Section A (20).

See page 2 of this document for the detailed description of the Conditions attached to this approval by the Town of Mason Zoning Board of Adjustment. The Approval with Conditions is also contingent upon Site Plan approval by the Town of Mason Planning Board.

Bob Young

Chair, Zoning Board of Adjustment

Date: October 23, 2023



Town of Mason, NH
Zoning Board of Adjustment

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

Conditions of Approval for Case 03-2023

<u>Standard</u>	<u>Conditions</u>
<u>A 01</u>	<u>None</u>
<u>A 02</u>	On concert dates/large event evenings, the Applicant will provide on-site staff/security member(s) to enforce access/crowd control to and at the lodging site, limiting access to renters only. Staff/Security will remain on-site until concert patrons have fully dispersed from the venue and associated parking lots.
<u>A 03</u>	<u>None</u>
<u>A 04</u>	<u>None</u>
<u>B 01</u>	<u>None</u>
<u>B 02</u>	<u>None</u>
<u>B 03</u>	<u>None</u>
<u>B 04</u>	No on-street parking. Parking for renters is allowed on properly permitted locations only.
<u>B 05</u>	The use of Lot J-60 in conjunction with Lot J-56 must be in compliance with all applicable statutes and regulations.
<u>B 06</u>	The Planning Board site plan review will address: <ul style="list-style-type: none"> • Waste disposal • Sanitation • Potable water • Other disposal requirements.
<u>B 07</u>	<u>None</u>
<u>B 08</u>	Sound and Light control is the sole responsibility of the applicant. Management of sound and light is very difficult at night in a Rural setting. The Applicant must: <ul style="list-style-type: none"> • Provide a contact number for residents of the area to report noise and light issues. • Calls to the contact number regarding noise and light will be addressed in a timely manner. • The Lodgers “Code of Conduct” will address these requirements.
<u>B 09</u>	<u>See A 02</u>
<u>B 10</u>	<u>None</u>
<u>B 11</u>	<u>None</u>
<u>B 12</u>	<u>None</u>
<u>B 13</u>	<u>None</u>



TOWN OF MASON, NH - PLANNING BOARD

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

Planning Board Website - (http://www.mason-nh.org)



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

Phone: (603) 417-6570

NASHUA REGIONAL PLANNING COMMISSION
STAFF REVIEW

Project Name: Marty's Driving Range Site Plan - Glamping Case Number: 23-03
Plan (Plat)/Revision Date: September 12, 2023 Tax Map: J Lot #: 56

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

EXECUTIVE SUMMARY:

Marty's Driving Range is seeking to establish "glamping" on lot J-56. The short-term rental accommodations will consist of low impact tents from the Company Tentr, who will also address all maintenance.

J-56 does not have road frontage. The tent sites will be accessed via an existing cart path that passes through adjacent lot J-60 and Marty's Driving Range on Lot J-69-1 across Churchill Road. The existing parking lot for Marty's Driving Range will also be used for glamping customers.

This use will require an approved special exception. An application for a special exception has been submitted to the ZBA.

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: N/A

Fees: Verified and paid.

Department Head Feedback:

Fire Chief - Submitted report on 11/28 with concerns and applicable fire codes. Fire code compliance will be evaluated at inspections. Additional concerns include inadequate staffing to meet potential needs.

Police Chief - Emailed on 12/1, "I met with Nicole as she was required to for the security plan and told her PD was requiring a licensed, armed security guard on site on concert nights at the glamping site until at least 4:30am."

Road Agent - Emailed on 12/4, "Highway Department has no issues with the glamping."



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Issues:

- The ZBA has approved the application and issued a NOD. All final decisions by the Planning Board should conform with the conditions in the ZBA NOD for ZBA case 03-2023 dated October 23, 2023. *Conditions to be met in ZBA NOD:*
 - On concert dates/large event evenings, the Applicant will provide on-site staff/security member(s) to enforce access/crowd control to and at the lodging site, limiting access to renters only. Staff/Security will remain on-site until concert patrons have fully dispersed from the venue and associated parking lots.
 - No on-street parking. Parking for renters is allowed on properly permitted locations only.
 - The use of Lot J-60 in conjunction with Lot J-56 must be in compliance with all applicable statutes and regulations.
 - **The Planning Board site plan review will address:**
 - Waste disposal
 - Sanitation
 - Potable water
 - Other disposal requirements.
 - Sound and Light control is the sole responsibility of the applicant. Management of sound and light is very difficult at night in a Rural setting. The Applicant must:
 - Provide a contact number for residents of the area to report noise and light issues.
 - Calls to the contact number regarding noise and light will be addressed in a timely manner.
 - The Lodgers "Code of Conduct" will address these requirements.
- Access needs to be addressed. The Superior Court Decision for the Town of Mazon BOS v. The Town of Mason ZBA reversed the ZBA's decision on lot J-60 stating that a special exception was not needed to create an overflow parking lot. As of now, the creation of an overflow parking lot for seasonal outdoor entertainment does not have approval and cannot serve as the access to the glamping sites on lot J-56.
- NHDES letter dating September 13, 2023 was sent to Marty's Driving Range detailing an outstanding request pertaining to an after-the-fact Alteration of Terrain permit for lot J-60. NHDES requested Marty's Driving Range to advise on this matter by September 22, 2023. Was this compliance deadline met? The Planning Board should request documentation of compliance from NHDES. – Staff spoke with Nicole Ruggiero on 11/27 and Sanford Survey is working on submitting an AoT permit for lot J-60. Nicole is working to get a letter from NHDES on the status of lot J-60 and verification of any or no impacts to the proposed site plan for neighboring lot J-56. Please note, the State is currently very short-staffed, and correspondence may take longer. Nicole is NOT planning on using the proposed parking lot on J-60 for glamping. **Staff has since reached out to NHDES starting on 12/12 and has not received verification that activities on J-60 will not affect the proposed glamping.**
- Stormwater shall not adversely impact abutters
- Access trail needs to be 20ft wide and maintained to accommodate fire apparatus and other emergency vehicles.
- Is there an adequate buffer between the glamping sites and abutters?
- Verify provisions for water, wastewater, and solid waste.
- Where is the check-in and what is the check-in process?

Changes to Plat Needed:

- Add check-in shed
- Use 2ft Topography intervals
- Verify that J-56 is not in current use
- Update access trail to be 20ft wide



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Phone: (603) 417-6570

BACKGROUND

Tax Map / Lot: Existing: J-56

Area / Acres, Ft.²: 25.2 acres

Current Land Use: Undeveloped.

Steep Slopes: None

Road Access / (Closest Intersection): Churchill Rd and Reed Rd (no direct road frontage)

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 pending resolution of NHDES issues)
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

CONDITIONS OF APPROVAL

- 6 Plan copies with professional seals & signatures
- 1 Original Mylar with professional seals & signatures



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-
- 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.

****NOTE:** The following document was prepared by the State of NH Office of Planning and Development. **The proposed amendments need to be adopted by the Town of Mason to continue compliance with the National Flood Insurance Program (NFIP). Not complying with requirements of the NFIP can result in loss of insurance coverage.**

Changes to Mason’s Regulations related to Floodplain Development in reference to the National Flood Insurance Program

The following are the changes that were identified during a review by the NH Office of Planning and Development on February 1, 2023, of *Mason’s Planning Ordinance, Site Plan Review Regulations, and Subdivision Regulations*.

Results of our review include:

- Amendments to Mason’s regulations included in the Town’s Planning Ordinance.
- Amendments to Mason’s Site Plan Review Regulations.
- Mason’s Subdivision Regulations include the required language. No amendments have been provided.

Once any changes have been adopted, please send a copy (electronically) to Alvina Snegach at the NH Office of Planning & Development at alvina.snegach@livefree.nh.gov. If there are any questions of this document, please contact our office at 603-271-1755 or by email as noted above.

Please note that the following text is for review purposes only and should be used as a reference to revise your existing regulations. Any revisions should be made in your source document. It is strongly recommended that the community review these revisions in comparison with the community’s existing regulations for spelling, grammar, accuracy, and clarity.

(~~strikethrough text~~ means delete text, **highlighted text** means add text).

APPENDIX A: NH MODEL FLOODPLAIN DEVELOPMENT ORDINANCE

New Hampshire Model Floodplain Development Ordinance For Communities with Special Flood Hazard Areas

Meets the Minimum Requirements of Section 60.3 (b) of the National Flood Insurance Program Regulations

Written by the Federal Emergency Management Agency (FEMA)

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the *Town of Mason Floodplain Development Ordinance*. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Mason Planning (Zoning) Ordinance and shall be considered part of the Planning (Zoning) Ordinance for purposes of administration and appeals

under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Planning (Zoning) Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Hillsborough, NH" dated September 25, 2009 or as amended, together with the associated Flood Insurance Rate Maps (FIRM) dated September 25, 2009 or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.

Item I Definition of Terms:

The following definitions shall apply only to this Floodplain Development Ordinance, and shall not be affected by, the provisions of any other ordinance of the Town of Mason.

"Area of Special Flood Hazard" is the land in the floodplain within the Town of Mason subject to a one percent or greater possibility of flooding in any given year. The area designated as Zone A on the Flood Insurance Rate Map (FIRM).

"Base Flood" means the flood having a one percent possibility of being equaled or exceeded in any given year.

"Base Flood Elevation" (BFE) means the elevation of surface water resulting from the "base flood."

"Basement" means any area of a building having its floor subgrade on all sides.

"Building" - see "structure".

"Development" means any man made change to improved or un improved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operation, or storage of equipment or materials .

"FEMA" means the Federal Emergency Management Agency.

"Flood" or *"Flooding"* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters.
2. the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Study" means an examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood related erosion hazards.

"Flood Insurance Rate Map" (FIRM) means an official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones

applicable to the Town of Mason.

“Flood Opening” means an opening in a foundation or enclosure wall that allows automatic entry and exit of floodwaters. See FEMA “Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures.”

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

"Floodway" - see "Regulatory Floodway" .

~~*"Functionally dependent use"* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship-building/repair facilities but does not include long-term storage or related manufacturing facilities.~~

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-

elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days. This includes manufactured homes located in a manufactured home park or subdivision.

"Manufactured home park or subdivision " means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929, **North American Vertical Datum (NAVD) of 1988**, or other datum, to which base flood elevations shown on a communities Flood Insurance Rate Map are referenced.

"New Construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such improvements.

~~*"100-year flood"*~~ - see *"base flood"*

"Recreational vehicle" means a vehicle which is

- a) built on a single chassis;
- b) 400 square feet or less when measure at the largest horizontal projection;
- c) designed to be self-propelled or permanently towable by a light -duty truck; and
- d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. These areas are designated as floodways on the Flood Boundary and Floodway Map.

"Special flood hazard area" (See - "Area of Special Flood Hazard")

"Structure" means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Start of Construction " includes substantial improvements, and means the date the building

permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." ~~any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".~~

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 Code of Federal Regulations (CFR) § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, **North American Vertical Datum (NAVD) of 1988**, (or other datum, where specified,) of floods of various magnitudes and frequencies in the floodplains.

Item II.

All proposed development in any special flood hazard areas shall require a building permit.

Item III.

The building inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

- i. be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- ii. be constructed with materials resistant to flood damage,
- iii. be constructed by methods and practices that minimize flood damages,
- iv. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Item IV.

Where new or replacement water and sewer systems (including on -site systems) are proposed in a special flood hazard area the applicant shall provide the Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on -site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

Item V.

For all new or substantially improved structures located in special flood hazard areas, the applicant shall furnish the following information to the building inspector:

- a) the as-built elevation (in relation to **mean sea level NGVD**) of the lowest floor (including basement) and include whether or not such structures contain a basement.
- b) if the structure has been floodproofed, the as-built elevation (in relation to **mean sea level NGVD**) to which the structure was floodproofed.
- c) any certification of floodproofing.

The Building Inspector shall maintain for public inspection, and shall furnish such information upon request.

Item VI.

The Building Inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

Item VII.

1. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands **Bureau** ~~Board~~ of the New Hampshire Environmental Services Department and submit copies of such notification to the Building Inspector, in addition to the copies required by the RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau.
2. The applicant shall submit to the Building Inspector, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
3. The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located Zone A meet the following floodway requirement:

"No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge."

Item VIII.

1. The Building Inspector shall obtain, review, and reasonably utilize any **base flood elevation** ~~+100-year flood elevation~~ data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals). **Where a base flood elevation is not available or not known for Zone A, the base flood elevation shall be determined to be at least 2 feet above the highest adjacent grade.**
2. The Building Inspector's **base flood elevation** ~~+100-year flood elevation~~ determination will be used as criteria for requiring in zone A that:
 - a. all new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the **base flood elevation** ~~+100-year flood elevation~~;

- b. that all new construction or substantial improvements of non -residential structures have the lowest floor (including basement) elevated to or above the **base flood elevation** ~~100-year flood level~~; or together with attendant utility and sanitary facilities, shall:
- i. be floodproofed so that below the **base flood elevation** ~~100-year flood elevation~~ the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - iii. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;
- c. all manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the **base flood elevation** ~~100-year flood elevation~~; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over - the -top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
- d. recreational vehicles placed on sites within zone A shall either (i) be on the site for fewer than 120 consecutive days; (ii) be fully licensed, **on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions and ready for highway use**; or (iii) meet all standards of **this ordinance** ~~Section 60, 3,(b) (1) of the National Flood Insurance Program Regulations~~ and the elevation and anchoring requirements **in this ordinance**. ~~for "Manufactured Homes" in Paragraph (c)(6) of Section 60.3.~~
- e. for all new Construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements: (1) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage; (2) the area is not a basement; (3) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two **flood** openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

Item IX Variances and Appeals:

1. Any order, requirement, decision or determination of the building inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
 2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(~~b~~), the applicant shall have the burden of showing in addition to the usual variance standards under state law:
 - a. that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
 - b. that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
 - c. that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 3. The Zoning Board of Adjustment shall notify the applicant in writing that: (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
 4. The community shall (i) maintain a record of all variance actions, including their justification for their issuance, and (ii) report such variance s issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.
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The language below must be included in the Subdivision Regulations and Site Plan Review Regulations of communities that participate in the National Flood Insurance Program. It appears to be missing from Mason's Site Plan Review Regulations.

For subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

- a) The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- b) The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
- c) The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a

determination that:

- a. all such proposals are consistent with the need to minimize flood damage;
- b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
- c. adequate drainage is provided so as to reduce exposure to flood hazards.

Reviewing Mason Land Use Laws and Regulations against SB78 – Changes to Security Requirements

10/24/2023

INTRODUCTION

SB78 – Amends RSA 674:36, III and IV establishes requirements and limits on the security (escrow) required for **street work and utility installations, landscaping, final pavement, and fire suppression systems** under **subdivision regulations** regarding **completion of improvements prior to final approval**. Requires planning board to let improvements begin without posting of bond/security as long as bond is in place prior to sale of any parcel or an application for a building permit for structures.

SB78 Review:

[1] The new law requires the PB to allow at least two types of security, such as a letter of credit, cash, or passbook. No forfeiture or automatic call bonds are allowed.

[2] On the estimate of costs, the new law allowed escalation factors up to 15 percent; however, no cost increases are allowed for engineering, administration, or other non-construction reasons.

[3] The new law requires the PB to allow at least two types of security, such as a letter of credit, cash, or passbook. No forfeiture or automatic call bonds are allowed.

[4] The new law dictates that the PB must allow improvements to begin without posting bond/security as long as bond is in place prior to sale of any parcel or an application for a building permit for structures. Nevertheless, PB still has the option to require an on-site engineer to inspect construction of infrastructure that isn't bonded.

[5] Partial releases of securities are prescribed "when substantial improvements are made" during the course of project building. There appears to be no minimum time constraints on when this may occur and the new law imposes set time limits on the inspection and notification for non-compliance, as well as bond release after final sign off.

SUBDIVISION REGULATIONS – PROPOSED LANGUAGE

Section 2. Definitions

SUBDIVISION AGREEMENT: Shall mean the written agreement between the Planning Board and the applicant in which transitory conditions and agreements are listed. Only such submitted information as has temporary relevance (such as details of construction-phase erosion control or inspections, **performance guaranty bonding**, and so on) may be omitted from the Registered Submission and handled separately in the Subdivision Agreement.

PERFORMANCE GUARANTEE. Any security such as a letter of credit, cash, or passbook that may be approved by the Board and accepted by the municipality as a guarantee that the improvements or other activity required as part of, or in connection with, an approved plat and the development contemplated thereby are satisfactorily completed.

Section 4 – Plan Requirements

4.04 Legal Data Required

1. Where applicable to a specific subdivision, the following are required, in form as approved by the Town Attorney, prior to approval of the Plat:
 - a. Agreement to convey to the Town land to be used for streets, open space and other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts such land.
 - b. Easements and rights-of-way over property to remain in private ownership.
 - c. Rights to drain onto or across other property, whether public or private, including a street.
 - d. Performance ~~guarantee as bond~~ described in Section 4.06.

4.06 PERFORMANCE ~~GUARANTEE AND MAINTENANCE BONDS~~

1. Except in the case of a subdivision in which each lot is on an existing improved Town road, no subdivision Plat filed with the Board shall be approved until the subdivider shall have filed with the Board an engineer's estimate, acceptable to the Board, of costs of streets, public improvements, drainage structures and other utilities, together with maps, plans, and supporting data, accompanied by a performance guarantee. ~~either a performance bond, irrevocable letter of credit or a combination of a performance bond or irrevocable letter of credit and cash or saving bank book:~~

- ~~a. A performance bond, issued by a surety company authorized to do business in New Hampshire, or an irrevocable letter of credit to be filed with the governing body in form and amount satisfactory to it; or~~
- ~~b. Cash, or savings bank book properly endorsed to the Town of Mason in an amount to be determined by the governing body, and to be deposited with it.~~

~~2. The amount of performance bond is to include fees for inspection of improvements by the appropriate Town agents.~~

~~The amount of the performance guarantee will be determined by the Board based on an estimate of costs provided by the applicant, and a review by the Consulting Engineer, at the expense of the applicant. The estimate of costs may use escalation factors up to 15 percent based on projected inflation rates applicable to such costs; however, no cost increases are allowed for engineering, administration, or other non-construction reasons.~~

~~3. Any required performance guarantee shall be posted prior to the sale of any parcel or an application for a building permit for any structures. However, if the performance guarantee is not posted prior to the construction of the improvements, a third-party engineer is required to inspect construction of infrastructure at cost to the Applicant.~~

3. In the case of electric lines or other utilities to be installed by a public utility corporation or a municipal department, a statement shall be received in writing from such public utility, corporation or municipal department that the work shall be done within a reasonable time and without expense to the Town of Mason and that the utilities shall be placed underground, if this has been agreed.

4. Each approval of a Plat shall contain a time limit within which streets and public improvements shall be completed, not to exceed three (3) years, unless extended with the owner's consent by the Planning Board.

5. Partial releases of securities are prescribed when substantial improvements are made as to be determined by an inspection by the municipality. Inspections shall be completed within 30 business days of written request delivered by hand or sent by courier. Notification by the municipality of non-compliance shall be sent within 15 business days of the inspection. Any fix must be completed within 30 days of receipt of notification, and reinspection must occur within 15 business days of notification that the fix has occurred. All performance guarantees shall be released within 90 days of final sign off.

~~5. The performance guaranty shall not be released until:~~

~~a. The governing body has certified completion of the public utilities and improvements in substantial accordance with the requirements; and~~

~~b. Deeds covering land to be used for public purposes, easements, and rights of way over property to remain in private ownership, and rights to drain onto or across private property are submitted in a form satisfactory to the Town Attorney.~~

6. All recording fees shall be borne by the subdivider.

7. Upon completion of improvements and approval by the Town of Mason agent, surety covering maintenance of roads and improvements for a period of two (2) years from completion may be required in an amount based on the cost of such improvements, as determined by the Town of Mason.

Section 5 – Subdivision Design and Standards

5.19 Erosion and Sediment Control

C. Control of Erosion & Sediment

3. Erosion and Sediment Control Plan

e. Conditions Relating to Erosion and Sediment Control

(i) The estimated costs of measures required to control erosion and sediment, as specified in the certified plan, may be covered in a ~~performance guarantee performance bond or other assurance~~ acceptable to the Planning Board.

SITE PLAN REVIEW REGULATIONS – PROPOSED LANGUAGE

Section 3. General Definitions and References

E. "Site Development Agreement" means the written agreement between the Planning Board and the applicant in which transitory conditions and agreements are listed. Only such submitted information as has only temporary relevance (e.g. details of construction phase erosion control or inspections, ~~performance guarantee bonding~~, etc.) may be omitted from the Registered Submission and handled separately in the Site Development Agreement.

Section 6. Fees and Securities

Refer to Appendix A, Instructions for Site Plan Review Applicants, for a schedule of current fees.

A. A fee of one hundred dollars (\$100.00) shall be paid by the applicant upon submission of the Site Plan. In addition, the Planning Board may impose fees to cover newspaper notices, abutter notification, administrative expenses, costs of special investigative studies, review of documents, inspections, or other matters which may be required by particular applications. The application fee may be waived by the Board in cases where the Board has waived most of the provisions of Site Plan Review. Fees to cover expenses may still be imposed.

B. All applications will be reviewed by the Board's Planning Consultant. The cost for review will be charged on an hourly basis and will include an hourly fee of \$5.00 for Town administrative costs and shall be paid by the applicant to the Town of Mason prior to the Planning Board taking action on an application. Upon receipt of an application, the Board's Planning Consultant will issue a notice of receipt and a preliminary cost estimate to the applicant – actual review times and associated fees will vary depending on the complexity of each application. Refer to Appendix A – Instructions for Applicants for the most current hourly rates.

C. When the Planning Board decides that it needs to hire a consulting expert to review some aspect of the plan, the following procedure will be followed:

1. The Planning Board will request an estimate of the cost of such review from its consulting expert,
2. This estimate will be forwarded to the applicant for approval,
3. The applicant will pre-pay the amount of the estimate to the Town of Mason,
4. The Planning Board, upon receipt of these funds, will authorize the work by its consultant up to the pre-paid amount; funds left over after the completion will be refunded to the applicant.
5. In case of cost over-runs, the Planning Board will use the same procedure to procure a cost estimate, approval and pre-payment by the applicant, and to authorize the further work.

D. The Planning Board may require, in lieu of the completion of street work and utility installations prior to the final approval of a site plan, that a performance ~~guarantee bond~~ be filed in accordance with Section 4.13 of the Subdivision Regulations. This ~~performance guarantee bond~~ shall be adequate to

cover all costs, including construction, erosion control, site restoration, etc., of bringing the site into full compliance with the terms of the Site Plan approval.

E. The Planning Board may require that pre-payment be made, or ~~an adequate performance guarantee~~ ~~be adequate bonding~~ provided, for the anticipated costs of hiring its consulting experts for inspections and monitoring during the development phase.

F. If the Planning Board determines that the proposed use presents sufficient hazards to the Town resources or environment to require a permanent monitoring program, the Planning Board may require that such a permanent monitoring program be part of the Site Plan; such an agreement shall be part of the "Registered Submission", recorded at the Registry of Deeds, binding upon all subsequent owners, and secured in a manner acceptable to the Planning Board and to Town Counsel.

G. If the Site Plan development requires work on Town property or facilities, the Planning Board shall require proof of contractors and public liability insurance for both personal injury and property damage in limits of not less than one million (1,000,000.00) dollars each; such policies to remain in effect until all work has been completed and all performance ~~guarantees bonds~~ and escrows have been released.

H. Fees are non-refundable.

Section 7. General Standards and Requirements

H. The proposal shall include adequate provision for water supply and wastewater, sewage, and solid waste disposal. The water supply, sewage disposal, and setback requirements included in Section 4.15 of the Subdivision Regulations and in Section 9 of this Regulation shall be met and the sewage and waste disposal systems shall in addition meet all State requirements without waivers. The proposal shall include an acceptable waste management plan for wastes other than a) wastewater or sewerage disposed of in the on-site septic system or b) household or commercial waste acceptable to the Town facilities at the Wilton Recycling Center. Said plan shall show how surface and groundwater quality will be protected. The Board may require a performance ~~guarantee bond~~ sufficient to cover costs resulting from failure of the applicant or its agents to adhere to the waste management plan.

O. A proposal that uses or produces hazardous materials (toxic, corrosive, noxious, polluting, explosive, or flammable materials).

1. shall record the location, capacity, and contents of every existing or proposed storage facility (defined as any tank, lagoon, pit, or similar structure intended for the storage of materials, whether in liquid or solid form),

2. shall show the provisions for the protection of storage facility integrity from traffic, fire, vandalism, or other accident sources, provisions for the protection of the public and property from the storage facility contents, provisions for the timely detection, complete containment, and clean-up of leaks or other failures, and a ~~performance guarantee provisions for bonding~~ adequate to provide for clean up after storage facility failure and for such preventative maintenance as may be required to protect the public safety.

P. The following shall be provided by the applicant prior to final approval:

1. Certification from the Fire Department that the proposed Site Plan does not present unusual hazards to life or property from fire or other hazards, that the access is adequate for fire fighting equipment, that the supply of, and access to, fire fighting water is adequate, and, if water storage is supplied as part of the Site Plan, that the storage facility is accessible, not subject to degradation, maintainable, and protected as necessary to ensure that no liability to the Town results.
2. Certification from the Highway Department that the class of Town roads is correctly represented, that all Town culverts are correctly shown, that proposed changes or additions to the Town drainage system are acceptable, and that any proposed changes to Town roads or facilities are acceptable.
3. Certification from the Board of Selectmen that the provisions for a **performance guarantee bonding** and insurance are acceptable and complete.
4. Such approvals from any State or Federal agencies as are required (copies of the approved plans are to be submitted)

Section 8. Submission Requirements

B. Five (5) paper copies of a site plan at a scale sufficient to review all of the required items, but at no more than 40 feet to the inch. This site plan shall be suitable for the "Registered Submission" and shall include all information pertaining to long-term features, uses, or restrictions of the site (topography, setbacks, hydrology, soils and soil test data, roads, structures, utilities, etc.) which is provided to the Planning Board as a basis for its decision. Only such submitted information as has only temporary relevance (e.g. details of construction phase erosion control, **performance guarantee bonding**, etc.) may be omitted from the plans and handled separately in the Site Development Agreement.

Section 10. Control of Erosion & Sedimentation

5. Conditions Relating to Soil Erosion and Sediment Control

- a. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered by a **performance guarantee in a performance bond or other assurance** acceptable to the Planning Board.

Section 11. Approval

H. Approved site plans shall be protected from future changes in regulations and ordinances in accordance with NH RSA § 674:39 as summarized by the following:

1. Every site plan approved by the planning board shall be exempt from all subsequent changes in site plan regulations and zoning ordinances adopted by the Town of Mason, except those regulations and ordinances which expressly protect public health standards, such as water

quality and sewage treatment requirements, for a period of 4 years after the date of final approval of the site plan by the Planning Board; provided, however, that once substantial completion of the improvements as shown on the plans have occurred in compliance with the approved plans, or the terms of said approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in site plan regulations or zoning ordinances shall operate to affect such improvements; and further provided that:

a. Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved plans within 12 months after the date of approval (final endorsement by the Planning Board), or in accordance with the terms of the approval, and, if a ~~performance guarantee bond or other security~~ to cover the costs of roads, drains, or sewers is required in connection with such approval, ~~such performance guarantee bond or other security~~ is posted with the Town, at the time of commencement of such development;

Section 12. Occupancy

No development or building may be occupied or used unless a completion certificate has been issued by the Building Inspector. The Building Inspector shall not issue such completion certificate until these regulations have been complied with and the improvements made, or a performance ~~guarantee bond~~ provided to the Town for unfinished improvements.

Site Plan Checklist

General Standards and OTHER Requirements:

14. Certification from the Selectmen regarding ~~performance guarantee bonding and insurance~~

EXCAVATION REGULATIONS – PROPOSED LANGUAGE

Section VI: Abandoned Excavations

The following provisions do not apply to excavations connected with stationary manufacturing and processing plants:

A. Any excavation for which the affected area has not been brought into complete compliance with the reclamation stands of this regulation shall be considered abandoned if:

1) No earth material of sufficient weight or volume to be commercially useful has been removed from the site during any 2-year-period either before, on or after August 4, 1989. The owner or operator may extend this time period if, prior to the end of the time period, the Board approves a reclamation timetable, and a ~~performance guarantee bond~~ or other surety is posted in a form and amount prescribed by the Board sufficient to cover the costs of reclaiming the entire site.

2) The excavation is in use, but either has not, as of August 4, 1992, been brought into compliance with the incremental reclamation standards of the regulation, or a **performance guarantee bond** has not been posted and a reclamation timetable has not been approved by the Board.

3) The owner or operator of the excavation has neither secured a permit pursuant to these regulations nor filed an excavation report with the Planning Board within the prescribed period noted above.

B. In the event the Board determines that any abandoned excavation presents a hazard to the public health, safety, or welfare, the owner may be required, following a public hearing, to comply with the timetable and **performance guarantee bonding** requirements outlined above, or to complete reclamation within a reasonable period of time. Should reclamation not be completed, the Board may request the Town to authorize reclamation at the Town's expense. The Town's costs shall constitute an assessment against the owner, and shall create a lien against the property, such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

Section XII. Performance Guarantees

A. Prior to the granting of any permit, or to the removal of topsoil or other overburden material from a new area within an existing excavation site, the applicant shall submit to the Selectman a **performance guarantee bond** with sufficient surety, as determined by the Board, to guarantee reclamation of the area and compliance with the permit. Off-site improvement for potential damage of Town roads or facilities caused by the transportation of earth materials shall be discussed at this stage.

~~B. The performance guarantee shall be in form, including but not limited to, a letter of credit, cash, or passbook, acceptable to and approved by the Planning Board, Town Counsel (review at the expense of the applicant), and the Board of Selectmen. The surety may be in the form of a performance bond, cash or mortgages or property escrow, irrevocable letter of credit, or any other form approved by the Board. The performance guarantee surety may be phased to coincide with the phasing of work, in an amount sufficient to guarantee reclamation of the applicable section to be released as sections are completed. Prior to a new section being opened, new performance guarantees securities shall be posted. The surety shall not be released until the Board is satisfied that all conditions of the site reclamation plan have been complied with. Performance guarantees must be posted prior to the sale of any parcel.~~

Excavation Approvals and Notices Reference Table

Top Row Header – Must Post Reclamation ~~Bond~~ Performance Guarantee

Appendix B: Excavation Permit Application

9. Reclamation ~~Performance Guarantee Bond~~: A reclamation ~~bond~~ performance guarantee shall be required prior to the issuance of an excavation permit. The **performance guarantee bond** amount is established based on a recommendation of the Town's Engineer for the conditions specific to the site.

For Administrative Use Only

Performance Guarantee ~~Bond~~ Received (date)

Appendix C: Excavation Permit Renewal and Annual Inspection Report

Type of Performance Guarantee ~~Bond Number~~: _____

Performance Guarantee Amount ~~of Bond~~ Approved by Board: _____

Performance Guarantee ~~Bond~~ Amount: