

Mason Planning Board Meeting Minutes

Date: October 27, 2021

Location: Mason Town Hall

Minutes: Unapproved

Call to Order

The meeting was called to order at 7:02 by Dane Rota

Attending Members

Charlie Moser (Ex-O), Dane Rota, Mason Twombly (NRPC), Alt. Katie Boots, Dotsie Millbrandt

Absent Members

John Suiter

Attending Public

Bruce Ward, Linda Calkins-Ward, Darryl Scott, Chuck Schwab, Michael Peach, Jon Bryan, Bob Dillberger, Dave Morrison, Liz Fletcher, Anne Moser

Next Meeting

Nov 17, 2021

Voting Members Tonight

Dane Rota, Charlie Moser, John Suiter, Alt. Katie Boots, Dotsie Millbrandt

Regular/Old Business

Minutes

The minutes of Sept 29, 2021 were previously sent out to board members. Dane moved to approve the minutes as is. Charlie seconded. Voted all in favor.

Communications to the Board

Email received from Josh Corrirea, 403 Fitchburg Rd, requesting informal hearing of board regarding potential uses. Mason to contact and initiate preliminary consultation.

New/Continuing Hearings

Public Hearing: Eversource Tree Trimming

Public hearing to discuss the trimming and removal of trees on Scripps Lane for maintenance purposes per the request of Eversource through the Mason Road Agent. Scripps Lane is designated a scenic road. Bob Dillberger asked if Eversource, or tree agent, provides any proof per say on whether or not the trees are in fact necessary to be removed; does an arborist review all tree removal? Is there a second opinion? Discussion that all landowners have to grant permission. Bob mentioned that there is a Town Forrester that could possibly be used.

Dotsie made a motion to allow the 12 trees from Scripps Lane for the trees per the attached worksheet. Charlie seconded. All in favor. Motion passed.

Public information session for Wetlands Buffer Ordinance

Public hearing to review and comment on the proposed amendments to the Mason Planning Ordinance Article XVI: Wetlands Conservation District Ordinance. The proposed amendments will be submitted as a warrant to be considered on the 2022 Town Meeting ballot.

Second hearing will be 17Nov2021.

Dane provided background and history on the proposed ordinance. Idea came from town survey and suggestions from town members.

Public speaking in favor:

Bob Larochelle, Starch Mill Rd: Anyone who lives in Mason needs to protect themselves from wetlands. The best way to do this is through the buffer. A perfect example is at the Quarry.

Bob Dillberger: the ordinance is essential to protect our water supply in Mason. Bob questioned the use of herbicides for dealing with invasive plants. He asked can we update the ordinance to allow the use of spot treatments as it is not practical to have to hire a licensed broadcaster for only a few plants.

Liz Fletcher, Marcel Rd: Mentioned that the original ordinance was written in the 80's and there has been no significant changes since then. There is a lot of water pollution that comes from surface water. There are 117 towns in NH that have some sort of a buffer and all surrounding towns except Greenville have at least a 50 ft buffer. Mason currently does not have any buffer. Cited that Supreme Court does uphold buffer ordinance.

Anne Moser, Scripps Ln: As Mason grows, it is important for Mason's wetlands to have room to grow. Our wetlands are living and breathing, you cannot have a wall surrounding it like a pool. A buffer keeps people from having harm done to their property. Overall it keeps water clean and helps keep well water clean.

Public speaking as opposed:

Gary Gregwar, Valley Road: Greg has running water coming down Valley Rd and also behind the house; in the past the property had a barn, Gary wants to recreate

the barn. He wants to know if he will have to jump through hoops to do this. He has the same concerns for a bridge that had been on the property; the ordinance could prohibit this, which is his main concern. Charlie Moser stated that his concerns are legal matters and since there are no structures currently in existence, it would require an ordinance. Dotsie Millbrandt read from the ordinance that the bridge would possibly be okay to recreate.

Jon Bryan, Morse Rd: We all want clean water and a clean environment. The Dept of Environmental Services suggests that the town engages in an education process rather than nuclear option of land forfeiture and police power. Said that these types of ordinance can be considered taking of land by the Supreme Court. Stated that scientific evidence is required by law to implement buffer ordinances. Stated that Mason has restrictive zoning already and we don't need horrendous buffer ordinances since Mason has one of the largest lot sizes for building houses already.

Comments from the board:

Dotsie Millbrandt: NH is not a local control state; we cannot enact anything that is not already allowed by the state of NH. We should not let a Supreme Court case deter us and we are in line with state laws.

Charlie Moser: The 4 acre lot size does not prevent someone from building on or over a wetland / stream. The wetlands buffer makes sense as they are heavily impacted by runoff. Wetlands dry up because of nutrient pollution and eventually they disappear. This ordinance is common sense; 50 ft of vegetation can make a big difference; we are trying to prevent a problem, not fix a problem.

Dane: Buffer adds another layer of protection for our water ways.

Joh Bryan: quoted Dept. of Environmental Services document- state law prevents something from being built over a wetland

Liz Fletcher: asked what Supreme Court case John Brian was referring to; Dotsie referred Liz to Jon Bryan's website

Dane closed hearing at 8PM. Second hearing will be 17 Nov 2021.

MAS 21-03 Fifield / Calkin-Ward Lots

An application by Craig Fifield and Bruce and Linda Calkin-Ward to revise the common lot line between two existing Lots, D-10 (485.5+- acres) and D-3 (5.073 acres) such that Parcel B (9.4+- acres) will be added to Lot D-39 with the resulting Lots being, Lot D-10 (476.1+- acres) and Lot D-39 (14.47+- acres). Both lots have frontage on Old County Road and are located in the GRAF District.

Charlie Moser recused himself from the hearing and left the room.

No abutters were present.

Randy Haight, agent, provided an overview summary of the lot line adjustment request. He is also requesting exception to the survey requirement. Mason

confirmed all fees paid; Board members reviewed all requirements per the Subdivision Review Checklist, all have been met.

Item 46: cottage and barn to be removed from Map Lot D-39

Dane made a motion to accept the application as complete. Dotsie seconded the motion. Remaining members approved, all in favor to accept motion.

Waiver requested per Page 1 of 3 on “Nashua Regional Planning Commission Staff Review” in the board agenda package.

Katie made a motion to accept the waiver. Dotsie seconded the motion. Remaining members approved, all in favor to accept the motion.

Dotsie made motion to grant conditional approval to Application 21-03 subject to the following conditions:

- Erecting of stone monument of south west corner of parcel D and updating of note 11

Katie seconded the motion. Remaining members approved, all in favor.

Other Business

CIP Update

Charlie did not receive feedback from departments yet. Will send out a reminder.

Adjourn

Dotsie made a motion to adjourn. Charlie seconded. Motion carried unanimously. Meeting adjourned at 9:30 PM.