



TOWN OF MASON, NH - PLANNING BOARD

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

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

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

Phone: (603) 424-2240 • Fax: (603) 424-2230

NOTICE OF DECISION

Authority: RSA 676:3 ([Text](#))

March 1, 2018

Project Name: Ruggiero Site Plan Review	Case Number: 17-01	
Plan (Plat) Date: 2/16/18	Tax Map: J	Lot #: 69-1

MEETING DATE: 2/28/18 <input checked="" type="checkbox"/> Conditional Approved <input type="checkbox"/> Approved (Plan signed) <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Minutes Attached	APPLICANT(s): Martin Ruggiero 96 Old Turnpike Road Mason NH 03048 Applicants Rep: Sandford Surveying and Engineering 597 New Boston Road Bedford, NH 03110	APPLICATION TYPE: <input type="checkbox"/> Minor Lot Line Adjustment <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan <input type="checkbox"/> Home Occupation <input type="checkbox"/> Sign <input type="checkbox"/> Excavation <input type="checkbox"/> _____
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In accordance with RSA 676:3, Issuance of Decision, this document and any attachments serves as written notice in the matter described herein, where the Town of Mason, NH Planning Board (Board), at a public hearing noticed in accordance with RSA 676:4, Boards Procedures on Plats; has, after consideration of the information before them, voted in the affirmative on a motion to Approve / Deny the application before the Board:

The purpose of the site plan of Map J Lot 69-1, 96 Old Turnpike Road, near the intersection of Churchill Road, Mason NH (totaling 26.534 acres) is to expand business of the Driving Range to include hosting concerts and other events.

The applicant was granted a Special Exception by the Zoning Board on November 8, 2016 to allow for outdoor entertainment. That decision set several conditions upon the proposed use, site plans and business plan. Conditions placed on the schedule limit events to be held on Friday, Saturday and on holiday evenings will start no earlier than 8 pm and end no later than 11 pm. All other outdoor concert events will start no earlier than 6 pm and end no later than 10 pm. In all cases, if the next day is a school day, the event will end no later than 10 pm. Additionally, per the ZBA decision the maximum capacity is 1,000 individuals; the stage will require improvements and a building permit; crowd control will be required; additional staff duties are specified; security personnel will be hired; limitations are placed on alcohol consumption areas; a safety fence will be placed in front of the pond; parking is limited to specified locations; it is the sole responsibility of the venue to control noise; pyrotechnics and fireworks are not allowed. Items to be incorporated into the Site Plan prior to Planning Board submission (condition #5) appear to be complete.

As proposed Marty's is prepared make various modifications, such as constructing a skirt around the stage and subcontracting a sound company to manage sound, to remedy the negative impact of sound and vibration travel for neighbors. As growth ensues staff will increase as well as training. In terms of crowd control, a capacity will be established by putting a limit on sales, guests will be given color coded wristbands relative to age to control alcohol consumption, and police will be hired for events.

The main parking lot fits 37 vehicles. Once filled, patrons will park in the grass area (golf and batting hours will be adjusted), with the capacity of approximately 190 vehicles. There will also be overflow parking at A1 services, where concert goers can walk along the driving range to the venue.



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The application has been denied for the following reason(s) for the denial:

The application was approved with the following condition(s) to be completed for final approval:

Conditions Precedent (actions to be taken before the Town will grant final approval)

- Correct date of business plan to be 2/7/18 instead of 2017.
- Sheet 2, Note 19 – update date of business plan to 2/7/18, version 1.4.
- Add Note 32 to Sheet 2 – “Police Detail: No less than 72 hours prior to holding each outdoor concert or event the business owner shall confer with the Police Chief of the Town of Mason to determine the number of police and other emergency service personnel the Town shall require for the event and shall, prior to such event, provide security for payment of the required detail in the form of cash or a letter of credit (in form to be approved by the Board of Selectmen and/or Town Counsel), in an amount calculated by the Police Chief to fully secure payment thereof.”
- All fees to be paid.
- Conditions Precedent to be met by April 25, 2018.

Conditions Subsequent (actions/behaviors that bind the applicant, but do not need to be accomplished before final approval is granted)

- Applicant needs to obtain a retroactive building permit and certificate of occupancy for the performance platform, which must be approved before concerts commence.
- Compliance with all operational plans contained in the Site Plan, Sheet 2 of 2, revised 2/16/18 and as revised to comply with these conditions of approval and The Driving Range, A Business Expansion Plan, Policies and Procedures, version 1.4, 2/7/18.

Scott MacGarvey
Chairman, Mason Planning Board

Attachments: Planning Board Minutes

- February 22, 2017 – as approved
- November 29, 2017– as approved
- December 20, 2017– as approved
- January 18, 2018– as approved
- January 31, 2018– as approved
- February 28, 2018 – draft minutes
- *Note: the application was retained on the agenda and continued from February 2017 through November 2017, however no action taken at those meetings. Minutes are available online at: <http://masonnh.us/planning-board-meeting-minutes/> documenting the application's continuance at each meeting.*



Mason Planning Board

February 28, 2018

Unapproved

Attending

Scott MacGarvey (Chair), Dotsie Millbrandt (Vice Chair), Lee Siegmann, Kerri Baldi (alt), Dane Rota (alt), Charlie Moser (substitute Ex-O), Louise Lavoie (Ex-O), Cassie Mullen (NRPC), Jen Czysz (NRPC)

Absent

Pam Lassen (on leave)

Call to order

7:37 PM

Next Meeting

March 28, 2018

Chairman tonight: Scott MacGarvey

Charlie Moser will be the Selectmen ex-officio for the duration of hearing 17-01. Louise is back and will be the ex-officio for general business and any new hearings.

Voting members tonight: Kerri, Lee, Louise, Dotsie, Scott

Regular/Old Business

Minutes

The board voted to approve the minutes of February 28, 2018.

Correspondence

No correspondence.

Files

Kerri reports that the files sub-committee created more file cabinet space by moving files from hearings held in 1999 through 2003 to a box labeled Box #1. Files from 2004 are in Box #2.

New/Continuing Hearings

Application 18-02

An application by Jon and Nancy Bryan (154 Morse Road), and Gerald and Judith Anderson (408 Morse Road), for a lot line adjustment between lots K-15 and L-57. Both lots are in the GRAF district. The proposed adjustment would transfer a rectangular parcel approximately 788.7 feet by 1583.4 feet (28.7 acres) from lot L-57 to lot K-15.

Abutters present: Anna Faiello, Robert Young

Applicants present: Jon J Bryan, Nancy Bryan, Judith H. Anderson, Gerald E. Anderson are present.

The board reviewed the application for completeness. Findings:

Need to remove the lines for Secretary and Conditions from the PB Approval box. We don't have a secretary, and we don't add conditions to the plat. The Registry won't accept a plan with blank lines in the approval box!

Need waiver for locus map scale, reducing it to 1" = 1000'. The lot is too big for the scale specified by the subdivision requirements.

Scott made a motion to accept this application as Complete. Lee seconded. Voting in favor: Louise, Kerri, Dotsie, Lee, Scott.

Impact reports: Fire Chief - no objection. Road Agent - no impact to roads foreseen.

Liz Fletcher of the Conservation Commission has a conservation map indicating these lots are in the NH Fish and Game's new map of the state's most valuable type of wild land habitat.

Dotsie made a motion stating this application does not have Regional Impact. Kerri seconded. Voting in favor: Louise, Kerri, Dotsie, Lee, Scott.

Dotsie looked at the minutes from October, 2004, when the original lot K-15 was subdivided into lots K-15 and K-15-1. This was hearing 04-22, applicants Jay E. Turmel and Kenneth Peaslee, Townsend Road, for a minor (2 lot) subdivision. Those minutes stated, in part:

When lot K-15 was subdivided in 1978, the board stated that no part of a building or septic system shall be located at an elevation of less than 15 feet above the elevation of intersection of Townsend Road and Briggs Road. The 2004 board thus establishes 591 feet as the minimum ground elevation needed for the location of any building or septic system. This is noted on the plat.

There are be two wetlands areas, each will be bridged with a wooden structure. Detail is shown on plat.

The board asked for a note to be added to the current plat specifically referencing this info in the 2004. While the plat has a list of referenced plans, that may not be sufficient to alert a future buyer about this information.

Also relevant to lot K-15 is the Bill Downs Forestry Plan showing the wetland area and indicating that a culvert was put in to allow crossing. This was approved by the state, back when the 2004 subdivider still owned the property.

Meeting opened for public input. No comments, issues already covered in earlier discussion. Public comment closed.

Scott read the request for waivers. The applicant requested waivers from the subdivision regulations for providing certain plat information that is typically not necessary for a boundary adjustment:

- soils and soils testing
- topography
- road width and surface
- proposed driveways
- location of all wetlands
- location of wells and septic systems on adjacent parcels.

The applicant also requested a waiver on the 1"=400' locus plan scale. The scale of 1"=1000' presented on the plat provides a better overview of the parcel.

Kerri made a motion to accept the waivers, Scott second. Voting in favor: Louise, Kerri, Dotsie, Lee, Scott.

Dotsie made motion to grant conditional approval, subject to following conditions:

- **Remove the lines for Secretary and Conditions from the PB Approval box.**
- **Add a note to the plat stating that plat notations, stipulations and requirements shown on Plan 33534 Lot K-15 shall remain in full force and effect.**
- **All fees paid.**
- **All conditions to be met by March 28, 2018.**

Kerri seconded the motion. Voting in favor Louise, Kerri, Dotsie, Lee, Scott.

Application 17-01

Martin Ruggiero, 20 Bell Lane, Mason, NH 03048. An application for acceptance and approval of the site plan of Map J Lot 69-1, 96 Old Turnpike Road, near the intersection of Churchill Road, Mason NH (totaling 26.534 acres) to expand business of the Driving Range to include hosting concerts and other events.

Applicant's representative is present: Nicole Ruggiero

Abutters: None

Parties of standing: Bill Fritz, ZBA chair. Bob Bergeron and Bob Young, ZBA members.

Voting members for this hearing: Scott, Kerri, Dotsie, Charlie, Dane

Nicole has updated the plat (Revision 4, 3/16/18) and Business Expansion Plan (Version 1.4. However, the date on the Business plan is shown as 2/07/17 instead of the intended 2/07/2018.

Per PB request, the Selectmen discussed bonding at their last meeting. A bond is to be established for police detail before each concert. The selectmen provided a written statement that will become part of the Conditions Subsequent if this applications is approved. It should be added to the plat notes.

Police Detail: No less than 72 hours prior to holding each outdoor concert or event the business owner shall confer with the Police Chief of the Town of Mason to determine the number of police and other emergency service personnel the

Town shall require for the event and shall, prior to such event, provide security for payment of the required detail in the form of cash or a letter of credit (in form to be approved by the Board of Selectmen and/or Town Counsel), in an amount calculated by the Police Chief to fully secure payment thereof.

Add to plat notes: Conditions subsequent: operations must be in compliance with the plat and the business plan v1.4.

Going down the checklist that NRPC compiled

Regarding the dust control issue brought by abutter at a previous meeting: The Town applies magnesium chloride as needed. Marty's cannot take any dust control mitigations, such as providing a water truck, on its own: No private citizen is permitted to work on town roads.

Building Inspector has granted a permit to the structure. Footings do not meet the structural requirements for a stage. The Building Inspector wants to change wording of permit to a "Performance Platform". Wiring not installed correctly for outdoor structure: boxes are not ground water compliant. When the work is complete the BI will inspect it again. It may need to be re-inspected every year.

The board reviewed each ZBA Notice of Decision Conditions V1.2 and verified that they are reflected in the plat and/or business plan.

Plat Sheet 2, Note 19 should reference ZBA NOD V1.2 as amended, version V1.4.

Kevin asked when alcohol will stop being served and if the event ending times (10 or 11) mean people have to vacate at that time. The business plan states that no alcohol will be served after 30 minutes before ending time. Kevin asked how the counting works. For people buying tickets just as entering event, they have to enter the driveway, not be on waiting on the road. Nicole can halt same-day ticket sales when they exceed the staffing levels.

Dotsie made a motion to grant conditional acceptance to Application 17-01 subject to the following conditions:

- Conditions Precedent (actions to be taken before the Town will grant final approval):
 - Correct date of business plan to be 2/7/18 instead of 2018.
 - Sheet 2, Note 19 update date of business plan to 2/7/18, version 1.4.
 - Add Note 32 to Sheet 2 - "Police Detail: No less than 72 hours prior to holding each outdoor concert or event the business owner shall confer with the Police Chief of the Town of Mason to determine the number of police and other emergency service personnel the Town shall require for the event and shall, prior to such event, provide security for payment of the required detail in the form of cash or a letter of credit (in form to be approved by the Board of Selectmen and/or Town Counsel), in an amount calculated by the Police Chief to fully secure payment thereof."
 - All fees to be paid.
 - Conditions Precedent to be met by April 25, 2018.
- Conditions Subsequent (actions to be taken after final approval):

- Applicant needs to obtain a retroactive building permit and certificate of occupancy for the performance platform which must be approved before concerts commence.
- Compliance with all operational plans contained in the Site Plan, Sheet 2 of 2, revised 2/16/18 and as revised to comply with these conditions of approval and The Driving Range, A Business Expansion Plan, Policies and Procedures, version 1.4, 2/7/18.

Scott seconded. Voting in favor: Scott, Kerri, Dotsie, Charlie, Dane.

Other Business

NRPC will propose amendments to the subdivision requirements and site plan requirements to set fee schedules and establish escrow account.

Sign ordinance probably doesn't need updating.

Adjourn

Dotsie made a motion to adjourn. Charlie seconded. Motion carried unanimously. Meeting adjourned at 9:53 PM.



Mason Planning Board

January 31, 2018

Unapproved

Attending

Scott MacGarvey (Chair), Dotsie Millbrandt (Vice Chair), Lee Siegmann, Kerri Baldi (alt), Dane Rota (alt), Charlie Moser (substitute Ex-O), Cassie Mullen (NRPC), Jen Czysz (NRPC)

Absent

Pam Lassen (on leave), Louise Lavoie (Ex-O)

Call to order

7:35 PM

Next Meeting

February 28, 2018

Chairman tonight: Scott MacGarvey

Charlie Moser will be the Selectmen ex-officio for the duration of hearing 17-01. Louise is recovering from an injury.

Voting members tonight: Kerri, Lee, Charlie, Dotsie, Scott

Regular/Old Business

Minutes

The board voted to approve the minutes of January 18, 2018, correcting the status of one member as an alternate.

Correspondence

No correspondence.

Files

Charlie made a motion, Scott seconded, to designate Kerri as head of a committee to update our files. All voted in favor.

New/Continuing Hearings

Application 18-01

Carol Iodice, 304 Old County Road, Mason NH 03048, proposal to merge Tax Map Lot F-11 (5.13 acres and F-11-4 (5.43 acres) into one consolidated lot (totaling 10.56).

Carol needs to add her name and address to the form. The board needs to update the form to make it more obvious that this is needed, such as by adding lines in the paragraph for the info.

Scott made a motion to approve Application 18-01, Kerri seconded. Voting in favor: Kerri, Lee, Charlie, Dotsie, Scott.

Application 17-01

Martin Ruggiero, 20 Bell Lane, Mason, NH 03048. An application for acceptance and approval of the site plan of Map J Lot 69-1, 96 Old Turnpike Road, near the intersection of Churchill Road, Mason NH (totaling 26.534 acres) to expand business of the Driving Range to include hosting concerts and other events.

Applicant is present: Marty Ruggiero

Abutters: Chris Gauthier, Derek Mathieu

Parties of standing: Bill Fritz, ZBA chair. Bob Bergeron, ZBA member.

Voting members for this hearing: Scott, Kerri, Dotsie, Charlie, Dane

Marty asked about the placement of the two sound level measurement points. ZBA Notice of Decision states: 75 db at points C and D, as denoted on a paper copy of a google map in the ZBA files for the Driving Range hearings. These points are not on the edge of the property, but just before the edge of a wooded area.

This does not match with the applicant's understanding of the ZBA hearings. The ZBA minutes from early in the series of several hearings reference the edge of the property. Minutes from later hearings indicate the discussion evolved over the course of the meetings. The Notice of Decision indicates the final decision on the location for sound sampling. ZBA chair Bill Fritz says these locations were chosen because the wooded area behind them provides further sound buffering.

Marty asked why he and Nicole didn't notice this change.

The PB cannot change the ZBA Notice of Decision and must abide by the points in indicated in it.

Points C and D need to be marked correctly on the site plan, and should be designated A and B. Currently the site plan shows them at the property boundary.

The board then began reviewing the site plan, Rev 2 dated 12/17/2018, against Section 7 of the Mason Site Plan review.

b) Safe and Effective development of site:

Hazards due to noise:

The applicant shall not exceed the sound pressure limit exceed in the ZBA NOD.

Plan says no pyrotechnics.

A statement from the fire chief is included in last month's minutes.

c) Principles of good design...orderly growth:

Plan meets this

d) Open spaces and green spaces...harmonious with surrounding area.

Plan continues the pre-existing driving range.

e) Plan, buildings and structures...will not endangering health:

Building inspection of stage is already a requirement.

Defibrillator, ambulance access, estimated attendance.

f) Site designed...traffic..circulation...no hazard to vehicles or pedestrians:

Already covered. Plan does not have internal roads, just driveway access ways.

g) Flood 25 yr adequate drainage:

Applicant is not adding any impermeable surfaces, nor buildings. No issues with the areas designated for parking. No issues with existing facility.

h) Water supply, sewage disposal:

Adjust business plan per Remaining Business Plan Issues in NRPC report. Add note on plat Space for 12 portapotties. Space for 3 handwashing stations. There are 2 existing sinks. For every 200 above, add a handwashing station. Water bottles are sold, plus staff hands out paper cups of water on request from the restaurant on site.

Dane suggests water dispenser w/ paper cups as used at golf courses.

i) Screening site and parking areas:

Site plan shows vegetative areas that must be maintained.

j) Outdoor lighting...not cause glare:

There are trees between the portapotty row and the road. Mason's Outdoor Lighting Ordinance says that lights can't shine upward or cause glare visible beyond the edge of the property.

k) Signs:

Not changing existing signage.

l) Removal and storage of snow in winter months:

The plat already contains a note stating which months the Driving Range is open, which does not include winter months.

m) Sedimentation and erosion during construction:

N/A

n) Proposal should include protections for fire protection:

This is covered per fire chief's review comments.

o) Produces hazardous materials:

N/A

p) Certifications and bonding:

1 Certification from FD:

The letter containing the Fire Chief's review comments is sufficient.

2 Changes to roads, drainage:

The letter containing the road agent's comments is sufficient.

3 Bonding requirements adequate:

The selectmen are not imposing any additional bonding requirements. Bonding to ensure payment on police details? Charlie will take the issue of bonding up to the selectmen and the police chief to determine the amount.

The board requested an updated business plan and revised plat reflecting the points made at this hearing. Charlie asked NRPC to provide a checklist of all the requested changes. Applicant can use it to update plan, board can use it to verify the changes. Bond amount can part of a conditional approval.

Scott made a motion to continue the hearing to Wednesday, February 28, 2018 at 7:45 PM. Kerri seconded. All voted in favor.

Other Business

NRPC will propose amendments to the subdivision requirements and site plan requirements to set fee schedules and establish escrow account.

Sign ordinance probably doesn't need updating.

Adjourn

Dotsie made a motion to adjourn. Charlie seconded. Motion carried unanimously. Meeting adjourned at 9:53 PM.



Mason Planning Board

January 18, 2018

Unapproved

Attending

Scott MacGarvey (Chair), Dotsie Millbrandt (Vice Chair), Kerri Baldi, Dane Rota (alt), Charlie Moser (substitute Ex-O), Cassie Mullen (NRPC), Jen Czysz (NRPC)

Absent

Pam Lassen (on leave), Lee Siegmann, Louise Lavoie (Ex-O)

Call to order

7:35 PM

Next Meeting

January 31, 2018

Chairman tonight: Scott MacGarvey

Charlie Moser will be the Selectmen ex-officio for the duration of hearing 17-01. Louise is recovering from an injury.

Voting members tonight: Kerri, Dane, Charlie, Dotsie, Scott

Regular/Old Business

Minutes

The board voted to approve the minutes of December 18, 2017.

Correspondence

No correspondence.

New/Continuing Hearings

Application 17-01

Martin Ruggiero, 20 Bell Lane, Mason, NH 03048. An application for acceptance and approval of the site plan of Map J Lot 69-1, 96 Old Turnpike Road, near the intersection of Churchill Road, Mason NH (totaling 26.534 acres) to expand business of the Driving Range to include hosting concerts and other events.

Representing applicant: Nicole Ruggiero

Abutters: Chris Gauthier, Derek Mathieu

Parties of standing: Bill Fritz, ZBA chair. Bob Young, ZBA member.

Voting members for this hearing: Scott, Kerri, Dotsie, Charlie, Dane

The legal challenge to the ZBA Special Exception by a group of abutters was decided in favor of the ZBA. No appeal was submitted within the 31-day window. This means the board can resume hearing this application.

Summary from NRPC, with correction to hours noted during the meeting:

“The applicant was granted a Special Exception by the Zoning Board on November 8, 2016 to allow for outdoor entertainment. That decision set several conditions upon the proposed use, site plans and business plan. Conditions placed on the schedule limit events to be held on Friday, Saturday and on holiday evenings will start no earlier than 8 pm and end no later than 10 pm....Additionally, per the ZBA decision the maximum capacity is 1,000 individuals; the stage will require improvements and a building permit; crowd control will be required; additional staff duties are specified; security personnel will be hired; limitations are placed on alcohol consumption areas; a safety fence will be placed in front of the pond; parking is limited to specified locations; it is the sole responsibility of the venue to control noise; pyrotechnics and fireworks are not allowed.”

Board discussed whether the proposal has regional impact, indicated it did not. Charlie pointed that the ZBA had decided there was no regional impact. Scott made motion stating there is no regional impact resulting from this proposal. Dotsie seconded. Vote: All in favor.

Nicole presented the plan.

The NRPC review indicates plat has been updated according to the stipulations in the Special Exception (NOD condition 5e).

[NB: In the discussions below, items of concern are shown in bold type.]

- Add the months, days of week and hours from the Special Exception NOD to the plat.

Bill Fritz and Bob Young of the ZBA say **the sound sampling places shown on the plat are not in the locations approved by the ZBA**. The plat indicates the sound sampling places are at the edge of the property. The ZBA decision referenced points at the edge of the field containing the sound stage, 10 feet in from the tree line, not the edge of the property. The ZBA Notice of Decision item 5(e) references points “C” and “D” as locations to use when sampling the noise level. A Google Earth map printout in the ZBA files shows locations “C” and “D”.

Fire Chief Fred Greenwood input: Fire Code 20-15 outlines basic rules the Mason Fire Department (MFD) is going to follow. The Chief’s largest **concern is with ambulance**

access through crowds of people. Water hole accesses are good. Mutual aid agreements are in place with adjacent towns, some towns have 5" hose. 1000 gal/min for an hour is recommended – this is easy for MFD w/ mutual aid. The fire chief recommends **keeping a defibrillator on hand and training staff to use it.**

Police Chief Kevin Maxwell asks **how often the parking area will be checked** to make sure the ambulance can get through. Chief is concerned about the **type and level of illumination through the walkways, around the porta-potties, around the stage.** Asks about staffing for police details. He **needs advance notice of the anticipated crowd size** to determine how many officers will be needed for staffing. The Mason PD has the final say over the number of detail personnel and where they come from, if not Mason police.

Road Agent Dave Morrison's feedback:

"On Tuesday the 28th of November I met with Earl Sandford of Sandford Surveying and Engineering. We discussed traffic entering and leaving the parking lot of 358 Churchill Rd in association with overflow parking for music events at the Driving Range. I asked that the **banking at the edge of the road be excavated back four to six feet** to increase the line of sight for traffic pulling out onto Churchill rd. **Cutting some brush** heading north towards Rt. 124 would increase visibility also. I could see no other problems at this time."

The road agent's comments are already shown on site plan, in the locus drawing.

NRPC comments:

- **Current and proposed traffic densities.** Engineer has sent data as a picture. Need a **pdf and/or paper copy for files.**
- **File 2 pages w/registry** if needed
- **Add to business plan: Concession/Sales Personnel**, per NOD 7d.
- **Retroactive building permit for stage** should be a condition for approval.
- **Compliance** with operational methods and site improvements contained in a doc titled The Driving Range Business Expansion plan version 1.2 dated 10/25/16, as amended (**specifying the final version used for the site plan**)

Public comment

Christian Gauthier, abutter. If a crowd is rowdy, can you call for backup? If the expected crowd is 200 and 600 show up? He can hear the 75 decibel sound from his house and doesn't want to hear anything. Churchill Road is a gravel road, cars kick up dust, concerned about added traffic.

Board's response:

- Regarding the noise, the board indicates that the 75 db level was set by the ZBA after study and consideration, and will not be revisited by this board. The ZBA decision was reviewed by the Hillsborough Superior Court, which found no issue with it.
- For **dust mitigation**, Scott suggests having a water truck available during concerts. Charlie suggests that the road agent could plan to spread calcium chloride as needed. Put in site plan?
- If the sound pressure level is exceeded during a concert, the band will be asked to turn it down. If that does not occur, the selectmen would be the enforcement agent.

Applicant's response:

- Crowd size – All ticket sales are in advance, so the number of attendees will be known. No one will be admitted without a ticket. Nicole can estimate the total sales a couple of days before the event based on the number and rate of sales that have occurred. This will prevent an unexpected large turnout.
- Noise control – Nicole says she will have a sound meter set in a stationary location, and will use it as needed during concerts. Purchasing, not renting, so it will always be available.

Derek Mathieu, abutter, co-owner of Contry Hill Farm. Stage points right at him, 1500' away. He's hoping that 75 decibel limit will keep the sound reasonable. Wants to make sure the testing point stays there, that if its 10' from the tree line and the tree line is cut back, the measurement point should not move. Also, he would like another measurement point behind the stage. How will the Driving Range staff keep it the sound from exceeding levels? For the number of porta-potties, he suggests looking at the International Plumbing Code.

- Bill Fritz (ZBA) says the trees are a vegetation barrier to the noise propagation. The **tree line needs to remain as is** because it is a part of the noise control. Put that on the plat so it sticks. It's there, note 20 on plat.

Carol Iodice, resident – has sound meter phone app, walked around The Driving Range taking sound readings during Cruise night, found the sound level was within limits. Also has checked other venues. At concerts in Townsend Tavern inside building it was 60 db.

The Business Plan staffing chart on page 17 should **change the row called Details to Paid Police Details.**

Kerri made a motion to continue the hearing to Wednesday, January 31, 2018 at 8:00 PM. Dane seconded. All voted in favor.

Other Business

Charlie asks NRPC if they can help with building code which is sorely out of date.

Adjourn

Dane made a motion to adjourn. Kerri seconded. Motion carried unanimously. Meeting adjourned at 10:30 PM.



Mason Planning Board

December 20, 2017

Unapproved

Attending

Dotsie Millbrandt (Vice Chair), Louise Lavoie (Ex-O), Scott MacGarvey, Lee Siegmann, Cassie Mullen (NRPC), Jen Czysz (NRPC)

Absent

Pam Lassen (on leave), Kerri Baldi

Call to order

7:40 PM

Next Meeting

January 31, 2018

Chairman tonight: Scott MacGarvey

Voting members tonight: Louise, Lee, Dotsie, Scott

Regular/Old Business

Minutes

The board voted to approve the minutes of November 29, 2017.

Correspondence

No correspondence.

New/Continuing Hearings

Application 17-01

Martin Ruggiero, 20 Bell Lane, Mason, NH 03048. An application for acceptance and approval of the site plan of Map J Lot 69-1, 96 Old Turnpike Road, near the intersection of Churchill Road, Mason NH (totaling 26.534 acres) to expand business of the Driving Range to include hosting concerts and other events.

Representing applicant: None

Abutters: Chris Gauthier

NRPC redid the certified abutter mailings and newspaper ads. However, 2 of the abutter properties had been sold to new owners and the mail was returned as non-deliverable. Re-notification mailings were sent, but not before the 10 day window before this meeting.

Scott made a motion to continue the hearing to Thursday, January 18, 2018 at 7:45 PM. Lee seconded. All voted in favor.

Other Business

Cassie will review our sign ordinance.

Carol Iodice and Bill Fritz asked to be on the agenda for Jan. 31, 2018, for a Voluntary Lot Merger. Cassie will send them the updated form.

Dane Rota has attended two meetings now and is interested in joining the board. The board is in favor. Louise will get us on the Selectmen's agenda for Dec. 28 at 7:45 PM. The Selectmen will meet Dane and prepare papers for his appointment.

Adjourn

Scott made a motion to adjourn. Dotsie seconded. Motion carried unanimously. Meeting adjourned at 8:50 PM.



Mason Planning Board

November 29, 2017

Unapproved

Attending

Dotsie Millbrandt (Vice Chair), Louise Lavoie (Ex-O), Scott MacGarvey, Lee Siegmann, Kerri Baldi, Cassie Mullen (NRPC)

Absent

Pam Lassen (on leave), Eric Anderson (resigning), Cassie Mullen

Call to order

7:45 PM

Next Meeting

December 20, 2017. Note this is a week earlier than usual due to the holidays.

Chairman tonight: Scott MacGarvey

Voting members tonight: Louise, Lee, Dotsie, Scott, Kerri

Election of Chairman

Eric Anderson is resigning from the Planning Board because he has moved out of town. Dotsie nominated Scott MacGarvey for chairman. Louise seconded. All voted in favor.

Regular/Old Business

Member Search

Dane Rota is attending the meeting to see what our meetings are like.

Alternate member Lisa Sensus has not attended a meeting in many months. Her term expires in March. The board agrees to no longer send minutes to her but take no other action.

Minutes

The board voted to approve the minutes of October 25, 2017.

Correspondence

The board reviewed the recent correspondence.

New/Continuing Hearings

Voluntary Lot Merger

The board reviewed a new form for voluntary lot mergers that reflects recent state RSA changes. Should we put a place for the hearing number on the form? No, but we need some way to track them. Scott makes motion to adopt, Kerri seconded. All voted in favor. Board member signed a Certificate of Adoption.

Application 17-01

Martin Ruggiero, 20 Bell Lane, Mason, NH 03048. An application for acceptance and approval of the site plan of Map J Lot 69-1, 96 Old Turnpike Road, near the intersection of Churchill Road, Mason NH (totaling 26.534 acres) to expand business of the Driving Range to include hosting concerts and other events.

Representing applicant: None

Abutters: Derek Matthew

The Hillsborough County Superior Court has decided in favor of the Town of Mason in the lawsuit brought by several abutters to Marty's Driving Range against the ZBA. The period to appeal the decision will expire on December 2.

Scott made a motion to continue the hearing to December 20, 2017 at 8:00 PM.

Lee seconded.

All voted in favor.

Application 17-03

Robert T. Dillberger, 1030 Townsend road, Mason NH 03048, to subdivide Tax Map L Lot 38, located at 1030 Townsend Road (intersection of Townsend Road and Morse Road), Mason NH (totaling 24.615 acres) into 3 parcels. The result will be 3 Lots, L-38 with 15.707 acres, Lot L-38-1 with 4.115 acres and Lot L -8-2 with 4.753 acres.

Abutters: None

A check for \$478.00 is included.

Chris Guida, wetland scientist, and soil scientist, for Fieldstone presented the plan.

Board reviewed the application checklist. Comments:

- Remove secretary from Approval block.
- Need state Approval for Subdivision for L 38-1 and L 38-2.
- Road Agent responded, looked at proposed driveway cut locations, no problem. The portion of his report concerning the Dillberger subdivision is as follows:

I also checked the proposed driveway locations on the Dillberger subdivision plans and found them to be the best options for driving line of sight for both proposed new lots.
Feel free to contact me if you have more questions.

- No comment received from Fire or Police.
- Lot L-38 width drops to 85% of the frontage. Board should discuss a waiver.
- Request a box that will contain the HRCRD number when filed.

Dotsie made a motion to accept the application as complete, Kerri seconded. All voted in favor.

Dotsie made a motion to state the application does not have regional impact. Louise seconded. All voted in favor.

From NRPC comments on the plan:

- Add HDPE drainage pipes to legend.
- Clarify existing driveway.
- Remove trails from plat, adds confusion.

The hearing was opened for public comment. None received.

Dotsie made a motion to waive subdivision requirement 5.06 that lot width must be at least 90% of frontage through to the building site. The narrowest point is 85%. Scott seconds. All in favor.

Dotsie made a motion to waive requirement 4.03.3.a.xi for topo lines, which are not shown on the remote portion of lot L-38. This lot already contains a dwelling and is 15 acres in size. Scott seconded. All voted in favor.

Conditions for approval:

- Remove secretary from Approval block.
- Need state Approval for Subdivision for L 38-1 and L 38-2.
- Request a box that will contain the HCRD number when filed.
- Add HDPE drainage pipes to legend.
- Clarify existing driveway.
- Remove trails from plat.
- All fees paid.

Conditions to be met by February 28, 2018.

Dotsie made a motion to grant this application conditional approval subject to the conditions listed above. Louise seconded. Vote: Louise - aye, Lee - aye, Dotsie - aye, Scott - aye, Kerri - aye.

Other Business

Cassie will review our sign ordinance.

Adjourn

Dotsie made a motion to adjourn. Kerri seconded. Motion carried unanimously. Meeting adjourned at 10:15 PM.



Mason Planning Board

February 22, 2017

Approved

Attending

Dotsie Millbrandt, Louise Lavoie (Ex-O), Mark McDonald (Vice Chair), Lee Siegmann (alt), Scott MacGarvey (alt), Jen Czysz (NRPC), Cassie Mullen (NRPC)

Absent

Pam Lassen (Chair, on leave), Eric Anderson, Lee Ann Currier (Alt), Lisa Senus (Alt)

Call to order

7:45 PM

Next Meeting

March 29, 2017

Chairman tonight: Mark McDonald (Vice Chair)

Voting members tonight: Louise, Mark, Dotsie, regular members. Alternates appointed as voting members tonight: Lee, Scott.

Old Business

Minutes

The board voted to approve the minutes of January 25, 2017.

Correspondence

The board reviewed the recent correspondence.

New Business

Application 17-01

Martin Ruggiero, 20 Bell Lane, Mason, NH 03048. Site plan review for Map J Lot 69-1, 96 Old Turnpike Road, 26.534 acres, to expand business of the Driving Range to include hosting concerts and other events.

Raymond Shea of Sanford Surveying and Engineering represented Martin Ruggiero.

Attendees:

Applicants - Martin D. Ruggiero, Nicole Ruggiero

Abutters - Michael Davieau, Christian and Michelle Gauthier, Cheryl Davieau

Others -

Earl Sanford - Engineer SSE Inc.

Barbara DeVore - Conservation Commission

Robert Bergeron, Gatone Daniello, Constance Lacasse - ZBA

Fred Greenwood - Fire Chief

The chair went through the checklist of required items, including items on the plat.

Item 20, pavement width is shown on page 2, other info is on page 1.

Lee made a motion to accept the application as complete. Mark seconded. All in favor.

Dotsie suggested that the hearing be continued until a later time. Upon advice of Town Counsel, the Board of Selectmen agreed to assent to a motion before the Hillsborough County Superior Court to stay the Ruggiero Site Plan hearing that is before the Planning Board. The town is already party to two pending motions before the court regarding the June 2016 vote and the ZBA Notice of Decision granting special exception with conditions. One of the ZBA conditions is approval of this Site Plan based on specific provisions of the Special Exception. Thus, this Site Plan will be void if either of the two motions before the court are found in favor of the plaintiffs.

Mark made a motion to continue the hearing to March 29 at 7:45 pm. Dotsie seconded. All voted in favor.

Other Business

HCRD Number

The board reviewed updates to the Planning Board Rules of Procedure, Subdivision Regulations and Site Plan Regulations. The purpose is to include the HCRD (Hillsborough County Registry of Deeds) number and date recorded on the official town copy of each approved plat.

Procedure Flowchart

The board reviewed a flowchart showing the steps an applicant needs to take to submit a Subdivision or Site Plan application.

Adjourn

Louise made a motion to adjourn. Dotsie seconded. Motion carried unanimously. Meeting adjourned at 10:00 PM.