



## Mason Planning Board

**April 27, 2016**

Approved

### **Attending**

Pam Lassen (Chair), Mark McDonald (Vice Chair), Dotsie Millbrandt, Louise Lavoie (Ex-O), Eric Anderson, Camille Pattison (NRPC)

### **Absent**

Lisa Senus (Alt), Lee Ann Currier (Alt)

### **Call to order**

7:45 PM

### **Next Meeting**

May 25, 2016

Chairperson tonight: Pam Lassen

Voting members tonight: Mark, Dotsie, Pam, Louise, Eric.

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### **Old Business**

No old business tonight in order to proceed with the public hearing.

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### **New Business**

### **Public Hearing**

A public hearing is opened for following proposed amendment to the Planning Ordinance.

**Amend Article VIII, Paragraph A.2.c by adding at the end of said paragraph, after the close parenthesis and before the period the following:**

**“and seasonal outdoor entertainment use (limited to three (3) or less events per week from Memorial Day Weekend to and including Columbus Day Weekend, ending no later than eleven (11) PM holidays and weekends and ten (10) PM on weekdays).”**

Town Attorney William Drescher explained that this amendment was proposed by the Selectmen. Originally there was an amendment submitted by petition to the town for the March town meeting, but the submission was inadvertently made after the date for submitting zoning amendments, which is several weeks earlier than the deadline for submitting petition warrant articles. Petitioned zoning amendments can only be made for the annual town meeting, so a resubmission would result in a yearlong wait. However, a zoning amendment made by the Selectmen or Planning Board can be voted on at a special town meeting.

Selectman Charlie Moser spoke more about the amendment, explaining that the Selectmen have offered this amendment “in fairness” to the petitioner. The specific wording of the amendment was drafted by the original petitioner's attorney and reviewed by the Selectmen at a regular public meeting. He explained that the amendment would allow the seasonal outdoor entertainment use as a special exception. As such, someone wishing to establish a seasonal outdoor entertainment use would need to apply to the ZBA for the special exception, then apply to the Planning Board for a site plan review.

Attorney Alec McMartin, representing the petitioners, Marty and Nicole Ruggiero, spoke about the benefits of their proposal to be able to continue offering musical entertainment.

### **Public Input**

The planning board chair asked all who wished to speak on the subject sign one of three lists, “in favor”, “opposed” or “neutral”. The speakers also indicated what town they lived in, as a number of people from other towns were present.

Marty Ruggiero – one of the petitioners and owner of The Driving Range, in favor – “my attorney said it well”

Mary Pierce – abutter, in favor - enjoys the music

Dean Chrystal – Mason resident, in favor - business owners should just be able to do their thing, it's better than having them go out of business and the land go for other uses, such as a trailer park.

Mike Ordway – abutter, in favor – bedroom about 800' from stage – he and his wife are in favor. The Driving Range does a lot of good things for the community. Concerns they once had about the lateness of the music have been addressed by the hours listed in the amendment.

Betty Comerford – abutter, neutral – can we compromise with earlier ending hours, such as 9 pm on weekdays?

Derek Matthieu – abutter, not in favor - “When a patron doesn't want to hear the music, they can stay home. I live 1500' from the stage, and don't have that option.”

Barbara DeVore – not in favor - lives on Valley Road, says she is an “auditory abutter” because she can hear the music from her patio and feel the vibrations. This interferes with her right to peace and quiet.

Mike Goen – neutral - What about parking, etc? Pam explained that the process of getting ZBA approval and site plan approval will cover the specific issues. He asks, is there any way to limit the auditory volume? He can hear it sometimes at his home on Russell Road.

Guy Daniello – neutral – wants to note that the phrase “outdoor entertainment use” could be taken to mean many things other than music, such as dirt bike track, drive-in movie theater, etc.

Jessica Arteaga – in favor - Looking at the big picture, more people seem to be in favor. There should be a compromise, there should be quiet time hours.

***Chairman Pam explains that the amendment will allow the use anywhere in town, this isn't just about The Driving Range.***

Meghan Pennypaker – in favor - it's a good business to have in town.

Landon Smith – abutter, in favor - The Driving Range was one of the factors that led him and his wife to buy their house abutting it.

Kyle Aguiar – abutter, in favor – the music is awesome and I'd like it to continue.

Travis Rollo – in favor - music is a big part of my life, playing music there is great, shutting it down would be a great loss to the town.

James DiMarcio – Ashby, MA, in favor – it would be a shame to end the music, let's compromise.

Brenda Clarke – Brookline, in favor – her family has been going to The Driving Range for 25 years, kids run around under the stars, older kids hits golf balls, all have good times. The music brings money to the town. Brings families, friends.

Juliana Wilson – New Ipswich, in favor – in a band with her husband, love to play at The Driving Range.

Gina Bent – Brookline, in favor – 4 generations of my family go there, it's good clean entertainment.

George Wedge – Greenville, in favor – He started the Thursday Cruise Nights 4 years ago, now a hundred antique cars may show up. They raise money to donate for good causes. Oldies music on Thursday nights.

Jennifer Schongar – Mason - In favor of businesses in general. Does this amendment mean it's a change for the whole town? Is there another way?

Selectmen Charlie Moser explained the 4 major criteria needed to be granted a special exception, and listed some of the secondary criteria the ZBA may look at.

Pam closed the public input part of the hearing.

## **Board comments**

Dotsie followed up on Guy Daniello's comment that "seasonal outdoor entertainment" is too broad and could encompass non-music activities. Suggests that the board change it to "seasonal outdoor music entertainment".

Pam noted the change would push the Town Meeting vote out into July, because another hearing will be required.

Dotsie made a motion to change the proposed amendment to "seasonal outdoor music entertainment". Mark seconded.

Discussion on the motion: Pam said ZBA has the power to not grant a special exception to non-music events, so the change is not needed.

Vote on the amendment to the amendment: Eric - nay, Dotsie - aye, Mark - nay, Pam - nay, Louise - nay. Motion fails.

Back to the original amendment. Pam noted that this amendment would be the only one with specific hours. The ZBA has the power to change the hours, are the hours needed in the amendment? Discussion: leave it.

Mark made a motion that the board recommend this amendment as written. Eric seconded.

Vote: Eric - aye, Dotsie - aye, Mark - aye, Pam - aye, Louise - aye. Motion passed.

The warrant article for the special town meeting will indicate that the Planning Board recommends the amendment. The wording was not changed from that stated in the announcement for this public hearing.

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## **Adjourn**

Pam made a motion to adjourn. Louise seconded. Motion carried unanimously. Meeting adjourned at 8:55 PM.