



## Mason Planning Board

**January 18, 2018**

Approved

### **Attending**

Scott MacGarvey (Chair), Dotsie Millbrandt (Vice Chair), Kerri Baldi (alt), 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

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### **Regular/Old Business**

### **Minutes**

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

### **Correspondence**

No correspondence.

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## 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.

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## **Other Business**

Charlie asks NRPC if they can help with building code which is sorely out of date.

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## **Adjourn**

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