



## Mason Planning Board

**February 28, 2018**

Approved

### **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

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## **Regular/Old Business**

### **Minutes**

The board voted to approve the minutes of January 31, 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.

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## 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. See attached chart.

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.

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## **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.

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## **Adjourn**

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

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## **Attachment: ZBA NOD Conditions**

This attachment shows the resolution of the conditions imposed by the ZBA in its Notice of Decision.

<b>ZBA NOD Conditions</b>	<b>Applicant Actions</b>
1.) Compliance with all conditions stated in the document titles "Ruggiero SBA Appeal Summary," dated 10/27/16, as modified 11/02/16	See below
<ul style="list-style-type: none"> <li>- Additional Use - Outdoor live and/or recorded music venue. The use includes live concerts, charitable fundraising events that will utilize the property's stage and sound facilities, theatrical presentations, public speaking events, family nights including film presentations on a screen not to exceed the back wall of the stage.</li> </ul>	Use of exact language in executive summary (page 6) of 12/12/17 Business Expansion Plan
<ul style="list-style-type: none"> <li>- Charitable activities - The charitable activities include hosting/sponsoring fundraising activities for 501(c)(3) charities, faith based/religious charities and or other humanitarian purposes. In addition, the charitable activities include partnering with charitable non-profit organizations for fundraising and/or the receipt of other contributions (such as food drives) in conjunction with regularly scheduled events.</li> </ul>	Use of exact language in executive summary (page 6) of 12/12/17 Business Expansion Plan
<ul style="list-style-type: none"> <li>- Schedule - the seasonal schedule for outdoor entertainment events will run from the start of Memorial Day weekend through and including the Columbus Day holiday. Events are limited to a maximum of three times per week, generally scheduled for Thursday, Friday, and Saturday event. Events held on Friday, Saturday and holiday evenings will start no earlier than 8:00PM and held no later than 11:00PM. All other outdoor concert events will start no earlier than 6:00pm and end no later than 10:00pm.</li> </ul>	Schedule was updated as an attachment in the 12/12/17 Business Expansion Plan to reflect time constraints and date range
<ul style="list-style-type: none"> <li>- Improvements of the Stage - The stage will be improved as required by the Building Code; in addition, railings will be installed at the rear of the stage. To reduce the sound generated by the stage itself, the performance space on stage will be decoupled from the stage platform using sound deadening materials and structures will be used to diffuse and reduce sound emanating from the rear and the sides of the stage.</li> </ul>	<p>Addressed in the Business Expansion Plan attachment titled "Marty's Driving Range Sound Stage Review &amp; Recommendations"</p> <p>Was this Sound Review document prepared before the ZBA decision and thus the ZBA's decision is just to bind them to this proposal or was it done in response?</p> <p>*Stage improvements and code compliance pending permit from building inspector</p>
<ul style="list-style-type: none"> <li>- Maximum Capacity - the maximum attendance shall be limited to 1,000 individuals</li> </ul>	Maximum capacity noted in table on page 16 of Business

	Expansion Plan. Maximum capacity also included on plat plans (Sheet 2, Note 25)
<ul style="list-style-type: none"> <li>- Crowd Control – the maximum number of attendees shall be enforced by utilizing the following: <ul style="list-style-type: none"> <li>- Color-coded wristbands</li> <li>- Click counters utilized by parking lot attendants to track the number of vehicles</li> <li>- Use of pre-printed no cost tickets when the expected crowd is greater than 500 attendees</li> </ul> </li> </ul>	<p>Exact language included in “Population/Crowd Control” section of Business Expansion Plan on page 16</p> <p>Other details have been added in addition for crowd management</p>
<ul style="list-style-type: none"> <li>- Staff duties – the description of specific staff duties of support staff as required per event as follows: <ul style="list-style-type: none"> <li>• Greeters: Staff in charge of checking tickets, checking ID’s for a bar admission, and managing wristband procedures.</li> <li>• Parking Attendants: Staff in charge of parking and monitoring activities in the parking lots to ensure compliance with no outside beverage or food requirements.</li> <li>• Security Personnel: Mix of visible and plain-clothes staff responsible for guest compliance with rules and regulations. Liaison with local police/private security organization personnel; and,</li> <li>• Concession/Sales Personnel: Staff employed in connection with food &amp; alcohol service is responsible for service age compliance with NH alcohol &amp; beverage laws.</li> <li>• Safety and Security Measures – In addition to the measures outlined in paragraph 7 Staff Duties, the Applicant will employ event security staff and work with and schedule event related security details utilizing private security organizations and the Town of Mason Police Department. The Town of Mason Police Department must be satisfied with the security plan for events.</li> </ul> </li> </ul>	<p>Exact language included in support staff section of Business Expansion Plan on page 17.</p> <p>All other personnel are listed with the correct definitions (page 17)</p> <p>“e” is addressed under the “Pledge to Safety” section in the Business Expansion Plan on page 20</p>
<ul style="list-style-type: none"> <li>- Conditions attached to this special exception are:</li> </ul>	See below
<ul style="list-style-type: none"> <li>• Noise Control – Bob Young to provide description of Noise Control monitoring and enforcement procedure that includes specific test locations, sound test intervals, logging test results and the weekly submission of test logs to the Mason Board of Selectmen who are responsible for enforcement.</li> </ul>	<p>Included in “Noise Control Section” on page 19 of Business Expansion Plan. (Outlines requirements for maintaining and logging the 75dBa at the two designated points A and B with a sound meter set to the “A” weighted scale and set</p>

	<p>to “slow response” per standards of the American National Standards Institute. Also noted that the log will contain sound levels measured, dates and times measured, weather conditions, and temperature.)</p>
<ul style="list-style-type: none"> <li>Alcohol - Outdoor alcohol sales and consumption shall be limited to the area within the outdoor concert area and shall be enclosed by a fence. No person under the legal age for consumption shall be allowed within the area. Additionally, patrons shall not be permitted to bring coolers or alcohol beverages on site.</li> </ul>	<p>These restrictions are included in the “Alcohol Control” section on page 20 of the Business Expansion plan</p> <p>See area around stage outlined with a dashed line on Plat Sheet 2</p>
<ul style="list-style-type: none"> <li>Parking - All event parking will be on site in parking lots A, B and C. See the site plan submitted on 10/24/2016 for details regarding size and location of lots A, B and C. And, parking lot D if a shuttle service is provided from and to the remote parking lot at Barret Hill farm. No event parking shall be permitted on NH Route 124 or Churchill road. Applicant shall enforce this by making announcements of parking violations notifying the Mason police to have violators towed. Additionally, no event entry shall be permitted by people walking to the site</li> </ul>	<p>Details regarding size and location of lots, Barret Hill Farm parking and shuttle service, no parking enforcement on NH Route 124/Churchill road, and attendants preventing entry to people walking are Included in “Parking/Traffic” section of the Business Expansion Plan on page 18.</p> <p>Plat Sheet 2, Notes 17 and 18 detail how parking lots will be managed by professional attendants and that 20’ aisles will always be maintained for emergency vehicles.</p>
<ul style="list-style-type: none"> <li>Site Plan - The Applicant shall obtain Site Plan approval from the Mason Planning Board and that the approved plat be recorded in the Hillsborough County Registry of Deeds. The plan must include an emergency management plan, a safety &amp; security plan, a traffic management plan, a lighting plan and a sanitation plan</li> </ul>	<p>Planning Board is reviewing application for approval.</p> <ol style="list-style-type: none"> <li>Emergency Management Plan - “Pledge to Safety” section, page 20 in Business Expansion</li> </ol>



	<p>Plan</p> <ol style="list-style-type: none"> <li>2. Safety and Security Plan - "Pledge to Safety" section on page 20 and "Staffing/Training" section on page 15 of Business Expansion Plan</li> <li>3. Traffic Management Plan - "Parking/Traffic" section of Business Expansion Plan on Page 18 as well as Plat Sheet 2, Notes 17 and 18.</li> <li>4. Lighting Plan - all lighting identified on Plat Sheet 2</li> <li>5. Sanitation Plan - all sanitation facilities are identified on Plat Sheet 2</li> </ol>
<ul style="list-style-type: none"> <li>• Building Permit - The Applicant shall obtain a retroactive building permit for the stage including electrical inspection and stage improvements described above and in the document titled "The Driving Range - A Business Expansion Plan".</li> </ul>	<p>Included in "Noise Control" section on page 19 of Business Expansion Plan</p> <p>What is the current status of applying for the building permit? If the applicant plans to file after Planning Board approval, receiving the retroactive building permit should be a condition of approval.</p>
<ul style="list-style-type: none"> <li>• Lighting - Paths or trails to onsite parking shall be well lit as specified on the site plan submitted 10/24/2016. The lighting, film presentation and car lights on the site shall not result in offsite glare.</li> </ul>	<p>Plat Sheet 2, Note 22 - the pedestrian walkway is lined with solar lights, and there is a proposed roof mounted spotlight on the A1 Services building, which will illuminate the walkway further.</p> <p>Plat Sheet 2, Note 20 - existing landscaping will be maintained to continue screening effects</p>

<ul style="list-style-type: none"> <li>Submitted Plan - The Applicants' plan titled "The Driving Range - A Business Expansion Plan" with changes agreed to at the hearing shall be the minimum basis of the operation of the business and shall be subordinate to the specificity and conditions of the special exception. Also, adherence to the chart on page 18 establishes the baseline for staffing of outdoor entertainment events on the site.</li> </ul>	<p>Ongoing, chart is now on page 17</p>
<ul style="list-style-type: none"> <li>Fencing - Applicant shall install fencing from the A1 parking lot (lot C) to the back of the porta potties as well as a perimeter fence around the concert area and a perimeter fence around the alcohol sales and consumption area.</li> </ul>	<p>Identified on Plat Sheet 2 as a dashed line with "proposed limit of alcohol consumption" note.</p> <p>Addressed in Sheet 2, Note 13</p> <p>Noted in "Alcohol Control" section on page 20 of Business Expansion Plan</p>
<ul style="list-style-type: none"> <li>Pyrotechnics - No concert event will include pyrotechnics or fireworks</li> </ul>	<p>Language include in "Pledge to Safety" section on page 20 of Business Expansion Plan</p>
<p>2.) Compliance with operational methods and site improvements contained in a document titled "The Driving Range, a business Expansion Plan" version 1.2 dated 10/25/16</p>	<p>Sheet 2 Note 19 - needs to be updated with final version # of business expansion plan and date.</p> <p>The Planning Board made this a condition of approval.</p>
<p>3.) Completion of improvements shown on a document titled "Site Plan, rev 3" dated 10/18/16, as marked up via redline by the ZBA on 11/02/16</p>	<p>ZBA Chair verified that this is covered in items 5a-f.</p>
<p>4.) Obtaining and recording site plan approval from the Mason Planning Board on terms not inconsistent with this conditional approval of special exception</p>	<p>Planning Board has reviewed this application for approval</p>
<p>5.) Incorporating the following into the Site Plan</p>	<p>See below</p>
<ul style="list-style-type: none"> <li>The exclusion of the driving tee/batting cage area from the alcohol consumption area during concert events</li> </ul>	<p>Plat Sheet 2, Note 13</p> <p>The Tee area is also delineated on Sheet 2</p>
<ul style="list-style-type: none"> <li>Identifying the second area for location of porta potties when expanded beyond the quantity of 5 as currently shown</li> </ul>	<p>Identified on Plat Sheet 2 - 5 proposed porta potties are delineated to the right of the stage within the alcohol consumption area, and</p>

	an additional 5 are delineated to the left of the stage in the alcohol consumption area if necessary
<ul style="list-style-type: none"> <li>o Adding marking of parking areas identities A,B,C</li> </ul>	Identified on Plat Sheet 2 - Parking area C is on the left side of the plat (garage parking lot), parking area B is in the middle of the plat (grass parking area), and parking area A is to the right of parking area B (existing gravel area).
<ul style="list-style-type: none"> <li>o Adding a safety fence across the face of the pond</li> </ul>	<p>Identified on Plat Sheet 2 as "roped barricade adjacent to pond" on northern edge of fire pond.</p> <p>Noted in "Pledge to Safety" section on page 20 in Business Expansion Plan</p>
<ul style="list-style-type: none"> <li>o Sound measures taken at Point C referenced on Google Earth satellite map "Tree Line ___ feet from stage, also Point D past the center of sand trap ___ feet from stage. Agreed upon two (2) fixed measure points. The blanks will be filled in by the Ruggieros before submitting to Planning Board for site plan approval.</li> </ul>	Sheet 2 Note 14
<ul style="list-style-type: none"> <li>o Take "75 dBa at property line" off from plat plan.</li> </ul>	Removed as requested