



# 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

<b>Project Name:</b> Bryan and Anderson LLA	<b>Case Number:</b> 18-02	
<b>Plan (Plat) Date:</b> 2/2/2018	<b>Tax Map:</b> K	<b>Lot #:</b> 15
	<b>Tax Map:</b> L	<b>Lot #:</b> 57

<b>MEETING DATE:</b> 2/28/2018 <input checked="" type="checkbox"/> <b>Conditional Approved</b> <input type="checkbox"/> <b>Approved</b> (Plan signed) <input type="checkbox"/> <b>Denied</b> <input checked="" type="checkbox"/> <b>Minutes Attached</b>	<b>APPLICANT(s):</b> Jon L. & Nancy Bryan 154 Morse Road Mason, NH 03048  Gerald E. & Judith H. Anderson 408 Morse Road Mason, NH 03048  <b>Applicants Rep:</b> GRAZ Engineering, LLC 323 West Lake Road, Fitzwilliam, NH 03447	<b>APPLICATION TYPE:</b> <input checked="" type="checkbox"/> Minor Lot Line Adjustment <input type="checkbox"/> Subdivision <input 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:

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 1,583.4 feet (28.7 acres) from lot L-57 to lot K-15.

Within Lot L-57, the lot line relocation would run from the southeast pin of K-15 west to the northeast pin of L-57, then south to the southwest pin of L-57, then east 788.7 feet, then north to the southeast pin of K-15 being the point of beginning.

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:

- Removal of Secretary and Conditions lines in approval box on plat
- Add note to plat that states "all notes, stipulations, and requirements shown on plan # 33534 regarding lot K-15 shall remain in full force and effect."
- All fees paid
- All conditions to be met by March 28, 2018



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**Scott MacGarvey**  
**Chairman, Mason Planning Board**

Attachments: Planning Board Minutes



## 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

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## **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.

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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.

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.