



TOWN OF MASON, NH - PLANNING BOARD

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NOTICE OF DECISION

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

January 31, 2017

Project Name: Ruggiero Subdivision	Case Number: 16-02	
Plan (Plat) Date: 1/12/17	Tax Map: J	Lot #: 11

MEETING DATE: 1/25/2017 <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 and Nicole Ruggiero 20 Bell Lane, Mason NH 03048 Applicants Rep: Raymond P. Shea Sanford Surveying and Engineering	APPLICATION TYPE: <input type="checkbox"/> Minor Lot Line Adjustment <input checked="" 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 to:

The purpose of this plan is to subdivide lot J-11, totaling 17.953 acres, at Marcel and Old Turnpike Roads in Mason NH. The result will be 4 Lots J-11 (4.573 acres), J-11-2 (4.203 acres), J-11-3 (4.745 acres), and L-11-4 (4.433 acres).

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

1. Add dashed line to legend for proposed common driveway.
2. Add note to plat indicating the road is a cart path.
3. Add note to plat about Conservation Commission's review comment stating that "any widening of the common driveway on lot J-11-2 adjacent to the wetland be done on the south side of the road away from the wetland. Vegetation within the 10 foot area between the existing road and the wetland shall not be disturbed. Biodegradable erosion control socks should be placed no closer to the wetland than the north edge of the existing road as a guide for the limit of disturbance. No fill for roadbed or shoulders should extend beyond the north edge of the existing road.
4. Add proposed driveways to Sheet 1
5. Move common driveway easement south by 5 feet to provide better wetland protection.
6. Move the 4000 ft septic reserve area to cover test pits 1, 2, and 3.
7. Expand note 18 to state that Sheet 3 specifies detailed erosion control measures.
8. Update the wording in the easement according to Conservation Commission's recommendations.
9. Update the wording in the easement according to Attorney Drescher's recommendations, including the written acknowledgement of the subdivider's responsibility for easement area maintenance.
10. Add NHDOT permit number to the plat.
11. Add TBS to the plat for the north corner bound between lot J-11-3 and J-11-4 for the iron pin witness to be set.
12. Add list of approved waivers to the plat.
13. Pay all fees.
14. All preceding conditions must be met by April 26, 2017.

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

Mark McDonald
Vice Chairman, Mason Planning Board

Attachments: Planning Board Minutes



Mason Planning Board

December 29, 2016

Approved

Attending

Eric Anderson, Dotsie Millbrandt, Louise Lavoie (Ex-O), Mark McDonald (Vice Chair), Jen Czysz (NRPC), Cassie Mullen (NRPC)

Absent

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

Call to order

7:43 PM

Next Meeting

January 25, 2017

Chairman tonight: Mark McDonald (Vice Chair)

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

Old Business

Minutes

The board voted to approve the minutes of October 26, 2016, correcting the listed attendees.

Application 16-01: Mylar registered with Hillsborough County Registry of Deeds (HCRD).

Correspondence

The board reviewed the recent correspondence.

New Business

Application 16-02

Martin Ruggiero applicant, subdivision of Tax Map lot J-11 (17.953 acres) at Marcel and Old Turnpike Roads into 4 parcels: Lots J-11 (4.573 acres), J-11-2 (4.203 acres), J-11-3 (4.745 acres), and J-11-4 (4.433 acres).

Raymond Shea of Sanford Surveying and Engineering is representing Martin Ruggiero. Initially, there was no letter of authorization signed by the applicant allowing Ray Shea to present the proposal and answer questions on behalf of the applicant. About a half hour into the hearing, Nicole Ruggiero supplied this authorization in a letter signed by the applicant.

Abutters present: Ronald Ilomaki, Judith Ilomaki

Other attendees of standing:
Barbara DeVore, Conservation Commission
Liz Fletcher, Conservation Commission

The board checked the submission materials for completeness of application.

[Note: outstanding issues are in **bold** typeface.]

The written acknowledgment of subdivider's responsibility (Item 14 on the application checklist) is currently on a separate paper. **The board would like it added to the plat.**

Ray Shea presented the plan and the board examined the plat.

The cart path shown may have been the original Turnpike Road. **The board wonders if there a public right of way to traverse it.** Part of the path will be used as a common driveway to lots 3 and 4, starting on Lot 2. Why there? The lots are on a state highway. The DOT is allowing only 3 cuts. Need 400' visibility in each direction for each driveway.

The applicant will request a waiver from the board to allow a common driveway (subdivision regulations 4.05).

Applicant will request a waiver from the board for construction of the common driveway, which during construction will encroach into the 25' buffer for the wetland area (subdivision regulations 5.19).

Wetlands were delineated by a wetlands scientist in February, 2016.

Dotsie made a motion to accept the application as complete. Eric seconds. Vote: Eric - aye, Louise - aye, Dotsie - aye, Mark - aye.

Mark made a motion to declare there is no regional impact for this subdivision. Louise seconds. Vote: Eric - aye, Louise - aye, Dotsie - aye, Mark - aye.

Applicant submitted a waiver for a common driveway (Subdiv 4.05). The easement has been drafted from the town recommended wording. **The final wording needs to be run by town counsel.**

Applicant submitted a waiver for disturbing an area within 25 feet of a wetland (5.19).

Mark read the comments that NRPC provided after review of the application: There is an acreage discrepancy between lot acreage values on sheet 1 vs sheets 2 and 3 for J-11-3 and J-11-4. Sheet 1 is correct.

Requests for review of the impact of this proposal have been submitted to the Fire Department, Police Department and Highway Department. No response yet. **The Board would like the Conservation Committee to be asked for their input,** as the proposed lots contain significant wetlands and the common driveway is in close proximity. The Conservation Committee members attending the meeting agree that they would like the opportunity to provide a review.

Public input:

Constance Lacasse, Hurricane Hill Road, questions/comments for clarification.

Ron Ilomaki, New Ipswich, abutter. Are there any plans for the parcel behind this subdivision? Access is from Rt. 31. Mr. Ruggiero has no current plans for the property. (Note: Mr. **Ilomaki would like the spelling of his name to be corrected on the plat, which reads Ibmaki.**

Barbara DeVore, Conservation Commission. Who is responsible for developing the driveways? Board: **There needs to be a sediment and erosion plan for construction of the common driveway, the plat needs to state that such exists, owner needs to comply with plan.**

Liz Fletcher asked where the driveway on Lot 2 will go? The stte DOT approves the curb cut. Apart that the eventual owner can decide, in accordance with our regulations.

The items above in bold were read, as outstanding issues. Mr. Shea will address them before the next hearing.

Dotsie made a motion to continue the hearing for Application 16-02 to January 25, 2017, at 7:45.

Other Business

Board's Procedures on HCRD Recording and Record Keeping Proposed Amendments. Future: Discuss, update bylaws, update subdivision regs. Site plan review.

Future: Review sign ordinance.

Adjourn

Mark made a motion to adjourn. Eric seconded. Motion carried unanimously. Meeting adjourned at 10:20 PM.



Mason Planning Board

January 25, 2017

Unapproved

Attending

Dotsie Millbrandt, Louise Lavoie (Ex-O), Mark McDonald (Vice Chair), 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

February 22, 2017

Chairman tonight: Mark McDonald (Vice Chair)

Voting members tonight: Louise, Mark, Dotsie.

Old Business

Minutes

The board voted to approve the minutes of December 29, 2016, correcting the spelling of a name.

Correspondence

The board reviewed the recent correspondence.

New Business

Application 16-02

Hearing continued from 12/29/2016.

Martin Ruggiero applicant, subdivision of Tax Map lot J-11 (17.953 acres) at Marcel and Old Turnpike Roads into 4 parcels: Lots J-11 (4.573 acres), J-11-2 (4.203 acres), J-11-3 (4.745 acres), and J-11-4 (4.433 acres).

Raymond Shea of Sanford Surveying and Engineering continues to represent Martin Ruggiero.

Abutters present: None

Other attendees of standing:

Conservation Commission: Barbara DeVore, Bob Larochelle, Ann Moser, Anna Faiello

[Note: outstanding issues are in **bold** typeface.]

Mr. Shea's response to the open issues from last month's hearing:

- Added Note 8 to plat regarding onsite sewer and water service.
- Added box to capture the HRCID number when the plat is recorded.
- Corrected spelling of abutter's name, Ilomaki.
- Added note indicating driveways would meet NFPA surfacing requirements.
- Added NH DES subdivision approval number.
- Corrected area Sq. Ft. to match on all sheets.
- Reviewed deeds for State Highway and for PB question on whether the cart road had even been a public way. It appears to have been a path to a farm.

Mr. Shea also moved the curb cuts to satisfy State Highway concerns; permit pending.

The board would like **a note added to the plat to indicate it is a cart path.** It's important not to inadvertently depict a path as a road on a plat.

The Board received the following comments from Fire Chief Fred Greenwood:

I have reviewed the plans for the subdivision and the shared driveway access is adequate for emergency vehicles. The water supply is located on Churchill Road and Turnpike Road, both of which would be adequate in a fire emergency. The area is easily accessible to area mutual aid companies as well.

The Board received the following comments from the Conservation Commission:

1. Any widening of the common driveway on lot J-11-2 adjacent to the wetland be done on the south side of the road away from the wetland. Vegetation within the 10 foot area between the existing road and the wetland shall not be disturbed. Biodegradable erosion control socks should be placed no closer to the wetland than the north edge of the existing road as a guide for the limit of disturbance. No fill for roadbed or shoulders should extend beyond the north edge of the existing road.

2. Recommendations in #1 shall be included in the driveway easement wording so they run with the land and give notice to all who would perform driveway maintenance in the future. We also request that an as-built plan for the driveway including the location of erosion control measures be a requirement.
3. Due to shallow bedrock indicated in Test Pits 1A & 1B we have strong concerns that other portions of the 4000 square foot septic on lot J-11-3 could be affected. We request an additional test pit be dug at the highpoint in the septic reserve area to verify the mound is composed of soil and not ledge.
4. We would like to discuss options for the 15% open space dedication to the town.

The board discussed the recommendations.

Recommendation 1:

Mr. Shea will move the easement south by 5 ft. over its length for better erosion control. He will also add Note 18 stating that erosion control must be done when driveway is upgraded.

Recommendation 2:

The requirement for erosion control during driveway construction will also be added to the driveway easement.

The board declined to require an as-built plan.

Recommendation 3:

The 4000 sq. ft. septic reserve area will be moved so that it covers all three test pits.

As a result of moving the septic reserve, the well protection area will also be moved.

Recommendation 4:

The Conservation Commission would like the protected open space to be designated on the adjacent property J-11-1 in an area called the gorge, which is the headwaters of the Squannacook River. Board agreed that preserving that area an excellent idea; however, this area is not surveyed at the detail needed. The board would like to do it when J-11-1 is subdivided at a future date. That lot has 70 acres, so the open space reserve would be about 10 acres.

The written acknowledgment of subdivider's responsibility (Item 14 on the application checklist) is currently on a separate paper. **The board would like it added to the plat.**

The board reviewed Atty Drescher's comments on the wording of the common driveway easement. **The applicant will work with Atty Drescher on wording.**

The applicant requested a waiver from the board to allow a common driveway, per Subdivision Regulations Section 4.05 (d): Common driveways will not be allowed except for reasons of safety or for topographical reasons.

The common driveway is needed for topographical reasons. Adding curb cuts further to the west of the parcel puts them on a curve that does not have the 400' line of sight in both directions required on a state highway.

Dotsie made a motion to grant the waiver. Louise seconded. Vote: Mark - aye, Louise - aye, Dotsie - aye.

The applicant requested a waiver from the board for construction of the common driveway, which during construction will encroach into the 25' buffer for the wetland area (Subdivision Reg 5.19).

As discussed earlier, the common driveway easement will be moved to the south by 5 feet to increase the distance from the wetland, and a note will be added to the plat stating Conservations Commission review comment #1 about measures to take during construction of the driveway.

Mark made a motion to accept the waiver. Dotsie seconded. Vote: Mark - aye, Louise - aye, Dotsie - aye.

Conditions for Approval

1. Add dashed line to legend for proposed common driveway.
2. Add note to plat indicating the road is a cart path.
3. Add note to plat about Conservation Commission's review comment #1 (see above).
4. Add proposed driveways to Sheet 1.
5. Move the common driveway easement south by 5 feet to provide better wetland protection.
6. Move the 4000 ft septic reserve area to cover test pits 1, 2, 3.
7. Expand Note 18 to state that Sheet 3 specifies detailed erosion control measures.
8. Update the wording in the easement according to the the Conservation Commission's recommendations.
9. Update the wording in the easement according to Attorney Drescher's recommendations, including the written acknowledgment of the subdivider's responsibility for easement area maintenance.
10. Add NHDOT permit number to plat.
11. Add TBS to the plat for the North corner bound between lot j-11-3 and J-11-4 for the iron pin witness to be set.
12. Add list of approved waivers to plat.
13. Pay all fees.
14. All preceding conditions must be met by April 26, 2017.

Mark made a motion to grant conditional approval to Application 16-02. Dotsie seconded. Vote: Mark - aye, Louise - aye, Dotsie - aye.

Other Business

New Members

Several people have answered Louise's advertisement for people willing to serve on the planning board. In response, Louise sent information about what the board does and invited people to come observe a meeting.

Lee Siegmann expressed an interest in joining the planning board, and he attended tonight's meeting. He has experience surveying, engineering and managing the land development projects. Dotsie will sponsor him at Selectman's meeting on Feb. 14.

Adjourn

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