



Board of Adjustment
Town of Mason, NH
16 Darling Hill Road – Mann House
Mason, New Hampshire 03048
(603)878-2070 (603)878-4892 fax

Board of Adjustment April 15, 2019

Approved May 20, 2019

Meeting called to order by Chair at 7:32 pm

Roll Call: Bill Fritz, Chair, Bob Young, Vice Chair, Guy Daniello, Bob Bergeron, Phil Garside, Landon Smith, Connie Lacasse, Clerk

Absent: Mary Pierce

Old Business:

Minutes from March 18, 2019 reviewed. Two corrections noted: correct sq. footage of 1600 to 1500 ADU and correct date on signature line. Motion made to accept made by Bob Young, seconded by Guy, voted and approved by all members as corrected.

Voting members: Bill Fritz, Bob Young, Guy Daniello, Phil Garside, Bob Bergeron.

New Year Elections will be discussed and voted on after scheduled hearing.

7:45pm – Marty’s Driving Range, Nicole Ruggerio came to Board for advice concerning what needed to be done to address a change in how “hours of operation” could be redone. In order for them to have “Community Events/Family style” they would like to be able to combine the weekly hours and perhaps have one long day, maybe Saturdays from 3pm to 11pm, approximately. A group called Uplift Organization that usually meets in Greenfield State Park would like to relocate to Marty’s area. Nicole says she has been in contact with neighbors with this new plan and all seem to have no objections. She claims to have contacted Mason Police Dept and Fire Dept with her plans and no objections were noted. Guy questioned if there would be an appeal as there no RSA’s to regulate a decision by the ZBA. Board explained there would have to be a new application form filed, public notices sent, site plan review. Question whether this would open up “Special Exception” all over again. Selectmen Moser spoke about flexible hours being issue, referring to RSA 674.33. Discussion as to whether it could not be for just one show/weekend but for all. It was recommended she contact her attorney, specify exactly whether they want an amendment to the conditions or an addition. Must have forms back 2 weeks before next meeting on May 20th if they want to schedule a Hearing.

8:00pm Hearing 19-03 Farwell Variance Request Lot H-30

Voting Members: Bill Fritz CH, Bob Young VC, Guy Daniello, Phil Garside, Bob Bergeron, Landon Smith Alt, Connie Lacasse clerk

Public Attendees noted : Charlie Moser, Jeanine Phalon, abutter, Shawn and Harvey Jodine, Liz Fletcher, Barbara DeVore, Bob Larochelle, Roseana Nedeau (Conservation Committee/abutter)
David Farwell, applicant and Atty Robert Parodi.

Atty Parodi presented his findings concerning this lot being undersized by todays zoning regulations . Presented much research and history of how property had been in the Farwell family since 1939 and due to reconstruction of Campbell Mill Road , they felt that some of the land had been taken by Mason without permit or redemption to Mr Farwell, causing the lot to be undersized. He also noted many

dwelling in the neighborhood that had 3 acres or less, or the four that is currently required Mr Parodi spoke several times of the high taxes Mr Farwell was forced to pay in excess of \$8,360. Mr Moser claimed this is incorrect.

Discussion was opened to Public at 8:35pm. Jeannine Phalon (abutter) spoke of the relationship she & her husband had with George Farwell, now deceased, David Farwell's fathers, and the conversations they had had many time concerning this lots size (2.87a) and whether Phalon's would want to buy it before George did anything with it. Her question was why didn't, he (David) just do a lot line adjustment from an adjoining piece of property that he owned. She was concerned with her property being be devalued because of the steep banks he was creating in the back of her house lot and the stability of her house. She questioned if his septic design was still viable with the changes to the land and contours he had already done. . She felt a variance was not needed or warranted.

Selectmen Moser spoke of Board of Selectmen sent a letter in April 2018 explaining Masons position that a Cease & Desist order had been issued due to no permits taken out for excavating and clear cutting being done in GRAF district. Copy introduced into file. In response to taxes, Mr Moser stated that Mr Farwell pays either one or two dollars a year for taxes on this property.

Conservation Committee, Chairman LaRochelle spoke of concerns to run off into the aquafer and the meadows across both sides of the street. The soils are poorly draining and would require 125foot setback for septic and well design, not the usual 35ft. as shown on plats. They introduced correspondence addressing this issue.

Shawn Jodine discussed what would happen when this piece of property comes out of current use? He to spoke of very low taxes currently charged and paid.

Asking if there was any more discussion from Public, hearing none. Public discussion was closed. Board went into their discussion. Guy asked why they hadn't considered a lot line? Atty stated that Mr Farwell didn't want to do one. Bob Young asked what was a "good lot" as Atty Parodi mentioned several times in his brief on the history he had found on the oldest maps. There was no answer.

9:15pm Guy made a motion to close Bob Young seconded. Board went to Discussion on 5 Variance items,
(1) contrary to Public interest ? Unanimous – agreed
(2) Spirit of Ordinance observed? Density of homes & preserve the rural character of Mason – agreed
(3) Substantial justice is done? 3 aye 2 nay
(4) Values of surrounding properties ? agreed unanimous
(5) Unnecessary hardship by undersized lot? All agreed that Lot Line adjustment would correct undersized lot problem.

Based on these 5 issues – denial of application by Board

9:55pm Chairman Fritz composed Notice of Decision for Connie to rewrite. Certified mail to Mr Farwell, filed with Town Clerk, copied to Atty, Mr & Mrs Phalon, Conservation Committee, Building Insp, BOS

10:00pm Three positions open on Board – Bob Young nominated Bill Fritz to stay on as Chair, seconded and all agreed, Bill Fritz nominated Bob Young stay on as Vice Chair, all agreed, Bill Fritz nominated Connie Lacasse stay on as Clerk and alternate, all agreed.

Next meeting scheduled for May 20th.

Motioned made to adjourn, seconded at 10:05pm.

Respectfully submitted,

Constance Lacasse

04/18/19 – Approved with adjustments 5/20/19