



**Board of Adjustment**  
**Town of Mason, NH**  
16 Darling Hill Road – Mann House  
Mason, New Hampshire 03048  
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Board of Adjustment: May 20, 2019

Approved 6/17/2019

Meeting called to order by Chair at 7:31 pm

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

Absent: Landon Smith & Mary Pierce

**Old Business:**

Minutes from April 15, 2019 reviewed. Two corrections noted. Bob Young made motion to accept as rewritten, seconded. One strike out and one correction. All agreed

Board reviewed Atty Parodi's letter asking for a review of decision made on 19-03 Lot H-30 Farwell Variance. It was decided this discussion would be after Martys Driving Range, scheduled for 7:45. No Attorney or Mr Farwell present.

**New Business:** Voting Members: Bill Fritz, Bob Young, Guy Daniello, Phil Garside, Bob Bergeron

Case 19-04 opened 7:45pm – Marty's Driving Range, Nicole Ruggerio represented Marty's. Abutters and public speakers noted were: Joe Powers (Reed Rd), Chris Gauthier (Churchill Rd), Ashley Brampton (Old Turnpike Rd) Wendy Sue Avery (2 houses down on Churchill Rd) Garth Fletcher (Churchill Rd). Charlie Moser, representing the Mason Selectmen and Kevin Maxwell, Chief of Police, Mason. Chief Maxwell presented his notes from a Concert on 9/21/18 at MDR with high praise for all parties involved and how smoothly the whole concert had operated and no problems had occurred

Chairman Fritz explained what the concerns were for a special exception to be required and or granted in order for Martys to have "Community Events/Family style". Mr Moser spoke concerning Cruz Night that Martys currently holds one night a week had grown to over 100 cars and it should be considered an "event" and the hours should be included in the total hours being discussed. #2-would be 8-11pm, #3-would be 6-10pm. 10 stage hours not to exceed 7 hours continuous. Discussion of Ambulance on premises especially during a hot day or night event, where drinking beer and wine will be served, Police presence required. Mr Moser spoke of complaints concerning Cruz Night – loud cars, motorcycles, music. No Police detail there when there could be several hundred attending. Nicole spoke of having a call list of abutters/neighbors she would call to inform them of Special Outdoor Community Event coming up before general public announcement be made. Chairman opened discussion to abutters at 8:30pm. Mr Gauthier spoke in favor of cruz night. Discussion on what is a week - should be Tuesday thru Monday with Sunday 8pm to 11pm for stage event as long as Monday is holiday. Not to have a 10 hour event on Sunday and again on Monday. Board walked thru wording to amend Special Exception as follows: "The seasonal schedule for outdoor entertainment will run from the start of Memorial Day weekend through and including Columbus Day holiday. Outdoor Concert Events are limited to a maximum of three (3) times per week, generally scheduled for Thursday, Friday and Saturday events. Combined weekly Outdoor Concert Events from Tuesday to Monday are not to exceed 10 hours. Outdoor Concert Events held on Friday, Saturday and on holiday evenings will start no earlier than 1:00pm and end no later than 11:00pm. Outdoor Concert Events are not to exceed 8 hours per day, Further, If a single day Outdoor Concert Event exceeds 7 hours, there will not be any other Outdoor Concert Events during that week." Chairman asked if there was any further discussion? Hearing none, Board started deliberation and voted on #13 items for Special Exceptions.

Element A - #1 Discuss or move to vote -aye-unanimous, #2Discuss or move to vote – aye-unanimous,#3 aye – unanimous, #4 – aye – unanimous, Element B - #1 4 aye-1 nay,# 4 aye-1 nay,#3-4 aye-1 nay,#4 4 aye-1 nay, #5 – unanimous, #6 – unanimous, #7 – unanimous, #8 – 4 aye-1 nay, #9-4 aye-1 nay, #10- 4 aye-1 nay, #11-unanimous, #12- unanimous, #13 – 4 aye –1 nay – All elements carried. Approved as amended. Hearing ended at 10:10 pm. Notices to be sent

19-03 Lot H-30 David Farwell, applicant and Atty Robert Parodi request for Rehearing discussion with Board members. BOS – Charlie Moser present

Chairman Fritz referenced RSA 677:2 in regards to the Request from Atty Parodi. The purpose of rehearing is to give the board the opportunity to correct any errors that any affected party believes may have been made. IF the board thinks the motion has a point, a rehearing would be granted and scheduled. IF the board thinks the applicants motion for rehearing does not point out any errors in procedure or judgement, then the motion for rehearing may be denied. Board reviewed previous decisions as follows:

- (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

Motion made and seconded – deny request for rehearing on Case 19-03

Next meeting scheduled for June 17th.

Motioned made to adjourn, seconded at 10:25pm.

Respectfully submitted,

Constance Lacasse

05/21/19 – Approved 6/17/2019