

## **Findings of Facts**

### **Board of Adjustment, Mason New Hampshire**

Hearing held at 8:00 PM on May 18, 2015 at the Mann House regarding Martin D. Ruggiero of 20 Bell Lane who requested a Variance from Article V, Section B. 1, 3 of the Mason Zoning Ordinance for an outdoor concert venue and extend[ed] area to drink alcohol on the property located at 96 Old Turnpike Road of the GRAF zone.

Summary of the facts of the case discussed at the above public hearing:

1. Applicant proposed to operate an outdoor concert venue with events held twice each week from approximately Memorial Day until Labor Day. Concerts were to be held mainly on Thursday evenings until 11 pm and on Saturday evenings until 12 AM. These are typically rock band concerts with amplified instruments, drums, etc.
2. Applicant planned on at least 28 concerts during the described time period.
3. Applicant wished to extend the area of outdoor alcohol consumption. Currently, the drinking area is limited to a 25 x35 ft patio and the applicant wanted to expand this area to include all buildings and structures except for the parking areas(s).
4. Mason Planning and Zoning Ordinance Article VIII Section A, (2)c does not allow for this use under Special Exceptions, therefore a Variance is necessary for this proposal.
5. Abutters provided testimony of late night noise levels, concert frequency, traffic and parking congestion that prevented them from enjoying their quality of life in their homes.
6. Crowd safety and the issue of police details were also of concern to the Board. The Mason Police Department informed the Board that police detail payments are in arrears, approximately \$3000.00 is due for past work.
7. The New Hampshire Liquor Commission informed the Board on May 18, 2015 that the beer and wine license for the applicant's establishment has expired. Applicant stated that he is in the process of renewing said license.
8. Applicant was not amenable to reducing the number of concerts during the summer season nor ending the Thursday night concerts at an earlier time.