

NOTICE OF DECISION

Zoning Board of Adjustment,
Town of Mason, New Hampshire

Case No: 15-002 J-69-1

You are hereby notified that the appeal of Martin D. Ruggiero for a variance regarding Article V, Section B, 1, 3 of the Mason Zoning Ordinance has been DENIED for the reasons/facts listed below, by vote of the Zoning Board of Adjustment.

Reasons/Facts Supporting the Denial:

In regard to the five variance criteria set forth in RSA 674:33:

1. The board finds that this variance will be contrary to the public interest mainly due to the amount, frequency and duration of loud noise generated by this use. Testimony in opposition from several abutters and other Mason residents has made this clear. The amount of noise from this use is also in violation of Article IV; C. Additionally, the amount of traffic generated by this use is a serious safety issue, as indicated by the Mason Police Chief at the hearing.
2. The board does not find that the spirit of the ordinance is observed. In addition to being a significantly different use than what is described in Article V: B, 1, 3, this use is at odds with some provisions in Article I; A, specifically “preserving the rural charm” and “promotion of good civic design and arrangements”.
3. The board does not find that substantial justice would be done by granting this variance. The applicant presently operates some businesses on this property, the proposed use would be an additional venture.
4. Some abutters had serious concerns that trying to sell their homes in this environment would be difficult and result in decreased property value. The board finds this to be a reasonable possibility as well.
5. The board finds that literal enforcement of the provisions of the ordinance would not result in an unnecessary hardship to the applicant. This property can be reasonably used in strict conformance with the ordinance. In addition to the uses allowed in Article V; B, 1, 3, all the commercial uses listed in Article VIII; A, 2, c are allowed by Special Exception.
6. The five variance criteria are not met.

Timothy Kelly, Chairman
Zoning Board of Adjustment

May 21, 2015

Note: The selectmen, any party to the action, or any person directly affected has a right to appeal this decision. See New Hampshire Revised Statutes Annotated, Chapter 677.