



Zoning Board of Adjustment minutes – continuation - hearing date 26 October 2016

Approved 01/16/17

- A. Roll Call of Members present by Clerk: Bob Bergeron, Phil Garside, Bill Fritz (CH), Guy Daniello (VCH), Bob Young (A), Landon Smith (A).
Bob B, Phil, Bill, Guy, Bob Young are voting members, Landon, alternate

Bill Fritz called for the continuation to begin at 7:36pm. Guy presented “Ruggiero ZBA Appeal Summary to all members for review and asked if there were any changes to be made. Phil questioned noise level with Guy stating he’d like to leave noise dBA to be addressed later on, Phil wanted to take a vote on the agreed or not agreed upon 60 dBA. Not seconded. Discussion of 2 items for noise control and actual dBA noise control draft from Bob Young. The discussion was the property line versus abutter’s line. 75 dBA’s at measurement point and 60 dBA at property line. Bob Young and Guy reviewed general agreement of 75 dBA at the measuring points that would be diminished by the time it gets to 60 dBs at Ruggieros property line. Board would like to get into other conditions as presented by Guy. Versions one or 2. Board agreed to return to original first (#1) copy of Ruggiero ZBA Appeal Summary with 9 items for discussion. Guy asked Bob Young for Noise Control draft dated Oct 24, 2016 document.

#1 remove “*but is not limited to*” and add film presentations “*on screen, not to exceed back stage wall*”, remove “*and other similar events*”.

#2 use includes but not limited to.

#3 times are confusing, Events held on Friday, Saturday and on holiday evenings will “*START at 8pm*”, end at 11pm. Events held on all other evenings will “*START at 6 pm*” (ie cruz night & school nights), end at 10 pm. Remove “*in all cases, events will start no earlier than the regular hours for Marty’s Ice Cream and the Driving Range.*”

#4 maximum sound level of “60 dBA. Discussion on where this reading takes place – abutters property line or Marty’s property line. Last discussion was proposed to change from 85 dBA to 75dBA. Normal time noise, ambient noise, concert noise compared discussed. Bob Young to get engineering data for “noise control document.” #5 no wording changes, #6 no wording changes. #7 a) Color-coded wristbands *OR* hand stamps. Remove: *when required*. #8 no wording changes, #9 no wording changes. This document Summary includes the Selectmen’s Recommendations.

But Board did question using private security versus Mason Police Dept. Needs to be specified when and who will utilize private security. Mr Ruggiero stated that MPD charges \$60.00 an hour which was outrageously too high and could hire privately for far less and had done so in the past with Cruz Nite without issues. Bob Bergeron would like to have Ruggieros contact MPD as they have the final say or authority on the concerts over all. Chief stated state law on regulations of authority of Police Chief. Board cannot supersede State Law of Regulating MPD authority or jurisdiction over traffic and security & crowd control.

10B question for overflow for food and alcohol consumption (page 16) and satellite bars. Bob Young questioned selectmen proposal for fencing off bar area. Police Chief Maxwell was in agreement for the purpose of control. Guy discussed Tiki Bar area be for family and outside BBQ area separate to driving range area. Nicole interested in “non-alcohol area”. Chief asked for input – his response was he’d like to stay with what BOS and MPD have already agreed to in controlling the liquor consumption area and crowd control. Bill would like to keep the family friendly concept. Phil suggested red lining the area. Selectmen would like fence – perimeter fence of some type to distinguish drinking area from non-drinking area. Chairman wants to keep family friendly concept, convenient, depending on venue. Bob Young suggests someone (Board member) doing a suitable study and come back with a proposed condition and collaboration with MPD & BOS.

Board wants to move onto 10C for discussion. Nicole needs to update plats of 10/18/16 to reflect changes A, B and C lots– parking as approved on 10/24/16. No street parking on Churchill Road, Rt 124 and Rt 31. All entries will be thru 2 entry points - No walking allowed from Barrett Hill Farm area, for offsite parking to concert area. Discussion on how would you stop even neighbors from walking on Rt 124 or Churchill Road. Strike last sentence on 10C. “Additionally, no event entry shall be permitted by people walking to the site.” Nicole to update Plot Plan. 10D Site Plan, add in “will be coordinated with Fire Chief and MPD Chief and approved by Planning Board between “a traffic management plan and a lighting plan”. Mason Fire Chief “owns” Emergency Management Plan and the Mason Police Dept. safety and security plan and traffic management plans. Chairman would like Chief Maxwell to have security plan on file as well as Fire Chief. They need to coordinate plans and have them on file so in case of emergency all would be reading from the same pages. This would need to be approved by Planning Board and be on plat plans. The Emergency Management Plan and Safety and Security Plan and Traffic Safety Plan will be coordinated with Fire Chief, Police Chief and Owner.

Sanitation - Porta Potty location currently shows 5, larger crowds 8 to 10 needed – break them up. Site Plan needs to be updated to reflect 2 areas 8-10 and handicapped included.

10E Building permit – no changes based on Selectmen suggestions

10F Parking Lot – car lights no glare – vegetation surrounding boundaries – no glare as long as vegetation stays up. Bill agrees but Phil disagrees. Guy points out already ordinance and how it address head lights glare with heavy vegetated lot lines on three sides. Bill is concerned with vehicles coming off large property without head lights on. Significant safety issue with no lights turned on coming off onto Churchill Road. Point for Planning Board – left as currently written.

10G The Business Plan addresses baseline staffing issues on page 18.

10H Chief Baker (Sept 19th, 2016) asked about fencing in A1 parking lot to road area to pond. Midfield parking has lighting maybe snow fencing from stage past pond be lit” Split rail fencing exist now. “In addition to otherwise specific alcohol consumption area fencing, a fence will be placed across the face of the pond for

safety. This could be roping or snow fence or similar to parking from concert area.”

This covers all BOS Proposed conditions of Approval (submitted Sept 19, 2016) except for 4, 10 A and 10 B – sound decibels. Documentation to change Chairman Fritz would like to have all noise control issues addressed in one paragraph, so that it is clearly defined effectively, whatever number the Board comes to can be easily found. Not to have it like the Kingston version in 4 different locations. All points to 10A sound level at measurement points at least 4 points – - Bob Young suggests until study is done so that all are in one comprehensive paragraph. Guy suggests taking out #4 so that 10A is now 9A etc Guy to send document to Connie for final implement. Chairman asked if someone would do an alcohol control study. Check Liquor Commission control Guy says he’s been in touch with Liquor commission and they have - 4 requirements before a license is issued, 1- letter from applicant, 2- letter from town 3-Drawing which shows the alcohol/ liquor consumption area, 4- Right of Assembly. Before a license is issued to applicant would have to be received by State Liquor Commission. State sends an inspector so that they will be convinced the risk for underage drinkers is addressed. Selectmen expressed a mini fenced in area for better control. Chairman asked for a volunteer to do this study – hearing none, Bill Fritz will do study – Guy asked if there were any other conditions to be added. 2 Documents and study to be added in a week possible time frame? Agreed it could be done.

Phil made Motion to continue to Wednesday 2 November 2016 7:30 pm Town Hall. Seconded. Bob Young to present Noise Control study and Bill Fritz will present Liquor Control study at that meeting. Motion made to adjourn Adjourned unanimously at 9:25 pm

Constance Lacasse
Respectfully submitted 31 October 2016

Edited per BOA Review on 01/16/17 Board approved minutes as corrected on January 16/2017.
Respectfully Submitted 10/17/17
Constance Lacasse

Note – attachment as written by Guy Daniello dated 10/27/16

Ruggiero ZBA Appeal Summary dated 10/27/16

Martin D. Ruggiero application for special exception under Article VIII, Section A(2) of the Mason Zoning Ordinance for the addition of seasonal outdoor entertainment use to the existing approved use by special exception at 96 Old Turnpike Road (NH Route 124) and Churchill Road was heard by the Mason Zoning Board of Adjustment (ZBA) on September 19th, October 17th, October 24th and October 26th. The specificity, constraints and conditions of the seasonal outdoor entertainment use being decided by the ZBA board are the following:

1. **Additional Use** - Outdoor live and/or recorded music venue. The use includes live concerts, charitable fundraising events that will utilize the property's stage and sound facilities, theatrical presentations, public speaking events, family nights including film presentations on a screen not to exceed the back wall of the stage.
2. **Charitable Activities** - The charitable activities include hosting/sponsoring fundraising activities for 501(c)(3) charities, faith based/religious charities and for other humanitarian purposes. In addition, the charitable activities include partnering with charitable non-profit organizations for fundraising and/or the receipt of other contributions (such as food drives)) in conjunction with regularly scheduled events.
3. **Schedule** - The seasonal schedule for outdoor entertainment events will run from the start of Memorial Day weekend through and including the Columbus Day holiday. Events are limited to a maximum of three times per week, generally scheduled for Thursday, Friday and Saturday events. Events held on Friday, Saturday and on holiday evenings will start no earlier than 8:00 PM and end no later than 11:00 PM. All other outdoor concert events will start no earlier than 6:00 PM and end no later than 10:00 PM. In all cases, if the next day is a school day, the event will end no later than 10:00 PM.
4. **Improvements of the Stage** - The stage will be improved as required by the Building Code. In addition, railings will be installed at the rear of the stage. To reduce the sound generated by the stage itself, the performance space on stage will be decoupled from the stage platform using sound deadening techniques to reduce the effect of the stage acting as a soundboard. In addition, designed sound buffering/sound deadening materials and structures will be used to diffuse and reduce sound emanating from the rear and the sides of the stage.
5. **Maximum Capacity** – The maximum attendance shall be limited to 1000 individuals.
6. **Crowd Control** – The maximum number of attendees shall be enforced by utilizing the following:
 - a. Color-coded wristbands or hand stamps.
 - b. Click counters utilized by parking lot attendees to track the number of vehicles; and,
 - c. Use of pre-printed no cost tickets when the expected crowd is greater than 500 attendees.
7. **Staff Duties** – The description of specific duties of support staff as required per event as follows:
 - a. Greeters: Staff in charge of checking tickets, checking ID's for a bar admission, and managing wristband procedures.
 - b. Parking Attendants: Staff in charge of parking and monitoring activities in the parking lots to ensure compliance with no outside beverage or food requirements.
 - c. Security Personnel: Mix of visible and plain-clothes staff responsible for guest compliance with rules and regulations. Liaison with local police/private security organization personnel; and,
 - d. Concession/Sales Personnel: Staff employed in connection with food & alcohol service is responsible for service age compliance with NH alcohol & beverage laws.
 - e. **Safety and Security Measures** – In addition to the measures outlined in paragraph 7 Staff Duties, the Applicant will employ event security staff and work with and schedule

event related security details utilizing private security organizations and the Town of Mason Police Department. The Town of Mason Police Department must be satisfied with the security plan for events.

8. Conditions attached to this special exception are:

- a. **Noise Control** – Bob Young to provide description of Noise Control monitoring and enforcement procedure that includes specific test locations, sound test intervals, logging test results and the weekly submission of test logs to the Mason Board of Selectmen who are responsible for enforcement. See attached document labeled Noise Control for satellite map with test location, sound testing equipment etc...
- b. **Alcohol** – Outdoor alcohol sales and consumption shall be limited to the area within the outdoor concert area and shall be enclosed by a fence. No person under the legal age for consumption shall be allowed within the area. Additionally, patrons shall not be permitted to bring coolers or alcohol beverages on site.
- c. **Parking** – All event parking will be on site in parking lots A, B and C. See the site plan submitted on 10/24/2016 for details regarding size and location of lots A, B and C. And, parking lot D if a shuttle service is provided from and to the remote parking lot at Barret Hill farm. No event parking shall be permitted on NH Route 124 or Churchill road. Applicant shall enforce this by making announcements of parking violations notifying the Mason police to have violators towed. Additionally, no event entry shall be permitted by people walking to the site.
- d. **Site Plan** – The Applicant shall obtain Site Plan approval from the Mason Planning Board and that the approved plat be recorded in the Hillsborough County Registry of Deeds. The plan must include an emergency management plan, a safety & security plan, a traffic management plan, a lighting plan and a sanitation plan.
- e. **Building Permit** – The Applicant shall obtain a retroactive building permit for the stage including electrical inspection and stage improvements described above and in the document titled “The Driving Range – A Business Expansion Plan”.
- f. **Lighting** – Paths or trails to onsite parking shall be well lit as specified on the site plan submitted 10/24/2016. The lighting, film presentation and car lights on the site shall not result in offsite glare.
- g. **Submitted Plan** – The Applicants’ plan titled “The Driving Range – A Business Expansion Plan” with changes agreed to at the hearing shall be the minimum basis of the operation of the business and shall be subordinate to the specificity and conditions of the special exception. Also, adherence to the chart on page 18 establishes the baseline for staffing of outdoor entertainment events on the site.
- h. **Fencing** – Applicant shall install fencing from the A1 parking lot (lot C) to the back of the porta pottys as well as a perimeter fence around the concert area and a perimeter fence around the alcohol sales and consumption area.

Dated 30 October 2016