



**Zoning Board of**

**Town of Mason, NH**

**Adjustment**

Approved January 16, 2017

Board of Adjustment Meeting: December 19, 2016

Call to order at 7:32 pm 19 Dec 2016 - by Chairman: Bill Fritz

Roll Call: members present: Bob Young (A) Phil Garside(M), Guy Daniello(VC) and Bob Bergeron (M), Bill Fritz (Ch), Constance Lacasse (A)clerk

Members Absent: Landon Smith(A), Mary Pierce(A)

Reading of 5 previous meeting minutes was scheduled for old business, due to time required to complete, Chairman Bill Fritz asked the Board if they would consider moving the minutes in order to review the 2 motions for Re-Hearing that were scheduled later. Discussion by Guy referring to Regulations 677.3, para 2 – Re-Hearing Appeal process with Bill Fritz and Charlie Moser, Motion on table, moved by Bob Young to rearrange agenda item E – New Business – Motion for Re-Hearing by Atty Nicosia & abutters/ M Davieau, et al and Motion for Re-Hearing by Atty MacMartin – Ruggiero, Martys Driving Range before Old Business Item D. Chairman called for discussion amongst members. Decision called to Move Item E: Re-Hearings New Business before Item D: Old Business. Polling: Phil Y, Guy N, Bob B Y, Bill Y, Bob Y, Y. 4 to 1 to move hearings forward.

New Business: Motion for Re-hearing by Atty Nicosia refer RSA 677:2 dated 11/29/16 – Applicants Michael & Cheryl Davieau, Derek Mathieu & Emily Sumner, Christian & Michelle Gauthier, Charles & Karen Contryman, Guy Daniello asked to have the meeting recorded at 7:51pm as a Public Meeting. Board Members given time to read and review 9 page document. Atty Nicosia, Mike Davieau, Derek Mathieu present at beginning of meeting. Selectmen Moser set up system approximately 20 min into meeting. Chairman Fritz opened meeting by the Abutters with Guy giving an opening statement by re reading Regulation 677:2 to members stating this is the time and place that if the board felt it had made any mistakes or violated any rules it needed to make those adjustments at this time. If the application is denied or accepted it will have to be explained. Mr Moser explained that a decision had to be reached tonight as this is a meeting for decisions. Mr Fritz speaks of the Board members spending over 20 hours or more in 5 meetings of discussions with all aspects of the issue for the Abutters being addressed and compromises being reached to the best of the Boards abilities. Bob Young spoke in agreement but is concerned about procedural order and if evidentiary errors were made, would a rehearing make any changes in what was already agree upon. If the courts point out issues, that would be the time to make changes, but for now, he couldn't see making any changes in the decisions already reached. Bill stated that the short and full lists, every consideration, final analysis, taking all points into consideration, he couldn't see where

any changes would be made at this time. Phil expressed that if there were errors or unacceptable findings, the Courts will kick it back to BOA. Guy felt that no sound studies were done, no light study or traffic studies completed only discussion by Board members before decision reached. Bob Young moved to deny this motion for Re-Hearing the Motion by the Abutters. Phil Garside seconded. Bob B and Guy voted against the denial based on fixing errors now and not have to wait for Court to point out errors/finding. Bob Young would like to hear where the errors are and address them, if they find any. Vote take: Phil-affirmative to Deny, Bob Young, favor of denial, Guy Nay, Bob B Nay, Bill Y.-motion carried 3 to 2 deny Re-Hearing for Abutters.

8:10 pm Motion for Re-Hearings filed by Martys Driving Range, Special Exception, dated Nov 29, 2016. Note no Atty or Mr Ruggiero present. Nicole Ruggiero was present. Chairman Fritz allowed members to read and evaluate the written motion (3 pages). First item paragraph 1, states date of November 8, 2016 decision is incorrect. The correct date should be November 2, 2016. Chairman Fritz stated that the BOA worked over 20 hours and 5 hearings in 3 months to create what they felt was the best compromise for all parties involved. Discussion followed on pyrotechnics on and off stage. All agreed that the Fire Dept should have final decision and say on this issue. BOA addressed it as a safety issue. The hours were set for specific times because there were none originally. Motion made by Bob Young – to move to deny the motion or Re-hearing by Martin Ruggiero. Seconded by Guy. Call: Bob Y, affirmative to deny, Phil Y., Guy Y, Bob B Y and Bill Y. Unanimous Decision to Deny Motion to Re-Hear at 8:20pm

Notice from Townsend Ma hearing for 220 Meadow Rd project scheduled for 01/11/17.

Old Business: Bob Young and Connie reviewed with members the “Documentation Log” that will be in with the Ruggiero files. Whenever anything gets presented to BOA it will be logged on the sheet with a consecutive numbering system and anything that gets put into a file will be numbered. If it will be a case – a new number assigned. Example 2015-1,-1-a etc. Still be to discussed where it will be kept and who does the acceptance. (Note: the selectmen’s office date stamps when they get BOA literature, becomes confusing if BOA also date stamps when received)

This is the second notice for discussion regarding 144 hours vs 5 business days for posting minutes. Guy discussed that there isn’t a ruling on adopting or changing the rule for notices being made public notice.

Due to late hour, Old Business Minutes of previous meetings to be reviewed for approval: 10/17/16, 10/24/16, 10/26/16, 11/02/16, 11/07/16, 11/21/16 postponed until next meeting on 1/16/17

Motion made for adjournment and seconded at 10:30pm

Respectfully Submitted

Constance Lacasse 12/20/16

Edited per BOA Review on 01/16/17. Board approved minutes as corrected 1/16/17

Constance Lacasse 01/17/17