



RINDGE BOARD OF ADJUSTMENT
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March 26, 2024

Date: March 26, 2024

Time: 7:00 PM

Location: Rindge Town Office

I: Pledge of Allegiance, led by Chair, George Carmichael

II. Members and Alternates Present: Marty Kulla, member; George Carmichael - Chair, Marcia Breckenridge, Vice-Chair – Chair, Ross Thermos, Member

III. Members Absent: Phil Stenersen, Terrence Fogg, Alternate

IV. Others present: David Van Blarcom, Paul Grasewicz, Kevin Sawyer, Pete Letourneau

V. Meeting Proceedings: Chair, George Carmichael, outlined the meeting protocol, for the audience and ZBA Clerk, Kim McCummings, noted that public hearing notices were posted at the Rindge Post Office, Ingalls Library, and Town of Rindge Website and the Ledger/Transcript newspaper.

VI. Hearing for Case #2018, Richard P. Viviani: Chair Carmichael opened the hearing, and Marty Kulla read the case details into the record.

A. Overview of Case: Applicant: Richard P. Viviani, 7 Woods Crossing Road, Rindge, NH for property located at 7 Woods Crossing Road, Rindge, NH, Tax Map 2, Lot 35 in the Residential-Agricultural District, for a Variance from article V section B, 1 of the Zoning Ordinance to permit a lot with less than 250ft of frontage on a Town Maintained, Class-V Road, per Article XX#17.

B. Seated for the Case: George Carmichael, Marcia Breckenridge, Marty Kulla and Ross Thermos

C. Presentation by: Paul Grasewicz for Mr. Viviani: Prior to Mr. Grasewicz presentation, Chairman Carmichael noted that only four members were seated on this case, constituting a quorum as per NH law, but falling short of a full board. Chairman Carmichael then asked Mr. Grasewicz if he wished to proceed with the four members present, to which Mr. Grasewicz agreed.

Mr. Grasewicz presented on behalf of his client, Mr. Viviani, regarding the desire to subdivide his property on Woods Crossing, a Class-6 Road. He acknowledged the necessity of frontage on a Class-5 road and presented a "hammerhead" plan designed to create slightly more than 52 feet of frontage on Forrestal Road (a Class-5 Road) without creating a non-conforming lot of Mr. Viviani's remaining home lot.

Mr. Grasewicz explained that driveway access to the proposed lot would be from the Class-6 road (Woods Crossing). Breckenridge raised questions about the how he was able to create 52 feet of frontage for a back lot. Mr. Grasewicz reviewed the plan and pointed out a 52-foot rectangle removed from the side of the front lot, enabling a connection from the back lot to Forrestal Road.

Breckenridge expressed concern about the proposed back lot using the Class-5 road for access, referencing objections from abutters Pat and Arlene Aicholtz, and Bruce and Linda Harrison, as detailed in letters read into the record.

Chairman Carmichael invited questions from the Board or the audience, but none were raised. He then asked Mr. Grasewicz if he had any further remarks, to which Mr. Grasewicz replied in the negative.

Motion: By Breckenridge to enter Deliberative session **Second:** By Carmichael **Vote:** 4-0-0

VII. Deliberative session

The Board discussed a previous Warrant Article to allow back lots with at least 50' frontage on a public right of way maintained by the town that failed 774 to 439. Discussion regarding abutters' letters and issues with sub dividing on a Class 6 road and less than 250' of frontage on a Class 5 road.

Breckenridge motioned to go through the Variance criteria and then vote, second by Carmichael 4-0-0

The Variance would be contrary to the public interest because: This type of proposal is what the public recently voted on a warrant article that failed by quite a margin (439-774) thus clearly contrary to public interest. **Motion:** by Carmichael **Second** by Breckenridge **Vote:** 3-0 (1 abstain)

1. **Granting the variance would not do substantial justice because:** **Motion:** Carmichael **Second:** by Breckenridge **Vote:** 3-1-0
2. **The variance would be consistent with the spirit and intent of the Rindge zoning ordinance because:** This would not be consistent with the Spirit and intent of the Rindge Zoning Ordinance because changes to this ordinance were on a recent ballot to allow similar back lots and lost. **Motion:** by Carmichael: **Second** by: Kulla **Vote:** 4-0-0

3. **Granting the Variance would not diminish surrounding property because:** No data was presented by an expert either way. **Motion:** by Breckenridge, **Second** by Kulla.
Vote: 4-0-0

4. **Special conditions do not exist on the property that distinguish it from other properties in the area such that literal enforcement of the ordinance results in unnecessary hardship.**

Motion: by Carmichael, **Second:** by Breckenridge. **Vote:** 4 -0-0

a. **No fair and substantial relationship exists between the general purposes of the Zoning Ordinance provision(s) and the specific application of the provision(s) to the property because:** Special conditions do not exist. **Motion:** by Carmichael, **Second:** by Breckenridge

b. **The proposed variance would not be a reasonable one because:** It failed four of the five criteria. **Motion:** by Carmichael **Second:** by Breckenridge **Vote:** 4-0-0

G. Introduction of new alternates

Chairman Carmichael introduced Kevin Sawyer and Peter Letourneau to the ZBA and both shared brief statements about why they are interested in becoming alternates on the ZBA.

Motion: by Breckenridge to accept both as Alternates, **Second** by: Kulla **Vote:** 4-0-0

Motion: To approve minutes of September 27, 2023 and February 27, 2024 by Breckenridge
Second: by Carmichael. **Vote:** 4-0-0

Meeting Adjourned: 8pm

Minutes approved 23APRIL 2024



George Carmichael, Chair



Marcia Breckenridge, Vice Chair

