



RINDGE BOARD OF ADJUSTMENT
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September 24, 2024 Meeting Minutes

Time: 7:00PM

Location: Rindge Town Offices

- I. Pledge of Allegiance led by Chairman Carmichael
- II. Members and alternates present:
George Carmichael, Chair
Kevin Sawyer, Alternate
Marty Kulla, Member
Terrence Fogg, Alternate
Marcia Breckenridge, Vice Chair
Ross Thermos, Member
Peter Letourneau, Alternate
- III. Member Absent, Phil Stenerson
- IV. Others Present:
Jim Critser, Peg Critser, Dan Barowski – Fieldstone, David Drouin, Judy Unger-Clark, Karl Pruter, Robin Jones, Jane Lee Jones
- V. Meeting Proceedings:

Chairman Carmichael announces that Phil Stenerson would be absent from the hearing. Chairman outlines the protocol for the audience.

Case #2027 read by Chairman Carmichael:

Algave LLC c/o Ezra Ketola, 102 Main St, Rindge NH 03461, for property located at 94 Main Street Rindge, NH 03461, Map 6 Lot 65 for a variance from Article VI, Section B.3.D to allow for a three-unit multi-family development with less than 2 acres of land area per unit.

- VI. **Ross Thermos** summarized the case before the board.

"Article 6 Sec. B.3.D. 'Multi family dwelling lots shall have an area of no less than two acres for each dwelling unit.'"

Chairman Carmichael voiced concerns regarding the issue of Algave, LLC, listed as a NH LLC on the application, but not being known as an LLC by the Secretary of State in NH. Carmichael also added that he contacted the New Hampshire Municipal Association (NHMA) and received advice that the ZBA has an obligation to ensure that the person or entities filing before them has the legal right, or legal standing, to do so.

Dan Barowski of Fieldstone mentions that he has no answer. 'As I have authorization to present and act on his behalf, through the letter of authorization that was submitted, requests that he may strike Algave, LLC from the application.'

-Discussion-

Chairman mentions that 'Care of' [terminology used in Case #2027 application] means 'to someone *by way* of someone.' Reiterating that the main issue is that Algave, LLC, is listed in the application, then Ezra Ketola. Not comfortable hearing the case as is, opens input from the rest of the board.

Marcia Breckenridge refers to the advice given from NHMA via email: "...Therefore, it would stand to reason that the LLC needs to provide some type of legal documentation, a deed, a contractual agreement, etc., establishing that they have some legal interest in the property at hand. Once those two things have been established, the ZBA would have proper authority to hear an appeal made by the LLC." .

Chairman suggested continuing to another date, or a re-hearing.

-Discussion-

Chairman inquires as to why Algave, LLC wasn't listed on the application on the same property a couple of months ago.

Dan Barowski Explains that a lot of times people who own several parcels keep them under LLCs. Understands that the deed doesn't appear to mention Algave, LLC.

VII. Discussion about expenses incurred by a reapplication on Ketola's behalf.

Inquiry about precedent regarding postponements from past cases.

Marcia Breckenridge mentions that this error in the application is an oversight – not believed to be intentionally misleading.

David Drouin suggests a continuance.

Dan Burowski requests permission to change the applicant to "Fieldstone."

Chairman mentions that Fieldstone is not the legal owner, refers to NHMA email regarding legalities.

Marcia requests options.

-Discussion-

Dan Burowski, Fieldstone, 206 Elm St. Milford, NH. Suggests continuing the case. If Ketola is able to satisfy requirements, then case is currently notified properly, no extra fees incurred. If Ketola is unable to satisfy requirement, application withdrawn and resubmitted.

POINT OF ORDER

Jim Crister of Main St, Rindge. "If we postpone and reschedule, how would you notify the abutters?"

Vice Chair Breckenridge states that notifying the abutters is mandatory by law.

Marty Kulla makes a **Motion to continue** the hearing until after we get clarification on the LLC.

Motion to Postpone pending additional information from applicant.

Seconded by Marcia Breckenridge

Moves to a vote. All in Favor – UNANIMOUS. Motion Passes

Carmichael added that once we hear from Mr. Ketola, this case will most likely require a re-hearing.

Judy Unger-Clark Thanks George for his thorough research. Asks Fieldstone how they haven't gone through this process of determining the legal viability of LLC's they've worked with before.

VIII. **New / Other Business**

None stated.

Chairman makes motion to approve August 2024 Minutes as written.

Seconded. All in favor – UNANIMOUS. Motion Passes

IX. **Motion to Adjourn Meeting**

Seconded by Marcia. All in favor – UNANIMOUS Motion Passes

Meeting Adjourned appx 7:40PM

George Carmichael

ZBA Chairman

Marcia Breckenridge

Vice Chairman