



## TOWN OF RINDGE - ZONING BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD

RINDGE NH 03461

PH. (603) 899-5181 x 105 FAX (603) 899-2101 TDD 1-800-735-2964

www.rindgenh.gov

### RINDGE ZONING BOARD OF ADJUSTMENT

#### Meeting Minutes – Special Hearing

April 2, 2025 | Case ZBA 2025-03 – Variance Application

Rindge Town Office – 7:00 p.m.

#### Board Members Present:

*\*George Carmichael (Chair), \*Marcia Breckenridge (Vice Chair), \*Ross Thermos (Member), \* Phil Stenerson (Member), \*Kevin Sawyer (Alternate), Terrence Fogg (Alternate), Peter Letourneau (Alternate)*

*(Those marked with an asterisk were seated for this case.)*

#### Absent:

Marty Kulla (Member)

#### Also Present:

Tom Coneys, Judy Unger-Clark, Jim Kreiser, Jamison VanDyke (Applicant), Christopher Boldt (Applicant's Attorney), Matthew Serge (Town Attorney)

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### 1. Call to Order

Chairman Carmichael called the meeting to order at 7:00 p.m., led the Pledge of Allegiance, and reviewed the procedures for the evening's hearing.

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### 2. Reading of the Case and Applicable Zoning Provisions

Phil Stenerson read the public notice for Case ZBA 2025-03, regarding Map 2, Lot 45, a request for a variance from Article V, Sections A(1) and B(3)(d) of the Rindge Zoning Ordinance to permit the construction of six multi-unit residential buildings. Each building would contain six market-rate dwelling units on a parcel that meets the one-acre-per-dwelling-unit requirement.

Marcia Breckenridge summarized the applicable zoning sections from the Residential-Agricultural District, specifically regarding multi-family dwellings.

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### 3. Public Hearing Opened



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Chairman Carmichael made a motion to open the public hearing for Case ZBA 2025-03.

Seconded by Marcia Breckenridge.

**Motion passed unanimously.**

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#### 4. Applicant Presentation

Attorney Christopher Boldt, representing the applicant, explained that a previous proposal for 27 units, including workforce housing, had been approved prior to the COVID-19 pandemic by the Planning Board. The current application seeks approval for 36 market-rate rental units. He provided a map showing the proposed building locations.

Chairman Carmichael inquired why workforce housing was no longer being proposed and why a Planned Unit Residential Development (PURD) was not pursued. Attorney Boldt and Mr. VanDyke responded that workforce housing was no longer financially feasible. Mr. VanDyke added that his past experience with workforce units had presented management difficulties.

Attorney Boldt then addressed the five statutory criteria required for a variance under New Hampshire law.

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#### 5. Summary of Applicant's Responses to the Five Variance Criteria

##### 1. Not Contrary to the Public Interest

- No threat to public health, safety, or welfare.
- Applicant will restrict through traffic on Dale Farn Road.
- Development will increase the tax base with modest demands on services.
- Proximity to emergency services and planned access improvements.
- Sufficient land for buffers, wellheads, and septic systems.
- Buildings will be screened from view and consistent with neighborhood character.
- Multi-family housing is already permitted by special exception.
- Serves as a transition between commercial and residential zones.



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### 2. Spirit of the Ordinance Is Observed

- Proposal does not conflict with zoning objectives.
- Supports goals of public health, safety, and maintaining neighborhood character.
- Supported by case law linking public interest to the ordinance's spirit.

### 3. Substantial Justice

- Denial would create hardship with no commensurate public benefit.
- Site constraints (wetlands, topography, power lines) limit alternatives.
- Approval allows a reasonable use of the property.

### 4. Property Values Not Diminished

- Supported by a professional opinion from Realtor Sadie Halliday.
- No objections received from abutters.
- Jim Kreiser, an audience member, spoke in support, citing housing need and project suitability.

### 5. Unnecessary Hardship

- Property has unique shape, topography, and limited road frontage.
- Site constraints prevent traditional development.
- Use is reasonable and compatible with adjacent zoning.
- Literal enforcement would preclude practical use of the land.

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### 6. Public Comment

Judy Unger-Clark expressed concern about the project's density and potential road impact. Town Attorney Christopher Boldt stated that the developer would bear responsibility for road improvements.



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Marcia Breckenridge raised a question about potential impacts on the school system. Mr. VanDyke responded that the units would not be large enough to accommodate larger families with school-aged children. Carmichael asked how many bedrooms each unit would have. Mr. VanDyke did not have the numbers available but noted that some units would include three bedrooms.

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### 7. Public Hearing Closed

With no further public comments, Chairman Carmichael moved to close the public portion of the hearing.

Seconded by Kevin Sawyer.

**Motion passed unanimously.**

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### 8. Board Deliberation

Chairman Carmichael moved to continue the case to a future date and time agreeable to all parties, allowing time for consideration of the testimony provided by Attorney Christopher Boldt. Phil Stenerson suggested making a same-night decision while the discussion remained fresh. Marcia Breckenridge seconded Chairman Carmichael's motion. The Board voted on the motion, which passed 4-1.

Following further discussions with Attorney Christopher Boldt, Attorney Matthew Serge, and the Board, Chairman Carmichael made a motion to continue the hearing and render a decision on **May 14, 2025, at 7:00 PM**. The motion passed unanimously.

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### 9. Other Business

Phil Stenerson made a motion to re-elect George Carmichael as **Chair** and Marcia Breckenridge as **Vice Chair** for the upcoming term.

Seconded by Peter Letourneau.

**Motion passed unanimously.**

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### 10. Adjournment

With no further business to conduct, Chairman Carmichael moved to adjourn the meeting.  
Seconded by Marcia Breckenridge.

**Motion passed unanimously.**

**Meeting adjourned at 8:15 p.m.**

Minutes approved by:

Chair, George Carmichael

Vice-Chair, Marcia Breckenridge

