



ZONING BOARD OF ADJUSTMENT  
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## ZONING BOARD OF ADJUSTMENT

### MEETING MINUTES

July 22, 2025 – 7:00pm

7:00 pm - Meeting called to order by Chairman George Carmichael  
Members and Alternates: George Carmichael, Marcia Breckenridge, Peter Letourneau, Kevin Sawyer, Marty Kulla, Terence Fogg  
Public Present: Don Topham (0 Grassy Pond Rd, Rindge), Jim Critser (77 Main Street, Rindge), David Drouin (85 Old New Ipswich Rd, Rindge), Andy Krook (PO Box 288, New Ipswich), Judy Unger-Clark (Fitzgerald Rd, Rindge), Michael Lipetri (Highland Drive, Rindge).

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Recusals: none heard

Clerk announces where the notice of Public Hearing were posted: Monadnock Ledger Transcript, Ingalls Memorial Library, Rindge Town Hall (2x)

#### Public Hearings:

**ZBA Case# 2025-08:** A Variance is requested from Article III Section J and Article IV Section A of the Rindge Zoning Ordinance to permit operation of food trailer for Map 11 Lot 11 in the Residential District, located at 7-13 Grassy Pond Road and owned by Andrew Krook.

- Carmichael noted a change to Andrew Krook's variance application to reflect the correct zoning ordinances. Article 3 – General Provisions, Article 4 – Residential District.
- Relevant ordinances are read by Marcia Breckenridge and Marty Kulla
- Sitting on this case is George Carmichael, Marcia Breckenridge, Peter Letourneau, Marty Kulla, Kevin Sawyer.

#### Public Hearing

- Andrew Krook provided the board with information regarding history on the property and purpose of the coffee trailer. Trailer was originally built as a hair salon but unused, sitting on the property. Daughters had approached Mr. Krook with the idea to create a coffee trailer at 13 Grassy Pond Road, which was agreed to if the Town of Rindge approved. In conversation with Al Bump, the coffee trailer was verbally approved. On third day of business, a town employee confronted one of the daughters working stating that the business was illegal due to zoning restriction. A cease and desist letter was delivered three days following. In response, Mr. Krook filed a variance application for town approval of the business.
- Don Topham, 0 Grassy Rd, stated his concerns on the variance. He noted that the property he owns is 10 acres and will eventually build home on. As an abutter, he noted concern in the increase of waste and public with the presence of the coffee trailer. Noted that he has an easement that runs over Mr. Krook's lot that is the main access to his lot and is his major concern in the approval of the variance. He adds that his property has previously been an open space enjoyed by neighbors and if the variance is approved, he will have to fence in his property and post it for trespassing as it is his concern that the business would encourage increased visitors and traffic in the area. He expressed additional concern with the uncertainty of the business' hours of operation, number of anticipated visitors, and concern with possibility of increased traffic of the road given history of

accidents. He noted that there is a possibility of thrown trash on Cathedral Rd. in result of business being operated. Mr. Topham also asked if this would be a concern since, as private property, would there be alcohol on property through the business. Also asked if the proper filing with the state had been filed, as is the proper certification through the state. He addressed that it will be a bad precedent to allow one food truck business and grandfather in further business, and that a cease and desist letter was filed and should be concern as it operated illegally.

- Mr. Krook responded to Mr. Topham's testimony. The trailer (8x4') is not a permitted structure as it is moveable. No alcohol is being served, and permits have been approved for the mobile business with the state of NH. The trailer is not sitting on or near any easement nor is one existing. The trailer is placed on the foundation of a former motel that once existed on the property. There is a dumpster existing on the property for customer waste, but noted that controlling customers once they leave the shop can't be controlled for shop. He also read the typed responses he submitted to the Variance application criteria.
- Breckenridge asked Mr. Kook if there was an outdoor seating area for customers to stay and eat/drink at or if it was strictly a drive through business, which was confirmed as a drive-through exclusively. Breckenridge also asked if the business would be purely coffee or some other food aspect. Mr. Krook noted that it was primarily coffee with some bakery of the day element. He also reaffirmed that it was drive through only and that there is town-owned land past his property with trash receptacles on site.
- Breckenridge asked for information on hours and seasonal aspect. Mr. Krook responded that hours would be 7a-4p, closed on Sunday and Monday. He will be open seasonally
- Sawyer added that the road is town-owned and maintained and that the waterfront is town-owned.
- Breckenridge asked Mr. Topham if he was a resident and adjacent neighbor when the bait shop was open on the property. He noted that the bait shop was not there when he purchased the property in 2002.
- Mr. Krook responded that he believed the variance for the bait shop expired in 2013. There was further discussion about how variances remain with the property for its lifetime.
- Breckenridge also asked about the accidents noted on Cathedral Road, to which Mr. Topham stated two cases where fatal accidents occurred. Breckenridge responded that the accidents ~~then~~ did not occur in the area where this business would be on Grassy Pond Road.
- David Drouin, Chair of Conservation Commission, addressed the application in relation to the Conservation Commission and the letter that he had sent to the Chairman. He noted that the application seemed vague without maps attached and sought relief to incorrect variances. He added that there might be concern for any modifications to the driveway area for the mobile coffee shop. He advised a proper plot plan of the business, and noted that the variance is permanent even though the trailer is mobile and noted that there may be concern if the trailer moves year over year where it may impact wetlands or property areas.
  - Carmichael responded to Mr. Drouin that he had responded to his letter noting the change in variance articles and that the cease and desist letter made no reference to wetlands.
- Judy Unger-Clark addressed the concern that the drive through coffee shop will exceed the variance relief since it will have more than the maximum cars per day as allowed in the variance. She also noted that the home business must have an owner occupied property, which is contested and that the residential district specifically notes that there cannot be any mobile homes or trailers which would be in violation of the residential zone. She also noted that the former bait shop variance would have expired and therefore the mobile coffee shop could not be grandfathered.

- Drouin clarified a point that if the former bait shop existed before variance laws were enacted, then it would have been grandfathered in. Mr. Krook responded that on the tax card, there was an existing variance for the property. Breckenridge
- Letourneau asked if the foundation of the bait shop still exists, which Krook responded that the foundation and garage does exist.

#### Deliberative Session and Decision Tree for Variance

- Breckenridge moved to enter deliberative session, seconded by Sawyer. Board voted 5-0 in favor, motion passed and Board moved to deliberative session.
- Breckenridge noted that if there is a tax card with a noted variance, it would be moot to continue the case and supersede the variance. She added that continuing the case to a later meeting would allow for more information to be presented including a plot plan and the tax card. Carmichael agreed as it would allow time for additional information to be presented.
- Breckenridge moved to continue this case until August 26<sup>th</sup> at 7pm at the next regularly scheduled meeting to allow for additional clarification as to the status of the previous variance, seconded by Kulla. Board voted 5-0 and the motion passed.
- Carmichael advised Krook to come back to the August 26<sup>th</sup> meeting with additional information on the previous variance, tax card and plot plans to further his case. It was noted that a previous variance would go with the property for the life of the property, within the limitation of the wording of the former variance.

**ZBA Case# 2025-09:** An application to extinguish the variance granted by Case #2025-06 for Residential Use for Map 2 Lot 41-5a in the Business Light Industry District, located at 29 Rand Road and owned by Phillip & Judith H. Stenersen.

- Carmichael addressed history of this variance as pertaining to the application in Case #2025-09.
- Sitting on this case is George Carmichael, Marcia Breckenridge, Peter Letourneau, Marty Kulla, Kevin Sawyer.
- Public Hearing Opened
  - Tom Coneys, Rindge, presented the board with a printed copy of a redacted email he received in relation to the case. The email which was addressed to Selectman Coneys was read by Breckenridge. Carmichael stated that the email in question had no relevance to the case, and Breckenridge added that it contained slanderous comments.
  - Drouin asked about the 30-day window in which the applicant can appeal the decision. Carmichael noted that he had consulted NH Municipal for legal advice regarding the application and they replied with the following:
    - A property owner may appeal to the ZBA to extinguish a variance previously granted. They should file a new application and make sure that they have the consent of any other party that may have a legal interest in the property. This would be treated just like any other variance application, with proper notice of a public hearing to all abutters as required by RSA 646:7
- Carmichael moved to extinguish variance #2025-09 granted on June 24, 2025, seconded by Kulla. The Board voted 5-0 and the motion passed.
- Breckenridge asked for consideration for future letters and correspondence in the Rules of Procedure in which disgruntled individuals have a platform.

Other business that may come before the board.

Approval of minutes from June 24, 2025

- Breckenridge moved to approve the minutes of June 24, 2025, seconded by Kulla. The Board voted 6-0, motion passed.

Adjournment

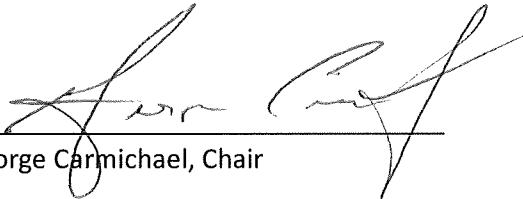
- Breckenridge moved to adjourn, seconded by Carmichael. The board voted 6-0, motion passed.

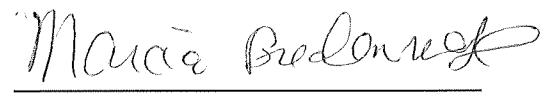
Meeting adjourned at 8:20pm.

*Respectfully submitted, Amanda Nardini*

*The agenda is subject to change at the Board's discretion.*

Approved on August 26, 2025

  
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George Carmichael, Chair

  
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Marcia Breckenridge, Vice Chair