



ZONING BOARD OF ADJUSTMENT
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ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
May 26, 2026 – 7:00pm

7:00 pm - Meeting called to order by Chairman George Carmichael
Members present: George Carmichael, Marcia Breckenridge, Ross Thermos, Phil Stenersen
Alternates present: Kevin Sawyer, Terence Fogg, Peter Letourneau
Members and Alternates absent: Marty Kulla
Public Present: Tom Coneys, Jim Critser, Dee and Jeff Burns, Roberta Oeser, Karen Naresky, Megan Naresky, Andy Ladeau, Trevor Fletcher (GRAZ Engineering)

For general information, the Zoning Board of Adjustment (ZBA) has five voting members. Alternates may participate during the testimony phase and are permitted to ask questions, as may members of the public. Anyone wishing to speak during portions of the hearing open to public comment must first be recognized by the Chair and should state their name and address for the record. Once the testimony phase is closed, only the five voting members will participate in the deliberations and decision-making process. If a regular member is absent or recuses themselves from a case, the Chair will appoint an alternate to serve in their place.

Recusals: none heard. Marty Kulla is absent, Peter Letourneau will sit on the case in his place. Sitting on this case will be: Carmichael, Breckenridge, Thermos, Stenersen, Letourneau
Notice of Public Hearing posted: Town Offices (2x), Rindge Post Office (1x), Monadnock Ledger Transcript, Rindge town website

ZBA Case# 2026-06: A Variance is requested from Article V, Section B, of the Rindge Zoning Ordinance to permit the creation of a new building lot with less than the required frontage (250' required, 50.41' provided) within the Residential/Agricultural zoning district located at 32 McGregor Lane, Tax Map 6, Lot 50-9 and owned by Kimberly Naresky.

Presentation of Case & Public Testimony:

- Trevor Fletcher, Graz Engineering presented the case on behalf of Kimberly Naresky. Intent on original variance was to give leeway to zoning requirement to construct single family house on nonconforming lot but did not address lack of frontage. Second variance did not include permission to create nonconforming lot with less than adequate frontage and so third variance request was presented to approve creation of nonconforming lot. Fletcher noted that the application had already passed through the Planning Board with conditional approval pending ZBA's approval of the variance in case #2026-06.

- Carmichael asked if previous variances applied for by the applicant were also necessary for the project, which Fletcher confirmed. The intent of the variance requested in #2026-06 is to create a new lot with less than the required frontage.
- Jeff Burns, 99 Hunt Hill Rd, asked question regarding criteria 4 (property values) and asked if there was a plan for a home site that corresponds with the applicant's statement that the new home would be hidden from road and not visible and affecting existing home values. Fletcher demonstrated on the map plan that the proposed home would be at 1154' elevation site would be approx. 50-60' elevation difference from other area. Burns then asked if there were legal obligations to building in that proposed area. Fletcher responded that there was no legal obligation to build there, but by design this was the best layout for design and build.
 - Burns directed this question to the board asking if there was a legal condition that could be added to the approval to guarantee that property values would not change. Carmichael responded that this is typically outside the legal jurisdiction of the ZBA and in addition, a realtor is usually in attendance or can provide testimony to support this claim. Burns answered that he did supply realtor testimony, written by Marc Tieger of Tieger Realty.
 - Breckenridge asked if the opinion of the realtor is based on the proposed home's construction in the location noted by the engineer on the maps presented, or based on the concept of an additional home being built on Mrs. Naresky's lot in general. Burns noted that this is the opinion of the realtor that surrounding home values would decrease if any home were to be built, not just the one proposed in the plans presented by GRAZ.
 - Burns noted that his concern stems from the possibility of the home not built as planned and noted to ZBA and that he has felt threatened by the process and personally by the applicants even though he has offered alternates to the plan including the purchasing of a view easement and a land buffer and right of first refusal on a home sale if the unbuilt lot were to go up for sale. He noted that he is not opposed to the proposal but wants to have some legal reassurance that the home would be built as planned and would not devalue his property. He noted that there were tensions and concerns driven by this case that affect both his property and those of his neighbors
 - Thermos asked in regard to the letter; did the realtor know the proposed location of the home when he wrote the letter. Burns replied that they walked the property area and the realtor saw location based on map drawing in provided plans.
 - Stenersen addressed the concern of the abutter noting that it is a frontage issue and while a building could be built there (garage, etc) that

would not require a variance and would disrupt the view as well. He noted that building any type of structure would not necessarily decrease the neighboring property values.

- Roberta Oeser, 98 Main St., asked if ZBA would go through the criteria in public session. Carmichael noted likely not, criteria is mostly reviewed in deliberative unless board moves through it in public.
 - Oeser asked to address Criteria 5, Hardship. In 1974 when lot was created, it needed a variance to be approved as subdivision. If there was hardship needed, it would have been approved at that point. Added that it has a 50ft right of way and could technically be built as a larger development and that an owner-built ADU would also be a possibility without ZBA approval. Voiced concern for approval of variance being a benchmark for similar lots in town.
- Fletcher asked how far off the property line that the real estate agent thought the house would be constructed. Burns replied that he showed the realtor the map provided in the application and noted that it would change the value of the neighboring property. Fletcher responded to Carmichael's question that the home is proposed approx. 1,800sqft and there is no soil testing or marked area to denote where the home is being built on the lot and questions the validity of the abutter and realtor's location pinpoint of planned home location.
- Fletcher responded that hardship has been incurred from multiple relief attempts and from the irregular lot designs. Carmichael responded that correct relief was given based on prior requests without plans and variance sought with information available for a home only, not for a subdivision. Fletcher responded that the process has incurred additional expenses for surveyor plans and additional needs and noted that town counsel and town administrator reviewed and understood the misunderstanding in variance language and it should be seen as a good faith
- Burns added that the original application pertains to a two acre subdivided lot whereas this application has increased the size of the lot and solidified the location of the house. He questioned the validity of the board's decision if the applicant would be able to move the location of her home
- ⊖ Kimberly Naresky, McGregor Ln., responded that in the first variance meeting a spot was not chosen because the surveyor gave five locations and slowly ruled out other locations due to preexisting conditions and have since landed on the proposed location as presented.

- Fletcher noted that prior variances have been granted and in those applications, hardship has been found and granted. Carmichael reminded him that each application stands on its own merit and that this application is for a subdivision.
- Breckenridge needed clarification when dealing with criteria is board dealing with what the voters have decided on and the present or based on the future and the concerns of what might be based on the board's decision. Clarification on this, wondering if an approval on this would give approval for all applicants with similar properties. Carmichael replied that each case and each application must stand on its own merit.
- Jim Critser, Main St., in hearing the letter he heard that Marc Tieger wrote the letter in determination based on a proposed home area. Fletcher replied that he was not on site for the site visit that produced this letter and could not verify that the realtor was looking at the correct location. Added that the proposed location does not include stakes on location and that the realtor's letter reflects that.
- Stenersen suggested that the realtor letter is stating that if a home is built on the property, surrounding values will suffer. He then asked would any additional building on the property lower home values in a similar manner?
- Jim Critser, Main St., asked for clarification on what is frontage and what is needed. Carmichael clarified that the applicant has 50' of required 250' frontage on a town road in order to build a house and that there is already one home on this property.
- Fogg noted pipe stem location on map and questioned home location. Additionally he asked if there was a preexisting variance from the 70's as noted, would it be enough to pass. Carmichael noted that it must be based on the needs of the present, supported by Oeser in the audience who noted that the definition of frontage has changed.
- Stenersen moved to enter Deliberative Session, seconded by Carmichael. Board voted 5-0, motion approved.
- Deliberative Session – Carmichael reiterated the five members who will be sitting on the case: Carmichael, Breckenridge, Thermos, Stenersen, Letourneau.
 - Criteria 1: The variance will not be contrary to the public interest.
 - Stenersen suggested that it is a residential use in residential zone, off the road. Carmichael agreed and did not think it would change the character of the neighborhood, would not threaten public health or safety or welfare.
 - Stenersen moved to accept Criteria 1 as written, seconded by Breckenridge. Board voted 5-0, motion approved.
 - Criteria 2: Granting the variance will be consistent with the spirit of the Rindge Zoning Ordinance.

- Breckenridge noted she voted to Criteria 1 because she saw it was not contrary to the public interest
 - Breckenridge Moved to accept it would be consistent with the spirit of the Rindge Zoning Ordinance, seconded by Stenersen. Board voted 4-1, motion approved.
- Criteria 3: Granting the variance would do substantial justice.
 - Carmichael noted that landowner has full use of the property. Stenersen disagreed given the lot size and asked if loss to the landowner would outweigh the benefit to the town by denying it.
 - Stenersen suggested that one house on a 42 acre lot is not full use of property. Carmichael noted that the lot size does not waive the frontage requirement. Thermos noted that board should also consider if the proposed development is consistent with the area's present use.
 - Thermos noted property with two pipe stems as described essentially locked itself in by the construction of a single family home and questioned intent of original developer.
 - Carmichael asked, based on NH municipal, how there could be a ruling of no substantial justice if the land is already in use. Thermos countered that while there is a single access and one home, there seems to be prior intent and does that satisfy full use vs. just use.
 - Stenersen noted loss to landowner is not gain to the general public, asked what the gain to the public would be. Stenersen did not see gain to the general public by denying.
 - Stenersen moved that granting the variance would do substantial justice because denying it would not be outweighed by a gain to the general public, seconded by Thermos. Board voted 3-2, motion approved.
 - Breckenridge asked for the motion to be read again, Carmichael then noted that the Board should identify the loss the landowner would suffer if the variance were denied and weigh that against the interests of the public. He further noted that the property was purchased with only 50 feet of frontage, despite having ample acreage. Because the limited frontage already required relief for the existing home on a single lot, the property owner should reasonably have been aware that frontage would be an issue for any further development, including the placement of a second home on the property.
- Criteria 4: Granting the variance would not diminish surrounding property values. Explain why granting the variance would not reduce the property values of the neighborhood.
 - Carmichael noted expert testimony was presented to support this as seen in the letter presented by Jeff Burns from Marc Tieger. Stenersen suggested that if the applicant was somehow able to purchase adequate frontage to satisfy the requirement, would home values still decrease? Breckenridge

and Carmichael agreed to this point. Carmichael added that there would be no need for a variance.

- Stenersen noted that the application and Criteria 4 would be significantly more impactful based on the project. In this case, the value of surrounding properties would be affected no matter what the frontage is.
 - Breckenridge noted that the Board has previously considered the testimony of a real estate professional, while Thermos argued that the Board is also allowed to make their own determinations based on their knowledge of the area.
 - Carmichael moved to deny Criteria 4 because the Board has expert testimony from local realtor that suggests it would negatively impact home values. Seconded by Breckenridge. Board voted 2-3, motion failed.
- Criteria 5: Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
- The applicant must demonstrate that “the hardship is a result of the unique setting of the property” that distinguish it from other properties in the area. Explain why the conditions of the property make it unique, and why, due to these conditions, not granting the variance would create or leave an unnecessary hardship.
 - What burdens are they presented with that do not allow them the use of this property.
 - Stenersen noted burden must arise from the land and not because of the plight of the landowner. Talked about the unique features of the property and existence of the pipe stems and entrances present as well as the wetlands. Carmichael noted that in previous cases of similar nature, the applicants found a way to work out without needing a variance (buying additional frontage, merging lot, creating roads, etc.) and that the land is currently being used to full potential by having a home on the lot.
 - Carmichael did not see any unnecessary hardship in the literal enforcement.
 - Thermos noted that hardship can be shown by proving size and configuration. Carmichael countered that the zoning regulations were already in place when the property was purchased, and that the property is already being used for residential purposes through the existing home. He stated that, in his view, the land is not being deprived of reasonable use simply because the owner cannot place an additional home on the property.
 - Thermos asked about financial hardship by not being able to use the property as intended and argued that the intended use could be seen by the existing pipe stems as physical evidence.

Breckenridge asked if consideration should be made to intent via physical evidence made by previous owners to expand on property as current intent and justification to build. Stenersen clarified that pipe stems are present in a large plot typically for future development, which is referenced in the application.

- Breckenridge noted potential hardship in the application as written where the variance will allow for the property to be used as initially intended. Thermos and Stenersen discussed location of the pipe stems and the original intent to expand housing on the property.
- Breckenridge asked if this was denied there may be alternate options for the applicant to entertain to get second home on lot. Some board confirmation including road, ADU, etc.
- Carmichael moved to deny Criteria 5, stating that the variance would not be necessary to avoid unnecessary hardship because the property is already being used for residential purposes with an existing home, and the owner therefore has reasonable use of the property., seconded by Breckenridge. Board voted 3-2, motion approved.
- B) The applicant must also show that as a result of this uniqueness, or special character, which distinguishes the property from other similarly situated property.
 - Carmichael moved to deny Criteria 5(b), stating that granting the variance would frustrate the general purpose of the ordinance provision because the property owner already has reasonable use of the property with the existing home, seconded by Breckenridge. 4-1, motion approved.
- C) The proposed use must be a reasonable one.
 - Breckenridge moved that the purpose is unreasonable as it is requesting 50' of frontage rather than the voter-requested 250' of frontage, seconded by Carmichael. Board voted 4-1, motion approved.
- D) If Part A, B or C is not met, the applicant must show that the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.
 - Carmichael moved that the variance is denied as the property owner has reasonable use of it and that 5b and 5c failed to support the applicant's request, seconded by Breckenridge. Board voted 4-1, motion approved.
- Variance Decision
 - Carmichael moved to deny the variance, stating that the applicant failed to demonstrate unnecessary hardship under Criteria 5. He stated that the property is already being used for residential purposes with an existing home, and the owner

therefore has reasonable use of the property., seconded by Breckenridge. Board voted 4-1 , variance for Case #2026-06 denied.

Approval of Minutes: April 28, 2026

- Carmichael noted that the minutes of April 28, 2026 should be updated to include the written and submitted testimony of the abutters and the Conservation Commission and edits as noted.
- Carmichael moved to accept the minutes of April 28, seconded by Thermos. Board voted 5-0, motion approved.

Adjournment

- Breckenridge moved to adjourn, seconded by Thermos. Board voted 5-0, motion approved. Meeting adjourned at 9:12pm

Respectfully submitted, Amanda Nardini

DRAFT

Letter from Marc Tieger as referenced in May 26, 2026 hearing:



25 TURNPIKE ROAD, JAFFREY, NEW HAMPSHIRE 03452 TEL: 603/532-8765 FAX: 603/532-4519
Email: info@tiegerrealty.com www.tiegerrealty.com

May 26, 2026

Town of Rindge ZBA
Attn: George Carmichael
Hand Delivered


Dear George,

I have been asked by Jeff and Dee Burns of 92 Hunt Hill Road to comment on the request for a variance by Kim Naresky, to Article V, Section B of the Rindge Zoning Ordinance, specifically the question of diminution of value of surrounding properties. I have been to the Burns property and observed the presumed placement of a new dwelling. I understand that the applicant owns 42 acres, +/-, part of which is within the view of Mr. & Mrs. Burns house. Dee asked me that if a house were placed there, would their property value be diminished? My answer is an unequivocal yes it would. As one looks out from the rear yard of the Burns house, what is seen are trees, a meadow and, of course, Mt. Monadnock. That view would be seriously affected, and the value of Mr. & Mrs. Burns house would certainly be lessened.

Most of us have lived in New Hampshire for some time. We are aware of how fortunate we are to have "Our Mountain". We have co-existed with our neighbors by being good neighbors. This is an example of how, with a little consideration, our relationships within the community would be upheld.

I write as a Realtor in the Rindge-Jaffrey area for 50+ years.

Very truly yours,


Marc P. Tieger, President
Tieger Realty Co., Inc.

MPT/pg

