

RINDGE BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD
RINDGE, NH 03461
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www.town.rindge.nh.us

PUBLIC HEARING MINUTES

DATE: March 26, 2019

*Regular members: Janet Goodrich (Chair), Marcia Breckenridge (Vice-Chair),
Phil Stenersen, Bill Thomas, Cynthia Childs*

Alternates:Joe Hill, Susan Wessels, Marty Kulla

Absent:.....Janet Goodrich

Recusals:Cynthia Childs for Case #1121

ZBA Clerk.....Michele Christian

*Others Present.....Michelle Davini (applicant), Roberta Oeser, Mike Kundert,
Jean Kundert, Frank Battaglia, Janet Battaglia, Bob Childs, Jim Trautwein, Lisa
Trautwein, Kelen Geiger, Dave DuVernay*

The meeting convened at 7:00pm with the Pledge of Allegiance.

*The clerk announced where the notice of the Public Hearing was posted. Town office, police
station, fire station, library, town website, post office.*

Wessels read the case before the Board.

***Case # 1121: continued from February 26, 2019, Michele Davini, 634 Old New
Ipswich Road, Rindge, NH, Tax Map 17, Lot 1-3 and Tax Map 14, Lot 41 for a
variance from Article IV, Section B2 and B3 of the Rindge Zoning Ordinance to
permit a house to be built on a lot of less than 2 acres and closer than 50' to a
private road and to request relief from restrictions of a subdivision decision in
the Residential Zoning District.***

Kulla summarized the relative ordinances.

*Sitting on this case: Marcia Breckenridge, Bill Thomas, Phil Stenersen, Joe Hill,
Marty Kulla*

Recusal: Cynthia Childs

*Vice Chair Marcia Breckenridge called the hearing to order. Cynthia Childs
recused herself from case 1121. Michelle Davini, the applicant has now
withdrawn her request to violate the setback requirements as she believes she can
fit the dwelling within the setbacks. Dave DuVernay stated that the only issue here*

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is to grant permission to build a residential dwelling on Map 17 Lot 1-3. Roberta Oeser who represented Michele DuVernay read a letter that was presented to the Board.

Mike Kundert asked if the waterfront lot would not be buildable. The lot could not have a dwelling, but it could have a garage etc. DuVernay stated that whatever restriction is on Lot 17 1-3 is now conveyed on Map 14 lot 41.

Stenersen made a motion that we grant relief requested to make Map 17 Lot 1-3 buildable and place the same restriction as currently on Map 17 Lot 1-3 on Map 14 Lot 41, seconded by Thomas. Vote: 5-0-0

Hill read the case before the Board.

Case #1120: Frank and Janet Battaglia, 46 Blakeville Road, Rindge, NH, Tax Map 43, Lot 1-23, for a variance from Article 1, Section 5 of the Rindge Zoning Ordinance to permit the current location of an 8' x 12' shed at eight feet from the abutter's property line and eighteen feet from Contoocook Lake in the Residential Zoning District.

Kulla summarized the relative ordinances.

Sitting on this case: Marcia Breckenridge, Bill Thomas, Phil Stenersen, Cynthia Childs, Susan Wessels

Vice Chair Marcia Breckenridge opened the hearing. The case cannot be heard because there is insufficient information. Battaglia stated that he is in the process of getting DES Shoreline approval. DuVernay stated that Battaglia needs a survey of his property in order to dispute the neighbor's property line. The case is continued until such time that Mr. Battaglia provides the documentation from Con Comm, DES and an approved survey.

Kulla read the case before the Board.

Case #1122: James and Lisa Trautwein, 16 Quimby Road, Rindge, NH, Tax Map 5, Lot 25, for a variance from Article 1 section 4 of the Wetlands Ordinance to permit the demolition of a bituminous driveway and wood frame garage, and

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construction of a gravel driveway and wood frame garage within 50' of forested wetlands in the Residential Agricultural Zoning District.

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Wessels summarized the relative ordinances.

James and Lisa Trautwein brought their case for Variance before the Board. Jim Trautwein stated that the driveway is actually sinking and it is affecting their vehicles. If approved, the driveway will be upgraded and the new garage will be further away from the forested wetlands. Trautwein also stated that he will have proper drainage on the property which it does not have at this time. Trautwein stated that they have not contacted anyone about the drainage yet. Mike Cloutier looked at the driveway and he said that the drainage is working and the only way they could fix the state issue is lower the water on the lake.

Bill Thomas asked where the culvert is. Trautwein said that there is a culvert on Quimby Road and one on Route 119. The water backs up onto the Trautwein property. Stenersen stated that it is more keeping with the wetlands ordinance for him the rebuild the garage.

Hill moved to go to deliberative session, seconded by Thomas. Vote 5-0-0

DECISION TREE FOR VARIANCE

A Variance can be granted only if an applicant satisfies all five of the variance criteria.

The Board determined that:

- 1. The variance would not be contrary to the public interest because it is improving a grandfathered use of the current wetlands ordinance so that it is more in compliance. Vote: 5-0-0*
- 2. Granting the variance would do substantial justice because it improves a current situation; the proposed changes lessen the impact on the wetlands. Vote: 5-0-0*
- 3. The variance would be consistent with the spirit and intent of the Rindge Zoning Ordinance because it brings an existing building more in compliance of protecting the wetlands. Vote: 5-0-0*

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4. Granting the variance would not diminish surrounding property values because it is protecting the wetlands to a greater degree. Vote: 5-0-0

5. Special conditions do exist on the property that distinguish it from other properties in, such that literal enforcement of the ordinance results in unnecessary hardship because of the amount of wetlands on the property. Vote: 5-0-0

5A. N/A

5B. The proposed variance would be a reasonable one because it is improving an existing non-conforming use. Vote: 5-0-0

Thomas moved to grant the variance without conditions, seconded by Hill. Vote: 5-0-0

The Variance has been GRANTED.

Approval of February 26, 2019 Minutes

Hill noted one correction to the minutes.

Childs motioned to approve the minutes of February 26, 2019, seconded by Hill. Vote: 5-0-0

Reviewers for the April Hearing Breckenridge and Childs. The cutoff date for applications is Tuesday, April 2 for a hearing on April 23, 2019.

Breckenridge stated that Hill needs to be approved as an alternate. Stenersen moved to appoint Hill as an alternate, seconded by Thomas. Vote: 5-0-0

The clerk suggested that a member be appointed to sign the Notice of Decision in the absence of either Breckenridge or Goodrich. Stenersen stated that he would be willing to sign in the absence of the Chair or Vice-Chair.

Thomas made a motion to adjourn the meeting, seconded by Hill. Vote: 5-0-0

Adjournment 8:08 PM

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Respectfully submitted, Tel. (603) 899-5181 X100 Fax (603) 899-2101 TDD 1-800-735-2964
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Michele Christian
ZBA Clerk