

RINDGE BOARD OF ADJUSTMENT

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

PUBLIC MEETING MINUTES

JUNE 25, 2019

DRAFT

*Regular members:Janet Goodrich (Chair), Phil Stenersen, Bill Thomas, Cynthia Childs
Alternates:Joe Hill, Susan Wessels, Martin Kulls
Absent:.....Marcia Breckenridge, Michelle Christian (Clerk)
Recusals:Phil Stenersen on case # 1129
Others Present..... Dave Duvernay, Janet & Frank Battaglia, Al Lafabvre, Kirk Stenersen, Cheryl & Stan Caron, David Drouin*

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, transfer station, town website

Joe Hill read the case before the board.

Janet & Frank Battaglia, 46 Blakeville Road, Rindge, NH 03461 for property located at Tax Map 43, Lot 1-23 for a Variance as specified in the Zoning Ordinance Article I, Section 5 to permit the placement of an 8 x 12 foot wooden shed at twenty feet from the frontage of Contoocook Lake.

Sitting on this case are Janet Goodrich, Bill Thomas, Phil Stenersen, Cynthia Childs, Joe Hill

Goodrich asked the applicant if he would be willing to change the request to a Variance from Article I, Section 3 which deals with wetlands. Mr. Battaglia agreed to do so.

Wessels read the ordinance that applied - no building shall be within 50 feet of the high water mark.

Battaglia presented his case and the reason for the Variance.

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Drouin, representing the Conservation Commission, presented their findings and concerns about impacting the wetlands. He stated that the Conservation Commission was against granting the Variance.

Hill motioned, with Thomas seconding to go into deliberative session.

Frank and Janet Battaglia, 46 Blakeville Road, Rindge, NH 03461 for property located on Tax Map 43, Lot 1-23 for a variance as specified in the Zoning Ordinance Article I, Section 33 to permit the placement of an 8 x 12 foot wooden shed at 20 feet from the frontage of Contoocook Lake.

Sitting on case: Goodrich, Thomas, Stenersen, Childs, Hill

1. **The variance is contrary to the public interest because** granting the Variance voids the basic Zoning objectives which are to protect bodies of water.

Vote: 5-0-0

2. **Special conditions do not exist on the property that distinguish it from other properties in the area, such that literal enforcement of the ordinance results in unnecessary hardship because** there are alternative sites available even though they are

Vote: 5-0-0;

3. **The Variance is not consistent with the spirit and intent of the Rindge Zoning Ordinance because** it infringes upon the 50 foot setback from wetlands.

Vote: 5-0-0

4. **Granting the variance would not diminish surrounding property values because** there are many grandfathered sheds existing within the 50 foot setbacks.

Vote: 5-0-0

5a. **No fair and substantial relationship exists between the general purposes of the zoning ordinance provision (s) and the specific application of the provision(s) because** specific conditions do not exist that prevent an alternative site.

Vote: 4-1-0 Yea: Goodrich, Thomas, Childs, Hill Nay: Stenersen

5b. **The proposed variance would not be a reasonable one because** the property can be used in a more conforming manner than proposed.

Vote: 5-0-0

5. **Special conditions do not exist on the property that distinguish it from other properties in the area, such that literal enforcement of the ordinance results in unnecessary hardship because** the property can be used in a more conforming manner.

Vote: 5-0-0

Stenersen motioned with Thomas seconding to deny the variance as not all criteria have been met.

Vote: L 5-0-0

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Aaron Seppala dba Dad's Real Estate Holding LLC, 48 Diane's Way, Rindge, NH 03461, for property at 14 Watatic Road, Tax Map 47, Lot 20 in the Residential District for a Variance as specified in the Zoning Ordinance Article IV, Section B-2 for construction of a single family home within the 50 foot setback (no closer than 35 feet)

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

Sitting on this case: Goodrich, Thomas, Childs, Wessaels, Kulla

1. The variance is not contrary to the public interest because the property is non-conforming, narrow with frontage on two roads.

Vote: 5-0-0

2. Special conditions do exist on the property that distinguish it from other properties in the area, such that literal enforcement of the ordinance results in unnecessary hardship because the property is non-conforming, small, and this allows the greatest distance to abutting properties.

Vote: 5-0-0

3. The Variance is consistent with the spirit and intent of the Rindge Zoning Ordinance because it would be consistent with other properties in the area.

Vote: 5-0-0

4. Granting the variance would not diminish surrounding property because it would not have any impact on surrounding properties.

Vote: 5-0-0

5a. No fair and substantial relationship exists between the general purposes of the zoning ordinance provision (s) and the specific application of the provision (s) because

N/A

5b. The proposed variance would be a reasonable one because the proposed variance allows the owner to use the property in a manner consistent with surrounding properties.

Vote: 5-0-0

5. Special conditions do exist on the property that distinguish it from other properties in the area, such that literal enforcement of the ordinance results in unnecessary hardship because the lot is small and has boundaries on two roads.

Vote: 5-0-0

Thomas motions, with Wessels seconding to approve the variance as all criteria have been met.

Vote: 5-0-0