

RINDGE BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD,
RINDGE, NH 03461

Tel. (603) 899-5181 X100 Fax (603) 899-2101 TDD 1-800-735-2964
www.town.rindge.nh.us

PUBLIC HEARING MINUTES

September 24, 2019 Approved 10-22-19

Members Present: Janet Goodrich (Chairman), Marcia Breckenridge (Vice-Chair),
William Thomas, Phil Stenersen, Cynthia Childs
ZBA Clerk: Michele Christian, Clerk
Alternates: Joseph Hill MD, Martin Kulla, Susan Wessels
Recusal: none
Absent: none
Others Present: Deni Dickler, Jane Sheeran, Kelen Geiger, Dave DuVernay

The meeting convened at 7:00 PM with the Pledge of Allegiance. Roll call by Chairperson. There clerk announced where the Notice of Public Hearing was posted.

Hill read the case before the board.

Case #1133: Jane Sheeran, 40 Pulaski Drive, Rindge NH 03461, for a property owned by D & J Sheeran, LLC, and located at 8 Sandy Shores Drive in the Residential District, Tax Map 45, Lot 11 for a Variance from Article IV, Section B of the Rindge Zoning Ordinance to permit a garage to be placed on the lot as show on the approved Shoreland permit.

Wessels summarized the ordinances.

Sitting on this case were: Janet Goodrich, Marcia Breckenridge, Cynthia Childs, Bill Thomas, Phil Stenersen.

Testimony

Jane Sheeran said that she lives on Pulaski Drive and she bought the land on Sandy Shores Drive at the town tax sales several years ago. After demolishing the existing uninhabitable camp she decided to build a house and a garage. She went through the process of getting a shore land permit and a building permit. Sheeran stated that she does not meet the 50 feet requirement to the right of way which is Sandy Shores Drive. This is a private road as is Pulaski Drive. She included a map showing the setbacks. She also stated that the waterline is owned by the town of Jaffrey and it is required to be 20 feet from the septic system, which she did not know. She believes that she will still be able to get the garage in but Eversource

RINDGE BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD,
Tel: (603) 899-5181 X100 Fax: (603) 899-2101 TDD: 1-800-735-2964
www.town.rindge.nh.us

ran their line as it was approved by the State and she should have gone down the line through the buffer zone. Eversource would not make a small radius, they wanted a very big radius which makes it difficult to put in the garage where she originally intended for it to be. The garage instead of being 15 feet from the house which now will have to be 21 feet due to the radius that Eversource put in. It still encroaches on the 50 foot buffer zone, but it encroaches 6 feet more. Sheeran would like to put the garage where she planned on building it. Even if she is to make the garage smaller it would still be encroaching on the 50 foot buffer.

Sheeran discussed the other buildings in the neighborhood.

Stenersen stated that he believes that Con Comm would much rather see the building encroaching on the right of way rather than the wetlands. Kulla said that this is the most reasonable thing to do.

Thomas moved to go into deliberative session seconded by Breckenridge. Vote 5-0-0

Kelen Geiger, 32 Spruce Ave, stated that she believes that this is consistent with the other properties in the area and she is here in support of Sheeran.

Deliberative Session

Stenersen asked how much Sheeran is seeking a variance for. Sheeran is proposing a 24 x 24 garage as close to the house as she can put it without compromising the water or the electric. Stenersen proposed that the variance be for a 20 foot setback from the edge of a right of way.

- 1. The variance would not be contrary to the public interest because** it meets the variance criteria and there would be no gain to the general public to deny the variance. Vote: 5-0-0
- 2. Granting the variance would do substantial justice because** of the small size of the lot and the proximity to utilities. Vote 5-0-0
- 3. The variance would be consistent with the spirit and intent of the Rindge Zoning Ordinance because** it is consistent with neighboring properties and there is no negative impact health, safety and welfare. Vote 5-0-0

RINDGE BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD,

4. Granting the variance would not diminish surrounding property values because there is no testimony that indicates loss of value and it is less nonconforming that other properties in the neighborhood. Vote 5-0-0

Tel: (603) 899-5181 X100 Fax: (603) 899-2101 TDD: 1-800-735-2964
www.town.rindge.nh.us

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 of the location of the utilities on the property and minimal use of the 12 ft. right of way. Vote 5-0-0

5A. n/a

5B. n/a

Stenersen moved to grant the variance to accept the building within 20 feet of the right of way and all five criteria have been met, seconded by Thomas. Vote 3-0-0

Variance has been GRANTED.

Reviewers for October will be Hill and Childs

Other business – George Carmichael has shown interest in joining the board as an alternate. Breckenridge stated that she thought it would be a good idea he was a former member of the ZBA.

Breckenridge motioned that we accept the application of George Carmichael and that he be appointed, seconded by Childs. Vote 5-0-0

A *Motion* was made by Hill, seconded by Breckenridge to adjourn the meeting at 8:05 p.m.

Respectfully submitted,

Michele Christian, Clerk

RINDGE BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD,
RINDGE, NH 03461

Tel. (603) 899-5181 X100 Fax (603) 899-2101 TDD 1-800-735-2964
www.town.rindge.nh.us