

## 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

**October 22, 2019 Approved 11/26/19**

Members Present: Janet Goodrich (Chairman), Marcia Breckenridge  
(Vice-Chair), William Thomas, Cynthia Childs  
Alternates: Joseph Hill MD, Susan Wessels, George Carmichael  
Recusal: none  
Absent: Phil Stenersen, Marty Kulla  
Others Present: Michele Christian, Clerk; Dave Duvernay, Code Enforcement  
Officer; Terry Gibbons, David Millett

The meeting convened at 7:00 PM with the Pledge of Allegiance. The clerk announced where the notice of Public Hearing was posted. The notice was posted at the town office, police station, library, transfer station the Mondnock Ledger Transcript and on the town website.

Hill read the case before the board.

**Case #1134: David Millett, DKMM LLC, 1398 NH Route 119, Rindge NH 03461, for property located at 398 Route 202 in the Village District, Tax Map 32, Lot 3 for a Special Exception from Article XIII, Section C and Article XV, Paragraph B of the Rindge Zoning Ordinance to permit the replacement of an existing deck no closer to the adjacent boundary.**

Goodrich made a correction to the ordinances. Article 13, section C and Article 15 B are the correct ordinances. Mr. Millett agreed to the change.

Wessels summarized the relative ordinances.

Sitting on this case were: Janet Goodrich, Marcia Breckenridge, Bill Thomas, Cynthia Childs, Joe Hill

#### Testimony

David Millet stated that the existing building does not fall in the setbacks to his neighbor. There is a small deck and stairway which he would like to take down because they are getting old and replace with a deck and new stairway for the upstairs residents. The new deck and stairway would not further encroach on the

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neighbors property line which is now 3 feet from the northern boundary. The current deck is 3' x 4' and new deck will be 12' x 16'. Goodrich stated that the new deck will not be any more non-conforming.

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MOTION: Hill moved to go to Deliberative Session. Thomas seconded the motion. Vote: 5-0-0

### DECISION TREE FOR A SPECIAL EXCEPTION

- 1. The Board finds that the use will/will not create excessive traffic, congestion, noise or odors.** The applicant provided evidence that there will be no change by enlarging the existing deck.
- 2. The proposed use will not reduce the value of surrounding properties.** The applicant provided evidence that he has spoken to the property abutters. There is no evidence that enlarging the existing deck will reduce the value of surrounding properties.
- 3. There is adequate sewage and water facilities, and sufficient off street parking is provided by the applicant.** There is no impact on the current sewage, water and parking facilities.
- 4. The proposed use will preserve the attractiveness of the Town.** There is no change to the property other than enlarging a deck on the back of the house.

MOTION: Hill moved to grant the Special Exception because all four criteria have been met. Thomas seconded the motion. **Vote: 5-0-0**

The Special Exception has been GRANTED.

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Wessels read the case before the Board.

**Case #1135: Terry Gibbons, 565 Old New Ipswich Road, Rindge NH 03461, for property located at 565 Old New Ipswich Road in the Residential-Agricultural District, Tax Map 12, Lot 2 for a Variance from Article IV Section B-2 of the Rindge Zoning Ordinance to permit the construction of a garage within the 50' setback from a right-of-way.**

Hill summarized the relative ordinances.

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Sitting on this case: Janet Goodrich, Marcia Breckenridge, Bill Thomas, Cynthia Childs, Susan Wessels  
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### *Testimony:*

Trevor Fletcher from Graz Engineering represented Terry Gibbons. Mr. Gibbons is seeking a variance for his project which is construction of a 24' x 24' garage. The property is very narrow and toward the back of the property there are some wetlands. He wanted to stay away from the wetlands to be in compliance with the zoning ordinances so they chose to place the garage within the 50' setback from the right of way. The garage will not be very visible from the road. Thomas asked where the property line is on the front. There is 787' along Old New Ipswich Road. The only other alternative is to put the garage closer to the house which would make it more visible to the property owner from the house.

MOTION: Hill moved to go to Deliberative Session. Childs seconded the motion.  
**Vote: 5-0-0**

### DECISION TREE FOR A VARIANCE

- 1. The variance would not be contrary to the public interest because** all criteria have been met and there is limited impact on the setback. **Vote: 5-0-0**
- 2. Granting the variance would do substantial justice because** it allows the homeowner to build the garage in an aesthetically pleasing location and it will not impact the town or neighborhood and will preserve the wetlands. **Vote 5-0-0**
- 3. The variance would be consistent with the spirit and intent of the Rindge Zoning Ordinance** because the proposed project has no negative impact on health, safety and welfare or the character of the neighborhood. **Vote 5-0-0**
- 4. Granting the variance would not diminish surrounding property values because** there is no evidence that the garage will diminish surrounding property value and there has been no opposition from abutting landowners. **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.** The shape of the lot and the location of the wetlands are special conditions that distinguish it from other properties in the area. **Vote: 5-0-0**

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**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) to the property because: N/A**

**5b. The proposed variance would be a reasonable one because** it causes no harm to the neighborhood and the limited size of the lot and the wetlands dictate the placement of the garage. **Vote: 5-0-0**

MOTION: Thomas moved to grant the Variance because all five criteria have been met. Childs seconded the motion. **Vote: 5-0-0**

**The Variance has been GRANTED.**

Hill made a motion to approve the minutes of September 24, 2019 with corrections, seconded by Breckenridge.

Goodrich stated that the Dunbar case is being heard on November 25, 2019 in Cheshire Superior Court in 33 Winter Street, Suite 2, Keene, NH.

There was discussion with regard to the budget and advertising costs.

Approval of minutes for October 22, 2019.

Pick reviewers for November Hearing. Cutoff date is Tuesday, November 5, 2019 for December Hearing.

Is there any other business to come before this board tonight?

Thomas made a motion to adjourn, seconded by Childs. **Vote: 5-0-0**

**Adjournment 8:01 PM**

Respectfully submitted,

Michele Christian

Clerk