



**RINDGE BOARD OF ADJUSTMENT**  
**30 PAYSON HILL ROAD**  
**RINDGE NH 03461**  
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## **March 28, 2023 Meeting Minutes**

**Meeting called to order:** 7pm by Chairman, George Carmichael with the Pledge of Allegiance. Members and alternates introduced themselves.

**Members present:** Marty Kulla, member; George Carmichael, Chair; Marcia Breckenridge, Vice-Chair; Ross Thermos, member; Adam Rickenbach, alternate

**Members absent:** Phil Stenersen, Terrence Fog

**Others present:** Suzanne Hepburn, Bruce & Anita Reini, Mike & Tammy Kirouac, Tim Halliday

Chairman Carmichael provided the following general information about how the meeting would proceed. The ZBA has five voting members. Alternates participate in the testimony phase and can ask questions as can anyone from the audience. Once the testimony is closed only the voting members participate in deliberation. When a regular member is either absent or recuses, the Chairman appoints one of the alternates to sit on the case. Once the testimony is closed only the five voting members would participate and there would be no more input from the public. He asked if there were any recusals. There were none.

ZBA Clerk, Kim McCummings, announced that the notice of the Public Hearing was posted in the Ledger/Transcript, Town of Rindge Website, Rindge Post Office, the Rindge Town Office, and the Ingalls Memorial Library.

Carmichael reminded the audience they must be recognized by the Chair before speaking and asked that they identify themselves by stating their name, and address for the Clerk.

**Motion:** by Chairman Carmichael to continue the hearing of Case 2002 from the February meeting. **Second:** by Breckenridge, **Vote:** 5-0-0. The hearing was opened and Kulla read the case into the record **Case 2002:** Timothy Halliday, 30 Hughill Road, Rindge, NH 03461 for property located at Dale Farm & Knight Road, Map 2, Lot 46-1, in the Residential Agricultural district for a Variance from Article V Section B. 1. of the Zoning Ordinance, to permit a lot with 66.52 feet of frontage on a Class V Road and 183.59 feet of frontage on a Class VI Road. Kulla summarized Article 5 Section B1 for the record.

Carmichael announced that Marcia Breckenridge, George Carmichael, Marty Kulla, Ross Thermos and Adam Rickenbach would be seated for the case. Carmichael announced that Mr. Halliday requested that **Case 2002** be withdrawn and closed. **Motion:** by Carmichael to withdraw and close the application as requested by the applicant. **Second:** by Breckenridge **Vote:** 5-0-0 the application is withdrawn, and Case 2002 is closed.

Chairman Carmichael announced **Case 2004**, opened the hearing and announced that Adam Rickenbach would read the case before the Board. Rickenbach read **Case 2004:** Michael & Tammy Kirouac, 9 Lake Drive, Rindge, NH 03461 for property located at 9 Lake Drive, Rindge, NH 03461 Map 45 Lot 28, in the Residential District, for a Variance from Article V Section B. 2. of the Zoning Ordinance, to permit a setback of less than 15 feet.

Breckenridge summarized Article V Section B of the Zoning Ordinance for the record. Carmichael announced that Carmichael, Breckenridge, Kulla, Thermos and Rickenbach would be seated for the case.

Carmichael asked the applicant to explain why they were before the board. Tammy Kirouac explained that they were on the Lake and the lots are small and that there was not enough setback space between the adjacent properties. They plan to remove the temporary sheds and build a garage. Carmichael asked questions regarding the proposed location, Mr. Kirouac explained that the proposed location is the only viable spot on the property due to the location of the septic/leach field, house & driveway and also provided a letter of support from an abutter. Carmichael asked if there were any questions from others on the Board or from the audience, and there were none.

**Motion:** by Breckenridge to enter deliberation **Second:** by Carmichael **Vote:** 5-0-0

The board entered deliberation and determined that:

1. The variance would not be contrary to the public interest because

The proposal is similar to other properties in the neighborhood.

2. Granting the variance would do substantial justice because

The addition of a garage will allow for parking and storage which is currently maintained in two temporary sheds and will increase the property value and be more aesthetically pleasing to the area.

3. The variance would be consistent with the spirit and intent of the Rindge Zoning Ordinance because

Approval of this request will allow the applicant to build a small garage. This structure is similar to structures on abutting properties. The applicants stated they would remove two temporary structures that would improve the aesthetics of the neighborhood.

4. Granting the variance would not diminish surrounding property values because

The addition of a permanent structure replacing two temporary structures it will increase property value and be more aesthetically pleasing to the area and a neighbor has submitted a letter of support for the addition of the garage.

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.

A special condition exists because there are no other options to place the garage due to the location of the septic system and driveway.

5. a. 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

5.b. The proposed variance would be a reasonable one because:

The proposed location is the only viable spot on the property due to the location of the septic/leach field, house & driveway. Additionally, the abutting property owner has written a letter stating that they had no objections with the proposal.

**Motion:** by Breckenridge to approve the application as all criteria have been met

**Second:** by Kulla **Vote:** 5-0-0 The application is approved.

Carmichael reminded the Kirouacs that they should wait 30 days before starting work on the project because the ZBA's decision can be appealed within 30 days of the decision.

Carmichael introduced **Case 2005:** and read the case into the record. **Case 2005:** Bruce & Anita Reini, 205 Rand Road, Rindge, NH 03461 for property located at 205 Rand Road, Map 2, Lot 9-4-2 in the Residential Agricultural District, for a Special Exception as specified in the ADU Ordinance, Article 1, Section 2.

Marcia Breckenridge summarized the relevant ordinances for the record.

Carmichael announced that Carmichael, Marcia Breckenridge, Marty Kulla, Ross Thermos and Adam Rickenbach would be seated for the Case.

Carmichael asked Bruce Reini to tell the Board why he was before the Board. Mr. Reini said that he wanted to build a retirement home. He currently lives in a four-bedroom home and wants to build a smaller ranch style house with a room over the garage.

Carmichael asked for questions from the board and the audience and there were no questions. **Motion:** by Carmichael to move to deliberative session. **Second:** by Breckenridge. **Vote:** 5-0-0 The Board entered deliberative session.

Criteria 1: The use will not create excessive traffic, congestion, noise or odors. This is new construction that will be similar to other buildings in the area.

Criteria 2. The use will not reduce the value of surrounding properties. The building will be similar to other properties in the area and the Board has not received any objections from abutters.

Criteria 3. There are adequate sewage and water facilities, and sufficient off-street parking is provided by the applicant.

The sewage system is set up for a 4-bedroom septic system and according to the testimony of the applicant there is sufficient off-street parking.

Criteria 4. The proposed use will preserve the attractiveness of the Town. This is a new building that will be similar to other buildings in the area.

**Motion:** by Breckenridge to approve the application as it has met all criteria on the decision tree.

**Vote:** 5-0-0 The application is approved

Chairman Carmichael opened Case 2006 and announced that Marty Kulla would read the Case into the record. Kulla read: **Case 2006:** Timothy Halliday, 30 Hughill Road, Rindge, NH 03461 for property located at Dale Farm & Knight Road, Map 2, Lot 46-1, in the Residential Agricultural District, for a Variance from Article V Section B. 1. of the Zoning Ordinance, to permit a building lot with less than 250ft of frontage on a Class V Road. Adam Rickenbach summarized Article V Section B. 1 of the Zoning Ordinance for the record. Carmichael announced that Marcia Breckenridge, Adam Rickenbach, Marty Kulla, Ross Thermos, and Carmichael were sitting on the case.

Carmichael asked Mr. Halliday to provide an overview of his request to the Board. Halliday explained that the he would like to sub-divide a building lot from a 34 acre parcel he owns. Halliday stated that the proposed lot would contain a minimum of two acres and would have 250' of frontage on Dale Farm Road, a Class V Road and on Knight Road, a Class VI Road. Halliday explained that the two differently named roads are in fact a single contiguous road that has been renamed by the town at the point where they change from Class V to Class VI.

Halliday explained that he needed a Variance because the proposed lot would not meet the frontage requirements of 250' on a Class V Road (Dale Farm Road).

While reviewing the plans, Halliday pointed out that the driveway access for the proposed lot would be off of Dale Farm Road, a Class-V Road.

Suzanne Hepburn of Dale Farm Road asked if Halliday planned on building a road from Middle Winchendon connecting to Knight Road, Halliday stated that there

were no plans to do so. Halliday added that the town may ask him to do so at a later date for emergency use.

After some discussion and questions from the Board a motion was made by Breckenridge.

**Motion:** by Breckenridge to enter deliberation **Second:** by Kulla

**1. The variance would not be contrary to the public interest because:**

The lot meets the required acreage and has the required frontage on a contiguous road that has both Class-V and Class-VI frontage.

**Motion:** by Carmichael to accept as written **Second:** by Breckenridge

**Vote:** 5-0-0

**2. Granting the variance would do substantial justice because:**

It once had and still has frontage on a Class 5 road.

**Motion:** by Carmichael to accept as written. **Second:** by Ross Thermos

**Vote:** 5-0-0

**3. The variance would be consistent with the spirit and intent of the Rindge zoning ordinance because:**

Granting the relief would create one lot with access from a Class-V Road which is consistent with the spirit and intent of the Town Zoning Ordinance and is in character with abutting properties.

**Motion:** by Motion by Ross Thermos to accept as written. **Second:** by George Carmichael **Vote:** 5-0-0

**4. Granting the variance would not diminish surrounding property values because:**

The area is one of single-family homes and creating another lot for an additional single-family home would be consistent with the neighborhood and therefore not diminish the value of surrounding homes. And there is no contrary information.

**Motion:** by Breckenridge to accept as written **Second:** by George Carmichael

**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 Town of Rindge had reclassified the road and split it into a Class five and class six road based on maintenance of the road.

**Motion:** by Carmichael **Second:** by Kulla **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) to the property because:**

Granting relief would allow the reasonable use of town-maintained land that is assessable from a Town maintained road. **Motion:** by Carmichael **Second:** by Kulla **Vote:** 5-0-0

**5b. The proposed variance would be a reasonable one because.**

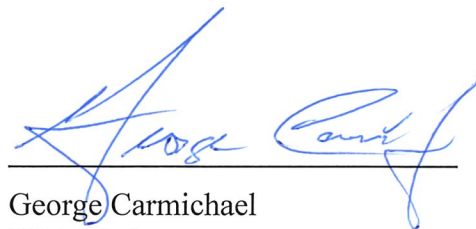
It has met all of the criteria. **Motion:** by Kulla **Second** by Carmichael **Vote:** 5-0-0

**Motion:** by Carmichael to approve the variance as it has met all 5 criteria. **Second:** by Breckenridge **Vote:** 5-0-0

Carmichael asked if there was any other business to come before the Board and there was none.

Meeting adjourned at 8:15pm

Kim McCummings  
ZBA Clerk

  
George Carmichael  
ZBA Chairman