



RINDGE BOARD OF ADJUSTMENT
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July 26, 2022 ZBA Meeting Minutes

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

Members present: Terrence Fog, alternate, George Carmichael, Chair; Marcia Breckenridge, Vice-Chair; Marty Kulla, member; Ross Thermos, alternate

Members absent: Bill Thomas, Phil Stenersen

Others present: George Chadwick, BDC, David Drouin, Rindge Conservation Commission, Kirk L. Stenersen, Higher Design, Jamil D. Somero, Matthew Olson.

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. He added that once the testimony was 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 and there were none.

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

Breckenridge asked if the record would show that we reviewed all five criteria, so there's no question later. Carmichael said yes, it will be reflected in the record.

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

It would not. It's straight off existing house/or for roof or overhangs its existing house or deck/water protection.

A variance is contrary to the public interest if it violates "basic zoning objectives" by, for example, altering the character of the neighborhood or threatening public health, safety, or welfare.

Would granting the variance would unduly, and in a marked degree, conflict with the ordinance such that it violates the ordinance's basic zoning objectives? Would the result of granting the variance would be to violate the ordinance's basic zoning objectives?

In addition, it is no longer relevant for the ZBA to consider whether the applicant could achieve the same results by another means that conforms to the ordinance without the need for the variance.

2. Granting the variance would do substantial justice because: I'm not going to be close to any property lines or towards someone's house. Just going to towards the road setback/addition is straight off the house side and deck roof is above the existing deck/overhangs are to keep water off house.

This requires a balancing test; a loss to the landowner that is not outweighed by a gain to the general public is an injustice. The Board should identify the loss the landowner would suffer if the variance is denied, and weigh it against the interests of the public. In other words, any loss to the individual that is not outweighed by a gain to the general public is an injustice.

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

The intent of the ordinance is to promote health, safety and welfare, and to preserve the values and character of the Town; consider whether the variance is inconsistent with these goals.

Yes, it is going off the existing house that was here when I bought the house. Makes sense to add onto the house than sell the house for a bigger one.

The house is 800 square feet and I need more space/another bathroom, bigger kitchen/master bedroom/dry space above the front door for mail. Pushing the house back wouldn't tie into the existing kitchen, living room and run into septic.

Motion: by Breckenridge to grant the variance application as written by the applicant as all criteria have been met. **Second** by Carmichael, **Vote:** 5-0-0

Carmichael congratulated Mr. Somero and cautioned him to wait 30days in the event that the decision is appealed.

Carmichael opened the hearing for **Case: 1192**. Sitting on the case was Breckenridge, Carmichael, Kulla, Fogg, and Thermos.

Ross Thermos read the case before the Board into the record. **Case 1192:** Applicant, Traven Development, LLC, 1448 NH Route 119, P.O. Box 283, Rindge, NH and Owner, GFA Federal Credit Union, 229 Parker St., P.O. Box 468, Gardner, MA 01440-0468, for property located at Map 6, Lot 14-1 at Thomas Road and U.S. Route 202 in the Gateway Central District for a variance from section 4.G and 7.A of the Wetlands Conservation District Ordinance, to allow 6,900sf wetland buffer disturbance for a storm water basin and infrastructure.

Fogg summarized sections 4G and 7A. of the Wetland Conservation District Ordinance, for the record.

George Chadwick of Bedford Design and representing Traven Development and GFA Credit Union, provided a history and overview of the project to be located on Thomas Road at the intersection of rt 202. Property was restricted in the 70's its frontage was taken by DOT and some is restricted from Rt. 202. Currently there is no access to Thomas Road. They have done before Con Com and received support for the project. Carmichael asked if ZBA members had questions. Kulla said it looks pretty straight forward. Carmichael asked about the location of the former Town Dump on Thomas Road. The location of the old dump was located. Carmichael and Stenersen located the former dump location on the map. Carmichael said one of his concerns was how the

2. Granting the Variance would do substantial justice because:
 - The buffer disturbance is located along the southerly property line, which is also the lowest portion of the parcel. The project driveway to the development is located at the location due to the NHDOT controlled access taking when Thomas Road was relocated by NHDOT in the 1970's.
 - To get the roadway pavement stormwater runoff to the drainage ponds the wetland buffer disturbance is necessary.
 - Allowing the disturbance of the buffer would be more of a benefit to the owner than to gain to the public by denying the variance.
3. The variance would be consistent with the spirit and intent of the Rindge zoning ordinance because.
 - The intent of the ordinance is to protect the Health, Safety and Welfare of the public.
 - The buffer disturbance will **NOT** contribute to the pollution of surface and ground water by sewage and other contaminants. There is No wetland destruction, and the buffet disturbance will not affect flood protection, flood control, water quality protection, natural habitat, and food supply for wildlife.
 - The site is adequate in size. The project meets all other use and dimensional zoning requirements and impervious coverage requirements of the state,
 - The project will not overload the municipal utilities. The water, sewer and drainage infrastructure had been designed and will be approved by the necessary approval agencies.
 - The drainage improvements will not contribute to the pollution of surface or ground water. The Roads, Driveways and Roof rainwater will be collected and infiltrated into the ground.
4. Granting the variance would not be diminished surrounding property values because:
 - The drainage infrastructure causing the buffer disturbances has been designed to meet the town and state requirements and will not affect the downstream abutters thus diminishing surrounding property values.
 - The drainage basin will not block any scenic view or disturb any significant wildlife habitat.

Approval of Minutes: Motion: by Breckenridge approve the minutes of June 28, 2022.
Second: by Kulla **Vote:** 5-0-0 the minutes are approved

Dave Drouin said Con Com is in need of a key to the ZBA Office for access to the Town Maps in the ZBA office.

Other business:

Carmichael gave an update to the status of the ZBA Budget to date and following a lengthy discussion settled on changing the application fees as listed below:

Proposed Changes:

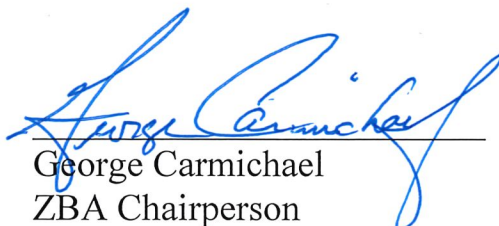
- 1 -2 Single dwelling structures - \$175.00
- 3 or more single dwelling structures - \$350.00
- Commercial Structures - \$500.00

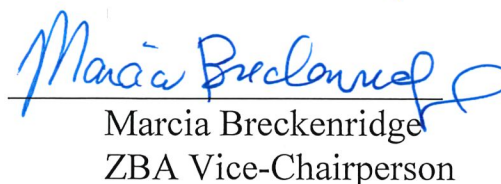
Motion: By Carmichael, **second** by Kulla: **Vote:** 5-0-0

The fee increases will be effective with the next application deadline and all applications will be updated to reflect the change.

Motion: To adjourn by Breckenridge **Second:** by Kulla **Vote:** 6-0-0

Meeting adjourned at 7:30 pm


George Carmichael
ZBA Chairperson


Marcia Breckenridge
ZBA Vice-Chairperson