

October 26, 2021, ZBA Meeting Minutes

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

Members present: George Carmichael, Chair, Marcia Breckenridge, Vice-Chair, Deni Dickler, member, Bill Thomas, member (arrived 7:15 p.m.)

Members absent: Phil Stenersen, member, Marty Kulla, alternate

Others present: Nahum Ketola, Taylor Ketola, Louise Lauder

Carmichael announced that the hearing would be proceeding with three members and 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. Carmichael said Kulla and Stenersen would not be in attendance and the hearing would proceed with the three members that were present.

ZBA Clerk, Kim McCummings, announced that the notice of the Public Hearing was posted in the Ledger/Transcript, at the Town Office, Rindge Post Office, Carmichael added the Town of Rindge Website, and the library.

Carmichael reminded the audience that they would have to be recognized by the Chair before speaking and **opened the hearing for Case 1177:**

Sitting on the case were Breckenridge, Carmichael, Thomas and Dickler. Carmichael read the case into the record. **Case 1177:** Nahum and Taylor Ketola, for property located at 196 Lord Brook Road, Rindge, NH 03461, Map 2 Lot 49-4 in the Residential Agriculture District, for a Special Exception, as specified in the Accessory Dwelling Unit Ordinance. Dickler summarized the Accessory Dwelling Unit Ordinance for the record.

Carmichael asked about the maximum square footage and gross living area for ADU's. Dickler read Section 3.H. of the ADU Ordinance into the record. Carmichael asked about the proposed square footage of the ADU. After reviewing the plans with the applicant, it was determined to be 720 sq. ft.

Dickler asked where the second means of egress for the lower level was located. The applicant showed the location of the egress windows on the plan. Dickler asked about “what appeared to be two driveways on one plan and only one driveway on another plan, and asked which is correct”. Nahum Ketola responded that one driveway was for the main house on the upper level of the home and the second driveway was for the ground level entrance to the ADU. Dickler asked about distance from the wetland setback. Nahum Ketola replied it’s about 100ft from the edge of the driveway to the wetlands. He also clarified that the well location is preliminary. He said they are waiting to have a final location and that the house was pulled forward about 30ft compared to the preliminary plan. Carmichael asked if he had water yet. Mr. Ketola said, “Not yet, the well companies are busy, and we’re waiting for one”. Carmichael said one of the stipulations should be having adequate water and sewage. Mr. Ketola said the well was going to be around 400ft. Thomas said he shouldn’t have any problems with that depth to supply water for both the primary structure and the ADU.

Chairman Carmichael acknowledged that Bill Thomas, regular ZBA member arrived after the meeting started and gave a brief overview of where the board was in the testimony phase of the hearing.

Carmichael asked for questions from the audience. Louise Lauder asked if they were planning a two-family home. The applicant said no just the in-law apartment. She also asked if they would be running a trucking company from the property and the applicant said that the truck was just for personal use. It would be pulled to the garage on the other side of the house to have access to the garage. The ADU side would have parking space for their use.

Carmichael asked for clarification about the description of an ADU, and whether it could be rented. Breckenridge, read from the ordinance and clarified that the building had to be accessory to the single-family dwelling.

Deni asked for clarification on the abutter list for notification as it seemed one may have been omitted. Zoning Clerk, McCummings, said the omission of the abutter was noted on the reviewers list. The abutter was added to the list and included in the notices mailed to abutters for the hearing.

Carmichael asked for additional questions from the Board and audience, there were none.

Motion: by Thomas to enter deliberative session, **Second** by Breckenridge, **Vote:** 4-0-0

The Board entered deliberative session and determined that:

1. The Board finds that the use will not create excessive traffic, congestion, noise, or odors.

On these issues, the applicant provided evidence that due to the location, the description of the parking, and the way the house is set up. The use will not create excessive traffic, congestion, noise, or odors.

Motion by: Carmichael, **Second:** by Thomas, **Vote:** 5-0-0

2. The proposed use will not reduce the value of surrounding properties.

On this issue, the board found there is no one present to indicate that it will.

Motion by: Breckenridge, **Second:** by Carmichael, **Vote:** 5-0-0

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

The applicant provided plans showing that there would be sewage and water facilities, and sufficient off-street parking to be provided by the applicant. Water and sewage must be functional and inspected prior to the ADU being occupied.

Motion by: Carmichael, **Second:** by Dickler, **Vote:** 5-0-0

4. The proposed use will preserve the attractiveness of the Town.

The applicant provided evidence that the new building will be in keeping with existing structures and it has the appearance of a single-family home.

Motion: by Dickler, **Second:** by Carmichael, **Vote:** 5-0-0

Motion: by Breckenridge to approve the application for the Special Exception because it meets all the criteria. With the stipulation that water and sewer must be functional prior to occupancy. **Second:** by Carmichael **Vote:** 5-0-0

Carmichael congratulated the applicants and let them know they would be receiving a copy of the Decision, and that a copy would be sent to Cheshire County Registry of Deeds.

Carmichael asked Dickler to share the update on the current ZBA Budget. Dickler reviewed the 2021 budget vs. expenses to date and the suggested 2022 budget, then responded to questions from ZBA members. Carmichael asked about 2020 compared to 2021 expenses. It was decided that Carmichael, Dickler and Breckenridge would attend the upcoming Budget meeting with the BOS.

Meeting Minutes: September 28, 2021

Dickler suggested changes to #7 on page 8. She said it should be edited to read “The ZBA is authorized to retain the services of consultants, and to impose reasonable fees upon an applicant for the expense of consultant, investigative, and/or legal, services, review of documents and other matters that may be required by a particular application. Such fees shall be subject to the provision of RSA 673:16. Fees shall be paid in full prior to issuing of the final written decision.”

Motion: by Dickler to accept the minutes of September 28, 2021, as amended. **Second:** by Carmichael **Vote:** 4-0-0
The minutes are accepted as amended.

Motion to adjourn by Carmichael, **Second:** by Thomas

Meeting adjourned at 7:58pm

Note: Changes are highlighted