

ZBA Meeting Minutes, Tuesday March 23, 2021

Meeting called to order at 7:01pm

Election of Officers:

Chairperson: Marcia Breckenridge nominated George Carmichael, second by Deni Dickler. Vote: Aye – 5, Nay -0, Abstain - 0

Vice Chairperson: Marcia Breckenridge, nominated by George Carmichael, second by Bill Thomas. Vote: Aye 5, Nay 0, Abstain - 0

Chairman Carmichael welcomed Deni Dickler to the Board as a new regular member.

Chairman Carmichael read the following statement into the record.

“In accordance with Governor Sununu’s Emergency Order #12 and pursuant to Executive Order 2020-04, this Board is authorized to hear cases electronically.

Please note that there is no physical location to observe and listen to this Hearing, which is authorized pursuant to the Governor’s Emergency Order. In accordance with the Emergency Order, I am confirming that we have provided public access to the meeting by telephone and online access by video utilizing the “Zoom online meeting platform.”

The Chair asked members and alternates to introduce themselves and include their status as members of the ZBA. George Carmichael, Chairperson, Marcia Breckenridge, Vice-Chairperson, Bill Thomas Member Deni Dickler – Member, Phil Stenersen – Member

Carmichael explained the role and process for the hearings: For general information, the ZBA has five voting members. The alternates participate in the testimony phase and can ask questions as can anyone from the audience. However, once the testimony is closed, only the 5 voting members will participate. When a regular member is either absent or recuses, the Chairman will appoint one of the alternates to sit on the case. Carmichael asked if there

were any recusals for the scheduled hearings and there were none. He asked that when the public addresses the Board, to please identify themselves for the clerk.

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

Carmichael explained how the ZOOM Meeting would proceed and how to be recognized to speak during the portions of the hearings that are open to public comment and opened the hearing for Case: #1163. Breckenridge, Stenersen, Thomas, Dickler and Carmichael were seated for the case.

Stenersen read the following information on Case #1163 into the record.

Case# 1163: Jacob Poff, 76 Swan Point Road, Rindge, NH 03461, for property located at 67 Swan Point Road, Tax Map 23 Lot 01-19, in the Residential Agriculture District, for a Special Exception, as specified in the Accessory Dwelling Unit Ordinance and Article XV Section B of the Zoning Ordinance to allow an Ancillary Unit/In Law Apartment. Breckenridge summarized the relative ordinances.

Carmichael opened the testimony phase and asked Jacob Poff to share his plans with the Board. Mr. Poff said that he was in the process of purchasing the home from his Mother and planned to build an apartment in the basement for her to live in. He submitted plans to the Building Department which showed a separate primary entrance through the mudroom on the landing which leads to the internal stairway down to the ADU in the basement level of the home. The separate external egress window would be located in the bedroom and a window well would be under the egress window on the outside of the building. Questions were asked about the size of the egress window and the applicant stated it would be at least 50 inches. He added that an inspection would be done for the current septic system because they would be adding additional laundry, bathroom and kitchen facilities for the ADU and would be updating the septic system if needed.

The Board asked questions about the capacity of the current septic system given the plans to expand the use and concluded that a condition could be added to an approval if needed.

Chairman Carmichael asked for questions or concerns from the audience. Cheryl Charron, an abutter, said that she had no problem with the application. There were no additional public comments.

Motion: by Thomas to go into deliberative session, second by Breckenridge.
Vote: 5-0-0

The Board found that:

1. Granting the use will not create excessive traffic, congestion, noise, or odors, as there is no change.

Motion: made by Stenersen, second by Breckenridge **Vote:** 5-0-0

2. The proposed use will not reduce the value of surrounding properties because there is no testimony to the fact that it would detract from the value of surrounding properties. **Motion:** made by Thomas, second by Stenersen
Vote: 5-0-0

3. There is adequate sewage and water facilities, and sufficient off street parking is provided by the applicant. On these issues, the applicant provided evidence that there is adequate sewage facilities for a Three Bedroom house. **Motion:** by Thomas, Second by Carmichael. **Vote:** 5-0-0

4. The proposed use will preserve the attractiveness of the Town. On these issues, the applicant provided evidence that the attractiveness of the Town will be preserved because there are no major changes proposed. **Motion:** by Breckenridge, second by Carmichael. **Vote:** 5-0-0

Motion: by Stenersen to grant the Special Exception with the following condition: The septic system is verified to be adequate for the number of bedrooms proposed. **Vote:** 5-0-0

The Special Exception is approved.

Carmichael informed the applicant that they would be receiving a copy of the decision by mail within the next two weeks.

Carmichael introduced Case #1164 and asked if there were any recusals, there were none. Seated for the case were Breckenridge, Stenersen, Thomas, Dickler, and Carmichael.

Dickler read the case into the record. **Case# 1164:** Global Partners, LLC – Dan Berry, 800 South Street, Ste. 500, Waltham, MA 02454, for property located at 1116 Route 119, Tax Map 31 Lot 7 in the Commercial District, for a Variance from Article VI Section C. 5. c. of the Sign Ordinance to permit the addition of a second building sign on the side of the building facing Route 119. Thomas summarized the relative ordinances.

Carmichael opened the testimonial phase of the hearing and asked Mr. Berry for an overview of why the variance was being requested. My Berry said that there were two Dunkin Donuts Signs on the building, and when the application was filed for Aroma Joe's he discovered that one of the two external signs was never approved. Carmichael asked if both signs were identical. Mr. Berry said that they were. Carmichael asked for additional questions from the Board. Dickler commented that the applicant should be aware that although he didn't need approval for the directional signs, they were slightly larger than what is allowed by the sign ordinance. Carmichael asked for additional questions from the Board and the audience and there were none. Carmichael asked for a motion to go into deliberative session. **Motion:** by Breckenridge to enter deliberative session, second by Dickler. **Vote:** 5-0-0

The board entered deliberative session and found that:

1. Granting the variance would not be contrary to the public interest because there is a precedent of a second business sign being on the building.

Motion: made by Breckenridge, second by Carmichael **Vote:** 5-0-0

2. Granting the variance would do substantial justice because this is a new business that needs signs for identification, and it replaces a pre-existing sign. **Motion:** made by Breckenridge, seconded by Thomas **Vote:** 5-0-0

3. The variance would be consistent with the spirit and intent of the Rindge Zoning Ordinance because the precedent has set with the previous occupant with no ill effects. **Motion:** made by Breckenridge, Second by Carmichael. **Vote:** 5-0-0

4. Granting the variance would not diminish surrounding property values because it's located in the Commercial/Gateway East District and is replacing a preexisting sign. **Motion:** made by Thomas, second by Breckenridge. **Vote:** 5-0-0

5. Special conditions do exist on the property that distinguish it from other properties in the area, such that the literal enforcement of the ordinance results in unnecessary hardship. Two signs were on the building before and they are facing two separate roads. **Motion:** by Carmichael to grant the variance, second by Breckenridge. **Vote:** 5-0-0

Motion: by Thomas to grant the variance because all five criteria have been met. Second by Carmichael **Vote:** 5-0-0

The variance is approved

Motion: by Dickler to approve the minutes of February 23, 2021 with two minor corrections, second by Carmichael, **Vote:** 5-0-0. The minutes are accepted as corrected.

Other business:

Suggestion by Carmichael to go back to public meetings. The Rec Center, Meeting House and Town Office are to be looked into for next meeting.

Status of Alternates: Carmichael said Marty Kulla was interested in returning and submitted an application. Carmichael motioned to accept Marty Kulla as an alternate, second by Breckenridge **Vote:** 5-0-0. Marty will be contacted so that he be sworn in for the next meeting. Carmichael also suggested placing an ad in the newspaper for at least two additional alternates. It was also suggested to post the openings on the Town website.

Motion to adjourn by Breckenridge **Vote:** 5-0-0 meeting adjourned 8:13pm

Respectfully Submitted
Kim McCummings
ZBA Clerk