

November 23, 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, Phil Stenersen, member

Alternate Member: Marty Kulla

Others present: Sarah Kogan, Michael Browning, Eli Leno, Richard Mellor, Ashley Saari, Taylor Ketola, Nahum Ketola, Al Lefebvre

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.

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, 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 1178:**

Dickler announced that she would be recusing herself from the case. Seated on the case were Breckenridge, Carmichael, Thomas, Stenersen and Kulla.

Kulla read the case into the record. **Case 1178:** Rindge Stone & Gravel, LLC, 538 Old New Ipswich Road, Rindge, NH 03461, Map 8, Lot 11 in the Residential-Agriculture Zoning District. For a Variance from Article V Section B-1 of the Zoning Ordinance to permit: the creation of a subdivision lot for the purpose of conservation by the Town of Rindge, which will have a minimum of 250 feet of *interrupted* frontage on two Class V Roads. Stenersen summarized the relevant ordinances for the record.

Carmichael clarified that the applicants were here to seek relief because the frontage on the parcel was not contiguous.

He asked Attorney Eli Leno to provide a brief overview. Attorney Leno, of the law firm of Primer, Piper, Eggleston and Cramer in Manchester, representing Rindge Stone & Gravel. He explained that the property had been purchased by Jay Pittorino last year and they were focused on working hand and hand with the Town and keeping the pits working effectively and working with the Town on ways to improve the local area. Proposed to ring the existing stone and gravel uses with conservation land. That it was important to leave the entrance and openings the way they were. The land was being donated to the Town through the Rindge Conservation Commission and Rick Van der Pool was working with them.

Carmichael asked for clarification about the subdivision plan. The subdivision was located on the plan and clarified.

Mr. Van der Pool, representing the Rindge Conservation Commission, provided a brief background. He has worked on many projects in the State and the Town of Rindge mapping wetlands and helping the Town with a few projects on 119 and 202. The project came up in 2015 and it's one of the best conservation opportunities for the Town of Rindge. There are different types of land, habitats, vernal pools, and State listed species that are rare. We have a landowner willing to give up his right to 222 acres to concentrate what he wants to do on one part of the property and allow the Town to take ownership of the other part of the parcel.

There is 250 ft. of frontage available, but it is on two different roads, Perry Road and Old New Ipswich Road. He said that this was one of the best opportunities to create Conservation land to donate to the Town and that to date the Town has spent about forty thousand dollars and there were also donations. The Town has expended about 40K and has also been awarded Three Hundred and Thirteen thousand dollars through grants and Monadnock Conservancy is lined up to be a Conservation Easement holder. So, there's plenty of money to complete the project. He said the final step is to turn the project over to the Town of Rindge.

He went on to say that it's been a collaborative process. In addition to the five criteria, there's nobody harmed by the project, this is a low-density project. Regarding surrounding property values, this is not an expansion of

the gravel activities. They will need to keep the current access. The use of the property as a conservation interest is also a benefit to the Town.

Carmichael asked for questions from the audience. David Drouin, Rindge Conservation Commission, Chair highlighted the entrance points to the Conservation property, access, and how the property opens-up enough for off-street parking for visitors, they have 250ft over three parcels. They have created paths that go across the parcel. It's a unique opportunity for that part of Town.

Breckenridge said she was familiar with the property and thought it was a real opportunity for the Town.

Stenersen asked how many different pieces of frontage there were? Van der Pool responded there are two on Perry Road, and one on Old New Ipswich Rd. Stenersen added that the project creates access to the property from multiple locations, you can create paths and trails and go from one side to the other. "It's a slam dunk for the Town."

Carmichael asked for additional questions and there were none. Carmichael moved to accept the application as presented.

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

The board entered deliberation.

Carmichael said that the Board has done this in the past and based on the response to our questions and the responses to the questions on the application and what was heard in the hearing I suggest we accept the criteria as written. **Motion:** by Carmichael to accept the variance based on the responses to the questions that are written on the application. **Second:** by Kulla **Vote:** 5-0-0

The Variance is approved. Carmichael reminded the applicant that there is a 30-day window for responses to the decision.

Case 1177: Continued from 10/26/21 - 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: 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 introduced Case 1177 a continuation from last month that was brought up by the Conservation Commission within 30 days of the decision. He asked ZBA members for their preference of hearing the continuation from last month tonight, to continue it to the December meeting, or not to hear it at all. Carmichael said questions had come up regarding septic, setbacks, the number of rooms, accessibility of the ADU from the outside and a few other items. Breckenridge suggested that since everyone was here it made sense to go forward. Carmichael asked if the board was in favor of continuing to hear the case. Breckenridge motioned to continue; Carmichael seconded. **Vote: 5-0-0**

The board continued and addressed the following items:

- Clarification of the number of rooms in the house and the ADU. The applicant confirmed that the house has four bedrooms and the ADU has one bedroom.
- The driveway issue was resolved because an application has been submitted for the second driveway.
- The amendment of the decision on the ADU acceptance to include a four-bedroom home and a one- bedroom ADU.
- No part of the septic system should be within 100ft of the setback
- Stipulation for the septic system be for five bedrooms

Discussion about the amendment included the acceptance of the ADU to include the modifications of the septic design for a 5-bedroom home. Dickler mentioned that the in-law/ ADU has a higher requirement for septic than other bedrooms. She suggested it should read four bedrooms and a one-bedroom ADU due to the septic requirement.

Dickler made a **motion:** to add an amendment to the prior decision that states:

1. No part of the septic system is within the 100ft setback from the wetlands.
2. The septic system is approved for a four-bedroom home with a one-bedroom ADU.

Second by Thomas **Vote: 5-0-0** The decision will be amended to reflect the two conditions above.

Carmichael opened the discussion regarding the DTS Tire project on rt 202 and whether they would be required to come back before the ZBA due to changes they made to property after they met with and were approved by the ZBA, and changes were made to the plans. The board had a lengthy discussion about the changes to the plan after being approved by Con Com, and impacts on culvert crossings, retention plans for the parcel and other items. Stenersen made a **motion:** To not require a rehearing for the reduced impact in wetlands, provided there is no additional impact to wetlands and the wetland buffer zone and there will be no discharge into the 50ft buffer zone. **Second:** by Carmichael. **Vote:** 3-2-0

Carmichael said a letter with the motion was to be sent to Graz Engineering and cc'd to Kirk Stenersen, Planning Director.

Motion: by Carmichael to approve minutes of 10/26/21 **Second:** by Thomas **Vote: 5-0-0.** The minutes are approved.

Motion: by Carmichael to approve minutes of June 2, 2021, second by Breckenridge, **Vote: 5-0-0** The minutes are approved.

Budget update: Dickler updated members on the meeting with the Board of Selectmen. She said there were some questions about how charge for fees were set. The BAC has not yet met to review the budget. Carmichael said that Deni did a good job presenting the information.

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

Meeting adjourned - 8:27pm