



RINDGE BOARD OF ADJUSTMENT
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February 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; Terrence Fog, alternate; George Carmichael, Chair; Marcia Breckenridge, Vice-Chair; Ross Thermos, member; Adam Rickenbach, alternate

Members absent: Phil Stenersen

Others present: David Druin, Paul Grazewicz

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.

Chairman Carmichael opened the hearing for **Case 2002** and announced that Terrence Fogg would read the case before the Board. Fogg read **Case 2002:** 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.

Marty Kulla summarized Article 5 Section B1 for the record.

Carmichael announced that Marcia Breckenridge, George Carmichael, Marty Kulla, Ross Thermos and Terrence Fogg would be seated for the case.

Carmichael asked Paul Grazewicz of Graz Engineering to please explain to the Board why he was before the Board. Mr. Grazewicz explained that he is requesting a Variance to create a new lot adjacent to a proposed PURD. Mr. Grazewicz said the PURD plan needed to be reduced in size due to wetlands that were discovered on the property, and instead of the anticipated 17 lots they would now only end up with 14 lots. Grazewicz added that the proposed two-acre lot would be a separate lot to help mitigate the loss and would not be part of the PURD but would be located on land that would have been part of the common land for the proposed PURD. Grazewicz added that they needed a Variance due to the lack of frontage requirements on a Class 5 Road.

There was a brief discussion regarding the taking of the two acres, approximately 25%, for the common land.

Chairman Carmichael asked if there were any additional questions from the Board and there were none. Carmichael asked for questions from the audience. David Drouin of the Conservation Commission, said that Common Land can't be comprised of land that isn't buildable, and that it appeared the applicant had done a good job of working around the existing wetlands.

Motion: by Breckenridge to enter deliberation. **Second:** by Carmichael,
Vote: 6-0-0

The Board reviewed the response from the application for Question 1 and were in agreement that: The variance would not be contrary to the public interest because there is 250ft of frontage, and part of it is on a Class V Road and the remainder is on a Class VI Road.

The Board discussed the second criteria on the application, Granting the variance would/would not do substantial justice, Breckenridge said she was having

difficulty addressing the question of “Substantial Justice” in relation to the use of the two parcels.

Breckenridge said we can’t properly quantify the issue of Substantial Justice because the PURD, which was referenced in this application has not been approved and would be adjacent to this proposed lot making it difficult to balance any impact. We can’t balance the public interest until we have a statement on the impact of the PURD. **Motion:** by Carmichael to continue the case until March 28. **Second:** by Breckenridge **Vote:** 5-0-0

The hearing is continued to March 28th

Carmichael introduced **Case 2003**; Adam Richenbach read the case into the record. **Case 2003:** Timothy Halliday, 30 Hughill Road, Rindge, NH 03461 for property located at Dale Farm & Knight Road, Map 2, Lot 46-1, Turning Leaf Lane in the Residential Agricultural District, for a Special Exception as specified in the Wetland Conservation District Ordinance, Section 4.G, and Section 6.

Marty Kulla summarized the relevant ordinances into the record. Carmichael announced that Carmichael, Breckenridge, Kulla, Thermos and Rickenbach were seated for the Case.

Carmichael asked Paul Grazewicz to provide an overview of the application. Grazewicz said that he tried to make the plan to limit access across the wetlands and showed the changes on the map. There were no additional questions from the Board.

Carmichael asked for questions from the audience and there were none. **Motion:** by Thermos to move to deliberative session to accept the application as is and include all the statements from the application in the decision. **Second:** by Breckenridge

Carmichael said the application was pretty straightforward and there were no objections from the public.

Criteria 1: The use will not create excessive traffic, congestion, noise or odors. The Board found that the wetlands disturbance will provide access to residential lots which will not produce excessive traffic, congestion, noise or odors.

Criteria 2: The use will not reduce the value of surrounding properties.
The use will have no effect on the value of surrounding properties.

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

All houses will be served by private septic system and wells, with adequate parking in driveways.

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

The attractiveness of the Town will not be affected as the use of non-wetlands land in which access is being requested conforms with the zoning bylaws.

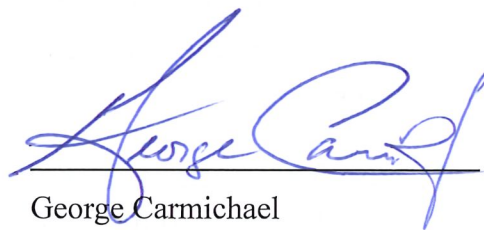
Motion: by Carmichael to accept the responses as written. **Second:** by
Thermos **Vote:** 5-0-0 The Special Exception is approved.

Motion: by Breckenridge to approve the minutes of January 24, 2023. **Second:** by
Carmichael **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