



RINDGE BOARD OF ADJUSTMENT
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August 22, 2023 Zoning Board Meeting Minutes

Date: August 22, 2023 **Time:** 7:00 PM **Location:** Rindge Town Office

Chairman: George Carmichael **Pledge of Allegiance:** Led by Chairman George Carmichael

Members and Alternates Present:

- George Carmichael, Chair
- Marcia Breckenridge, Vice-Chair
- Ross Thermos, Member
- Marty Kulla, Member
- Phil Stenersen, Member
- Terrence Fogg, Alternate

Members Absent: None

Others Present:

- John Montgomery
- David Drouin
- Andy Cotzin
- Tim Halliday

Meeting Proceedings:

1. **Call to Order:** The meeting was called to order at 7:00 PM by Chairman George Carmichael, who also led the Pledge of Allegiance. Members and alternates introduced themselves.
2. **Recusals:** Chairman Carmichael asked if there were any recusals, and there were none.

3. **Public Hearing Notice:** 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.
4. **Audience Recognition:** Chairman Carmichael reminded the audience that they must be recognized by the Chair before speaking and asked that they identify themselves by stating their name and address for the Clerk.
5. **Case 2010 - Variance for 14'x24' Addition:** Chairman Carmichael announced Case 2010 for a Variance to build a 14'x24' addition to a home located at 14 Cider Mill Road within the 50' setback requirements of a vegetated wetland. Phil Stenersen read Article 5 Section A of the Wetlands Conservation District Ordinance to permit an addition to a non-conforming building within 50 ft. of a vegetated wetland delineation into the record.
6. **Ordinance Summary:** Marty Kulla summarized the ordinances from Article 5 Section A of the Wetlands Conservation District Ordinance to permit an addition to a non-conforming building within 50ft of vegetated wetland delineation into the record.
7. **Seating for the Case:** Chairman Carmichael announced that, in addition to himself, Marcia Breckenridge, Marty Kulla, Phil Stenersen, and Ross Thermos would be seated for the case.
8. **Presentation by HDA Carpentry:** Cotzin of HDA Carpentry spoke for the owners of the request. Mr. Cotzin presented a plan and indicated the location of wetlands. He emphasized that the plan aimed to avoid further disturbance to the wetland area. Mr. Cotzin explained that the proposed change was planned closer to the front of the home away from the wetlands but within the buffer. David Drouin from ConCom expressed opposition to the plan and suggested moving the proposed addition to the other side of the home, still within the buffer but not entirely. Carmichael expressed concerns about the need for demolition of the existing garage to meet the ConCom recommendation and noted that the proposed location for the 14'x24' addition would be within an area that was already filled and included a retaining wall structure to create level ground in the proposed location.
9. **Motion to Enter Deliberative Session:** A motion to enter deliberative session was made by Breckenridge and seconded by Stenersen. The vote was 5-0-0. The Board entered deliberative session.
10. **Deliberation Results:** After a short deliberation, the Board found the following:
 1. The proposed project does not further intrude into the wetlands, nor does it have an impact on any public way.
 2. Granting the variance would do substantial justice.
 3. The proposed plan preserves natural landscaping and does not increase soil erosion.
 4. There is no evidence that there would be an additional reduction of square footage.
 5. The proposed variance is a reasonable use of the property.

11. **Motion to Approve with Stipulation:** A motion to approve was made by Breckenridge, seconded by Stenersen, with the stipulation to divert water runoff from the roof away from the wetlands. The vote was 5-0-0.
12. **Case 2011 - Special Exception for expansion of a lawful nonconforming building:** Chairman Carmichael announced Case 2011 for a Special Exception for property located at 11 Blakeville Rd., Map 43 Lot 1-16 in the Residential District, for a Special Exception as specified in Zoning Ordinance Article XIII, Section C to permit an addition to a non-conforming building within 50ft of vegetated wetland delineation.
13. **Seating for the Case:** Chairman Carmichael announced that, in addition to himself, Marcia Breckenridge, Marty Kulla, Phil Stenersen, and Ross Thermos would be seated for the case.
14. **Ordinance Summary:** Marcia Breckenridge summarized the ordinance.
15. Mr. Cotzin answered question from the Board regarding the required criteria for the Special Exception.
16. **Motion to Enter Deliberative Session:** A motion to enter deliberative session was made by Breckenridge and seconded by Stenersen. The vote was 5-0-0. The Board entered deliberative session.
17. **Deliberation Results:** After a short deliberation, the Board found the following:
 1. Criteria 1: The use will not create excessive traffic, congestion, noise, or odors, and there is no evidence to the contrary.
 2. Criteria 2: The use will not reduce the value of surrounding properties.
 3. Criteria 3: There are adequate sewage and water facilities, and sufficient off-street parking is provided by the applicant.
 4. Criteria 4: The proposed use will preserve the attractiveness of the Town.
18. **Motion to Approve Special Exception for Case 2011:** A motion to approve the Special Exception because all criteria have been met was made by Breckenridge, seconded by Thermos. The vote was 5-0-0. The Special Exception is approved.
19. **Case 2012 - Variance for Building Repositioning:** Carmichael opened Case 2012. Breckenridge read Case 2012 into the record, and Thermos summarized Article IV Section B2 of the Zoning Ordinance for the record.
20. **Discussion on Case 2012:** Mr. Temple explained that the proposed request is to shift a previously approved building permit to would allow a vehicle to be parked on the property.

Mr. Temple also indicated that he is the owner of the abutting property and added that he has a shoreline permit, and this minor modification would increase the setback from the shoreline by 15ft.
21. **Motion to Enter Deliberation:** A motion to enter deliberation was made by Ross Thermos, seconded by Marcia Breckenridge.

22. Deliberation Results for Case 2012:

1. The variance would not be contrary to the public interest because it would not alter the character of the neighborhood.
2. It allows 2 spaces and pulls away from the water.
3. If he didn't move it, there would be no access for parking.
4. The variance would not be harmful to either parcel of land and would add to both parcels.
5. It allows for better use of the land.

23. **Motion to Approve Variance for Case 2012:** A motion to approve the variance because it met all criteria was made by Breckenridge, seconded by Stenersen. The vote was 6-0-0. The variance is approved.

24. **Case 2013 – Variance Article III Section I.** Tim Halliday, 30 Hughill Rd, Rindge, NH 03461, for property located at 442 Middle Winchendon Rd, NH 03461, Map 2, Lot 46-1-1, in the Residential Agriculture and /Business Light Industry District.

25. **Ordinance Summary:** Marty Kulla summarized the ordinances from Article III Section I

26. **Seating for the Case:** Chairman Carmichael announced that, in addition to himself, Marcia Breckenridge, Marty Kulla, Phil Stenersen, and Ross Thermos would be seated for the case.

27. **Presentation by Tim Halliday:** Mr. Halliday stated that he was in front of the Board at the request of the Planning Board to seek relief for minor modifications to a zoning delineation line.

28. **Questions from the Board.**

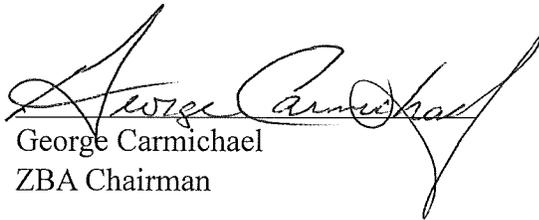
29. **Motion to Enter Deliberative Session:** A motion to enter deliberative session was made by Ross Thermos and seconded by Marcia Breckenridge. The vote was 5-0-0. The Board entered deliberative session.

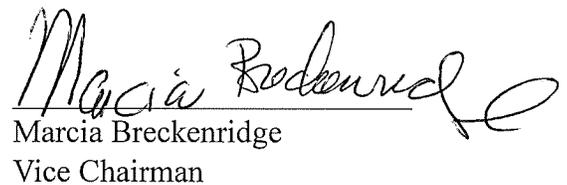
30. Deliberation Results for Case 2013:

1. The application would be contrary to public interest. It does not alter the characteristics of the neighborhood or threaten public health, safety or welfare.
2. Granting the variance would do substantial justice. (The loss to the landowner).
3. No evidence was suggested to substantiate loss.
4. No evidence was given to suggest loss.
- 5A. Adjusting the arbitrary zoning line makes good use of the property.
- 5B. It allows for a good mixed use – similar to what newer zoning allows.

31. **Motion to Approve Variance for Case 2013:** A motion to approve the variance because it met all criteria was made by Ross Thermos, seconded by Marti Kula. The vote was 6-0-0. The variance is approved.
32. Approval of minutes: **Motion:** by Breckenridge to approve minutes of May 23, 2023, **Second** by Carmichael. **Vote: Yes 5 No: 0** The minutes of May 23, 2023, are approved.
33. **Other business before the Board:**
Carmichael said that in response to some members not receiving case material in a timely manner, that the ZBA RULES OF PROCEDURE should make the following change: All materials mailed to ZBA members must be Post Marked no less than 7 days prior to the hearing. Motion to make the change: Ross Thermos Second: by Kulla Vote: 5-0-0.
34. **Motion:** to adjourn by Breckenridge **Second:** by Kulla

Meeting adjourned 8:20pm


George Carmichael
ZBA Chairman


Marcia Breckenridge
Vice Chairman

