



RINDGE BOARD OF ADJUSTMENT
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May 24, 2022 Work Meeting Minutes

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

Members present: Phil Stenersen, member; Bill Thomas, member; George Carmichael, Chair; Marcia Breckenridge, Vice-Chair; Marty Kulla, member; Ross Thermos, alternate, Terence Fogg, alternate .

Members absent: None

Others present: None

Approval of Minutes: Motion: by Stenersen to approve the minutes of April 26, 2022 as written. **Second:** by Carmichael **Vote:** 5-0-0 the minutes are approved

Review of ZBA Rules of Procedure:

Following review and discussion the following changes were proposed:

To change title of section from Application/Decisions to Applications/Decisions/**Appeals** and remove the current item e.

Applications/Decisions/Appeals****

1. Applications
 - a. Each application for a hearing before the Board shall be made on forms provided by the Board and shall be presented to the Clerk of the Board of Adjustment who shall record the date of receipt over his or her signature.

- b. Whenever any application involves the Wetlands Ordinance, it shall be forwarded by the Rindge ZBA Clerk to the Conservation Commission for an advisory opinion prior to the ZBA hearing the case. In addition, both the Conservation Commission and the ZBA shall have the same documentation from which to work.
- c. Applications must be received at the Selectmen's office no later than 3 weeks before the next scheduled monthly meeting.
- d. ~~Appeals from an Administrative Decision taken under RSA 676:5 shall be filed within thirty (30) days of the decision.~~
- e. ~~All motions for rehearing shall be acted upon and a decision rendered at a Public Meeting within 30 days of receipt.~~
- e. A person directly affected by a decision of the Zoning Board of Adjustment may file a written request for reconsideration and/or rehearing with the Board to provide the Board with the opportunity to correct any errors it may have made in its original decision.

A request for reconsideration or rehearing must be filed by the person aggrieved by the Board's decision within thirty (30) days of the Board's decision. The 30-day time period shall be counted in calendar days beginning with the date following the date upon which the Board voted to approve or disapprove the application.

If the Zoning Board of Adjustment votes to grant a request for reconsideration or rehearing, the matter shall be scheduled for hearing at the next regularly scheduled meeting of the Board. At the conclusion of such hearing, the Board shall deliberate and vote on its decision to affirm, modify, condition or reverse its original decision. The Board may also vote, in its discretion, to continue the hearing for further study or to obtain additional information before making a final decision,

- f. At least five (5) days before the date of the meeting, the Clerk shall send to the Board all applications received by him or her.

- g. All forms and revisions prescribed shall be adopted by resolution of the Board and shall become part of these Rules of Procedure.
- h. Annually in April, or the second meeting following the Town elections, the Chairman and Vice Chairman shall review the past year's expenses and bring that information to the Board in order to revise the fees on all applications to reflect realistic costs which shall include but not be limited to postage, advertising, supplies, salaries, etc.
- i. Each month the Zoning Board of Adjustment will have two Members or one Member and one Alternate review and initial each application, checking for completeness of the ZBA's application requirements. One of these two will continue to review applications for one more month; the other will be replaced by another Member or Alternate. In this way, all Board Members and Alternates will rotate and share the reviewing of the applications.
- j. The Clerk will notify the members scheduled for reviewing applications upon receipt of any application. Both shall review the application as soon as possible for completeness, and any immediate action that needs to be taken, prior to the application being scheduled for presentation to the Board.
- k. The Code Enforcement Officer will review applications for technical completeness, and notice the Board of that. Any written report on the merits of the case will be presented with a copy to the applicant 7 days before the meeting.
- l. Appeals from an Administrative Decision taken under **RSA 676:5** shall be filed within thirty (30) days of the decision.

2. Decisions - Current

The Board shall decide all cases within thirty (30) days of the close of the Public Hearing and shall approve, approve with conditions, or deny the appeal. Notice of the decision will be made available for public inspection within one hundred forty four (144) hours, as required by **RSA 676:3** and will be sent to the applicant by certified mail. (See **Ch.144 [HB1163] – 2000 – with an effective date of 1/01/01.**) If the appeal is denied, the notice shall include the reasons therefore. The notice shall also be given to the Planning Board, Code Enforcement Officer, Town Clerk, Property Tax Assessor and other town officials as determined by the Board. Notice shall be posted in two locations, the Town Offices and the Post Office.

Proposed

The Board shall decide all cases within thirty (30) days of the close of the Public Hearing and shall grant, grant with conditions, or deny the appeal. Notice of the decision will be made available for public inspection within five business days, ~~one hundred forty four (144) hours~~, as required by **RSA 676:3** and will be sent to the applicant by certified mail. If the appeal is denied, the notice shall include the reasons therefore. The notice shall also be given to the Planning Board, Board of Selectmen Code Enforcement Officer, Town Clerk, Property Tax Assessor and other town officials as determined by the Board. Notice shall be posted in two locations, the Town Offices and the Post Office.

The change from one hundred forty four hours is changed to five business days to be in alignment with New Hampshire State Law.

Records

Current 2: Final written decisions will be placed on file and available for public inspection within one hundred forty four (144) hours (see **Ch. 144[HB1163] 2000 with an effective date of 1/1/01**) after the decision is made. **RSA 676:3**

Proposed change: Final written decisions will be placed on file and available for public inspection within five (5) business days after the decision is made. **RSA 676:3**

Current 3: Minutes of all meetings including names of the Board Members, persons appearing before the Board, and a brief description of the subject matter shall be open to public inspection within 144 hours of the public meeting. **RSA 91-A: 2 II**

Proposed change: Minutes of all meetings including names of Board Members, persons appearing before the Board, and a brief description of the subject matter shall be open to public inspection within five business days of the public meeting. RSA 91-A: 2 II.

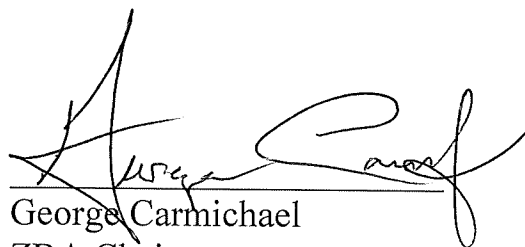
Motion: by Stenersen to accept the changes as discussed **Second:** by Kulla
Vote: 6-0-0 the changes are approved

Carmichael said the proposed changes would be on the June agenda for the review and acceptance.

Motion: To adjourn by Carmichael **Second:** by Breckenridge **Vote: 6-0-0**

Meeting adjourned at 7:30 pm

Kim McCummings
ZBA Clerk



George Carmichael
ZBA Chairperson