



RINDGE BOARD OF ADJUSTMENT
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October 25, 2022 Meeting Minutes

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

Members present: Terrence Fog, alternate; Bill Thomas, member; George Carmichael, Chair; Marcia Breckenridge, Marty Kulla, member; Phil Stenersen, member

Members absent: Ross Thermos, alternate

Others present: Roger & Donna Lafarier, Patricia Le Cara, Kelen Geiger, David B. Smith, Peter Bumpus, David Drouin, Rob Lavada,

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. He added that once the testimony was 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 and 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 would have to be recognized by the Chair before speaking and asked that they identify themselves by stating their name, abutter status and address for the Clerk.

Chairman Carmichael opened the hearing for Case 1197 and announced that Marcia Breckenridge would read the case before the Board. Breckenridge read **Case 1197:** Roger Lafarier, 5 Spruce Ave., Rindge, NH 03461 for property located at Tax Map 45 Lot 107 and Map 45 Lot 108 in the Residential District, for a Special Exception from Article IV, Section B.2 of the Zoning Ordinance for the expansion of a non-conforming structure within the right of way setbacks.

Terrance Fogg summarized ordinance Article IV, B2 for the record.

Carmichael announced that Marcia Breckenridge, Phil Stenersen, Bill Thomas, George Carmichael and Marty Kulla would be sitting on the case.

Carmichael welcomed Roger Lafarier of 5 Spruce Ave and asked him to explain why he was before the board.

Lafarier said he wanted to add a room on to their home but there wasn't enough frontage from either Spruce Ave or the right of way to get an okay for it. When he was speaking to Debbie and Kory, in the Building Department, he said there would be no changes to the environment, they want to keep the property nice and want to enhance it. He also said that he had a letter from an abutter, Mr. Dwyer, stating they have no problem with what he is trying to do. Carmichael said so it was the building department that told you relief from the zoning board was needed because they noticed you didn't have the correct setback? Lafarier said yes.

Carmichael asked for questions from the audience. Kellen Geiger, 32 Spruce Ave., Woodmere Association, said she thought it should just be lot 107, because lots 107 and 108 had been combined some time ago. She also expressed concerns about the blacktop and resulting water runoff, septic approval because Lafarier already has three bedrooms, and is adding another building and possible impact on the septic system. She thought the 20 by 24 shed was the shed and this is on top of that, and it appears the septic system is built for a 3-bedroom home. Stenersen,

who is a Licensed Septic Designer in New Hampshire, said it's not about the number of bathrooms, it's about the number of occupants in the house. Lafarier said he wants to know what he can do and get the right information before he starts to build so he can get it right.

Carmichael asked for questions from the Board. Stenersen said when you look at the plan, you're 15ft off of the right of way. The existing shed distance from the right-of-way is on the same line. Carmichael asked for additional questions from the Board and the audience and there were none. **Motion:** by Thomas to enter deliberation. **Second:** by Carmichael. **Vote: 5-0-0**

After Deliberation, the Board found the following:

1. The use will not create excessive traffic, congestion or noise as per testimony from the owner stating that the occupancy will not change.
2. The proposed use will not reduce the value of surrounding properties. The Board did not receive testimony from anyone indicating that it would.
3. There are adequate sewage and water facilities and sufficient off-street parking provided by the applicant. There is adequate parking, and the occupancy will not change.
4. The proposed use will preserve the attractiveness of the Town because it is similar construction to existing buildings.

Motion: by Breckenridge to approve the Special Exception for an ADU application because all four criteria have been met. **Second:** by Stenersen. **Vote: 5-0-0**

The Special Exception is granted.

Carmichael informed Lafarier of the 30 day appeals process regarding BOS decisions and that he should wait for this to expire prior to construction.

Chairman Carmichael opened the hearing for Case 1198. Sitting on the case were Thomas, Carmichael, Breckenridge, Kulla and Stenersen,

Thomas read the case into the record. Case 1198, William Hillis, 58 Homestead Lane, Rindge, NH 03461, for property located at Tax Map 2, Lot 3-1-1 in the Residential/Agriculture District for a Rehearing of ZBA Case 1193, for a variance to permit relief from Article IV, Section B-2 Frontage, Yard and Area Requirements to install a greenhouse 40ft from the Robbins Road right of way.

Stenersen summarized the relevant information from Article 4 Section II Frontage and yard requirements into the record.

Carmichael opened the testimony phase asking for the applicant or representative to come forward and present their case. No one was present.

Carmichael asked if there was anyone from the audience who wanted to speak before the Board entered deliberation. David Drouin asked if this was the meeting to determine if there would be a rehearing. Carmichael replied that the decision to rehear was made at a prior meeting and this was the rehearing. Carmichael asked if anyone in the audience had questions before the Board entered deliberation. Robert Bilata, 356 Robbins Rd said, "the last time it was 24ft or 26ft off of Homestead Lane and now its 40ft off of Robbins Rd. again there's no plan, no communication, no anything." Carmichael said that he sees the new written reference off of Robbins Road of 40 feet and added that it appears that this is a new plan but it is not clear.

Breckenridge said with no one present to speak to the plan and new information, she felt somewhat at a disadvantage as a board member because she has questions to ask. Dave Smith property at 322 Robbins Road asked where the building is being proposed to be constructed.

Bill Thomas said in the original map in the original application which showed 26 ft beyond Homestead Lane. Beyond the packing house. They gave us the original map and a fair distance from Robbins Rd and East of the packing house. This new material says 40ft off of Robbins Road, Thomas said we're not rehearing the same case. It's essentially a different plan. Stenersen said without the applicant or a representative here he suggested to make a motion to continue the hearing to next month. Breckenridge said she agreed because she has questions and there is no one present to answer questions.

Thomas said we aren't really rehearing the same case they're talking about moving it to a different location. Dave Smith asked, why it shouldn't just be denied.

Thomas said they should submit a new application.

Carmichael said he looked at the information from their Conservation Easement, book 3092 page 387, which stipulates "they shall be in compliance with current zoning laws and all applicable federal, state and local rules and regulations" and said that the Board was told at the original hearing that the easement holders were in agreement with the proposal. Other members voiced concern regarding the discrepancies in information that had been submitted, and that some information appeared to include a new location and no additional information supporting their re-hearing. Some members also were disappointed that the applicant chose not to attend the hearing and had hoped to be able to get clarification on some of their questions. Carmichael also asked that we include in the meeting minutes that a site visit had been agreed to by all at the original hearing and that it was cancelled by the owners just prior to the scheduled visit.

Motion: by Breckenridge to enter deliberative session. **Second:** by Thomas
Vote: 5-0-0

Thomas said we went out on a limb for them. Carmichael said the paperwork appears to be for a new application not new information for the Board to consider supporting the original application.

Motion: by Kulla to deny the application because it has a different set of data, and no one was here to present the case. **Second:** by Breckenridge **Vote:** 5-0-0

The application is Denied

Chairman Carmichael opened the hearing for Case 1199. Sitting on the case were Thomas, Carmichael, Breckenridge, Kulla and Stenersen,

Carmichael read the case into the record. Case 1199: William and Anastasia Colby, 61 North Street, Rindge, NH 03461, for property located at Tax Map 25 Lot 14 in the Village District, for a Special Exception under Article XIII Section C

and Article VI III Frontage, yard, and area requirements for a proposed overhang for an existing barn. Kulla read Article XIII Section C and Article VI III frontage into the record.

Carmichael provided background information on the application. A building permit had been applied for in August and the Building Department requested relief from the BOA due to setback issues. The proposed structure is parallel to an existing barn and the owner is requesting a Special Exception to add an overhang to the side of the barn to provide temporary shelter for horses during inclement weather.

There were no questions from the audience. **Motion:** by Breckenridge to enter deliberation. **Second:** by Thomas, **Vote:** 5-0-0

Members asked questions about distance from abutters, location of the overhang and distance from.

Motion: by Carmichael to accept as written in the application **Second:** by Breckenridge **Vote:** 5-0-0

1. The use will not create excessive traffic, congestion, noise, or odors.

The addition of the overhang will, in no way create additional traffic. It will mitigate existing odors as it will improve the drainage of the current structure, preventing standing water. As the structure is only an overhang to an existing barn & will not be used for any other purpose including but not limited to a home business. It will not increase the current traffic flow, congestion, noise, or odors.

2. The use will not reduce the value of surrounding properties.

There is no evidence presented to the board that it would.

3. There are adequate sewage and water facilities, and sufficient off-street parking is provided by the applicant,
N/A
4. The proposed use will preserve the attractiveness of the Town

The proposed overhang will not only preserve, but improve the attractiveness of the Town, the property on which it will be constructed & adjoining properties. The structure to which it will be attached is in a current state of disrepair, which adversely affects the value of the property at this time, as well as adjoining properties. As it can be seen from the street, the existing structure, as is, decreases the attractiveness of the Town. The proposed overhang is being constructed in line with the architecture of the current/original antique dwelling, so it will maintain the charming appearance of the village & will be an over-all improvement to the property & Town.

Motion: By Carmichael to accept the response as written **Second:** by Breckenridge **Vote:** 5-0-0

Motion: By Breckenridge to approve this Special Exception because it met all of the criteria. **Second:** by Thomas **Vote:** 5-0-0

The Special Exception is Approved

Other business that may come before the Board:

Approval of Minutes: September 27, 2022

Motion: by Carmichael, to approve as amended **Second:** by Stenersen **Vote:** 5-0-0
the minutes are approved

Motion: to adjourn by Stenersen, second by Thomas **Vote:** 5-0-0

Kim McCummings
ZBA Clerk


George Carmichael
ZBA Chairperson

