



RINDGE BOARD OF ADJUSTMENT
30 PAYSON HILL ROAD
RINDGE NH 03461
PH. (603) 899-5181 x 105 FAX (603) 899-2101 TDD 1-800-735-2964
www.town.rindge.nh.us

April 25, 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 Fogg, Alternate; George Carmichael, Chair; Marcia Breckenridge, Vice-Chair; Ross Thermos, Member; Phil Stenersen, Member

Members absent: Adam Rickenbach,

Others present: Rebecca Beaton, Jean Jaeger, Bill Jeager, Roberta Oeser, Carla & Dan O'Malley, Richard Pleva, C. Yaceshyn

Chairman Carmichael provided the following general information on 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 will participate and there will be no more input from the public.

Carmichael asked if there were any recusals and announced that he would be recusing himself from Case 2007.

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.

Breckenridge as acting chair 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.

Breckenridge announced **Case 2007**, opened the hearing and announced that Terrance Fogg would read the case before the Board. Fogg read **Case 2007:** Keith Halloran, 72 Hubbard Hill Road, Rindge, NH 03461 for property located at Hubbard Hill Road and Paradise Island Road, Map 16, Lot B3 of the Zoning ordinance to permit a building lot with less than the required 2 acres.

Thermos summarized Article IV Section B. 3 of the Zoning Ordinance, to permit a building lot with less than the required area of 2 acres for the record.

Breckenridge announced that Breckenridge, Kulla, Thermos, Stenersen and Fogg would be seated for the case.

Breckenridge asked who would be speaking for the Case and Roberta Oeser said she would be speaking for the property owner, Mr. Halloran, and then addressed the five criteria used in the variance.

1. According to Oeser, the variance would not be contrary to the public interest because the lot would have the required 250ft of frontage and be only 0.117 acre less than the 2 acres required.
2. According to Oeser granting the variance would do substantial justice because the stone walls could be preserved as property lines protected by state law.
3. According to Oeser, the variance would be consistent with the spirit and intent of the ordinance because historic stone walls could be preserved.
4. According to Oeser, granting the variance would not diminish surrounding property values because many homes in the area have less than two acres.
5. According to Oeser, special conditions do exist on the property that distinguish it from other properties in the area, such that literal enforcement of the ordinance results in unnecessary hardship and possible destruction of stone walls.
 5. a. According to Oeser, no fair and substantial relationship exists between the general purposes of the zoning ordinance provision(s) and the specific application of the provision(s) to the property because many homes in the area have less than two acres.
 5. b. According to Oeser, the proposed variance would be a reasonable one because it would allow the property to be within the stone wall boundary.

Breckenridge asked if there were any comments from abutters. Several abutters repeated concerns about frontage requirement issues.

Kulla **Motioned:** To enter deliberative session, **Second** by Thermos
Vote: 5-0-0

The board entered deliberative session and determined that:

1. The variance would not be contrary to the public interest because it does not affect the health safety and welfare of the Town and preserves the values and charm now attached to the Town.

Motion: by Stenersen **Second:** by Kulla

Vote: Yes- 3, No – 2

2. Granting the variance would not do substantial justice because there is no loss to the applicant because he is the owner of the adjacent property and meets the two-acre requirement.

Motion: by Breckenridge **Second:** by Kulla **Vote:** Yes: 5 No: 0

3. Granting the variance would not be consistent with the spirit and intent of the Rindge Zoning Ordinance because the Town voted on a two-acre minimum partially because of population density. **Motion:** by Breckenridge **Second:** by Thermos **Vote:** Yes- 4, No: 1

4. Granting the variance would not diminish surrounding property values because the board heard no confirming evidence, and it's consistent with the neighborhood.

Motion: by Kulla **Second** by Thermos **Vote:** Yes 5 No-0

5. Special conditions do not exist on the property that distinguish it from other properties in the area, such that literal enforcement of the ordinance results in unnecessary hardship. The existing stone wall is not a special condition in this case. **Motion by:** Stenersen **Second by:** Kulla

Vote: Yes – 5 No – 0

5. a. No fair and substantial relationship exists between the general purposes of the Zoning Ordinance provision(s) and the specific application of the provision(s) to the property because:
N/A

5.b. The proposed variance would not be a reasonable one because its only purpose is to protect the existing stone wall.

Motion By: Breckenridge **Second by:** Kulla **Vote:** Yes – 3 No - 2

The Variance is denied because all criteria have not been met.

Breckenridge reminded the applicant that he had 30 days to submit an appeal of the ZBA's decision.

Carmichael resumed seat as Chair and asked if there were any corrections/edits for the minutes of March 28th and there were none.

Motion: by Kulla to accept the minutes of March 28th as written. **Second:** by Carmichael

Vote: 5-0-0 The minutes of March 28, 2023 are approved.

Election of Officers:

Breckenridge nominated George Carmichael for ZBA Chair

Second: by Thermos **Vote:** 5-0-0

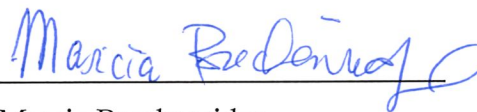
Carmichael nominated Marcia Breckenridge for Vice Chair

Second: by Kulla **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



Marcia Breckenridge
ZBA Vice Chair