



RINDGE BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD, PO BOX 163

RINDGE, NH 03461

Tel. (603) 899-5181 X100 Fax (603) 899-2101 TDD 1-800-735-2964

www.town.rindge.nh.us

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING MINUTES JUNE 24, 2008

APPROVED

Regular members present: Chairman Joseph C. Hill, George Carmichael, David Drouin, and Marcia Breckenridge.

Alternate members present: William Thomas, Richard Feldman, Charlie Eicher, and Charles Phillips.

Hill opened the Pubic Hearing at 7:00 pm with the Pledge of Allegiance. The members and alternates introduced themselves and their status. Hill stated that Feldman would be sitting in for Goodrich tonight.

Hill asked if there were any recusals: there were none. Hill stated the rules for the hearing and that it would end by 10:30 pm.

The Clerk stated the Notice of Public Hearing was posted at the Town Office, Police Station, Fire Station, Library, Transfer Station, Post Office, and the Monadnock Ledger-Transcript.

Drouin stated that according to the Rules of Procedure, the minutes from the last meeting should be approved at this time.

Drouin requested several changes be made to the minutes of May 27 and read them to the Board and Clerk. After changes were noted, Drouin moved, seconded by Breckenridge to approve the Minutes of May 27, 2008 as amended and the motion passed unanimously.

Hill stated that he was told late in the day by Mr. DuVernay that cases 990 and 991 were going to be withdrawn. He then proceeded with Case #992.

Mr. DuVernay entered at this time and stated the Town has agreed to rescind its Notice of Violation for Cases 990 and 991 and that Franklin Pierce University has agreed to rescind its Notice of Appeal from an Administrative Decision. Drouin stated the cases should be opened before any updates are made. Thomas then read case #990. Mr. DuVernay stated he wanted to combine the two cases. Carmichael stated they are two separate cases; Mr. DuVernay stated he is rescinding the Notice of Violation for both cases. Carmichael moved, seconded by Hill to rescind Cases 990 and 991 and to refund the fees. The motion passed by the following vote: Carmichael, Hill, Breckenridge, Drouin: Yes, Feldman: No.

Case #992: Martha W. Grant, 265 Old New Ipswich Road, Rindge, NH 03461, Map 7, Lot 47-3. This application is for a Special Exception from Article XII, Section B of the Zoning Ordinance.



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Hill stated that sitting on this case would be himself, Breckenridge, Carmichael, Drouin and Feldman. Thomas read the case before Board.

Drouin asked that this case be continued until next month so that it can be submitted to the Conservation Commission for an opinion per the Rules of Procedure. He stated this is non-conforming to the wetlands ordinance because it is within the 50' setback and concerns an extension of a non pervious surface, in that the roof is larger on the proposed building than on the previous. He cites section 5A of the Wetlands Ordinance. After extensive discussion, Drouin moved, seconded by Hill to continue this case to the next ZBA meeting. Hill stated this would be the first case heard next month provided they get the opinion back.

Case #993: Elizabeth Roman, Lon Quinn and Ross Quinn, 401 Old New Ipswich Road, Rindge, NH 03461, Map 11, Lot 40. This application is for a Special Exception from Article V, Section A1 and Article XII, Section B of the Zoning Ordinance.

Thomas read the case before the Board; Eicher summarized the ordinance(s). Ms. Roman stated this would be a very quiet business with one car per day up to five days a week utilizing the existing driveway. Mr. DuVernay stated the town has no objections to this business. After brief discussion, Carmichael moved, seconded by Breckenridge to close discussion and go into deliberation, and the motion passed unanimously.

The Board found that:

- 1. The use will not create excessive traffic, congestion, noise or odors.** On these issues the applicant and others provided evidence that due to limited nature of business there will be no excessive traffic, congestion, noise or odors. Unanimous decision.
- 2. The proposed use will not reduce the value of surrounding properties.** On this issue the applicant and others provided evidence that the current building will remain the same. Unanimous decision.
- 3. There are adequate sewage and water facilities and sufficient off street parking provided by the applicant.** On these issues the applicant and others provided evidence that no additional utilities will be required, well and septic are new, and there is adequate parking. Unanimous decision.
- 4. The proposed use will preserve the attractiveness of the Town.** On this issue the applicant and others provided evidence Same as #2. Unanimous decision.

A motion was made by Drouin, seconded by Breckenridge to **GRANT** the Special Exception because all criteria were met. The motion passed unanimously.



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Case Reviewers for July

Drouin and Carmichael were appointed Case Reviewers for the month of July.

First reading of proposed changes to Rules of Procedure

Drouin stated that there are no references to the job descriptions of the Chairman and Clerk on page 1. He requested a notation be put beside the respective offices stating *See job description of (Chairman/Clerk), Approved (date). Drouin moved, seconded by Carmichael to approve the Rules of Procedure as amended.

Hill stated he needed input from the Board regarding his understanding of the section under **Disqualification** on Page 3 of the Rules of Procedure, which states that “If any member finds it necessary to disqualify himself/herself from sitting in a particular case, as provided in **RSA 673:14**, he/she shall notify the Chairman as soon as possible so that an alternate may be requested to sit in his/her place.” He stated he felt the sooner a member knew that he/she would recuse himself/herself from a case the better it would be for the Board, because he could then notify an alternate to be prepared to sit on the case. Carmichael stated that any member should be able to recuse at any time. Drouin stated that alternates should always be prepared to sit in on any particular case at any time. He stated that he was solicited for his recusal twice in one particular case by the Chairman and wanted it stated in the record that it is totally improper for any member to be solicited in this manner, and cannot be justified by the need to prepare an alternate. After discussion, it was decided among the Board that no calls would be made regarding recusals.

Hill read the proposed changes to “Appeal for Administration Decision.” The Clerk was directed to change the sentence on Page 3 c. “Fees are refundable...” to “Application fee is refundable...”

Review of job descriptions of Clerk and Chairman

Drouin made some additions to the job description of the Clerk, and requested the section regarding legal counsel in the Chairman’s job description be removed.

Hill stated that the Selectmen’s secretary, Julie Labonte, requested that someone be designated as a contact for members of the public with questions about upcoming cases to be heard. After discussion, the Board decided that Dave DuVernay would be the logical person.

Discussion was held regarding how much information to put in the “Notice of Hearing.” The Board felt that just the cases to be heard and approval of previous month’s minutes should be listed, and any other matters would be listed as “Other business as may come before the Board.”

Hill reopened a motion made by Carmichael, seconded by Drouin to refund the \$175 fee for case #985, T. F. Moran, for an “Equitable Waiver of Dimensional Requirements” that was heard on



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April 22, 2008. Hill asked if there was any other discussion, Breckenridge moved the question. The Board voted unanimously to refund the fee.

Hill opened the discussion on the revised "Equitable Waiver of Dimensional Requirements" decision tree form from Attorney Fernald. Drouin and Breckenridge felt that the language reflecting that the town had made an error was not in the wording of the revised form and needed to conform more closely with the language of 674:33-a of the New Hampshire Planning and Land Use Regulation. Carmichael brought various forms from other towns that he felt reflected this language more clearly. Hill asked Carmichael to draw up a decision tree and bring it to the next meeting. Carmichael agreed.

Drouin stated that the letter to the Selectmen's secretary regarding the Clerk as the only contact person for new cases has not been done, and that it needed to be written and sent.

Breckenridge moved, seconded by Carmichael to adjourn at 9:15 pm and the motion passed unanimously.

Respectfully submitted,

Kathy Strasser/Clerk

Respectfully submitted

Joseph C. Hill, MD

Chairman

George Carmichael

Vice-Chairman