



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

PUBLIC HEARING MINUTES 1-09-2007

APPROVED

Present were: Joseph C. Hill, MD – Chair, George Carmichael – Vice-Chair, David Drouin, Marcia Breckenridge, William Harper, William Thomas, and Richard Feldman.

Hill opened the Public Hearing at 7:00 PM with the Pledge of Allegiance.

Hill stated, “This public hearing will end at 10:30pm, and if additional time is needed the ZBA will decide at that time when additional time will be scheduled to be fair to both the applicant and the ZBA.

The members introduced themselves stating their names and status on the Board.

A Motion was made by Breckenridge, and seconded by Harper to approve the minutes of November 28, 2006. The Motion carried unanimously.

Dr. Hill read the pertinent RSAs and Ordinances for the cases before the board tonight and stated that they had all been distributed to all the members and alternates. These include:

**RSA 31:126, RSA 31:129, RSA 236:27, RSA 236:88, RSA 236:88-a, RSA 674:16,
RSA 674:21, RSA 674:54-II-a, and Rindge Sign Ordinance Section VII – A & J.**

This was not an attempt to influence any vote, but simply to educate.

Dr. Hill asked for a Motion stating, “The Rindge Zoning Board of Adjustment is waiving the current Requirements for 11 copies of submitted data in advance of the Hearing under remand of the New Hampshire Superior Court, Judge Sullivan presiding, in regard to Cases 911 and 936, only in this instance, as this being a remand of Judge Sullivan of the New Hampshire Superior Court. The Zoning Board of Adjustment will be operating under the older set of Rules of Procedure as Mr. Czekalski filed his cases under the previous rules of procedure.” The Motion was made by Drouin, and seconded by Feldman. The Motion carried unanimously.

Dr. Hill read the procedure for the conduct of this meeting:

- A. Testimony from applicant
- B. Testimony from others in favor of the applicant
- C. Testimony from others in opposition to the applicant
- D. Rebuttal from the applicant
- E. Rebuttal from those opposed
- F. Motion to close testimony and go to deliberation
- G. Deliberation
- H. Decision



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

Dr. Hill asked that all who wish to speak state their name and reminded all those who wish to testify that the Town of Rindge has a policy in place on civility. The Board is interested in facts relating to these cases to help it reach decisions. No personal attacks or castigation will be tolerated.

The secretary/clerk stated where the cases were posted; Town Office, Post Office, Police Station, Transfer Station, and Library.

Dr. Hill asked if anyone would be recusing themselves from the case tonight. Harper asked Dr. Hill and Mr. Czekalski that since he owns a Holding Company which owns a piece of property located across route 202 at the bottom of the hill of Hunt Hill Road near the subject parcel that contains the violation, if Mr. Czekalski would have a problem with Mr. Harper sitting on the Case tonight. Mr. Czekalski stated that he does not have any problem with him sitting on the Board.

Dr. Hill read aloud the oath that all the board members have taken.

Dr. Hill stated that sitting on the case tonight would be Mrs. Breckenridge, Mr. Harper, Mr. Drouin, Mr. Carmichael and Dr. Hill.

Feldman read aloud the application before the board tonight.

Thomas summarized the pertaining ordinances and RSAs.

**CASE #911- 936 Jason Czekalski application for an appeal from an Administrative Decision: Rindge Sign Ordinance Article/Section VII, Paragraph J. Superior Court Order on plaintiff's motion to remand, Docket #05-E-0101. Location: Map 6 Lot 2-5.
REMAND**

Dr Hill stated that the Board would like to have facts presented tonight, and there has been a great deal of paper that the Board has received over a period of time. Rehash of what has been submitted in the past probably will not be helpful.

Czekalski stated that this case has never been heard in its entirety, by this board or the previous board. He said that there are three main issues of law that are being contested here.

- 1: Does the Rindge sign ordinance actually apply on state owned or controlled property?
- 2: Does this constitute a real estate sign?
- 3: Does municipal estoppel apply to temporary signs in the state right of way?

Czekalski stated, "This is not about the state sign laws; this is just about the Rindge Sign Ordinance.



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

Does the town of Rindge sign ordinance apply on state owned property? The enforceability of town zoning ordinance does depend on the state law. **RSA 674:54:II-a** did not come into existence until 1998. As such, no authority to enforce town zoning on state owned property existed prior to 1998. The sign ordinance was passed in 1998. The sign ordinance contains no linkage to **RSAs 672 - 677**. The ordinance has been revised twice; no attempt was made to link it to the RSAs as a whole. The section on civil penalties is the only linkage to the RSAs.

The next issue deals with Real Estate Signs. The Board of Selectmen and the Code Enforcement officer have stated that Real Estate Signs are legal in right of ways and are not covered by section 7 paragraph J of the ordinance. In the Sign Ordinance, the term Real Estate Sign is not defined. Additionally there are no design specifications. If the sign realistically offers an interest for sale, i.e. states “home for sale” and gives you a way to contact a person, it is a Real Estate Sign. Feldman asked if the Sign Ordinance should be reasonably intended, to the person going by, to see that the sign is a “for sale” sign? Czekalski stated that since there is no design standard, the Town can’t require professionalism. Whether it is a good sign or a bad sign is irrelevant. Every element of that sign comes off signs that are in use on other Real Estate Signs that are used in the Town of Rindge by licensed agents.

Breckenridge stated that a reasonable person looking at the size and background of the advertisement for the “gift shop” sign as compared to the color and background of the advertisement of the “for sale” would presume that the gift shop advertisement is the priority. Czekalski stated that Candy Starrett’s name was big on her signs, and “for sale” is in small lettering on the bottom. Carmichael stated that Candice Starrett is a licensed real estate company. Dr. Hill states that when driving down the road, he can see Candy Starrett’s sign or any other Real Estate Sign. When Hill drives by this sign and sees the business directional part, that makes sense. He can’t see the “for sale” lettering unless he stops his car, gets out and walks up to the sign.

Dr. Hill asked why Mr. Czekalski stopped using the State authorized Department of Transportation signs. Czekalski stated, “The signs had been damaged and would cost in excess of \$1500 for new signs. Plus, the authorized signs are everywhere, and no one sees them anymore. These signs have become useless. That is not the issue here; the issue is within the wording as written in the Rindge sign ordinance as to what constitutes a Real Estate Sign. It is not a good ordinance.”

Czekalski stated that he was exercising his first amendment right. He used design standards from existing signs to challenge the town’s position on Real Estate signs. He is not saying that his is a good sign. It is intentionally not a good sign; that’s a first amendment decision and comes within Judge McGuire’s decision.



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

Harper asked when that sign first went up. Czekalski stated that September 2005 was the first time that he, Czekalski, received a letter from Mr. DuVernay. At that time, the sign was only up for about 2 weeks.

Harper asked, "How many times has it come down since that time?" Czekalski stated once he had to retrieve it from the State, and he has taken the sign down when he knows that the State is going to be doing the lawn mowing.

Drouin asked, "What is the size of the sign and the size of each of the letters?" Czekalski replied that the sign is 24" in height, Black letters are 1", White letters are 3 1/4". Drouin asked, "Do you consider your sign temporary in nature due to the time that it is up or because it is not permanently mounted?" Czekalski stated, "The latter." Dr. Hill asked, "Since some of the legal fees are in excess of \$2000 in these cases, why didn't the Czekalskis just use that money to buy new blue signs?" Czekalski stated that the blue signs do not draw the traffic as much as their temporary sign draws. Dr Hill asked if this was the original sign. Czekalski stated, "No, it was not the original, since that one had deteriorated. This sign was put up in September 2005, when the Czekalskis were getting fed up with what was happening." "While I put for sale on the sign, my original intention was to get under Mr. DuVernay's and the Board of Selectmen's skin. Until the town has a definition, until the town has a design standard that will meet constitutional muster, any sign that has home and active business for sale and an identification is a Real Estate Sign. Again that goes back to the fact that the ZBA can't read into the ordinance; The ZBA must use the language and can't put words into the legislative body."

Breckenridge asked, "Is it your position that until there are specifics as to style and standards, there is no justification for not allowing your sign?" Czekalski replied, "Correct." Breckinridge asked, "How then do you deal with the fact that the ordinance says a reasonable interpretation?" Czekalski stated that she was quoting out of the preamble; the only time the Court will go to that preamble is if the plain meaning cannot be derived from the words in the statute.

Feldman asked, "Would it be your position that even if the print were microscopic, then it would be a Real Estate Sign?" Czekalski stated, "Yes, but that would be up to a Judge."

Dr Hill stated that Judge Sullivan stated in the remand for a **de novo** hearing on 911 & 936, that the Zoning Board of Adjustment was to answer the following questions:

- A. "Has the code enforcement officer interpreted the statues correctly, and for the ZBA to explain in detail the answers?"
- B. (which you have taken off the table) "Were you entitled to a variance?"
- C. "Does the town have any say whether the applicant can put a sign on state land?"

Czekalski stated that the board needed to read the remand from October 23, 2006; it says to hear all evidence on all issues.



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

Harper read that remand from the judge.

Is the town estopped to enforce the sign ordinance in the state right of way? Czekalski stated that if the Town does not enforce rules for a period of time, then the Town loses the right to enforce the rules. Czekalski stated that the Selectmen and previous boards told him, “The Town’s sign ordinance is not enforceable in the State right-of-way; it was not a Town issue, but a State issue.”

Czekalski stated that he and his wife opened a business due to the fact that they thought they were able to put a sign out on the State right-of-way.

Dr. Hill asked Mr. Czekalski, “You had the ability to read the town ordinances at any time. Isn’t it your responsibility to read that ordinance and comply?” Czekalski replied, “If it could be read at face value, then he read it. The Czekalskis were working under an understanding of the Town Sign Ordinance and how it had been explained by the Town.”

Drouin stated that Czekalski went before the Board of Adjustment in June of 1998, and the Sign Ordinance was in place as of March of 1998. The minutes of that March meeting state that the Czekalskis were allowed to have a sign that was allowed under the sign ordinance, 5 square feet in size, but that was for a sign on their property..

Czekalski stated that the new sign ordinance, if it passes will stop the municipal estoppel, since this is a re-write and not just an update.

Harper asked Czekalski if he feels that he is the only person that was singled out about a sign. Czekalski stated that he was the only one who received a citation from Mr. DuVernay.

Czekalski stated that this sign dispute has been a long issue of pick and choose enforcement.

Czekalski stated, “You can put up Real Estate Signs in a public right of way if you get written permission from the owner of the property; you cannot get written permission from the State.” Czekalski brought up the issues with Typhoon Asia and FAMM Steel. Czekalski rested his case.

Testimony in favor of the applicant:

Les Cypret stated, “Individuals can put up a for sale sign if they want to sell their house.” Dean Dehotman stated, “We all know about all these signs; they are not being enforced. Your oath is the same as the Selectmen’s, “faithfully and impartially”, and he would like to stress impartially.” He sees partiality.

Harper stated, “Everyone has opinions, but we have to focus on the matters at hand.”



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

Dr. Hill replied, “We are trying to get at the facts because there are going to be other testimonies that we want to hear. We have given Mr. Czekalski every opportunity to present what he wanted.”

Judy Cypret asked, “The sign pertaining to Woodbound Inn that is on 119 and West Main Street – is that considered an off-premise sign?” DuVernay stated that those signs are grand fathered.

Judy Unger-Clark stated that she used to be a business owner of a small farm. She had off-premise signs on Route 119 and the State took the signs down, she would go and get the signs back from the State highway barn. She asked, “Being a small business owner, farm owner, having an off- premise locale, how do you get people to your location? My husband and I investigated the blue signs and they would not be beneficial to us. I would much rather see a sign like that. I think this whole thing is ridiculous. I give Jason credit for taking it this far, for me I would not have gone this far.”

Testimony from others in opposition to the applicant

DuVernay stated that he sympathizes with Mr. Czekalski. “The new ordinance allows off-premise signs as long as Mr. Czekalski gets the permission from the landowner, which he would not be able to do with the State. The history of the enforcement begins in 2003. Originally Mr. Czekalski had put his sign on a telephone pole and on the Town arrow signs. The current Topside Farm sign is placed within the 125’ right-of-way on Route 202, violates Section 7 Paragraph A & J as it is an illegal off-premises sign and is located within a public right-of-way as stated in the Town ordinance. I have exercised my prosecutorial discretion not to pursue illegal Real Estate Signs located within the State right-of-way. I have not discriminated against Topside Farm, as I have determined that this is not a real estate sign legitimately offering this property for sale. I respectfully request the Board of Adjustment confirm my decision.”

DuVernay stated that he has talked with Larry Harris re: Lucky Duck Sign, Ann Gavin re: FAMM Steel Sign, Typhoon Asia re: flags and Monadnock Full Gospel Church re: Church Sign.

Drouin asked what the progressive steps are that DuVernay takes. DuVernay stated that he visits or calls the owner of the sign to educate about the sign ordinance. If that doesn’t work, he might write a letter indicating that they leave no recourse, but legal action. Then the violator gets a certified letter of formal violation, in order to get a land use citation before Court. Once he issues that, the case can come before the Court. The notice of violation must state that they can come before the board of adjustment to get a variance for the sign. In most cases people comply with the sign ordinance. The only further step that he has gone was in District Court for cars on property.

Pricilla Dehotman asked if there is no clear policy on how DuVernay corrects illegal violations.



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

Les Cypret stated that he and his son had some run-ins with DuVernay, and that they appreciate the way that DuVernay handled their case.

DuVernay stated that he has tried to make a policy to keep a record of how many times he has talked to certain people. Craig Clark asked DuVernay to clarify his statement that he has chosen not to enforce the ordinance with Real Estate Signs because there are too many. DuVernay stated that it is not that there are too many, but that by the time he enforces them and brings them to the Court, the house may have already sold. Clark stated that maybe he should send a letter to the Real Estate companies to advise them that they are in violation and that they are hereby notified. DuVernay stated that it was an approach.

Dr. Hill stated that the Board would declare a 10-12 minute recess.

Rebuttal Czekalski

Czekalski said, "DuVernay started with the signs that I had placed on the utility pole. The original red sign was actually the first sign that Mr. DuVernay had objected to originally started on the wooden sign. Czekalski stated that he had made up fake State signs and put them up. Concerning Ms. Gavin's phone calls, Czekalski stated that he only received one call from her and returned a phone call to her and asked for her name, address, ss# and some other financial information, but he never received a return call from her." "When you are selling a business, you can't just throw all the figures out there. You need to reveal more than when just buying a house."

Concerning the estoppel issue, Czekalski stated, "Your absence in enforcement does not constitute estoppel; it has to be long term non-enforcement, which in this issue it has been." Czekalski alleges discrimination; "Larry Harris's sign was out the entire summer of 2005, sometimes on Friday night. Larry was never contacted. The FAMM Steel signs were up for 8 months before they were taken down, but they were never dragged to Court. Typhoon Asia's flags were out for a period of almost a year."

Czekalski played a recording from Superior Court, October 23rd 2005, when DuVernay stated that his interpretation of the ordinance was that Real Estate Signs are exempt. In a Selectmen's meeting, the selectmen voted 3-0 to support Mr. DuVernay that real estate signs are exempt.

Czekalski stated, "Violation of the Town Sign Ordinance has only been sent to the Czekalskis, October 17, 2005. The Cease and Desist order sent to the Czekalskis is the only one issued. The Land Use Citation was only sent to the Czekalskis."

Drouin stated that when he asked the Code Enforcement officer about his steps, DuVernay stated that 8 out of 10 violaters remove their signs after a call or visit. Drouin asked, "Wouldn't that seem



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

reasonable that it was settled and does not need a Cease and Desist order or a Land Use Citation?" Czekalski stated that he could name many signs that were out for protracted periods of time. His first Land Use Citation and going before Judge Runyon in District Court, was about three or three and a half months after the first contact that DuVernay had with him.

Feldman asked what the first contact with DuVernay was. Czekalski stated that his first contact was a nasty letter about the first red sign.

Priscilla Dehotman stated that she does agree with Mr. Czekalski that Larry Harris had his sign out every weekend and sometimes on Friday.

Rebuttal DuVernay

As you saw in the letter that Ms. Gavin wrote that her calls about the sale of the business went unanswered but we have his word that he called her back, but his response is not in her letter. If he thought that the ZBA would be talking about FAMM Steel tonight, he would have asked her to relate the number of phone calls that he gave them and the time frame of the signs coming down. He had a good feeling that with persuasion that the signs would come down. DuVernay stated that not only did he ask Larry Harris to remove his sign, but that he also go before the Board of Adjustment to get his business blessed, since it was an illegal business.

At one time DuVernay stated that he believed that Real Estate signs could be placed in the right of way, but he has since realized that he was wrong. He doesn't chase real estate signs, since it would be a waste of time and effort, because they will be removed once the property is sold.

There is a reason he has only sent one violation on a sign. He has never had anyone insist that they would keep a sign up in face of a penalty which is \$275 the first day and \$550 each day there after.

DuVernay asked Czekalski on what basis does he believe that he was discriminated against. Was it race or religion? Czekalski stated, "It is my first amendment rights. I am out spoken, and a political, rabble rouser." DuVernay stated that discrimination was not his motivation. His motivation was the fact that Czekalski has not removed the sign after at least 6 letters, Land Use Citation, two appearances in front of the ZBA, and two appearances in front of the Court.

Czekalski then brought up administrative gloss. "I was charged on Case # 936, that in DuVernay's Administrative Decision my sign was not a Real Estate Sign. He cannot change that now. DuVernay made a statement that Real Estate Signs were permitted and he cannot change that now."

Breckenridge made a Motion, seconded by Harper to close the Hearing for testimony, and go to deliberation. The Motion carried unanimously.



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

The Board decided to go back and forth between Czekalski's letter, Attorney Fernald's letter and DuVernay's letter to come up with decisions and the reasons for reaching these decisions.

Carmichael would like to go on record that the board did ask for 11 copies up front, but the applicant refused to submit the copies.

There was discussion about RSA 674:54 and the linkage between the Sign Ordinance and the RSA's. Attorney Fernald stated previously in an Executive Session with the Board that they do not need to be linked.

The Board of Adjustment after deliberation found the following:

1: The Code Enforcement Officer was CORRECT in the interpretation of the Zoning Ordinance and RSAs because:

RSA 674:54 II-a states that any use occurring in any governmentally owned or occupied land, but which is not a governmental use as defined in paragraph I, shall be fully subject to local land use regulations.

2: Does the Rindge Sign Ordinance Apply on State Owned Property- YES because:

RSA 674:54 II-a states that any use occurring in any governmentally owned or occupied land, but which is not a governmental use as defined in paragraph I, shall be fully subject to local land use regulations.

Motion was made by Harper, and seconded by Drouin at 10:25 PM to not stop the hearing at 10:30pm since the ZBA was in the final stages of deliberations. The Motion carried unanimously.

3: Is the Sign in Case # 936 a Real Estate Sign – NO because:

By any reasonable standard, this sign has as its primary intent a desire to advertise a business and not advertise sale of real estate due to minimal size, lettering, placement, color contrast or lack there of, and the applicant's statements tonight to exercise his first amendment rights.

4: Is the Town of Rindge Estopped from Enforcing the Sign Ordinance Prohibition of Signs in the Public Way – NO because:

The law is clear that **“a municipality's failure to enforce an ordinance does not constitute ratification of a policy of non-enforcement and, consequently will not estopp a municipality's subsequent enforcement of the ordinance.”** *City of Concord v. Tompkins*, 124 N.H. 463, 471 (1984); *Alexander v. Town of Hampstead*, 129 N.H. 278 (1987); *Rye Beach Village District v. Beaudoin*, 114 N.H. 6 (1974). A party cannot rely on the silence or inaction of government



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

officials to later estopp the government when it does take enforcement action. *City of Concord v. Tompkins*, 124 N.H. 470 (1984); citing *State v. Hutchins*, 79 N.H. 132, 140 (1919). Individuals are not allowed to infer consent based on the failure of governmental officials to act. *Id.*

So-called “systematic non-enforcement” does not estopp a town from enforcing its ordinance. In the *Hansel v. Keene* case, the Keene Planning Board had “historically disregarded the plain meaning of the ordinance.” Out of approximately 20 applicants for projects in the floodplain, only 4 were required to adhere to the City’s interpretation of the ordinance. The City’s enforcement was “arbitrary and inconsistent.” Nevertheless, the Court ruled that the ordinance at issue could be strictly enforced against Konover, because systematic non-enforcement does not support a claim of municipal estoppel. 138 N.H. 102, 103 (1993).

Estoppel is rarely found against governmental entities. The four elements of Estoppel are:

- 1. A representation or concealment of material facts made with knowledge of those facts.** The only facts supporting this allegation are claims that for some time period parts of the Sign Ordinance were not enforced. Even if this can be proved, non-enforcement of an ordinance does not constitute misrepresentation. *City of Concord v. Tompkins*, 124 N.H. 470 (1984).
- 2. The party to whom the representation was made must have been ignorant of the truth of the matter.** In this case, Mr. Czekalski, and any other businesses which might claim to have acquired the right to put temporary signs in a public right of way cannot have been ignorant of the truth of the matter because the Sign Ordinance is a public document available for them to read.
- 3. The representation must have been made with the intention of inducing the other party to rely upon it.** There has been no evidence presented yet that those responsible for code enforcement, who allegedly failed to enforce the Sign Ordinance, did so with the intention of inducing others to rely on a misrepresentation.
- 4. The other party must have been induced to rely on the representation to his or her injury.** Mr. Czekalski has not identified any such injury. More importantly, reliance on a government official’s misrepresentation must be reasonable. Under New Hampshire law, reliance is unreasonable if the person asserting estoppel “knew, or should have known, that the representation was either improper, materially incorrect, or misleading.”



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

In addition the wording of the Case 744 Special Exception **GRANT** meeting minutes, dated June 23, 1998 concerning the sign state that **“it will be whatever is permitted.”**

Harper stated that the Real Estate Signs are temporary and he would like to see them taken down.

A Motion was made by Dr. Hill: “That the Rindge Board of Adjustment finds that the Code Enforcement Officer was correct in the interpretation of the ordinances and RSA’s for the reasons given, that the Rindge sign ordinance applies for the reasons given, Mr. Czekalski’s sign is not a Real Estate Sign because of the reasons given, and the Town of Rindge is not estopped because of the reasons given.” Carmichael seconded the Motion. Discussion: Drouin wants to make sure that all the members get to look the final language of the Decision and make sure that it is correctly written. The Motion carried unanimously.

Hill asked, “Is there any other business to come before the Board tonight?”

Judy Cypret stated, “I appreciated the Board’s work tonight. The hearing on the sign ordinance is on the 16th and urge attendance if you have any input on the Ordinance in order to help people like Jason.”

Dr. Hill stated to Mr. Czekalski, “You have done a tremendous amount of work in researching for these cases.

A Motion was made by Harper, and seconded by Breckenridge to adjourn. The Motion carried unanimously. The Hearing adjourned at 10:50PM.

Julie Labonte
Secretary / Clerk

Respectfully submitted

Joseph C. Hill, MD

Chairman

George Carmichael

Vice-Chairman