



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 APPROVED PUBLIC HEARING MINUTES AUGUST 26, 2008

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

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

Hill opened the Public Hearing at 7:00 pm with the Pledge of Allegiance. The members and alternates introduced themselves and their status.

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 announced that the notice of Public Hearing was posted in the Town Office, Police Station, Fire Station, Library, Transfer Station, Post Office, and the Monadnock Ledger-Transcript.

Approval of minutes of June 24, 2008.

Goodrich motioned, seconded by Breckenridge to postpone approval of June minutes to the end of the Public Hearing and the motion passed unanimously.

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. This case was continued from June 24, 2008.

Hill stated that sitting on this case would be himself, Breckenridge, Carmichael, Drouin, and Feldman. Thomas read the case before the Board; Eicher summarized the applicable Ordinance(s).

Mr. DuVernay stated that the Building Department had granted a building permit and that no Special Exception was required; he requested the Board to refund the \$175 fee to the Grants.

Breckenridge moved, seconded by Carmichael to refund the \$175 filing fee. Drouin suggested refunding the fee minus the costs of noticing the Hearing which had already been incurred. Carmichael and Breckenridge restate their wish to refund the full fee. Breckenridge called for a vote. Motion passed by the following vote: Ayes: Breckenridge, Carmichael, Feldman and Hill. Opposed: Drouin.

Thomas and Hill were appointed case reviewers for September.



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Approval of Minutes of June 24, 2008.

Goodrich opened a discussion with the Board regarding moving the approval of the previous month's minutes to the end of the Public Hearing. She said that at times the discussions involved become contentious and create tension among the Board and people in the audience who are waiting to have their cases heard. Hill stated that the Rules of Procedure already allow for a waiver for the minutes to be postponed until a later time. Drouin stated that any old business should be wrapped up before new business was considered; also that if anyone had changes of any length to submit, approval could be waived to a later time in the meeting instead of changing the whole procedure entirely. Breckenridge stated citizens already feel that government is inefficient and don't want to sit and listen to a lengthy discussion over minutes. After extensive discussion, Goodrich moved, seconded by Breckenridge to amend the Rules of Procedure to place the approval of the previous month's minutes at the end of the Public Hearing to facilitate the public. Motion passed by the following vote: Ayes: Breckenridge, Carmichael, Feldman and Hill. Opposed: Drouin.

Carmichael moved, seconded by Breckenridge to approve the June 24, 2008 minutes as amended and the motion passed unanimously.

Goodrich opened a discussion among the Board regarding whether the Clerk should be the interface with legal counsel; she stated she felt uncomfortable having an employee be the designated contact; rather it should be the Chairman or a designated member of the Board. After discussion, the Board confirmed that the Clerk would remain as the designated contact for legal questions.

Second reading of Rules of Procedure.

All approved.

Second reading Appeal of Administrative Decision.

All approved.

Second reading of "Job Description of the ZBA Chairperson"

Drouin moved, seconded by Breckenridge to approve the "Job Description of the ZBA Chairperson" and the motion passed unanimously.

Second reading of "Job Description of ZBA Clerk"

Feldman moved, seconded by Breckenridge to approve the "Job Description of ZBA Clerk" and the motion passed unanimously.

Review of revised form "Equitable Waiver of Dimensional Requirements" submitted by Carmichael.



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Carmichael distributed a draft of form which he adapted from one used in Hudson NH. He stated it follows exactly what is in the NH RSA's. Consensus of the Board is that it did not need to be submitted to legal counsel for approval. After discussion, Breckenridge moved, seconded by Drouin to approve the new form and the motion passed unanimously.

Hill submitted a draft of "Equitable Waiver of Dimensional Requirements Decision Tree" and stated that he simply cut and pasted the information from Carmichael's approved form. Consensus of the Board is that it did not need to be submitted to legal counsel for approval. Drouin moved, seconded by Goodrich to approve the form and the motion passed unanimously.

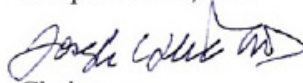
Feldman asked whether the Board should have a policy for returning fees if an applicant decided to withdraw his case before it was heard but after noticing costs were incurred. He stated it would be helpful to have a policy to return a portion of the fee only. Discussion was held. Breckenridge stated she would like the Board to have the flexibility to deliberate this on a case by case basis, and the Board concurred.

Drouin stated he had not received copy of the letter to Selectmen's secretary notifying her of need to have Clerk as contact for any new ZBA cases received; he read an article from a paper regarding Right to Know laws.

Breckenridge moved, seconded by Carmichael to adjourn at 8:00 pm and the motion passed unanimously.

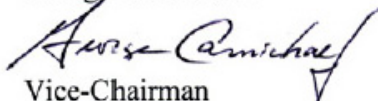
Respectfully submitted,
Kathy Strasser/Clerk
Respectfully submitted

Joseph C. Hill, MD



Chairman

George Carmichael



Vice-Chairman