



**RINDGE BOARD OF ADJUSTMENT**  
**30 PAYSON HILL ROAD**  
**RINDGE NH 03461**  
**PH. (603) 899-5181 x 100 FAX (603) 899-2101 TDD 1-800-735-2964**  
**www.town.rindge.nh.us**

Hearing Date: August 27, 2013  
Decision Date: August 27, 2013  
Case Number 1055

### **Notice of Decision**

**Case #1055: West of the Border, LLC, 1207 US Route 202, Rindge, NH 03461, for property located at 1044 NH Rte. 119, Rindge, NH 03461, Map 7 Lot 16-1-2 for a Variance from the Rindge Wetlands Ordinance, Section 5, paragraph F to allow the installation of underground fuel storage tanks within 250 feet of vegetated wetlands.**

Sitting: David Drouin, Marcia Breckenridge, Janet Goodrich, Bill Thomas, and Forbes Farmer.

### **The Board found that:**

1. The variance use would be contrary to the public interest because the reduction in setback is 50% of what the town voted, and that is substantial.

Vote: (Y) (All) N:

2. Granting the variance would not do substantial justice because it presents a possible threat to the wetlands and private wells by cutting setbacks by 50%.

Vote: (Y) (All) N:

3. The variance would not be consistent with the spirit and intent of the Rindge Zoning Ordinance because this variance does not promote health and safety and welfare of the town water sources as expressed by the voters in 2000.

Vote: (Y) (All) N:

4. Granting the variance would not diminish surrounding property values as evidenced by a local realtor. We have no value objections by the abutters.

2. Vote: (Y) (All) N:

3. 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. A large percentage of the properties in this district have the same or similar wetland issues.

Vote: (Y ; ) (All) N:

5a. There is a fair and substantial relationship that exists between the general purposes of the Zoning Ordinance provision(s) and the specific application of the provision(s) to the property.

Vote: (Y) (All) N:

5b. The proposed use would be a reasonable one because:

This is not applicable as this is an approved use and not a use variance. n/a

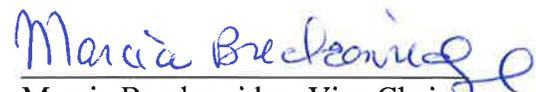
Vote: (Y) (All) N:

**MOTION:** Marcia Breckenridge moved to **deny** the variance because four of the five criteria were not met. Bill Thomas seconded. **Vote: Unanimous**

Respectfully submitted,

Susan Hoyland, Clerk

  
David Drouin, Chairman

  
Marcia Breckenridge, Vice Chair