



**RINDGE BOARD OF ADJUSTMENT**  
**30 PAYSON HILL ROAD**  
**RINDGE NH 03461**  
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Hearing Date: December 10, 2013  
Decision Date: December 10, 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, Joe Hill, and Forbes Farmer.

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

1. **The variance would not be contrary to the public interest because:**

**The engineering safeguards have addressed the safety of the wetlands through a triple fiberglass system and redundant monitoring system.**

**VOTE: 5-0-0**

2. **Granting the variance would do substantial justice because:**

**The proposed underground triple wall fiberglass system satisfies this standard because it addresses the safety concerns to the wetlands and will not harm abutters and thus the general public would realize no appreciable gain from denying this variance.**

**VOTE: 5-0-0**

3. **The variance would be consistent with the spirit and intent of the Rindge Zoning Ordinance because:**

**The engineered safeguards through the triple fiberglass tank system and monitoring system addressed the concerns for the health, safety and welfare of the town.**

**VOTE: 5-0-0**

4. **Granting the variance would not diminish surrounding property values because:**

**We have no evidence of diminished value and no objections.**

**VOTE: 5-0-0**

5. **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 because:**

**Due to size and configuration of the property which makes a 16 acre parcel lack any place where they are able to satisfy the zoning requirements.**

**VOTE: 5-0-0**

**MOTION:** Janet Goodrich moved to grant this variance with one condition, as all five criteria have been met. Condition One: That a back-up power source is provided for the monitoring system. Marcia Breckenridge seconded the motion.

**Vote: 5-0-0**

**The variance was granted with the following condition:**

A back-up power source is provided for the monitoring system.

Respectfully submitted,

Susan Hoyland, Clerk

  
David Drouin, Chairman

  
Marcia Breckenridge, Vice Chair