

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
January 6, 2014**

DATE: January 6, 2014 TYPE: Public Meeting APPROVED: January 21, 2014

TIME: 7:00 pm

CALL TO ORDER: 7:00 PM

ROLL CALL MEMBERS: Chairman Kirk Stenersen, Hank Whitney, Phil Simeone, Bruce Donati

ROLL CALL ALTERNATES: Holly Koski, Burt Goodrich

EX OFFICIO: Roberta Oeser

PLANNING DIRECTOR: Mark Smith

PLANNING SECRETARY: Susan Hoyland

ABSENT: Charlie Eicher

APPOINTMENT OF ALTERNATES: Burt Goodrich for Charlie Eicher

OTHERS PRESENT: Joleen Little, Nancy LaBonne, Albert LeFebvre, Dan Leonik, Sharon Rasku, Jeanne Carguilo, Dominic Carguilo, Calvin Reini, Brenda Lashua, Rick Griffith, Earl W. Cole, Jr., Alice R. Cole, Jennifer Sabo, Gillian L'Eplattieniere, Elise Taylor, Ty Taylor, Paul Chambers, Robert Knight Sr., Roniele Hamilton, Robert Hamilton, Ron Osimo, Pete Worthley, Evelyn Fogg, David Drouin, John Weston, Richard Mellor, Mark Carbone, Sam Bouchie, Gillian K. L'eplattienier, Donna Peragallo, Tom Peragallo, Rebecca Kohlhorst, Ron Kohlhorst, Arthur and Gizelle Grover, Dave Kopacz, Kim McCummings

1. **Announcements**
2. **Approval of Minutes**
3. **Old Business**
4. **New Business**
 1. **Public Hearing: Zoning Amendments**

Article 2: ARE YOU IN FAVOR OF THE ADOPTION OF AMENDMENT NO. 1 TO THE TOWN OF RINDGE ZONING ORDINANCE AND ZONING MAP AS PROPOSED BY THE PLANNING BOARD AND GENERALLY DESCRIBED AS FOLLOWS: to create an optional overlay zoning district, known as the Crossroads Overlay, at the northwest, southwest, and southeast corners of the intersection of US-Route 202 and NH Route 119. The Crossroads Overlay district is intended to allow mixed use, higher-density development in a limited area with the goal of serving as the primary center for local commerce and community activity around the Route 202 and 119 intersections. The Crossroads Overlay district is proposed to allow a specific set of uses, with specific frontage, yard, and area requirements for those uses. Participation in the Crossroads Overlay district is intended as an option for respective landowners. Lots that are covered by the proposed "Crossroads Overlay" include, at respective corners of Routes 202 & 119: NW corner (Map 6, Lot 19 [20-acres]); SW Corner: Map 6, Lot 18-1 [6.2 acres]; Map 6, Lot 18-2 [9.3 acres]; SE Corner: Map 6, Lot 17-1 [2.5 acres]; Map 6, Lot 17-2 [2.7 acres]; and a portion of Map 6, Lot 14 (from the NH 119 right of way south to the center of Cheshire Market Place driveway [estimated at 20 acres])

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Discussion and questions included:

- Where to view the lots that are being proposed for this overlay district (on the town website, under Selectmen Office, there are Tax Maps, also in Planning Office)
- Concern that the state could reclassify Route 119 to a class 4 road rather than a class 1 highway, potentially costing the town money to maintain and plow.
- Questions about soil based lot sizing
- Minimum acreage size of one acre versus one-half acre, concept of community wells and septic privately owned and maintained.
- The majority of those in attendance spoke in opposition to this plan
- Why accept this plan (more flexibility to landowner to use his land)
- The need to put items on town ballot to comply with grant requirements.
- The desire of the audience to curtail any growth in Rindge and keep it rural.
- Summary of the events leading from the Rindge 2020 in 2002 to the concept today.
- Grant questions and concerns. Concern about HUD involvement. Question if there will be a Round Three Grant Program? (No one on Planning could answer that at this time.)
- Question if landowners in this district are in favor of this. Mark Smith said no land owners are opposed to his knowledge and some are in favor.
- Questions about uses permitted; suggestion to remove nursing homes and supportive care homes. Chairman Stenersen said these uses are allowed in the gateway district.
- How can we, as a town, prepare for growth that we are in favor of while protecting the rural character of Rindge.
- The Master Plan and its relation to the zoning ordinances.
- Job creation in the Town of Rindge to afford the high taxes. Suggestion to find a buyer for the Famm Steel property that has been empty for years.
- Traffic and congestion on the four corners now.
- Open space requirement in overlay district.

MOTION: Roberta Oeser moved that the Planning Board approve and forward for Town Meeting consideration proposed Amendment 1, attached, which would create an optional Crossroads Overlay Zoning District, with specific use, area, and dimensional requirements, at the intersection of Routes 119 & 202. Phil Simeone seconded the motion. **Vote: 6-0-0**

Article 3: ARE YOU IN FAVOR OF THE ADOPTION OF AMENDMENT NO. 2 TO THE TOWN OF RINDGE ZONING ORDINANCE AS PROPOSED BY THE PLANNING BOARD AND GENERALLY DESCRIBED AS FOLLOWS: Within the Village zoning district, Article VI, to amend Section C.1. Frontage, to read: Every lot shall have a minimum frontage of one hundred (100) feet as defined in Article XX, Number 17 and further amend Section C.3. Area, to read, in its entirety: Lot area for all permitted uses shall be at least one acre in size provided the state of New Hampshire Department of Environmental Services well and septic system requirements are complied with.

Discussion included:

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- The desire by many to leave Rindge zoning unchanged.
- The fact that many of the lots in this district do not meet the 250 foot frontage that is currently in place for the Village.
- The size of the Village Districts being large.
- Smaller lots in certain village district being good planning and zoning.
- Fear of the town changing completely. Fear of ‘stacked’ housing and Section 8 housing.
- The need for affordable housing for young people who were raised here and now are grown and want to live here. The need to attract businesses that pay a higher living wage for people with professional skills.
- The concern that taxes will rise with more businesses in town.
- Concern that businesses may come and then fail, leaving abandoned properties.
- Concern that changing this zoning will change the neighborhood as it is now.
- Hank Whitney said that he disagrees with this amendment. He said he got the feeling last summer, at the meeting at the Methodist Church, that the people of West Rindge Village want to leave things as they are. He said that residents of this district should have more say than putting it to the entire town to vote upon. He said he would like to take this off the warrant all together.
- Bruce Donati said that he believes this will have to go on the ballot to meet the grant requirements but that does not mean he has to vote for it in March.

MOTION: Roberta Oeser moved that the Planning Board approve and forward for Town Meeting consideration proposed Amendment 2, attached, which would modify lot frontage and lot area requirements for the Village Zoning District. Phil Simeone seconded the motion. **Vote: 5-1-0** Hank Whitney opposed.

Article 4: ARE YOU IN FAVOR OF THE ADOPTION OF AMENDMENT NO. 3 TO THE TOWN OF RINDGE ZONING ORDINANCE AS PROPOSED BY THE PLANNING BOARD AND GENERALLY DESCRIBED AS FOLLOWS: Within the College zoning district, Article VII, to amend Section B.3. Area, to read, in its entirety: Lot area for all permitted uses shall be at least one (1) acre in size provided the state of New Hampshire Department of Environmental Services well and septic system requirements are complied with.

Discussion:

- Amount of land currently undeveloped. There are easements (conservation) on a good amount of this property.
- Discussion about frontage staying at 250 feet on a one acre lot. Phil Simeone and Roberta Oeser don’t like frontage requirement. Burt suggested that this could be changed at a later date. Bruce Donati and Kirk Stenersen spoke in opposition to this but would move it for the voters to decide.
- Potential for increased traffic on Mountain Road with this change.
- Special zoning requirements for colleges which allows for higher density.
- Previously discussed elderly housing was removed from this amendment.

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- Question about expanding college district. (That would have to go to ballot and it is too late for this year).
- Review of uses in this district.
- Question about how much of the grant money has been spent. (we have billed approximately \$16,000 to date of the Round Two grant)

MOTION: Roberta Oeser moved that the Planning Board approve and forward for Town Meeting consideration proposed Amendment 3, attached, which would modify lot area requirements for the College Zoning District. Burt Goodrich seconded the motion. **Vote: 5-1-0** Hank Whitney opposed.

Article 5: ARE YOU IN FAVOR OF THE ADOPTION OF AMENDMENT NO. 4 TO THE TOWN OF RINDGE ZONING ORDINANCE AS PROPOSED BY THE PLANNING BOARD AND GENERALLY DESCRIBED AS FOLLOWS: Within the Accessory Dwelling Unit (ADU) Ordinance, to permit detached ADUs provided they meet specified requirements. Requirements include, but are not limited to: 1) Detached ADUs shall be subordinate in mass, scale and height to the primary residence; 2) Detached ADUs shall have compatible architectural character and style to the primary residence; 3) Detached ADUs shall in no case exceed 1,200 square feet in gross floor area; and 4) Detached ADUs located above otherwise detached structures (i.e. garages) are preferred relative to detached dwelling structures.

Discussion included:

- the 1200 s.f. condition for maximum ADU size.
- The ADU would still need to comply with the requirement that it not exceed 25% of the size of the main dwelling.

MOTION: Phil Simeone moved that the Planning Board approve and forward for Town Meeting consideration proposed Amendment 4, attached, which would permit detached Accessory Dwelling Units provided they meet specified requirements. Roberta Oeser seconded the motion. **Vote: 6-0-0**

Article 6: ARE YOU IN FAVOR OF THE ADOPTION OF AMENDMENT NO. 5 TO THE TOWN OF RINDGE ZONING ORDINANCE AS PROPOSED BY THE PLANNING BOARD AND GENERALLY DESCRIBED AS FOLLOWS: Amend the Aquifer Protection District Ordinance to 1) designate a new Water Resources/Aquifer Base Map; 2) clarify internal appeal provisions where the location of an aquifer is uncertain; 3) update conditional uses; 4) clarify prohibited uses; 5) clarify legal appeal provisions; and 6) add select definitions.

Discussion included:

- The importance of protecting our aquifers, the only water source in town is private wells.
- The new map currently exists but was never adopted. It is in the Planning Office for anyone to view.
- In the old ordinance, you could only develop 20% of your lot. This has now been changed so that it is 20% of what is in the Aquifer District.
- Appeal process added. This goes to Superior Court and not the ZBA

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- An overview of what is being protected and the fact that so much of this is already protected through other sources. (wetlands or conservation)

MOTION: Roberta Oeser moved that the Planning Board approve and forward for Town Meeting consideration proposed Amendment 5, attached, which would update Aquifer Protection District Ordinance provisions. Phil Simeone seconded the motion. **Vote:** 6-0-0

Article 7: ARE YOU IN FAVOR OF THE ADOPTION OF AMENDMENT NO. 6 TO THE TOWN OF RINDGE ZONING ORDINANCE AS PROPOSED BY THE PLANNING BOARD AND GENERALLY DESCRIBED AS FOLLOWS: Amend the Wetlands Conservation District Ordinance by 1) listing enabling authority for the Ordinance; 2) combining authority and purpose provisions and 3) modifying Section 4.G. of the Ordinance by changing a portion of the first sentence to read: “if essential to a permitted use of the land. . .” instead of (existing) “if essential to the productive use of land”. .

Discussion included:

- The need for a number 4 to Amendment 6 to add/clarify select definitions.
- An overview of what changes have been made.
- Definitions of Impervious and Pervious

MOTION: Phil Simeone moved that the Planning Board approve and forward for Town Meeting consideration proposed Amendment 6, attached, which would update Wetland Conservation District Ordinance provisions and to add #4) to add/clarify select definitions as presented and discussed. Burt Goodrich seconded the motion. **Vote:** 6-0-0

Article 8: ARE YOU IN FAVOR OF THE ADOPTION OF AMENDMENT NO. 7 TO THE TOWN OF RINDGE ZONING ORDINANCE AS PROPOSED BY THE PLANNING BOARD AND GENERALLY DESCRIBED AS FOLLOWS: Amending Article III, General Provisions, by adding a new letter “S” to read as follows: “The rental of all or any portion of Single Family Dwelling, Two Family Dwelling, or Multi-Unit Dwelling, with the exception of Bed and Breakfast Facilities, by the property owner thereof, to any other person or group, shall be a valid, permitted, Accessory Use of said dwelling under this ordinance. Acceptable rentals shall include rentals for wedding parties and receptions, bachelor parties, corporate or institutional meetings, seminars, workshops, religious retreats, and events or activities for which attendance is not expected to exceed 25 people.”

MOTION: Roberta Oeser moved that the Planning Board approve and forward for Town Meeting consideration proposed Amendment 7, attached, which would clarify that rental of housing units is a permitted Accessory Use of such units. Phil Simeone seconded the motion. **Vote:** 6-0-0

Article 9: ARE YOU IN FAVOR OF THE ADOPTION OF AMENDMENT NO. 8 TO THE TOWN OF RINDGE ZONING ORDINANCE AS PROPOSED BY THE PLANNING BOARD AND GENERALLY DESCRIBED AS FOLLOWS: Amending Article XX, Definitions, by 1) modifying the definition of Bed and Breakfast Facility to read as follows: “An owner-occupied residence or a portion thereof in which rooms are available for rent, including a daily breakfast meal, to transient guests on a temporary basis for compensation. It does not include hotels, motels,

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boarding houses, food service establishments, or similar businesses”; and 2) removing the definition for Tourist Homes.

MOTION: Roberta Oeser moved that the Planning Board approve and forward for Town Meeting consideration proposed Amendment 8, attached, which updates the definition of Bed and Breakfast facilities, and removes the definition of Tourist Homes. Phil Simeone seconded the motion. **Vote: 6-0-0**

Article 10: ARE YOU IN FAVOR OF THE ADOPTION OF AMENDMENT NO. 9 TO THE TOWN OF RINDGE ZONING ORDINANCE AS PROPOSED BY THE PLANNING BOARD AND GENERALLY DESCRIBED AS FOLLOWS: Amending the Impact Fee Ordinance, Assessment Schedule, to set all Residential Impact Fees to zero (\$0.00) for any building permits issued after January 1, 2014.

Discussion included:

- Concern that the town is moving from a somewhat rural protected type of zoning to a pro-growth type of zoning.
- Request to change the “building permits” to “occupancy permits”
- Request that any impact fees not spent as of January 2014 should be returned.
- Request to put this for a one year period of time only to see how it impacts the budget
- Some Board members feel this is an unfair tax and needs to be removed.
- The amount of increase in property taxes to offset these fees is minor.
- Housing market pricing not being affected by impact fees

MOTION: Burt Goodrich moved that the Planning Board approve and forward for Town Meeting consideration proposed Amendment 9, attached, which sets all Residential Impact Fees to zero dollars (\$0.00) for any building permits issued after January 1, 2014. Bruce Donati seconded the motion. **Vote: 6-0-0**

Article 11: ARE YOU IN FAVOR OF THE ADOPTION OF AMENDMENT NO. 10 TO THE TOWN OF RINDGE ZONING MAP AS PROPOSED BY THE PLANNING BOARD AND GENERALLY DESCRIBED AS FOLLOWS: Amending the Zoning Map such that all of Map 2, Lot 41-5A lies within the Business-Light Industry Zoning District. Currently, the latter parcel is bisected by the Business-Light Industry and Residential-Agricultural Zoning Districts; the goal is to include the parcel exclusively into the Business-Light Industry District.

Discussion included:

- Mark Smith contacted some property owners in town (5 lots, 3 owners) whose lots were bisected by two zoning districts. He asked if they would like that to be amended. One property owner said he would prefer to have his entire lot in one district.

MOTION: Phil Simeone moved that the Planning Board approve and forward for Town Meeting consideration proposed Amendment 10, attached, which amends the Official Zoning Map such that all of Tax Map 2, Lot 41-5A lies within the Business-Light Industry Zoning District. Hank Whitney seconded the motion. **Vote: 4-1-1** Bruce voted no., Kirk abstained.

Article 12: ARE YOU IN FAVOR OF THE ADOPTION OF AMENDMENT NO. 11 TO THE TOWN OF RINDGE ZONING ORDINANCE AS PROPOSED BY THE PLANNING BOARD AND GENERALLY DESCRIBED AS FOLLOWS: by amending the Zoning Ordinance in order to renumber and reorder sections, correct cross references and make typographical corrections and clerical revisions as necessary.

MOTION: Roberta Oeser moved that the Planning Board approve and forward for Town Meeting consideration proposed Amendment 11, attached, which enables renumbering and reordering, and making typographic corrections, to Sections of the Zoning Code as necessary. Phil Simeone seconded the motion. **Vote: 6-0-0**

2. Public Hearing: Design Standards

to consider the following amendment to the Rindge Site Plan Regulations. The proposed amendment is to establish Design Standards and Guidelines to be associated with the proposed "Crossroad Zoning Overlay District". The proposed Design Standards and Guidelines address a number of design-related matters, including but not limited to 1) Site Standards & Guidelines (e.g. site circulation, building placement, landscaping and open space, parking); and 2) Architectural Standards & Guidelines (e.g. massing and scale of buildings).

Chairman Stenersen said that, given the late hour, we should continue the discussion of the Design Standards to another night. Burt Goodrich suggested addressing this at the first meeting after Town Meeting at which time, the Board will know if the Crossroads Overlay District passed. The Board was in agreement.

Adjourn: 10:55pm

Susan Hoyland
Planning Secretary