

**PLANNING BOARD  
RINDGE, NEW HAMPSHIRE  
December 19, 2013**

**DATE: December 19, 2013 TYPE: Public Meeting APPROVED: January 7, 2014**

**TIME: 7:00 pm**

**CALL TO ORDER:**

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

**ROLL CALL ALTERNATES:** Holly Koski,

**EX OFFICIO:** Roberta Oeser

**PLANNING DIRECTOR:** Mark Smith

**PLANNING SECRETARY:** Susan Hoyland

**ABSENT:** Burt Goodrich

**APPOINTMENT OF ALTERNATES:** Holly Koski for Charlie Eicher

**OTHERS PRESENT:** David Drouin, Pat Martin, C. Charron

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**1. Announcements**

Chairman Stenersen said that he would like to change the order of the agenda this evening and begin with Article 7 of the Work Meeting. Roberta Oeser can only attend for a short while this evening and she was instrumental in developing these suggested changes.

*Chairman Stenersen appointed Holly Koski to sit for Charlie Eicher.*

**2. Work Meeting**

**a. 2014 Zoning Amendments Discussion**

***2014 ZONING CODE AMENDMENTS  
- DRAFT; 12/10/2013; updates 12/12/13 -***

**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 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:** Roberta Oeser said that this Aquifer Protection District Ordinance was proposed in 2008 with strong opposition because the language was too restrictive. She went on to describe the changes made to the ordinance. Phil Simeone said that the definition for “groundwater recharge area’ was taken out of the ordinance and he thinks it should be left in to ‘be on the safe side’. A straw vote of the Board agreed with Phil and it was decided to leave this definition in the proposed ordinance. David Drouin questioned the appeal process for the CUP and said that this might be

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burdensome on the abutters. A discussion of Special Exception versus the use of a CUP (Conditional Use Permit) took place. Roberta Oeser said that because the CUP is an Innovative Land Use, it goes to Superior Court. We have no choice about this.

**MOTION:** Phil Simeone moved that the Aquifer Protection District Ordinance as spelled out in Article 7 be moved to Public Hearing on January 6, 2014. Kim McCummings seconded the motion.  
**Vote: 7-0-0**

**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: Amend the Wetlands Conservation District Ordinance by 1) listing enabling authority for the Ordinance; 2) combining authority and purpose provisions and 3) amend Section 4.G. of Permitted Use provisions by inserting “a permitted use of the land” in place of “the productive use of land” 4) add/amend definitions

**Discussion:** Phil Simeone said that the only changes are to the authority and purpose and to section 4G as discussed. He said it now reads “if essential to a permitted use”. David Drouin asked if the definitions used in the Aquifer Ordinance for pervious and impervious are carried over to the Wetlands Ordinance for clarity for the ZBA process. Mark Smith said there were a few minor typographical corrections needed.

**MOTION:** Kim McCummings moved to put forward Article 8 with the changes discussed to Public Hearing on January 6, 2014. Phil Simeone seconded the motion. **Vote: 7-0-0**

David Drouin asked Chairman Stenersen if he would like the ConCom to recommend these two ordinances. Chairman Stenersen said he was unsure of the process but he would appreciate the support. Holly Koski said that the word on the street is that whatever the Planning Board is approving, the public is voting no.

**Article 11:** ARE YOU IN FAVOR OF THE ADOPTION OF AMENDMENT NO. 10 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 for any building permits issued after January 1, 2014.

**Discussion:** A discussion took place in consideration of suspending or eliminating the Impact Fees for residential structures. Hank Whitney said that a date should be included for clarity. The words, “for any building permits applied for or issued after January 1, 2014” were added.

**MOTION:** Roberta Oeser moved to put forward Article 11 as amended to post for Public Hearing on January 6, 2014. Bruce Donati seconded the motion. **Vote: 5-0-2.** Kim McCummings and Holly Koski voted No.

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**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: Within the Sign Ordinance, to allow for Sign Master Plans, which would require Conditional Use Permit approval from the Planning Board, where four (4) or fewer individual businesses are located on a lot or contiguous lots.

**Discussion:** Kim McCummings said that the subcommittee looked at what the ZBA had been dealing with as it pertained to sign variances and decided to put in place a structure that would be helpful making signs part of the PB application process and requesting a CUP. Signage requirements were reviewed in the Business-Light Industry district and the Commercial district under sign master plans. Kim McCummings said that the sign subcommittee really didn't have enough time to make all the changes that were being considered. It was determined that this article would not be moved to Public Hearing at this time. A suggestion that it could be considered in September was made. Kim McCummings said that the changes needed will take time and that this committee should be an ongoing committee.

*Roberta Oeser left the meeting.*

**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 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 the landowner. 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 Drive [estimated at ~20 acres])

**Discussion:** Mark Smith and Chairman Stenersen said that the center of the Market Basket driveway was an acceptable measurement. David Drouin said that putting the word optional in to the description might be a good idea. Kim and Holly agreed. A sentence was added to the amendment to clarify that this overlay district is a choice for the landowner.

**MOTION:** Kim McCummings moved that Article 2 with the changes discussed be moved forward to Public Hearing on January 6, 2014. Hank Whitney seconded. **Vote 6-0-0**

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**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:** Kim McCummings said that this had been discussed for years, starting back with the Randall Arendt Report. Hank Whitney said this puts a lot of existing homes in compliance.

**MOTION:** Phil Simeone moved to put Article 3 forward for Public Hearing on January 6, 2014. Hank Whitney seconded the motion. **Vote: 6-0-0**

**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:** Chairman Stenersen asked Mark Smith if this was just for lot size or was it to include frontage. Mark Smith said he had spoken with Roger Hawk and asked that. At this time, it is just for lot area. The article was reworded to be consistent to prior articles. Bruce Donati said this seems like a lot of land to rezone to one acre and asked if all the land in the college district was owned by the college. Chairman Stenersen said no, a few small lots are privately owned. Kim McCummings said some of this land is under conservation easements. Holly Koski said she was fine with this as long as the frontage requirements were unchanged. Chairman Stenersen said he has no problem with smaller lots and less sprawl. Kim McCummings said that, given the terrain in town, and the wetlands, there are naturally occurring things that will prevent too many smaller lots. Mark Smith asked if the parallel lot frontage position should be taken. He said it makes more sense to make this 100 foot frontage. Some discussion about 150 foot frontage took place. Hank Whitney said that this area might not be just residential but could house a convenience store or other type retail uses. Chairman Stenersen said any uses allowed in the Residential or ResAg or Village (except for mobile home parks) would be allowed in the College District. The Board decided to not change the frontage at this time.

**MOTION:** Phil Simeone moved to put Article 4 as amended forward to public hearing on January 6, 2014 Holly Koski seconded the motion, **Vote: 4-0-2** Bruce Donati and Kim McCummings abstained.

**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 ADU Ordinance, to permit

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detached Accessory Dwelling Units (ADUs) provided detached ADUs 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:** Mark Smith said that Dave Duvernay suggested a small change to the wording which was incorporated. David Drouin asked about septic requirements. Chairman Stenersen said that either shared or stand-alone were fine. David Drouin asked to add the letter “S” to the word “system” on the draft ordinance under number 15 and underline the sentence between 15 and 16. Kim McCummings said that, with detached ADU’s, it is possible to have three dwellings on one driveway. In the Town of Rindge, if there are three dwellings on a street, the street now will require a 9-1-1 name and the cost of that sign should go to the person who creates the third unit. Kim McCummings asked where this will come into process. Chairman Stenersen said that this is a Building Dept. issue and would be dealt with at the time they pull a building permit.

**MOTION:** Bruce Donati moved to put Article 5 forward to Public Hearing on January 6, 2014. Kim McCummings 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 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.”

**Discussion:** The Board discussed the wording of the last sentence and amended it for clarity. Mark read some language proposed by John Hunt. David Drouin asked if we are making an ordinance based on a one-time event. Chairman Stenersen said no, it was time to clarify that renting out of one’s home is an allowed use in Rindge.

**MOTION:** Kim McCummings moved to move Article 9 to Public Hearing on January, 6, 2014. 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 Article XX, Definitions, by 1) modifying the definition of Bed and Breakfast Facility to read as follows: “An owner-occupied

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

**Discussion:** Chairman Stenersen said that Mark Smith has provided a book for planning definitions that was quite helpful. David Drouin asked if Boarding Houses was defined. It is not.

**MOTION:** Phil Simeone moved to move article 10 to Public Hearing on January 6, 2014. Bruce Donati seconded the motion. **Vote 6-0-0**

**Article 12:** ARE YOU IN FAVOR OF THE ADOPTION OF AMENDMENT NO. 11 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:** Mark Smith said that Phil Stenersen's parcel is split between districts. Chairman Stenersen said that this was supposed to have been cleaned up. Mark Smith sent letters to Tim Halliday, Tom Duffy and Phil Stenersen whose lots are affected. They asked the landowner what they would like to do. Mark Smith said Mr. Duffy was not interested in making a change, Mr. Halliday wanted to put the Business-Light Industry district deeper - some 1400 to 1500 feet but wanted to maintain his ResAg. The only lot Mark Smith included in this belongs to Phil Stenersen. Holly Koski asked why this couldn't be done via a petition article by the lot owner. Chairman Stenersen said that this had been done in the past by request of the landowner and that zoning districts should not be bisecting property lines. Hank Whitney asked if this property is non-conforming. Kirk said yes, it is.

**MOTION:** Kim McCummings moved to move Article 12 to Public Hearing on January 6, 2014. Phil Simeone seconded the motion. Vote: 4-1-1, Bruce Donati voted no, Kirk Stenersen abstained

**Article 13:** ARE YOU IN FAVOR OF THE ADOPTION OF AMENDMENT NO. 12 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:** Kim McCummings moved to move Article 13 to Public Hearing on January 6, 2014. Phil Simeone seconded. **Vote: 6-0-0**

### 3. Approval of Minutes

### 4. Old Business

**5. New Business**

**6. Planning Department Report**

- Mark Smith said that the Design Standard that Roger Hawk has created would be an amendment to the Site Plan regulations exclusive to the Crossroads Overlay District. The Planning Board does not want to vote on Design Standards until the Crossroads Overlay District is approved. However, a Public Hearing can take place now or at a later date.
- The Land Use Clerk position is not going to happen.
- We are not joining SWRPC.
- Tim Halliday has expressed interest in being a regular or alternate member.
- Mark Smith said that \$7600 is the current contracted services budget being recommended by the BAC. Kim has offered to put together a 2014 /2015 draft which includes work on the Master Plan. Pat Martin said that Richard Mellor's understanding of the assignment seemed to be different than the Planning Board. The Planning Board does not show work on the Master Plan starting until March while Pat Martin thought they were starting in January. The Energy Commission will be holding a place in the Master Plan and will be assisted by SWRPC. Pat Martin reported that Richard Mellor said that the value of SWCRP would be 2,000-3,000. Mark Smith said that he will report back to Ellen Smith that \$2500 more would be needed in contract services. Kim McCummings suggested a subcommittee be formed to work on this with Pat.
- Mark Smith said that a resident in ResAg wants to put in an indoor riding arena. Mark said he wanted to make sure that the Board did not need a site plan review. He believes it is not necessary. The Board saw no need for a site plan application at this time.
- Kim McCummings asked if anything had been heard about the Pedestrian/Bicycle grant. No word yet
- Kim said she would be not be sitting as a regular member starting in January but would like to submit a letter to request appointment as an alternate.

Chairman Stenersen recognized Kim McCummings for all her years of service to the Planning Board since 2004. He also cited her work on many other town committees and thanked her for all her years of service.

Adjourned at 9:30PM

**Susan Hoyland**  
**Planning Secretary**