

**PLANNING BOARD  
RINDGE, NEW HAMPSHIRE  
JULY 6, 2004  
MINUTES**

**DATE: JULY 6, 2004      TYPE: Public Hearing      DATE APPROVED: August 3, 2004**

**TIME:** 7:00-10:35 PM. Katie Duffy, Chair

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**CALL TO ORDER, at 7:00 PM**

**ROLL CALL:** Katie Duffy, David Tower, Richard Isakson, Kim McCummngs, James Hoard, Arthur Fiorelli, Jo Anne Carr, Robyn Payson, Cheves Walling, Paul O'Connor

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**APPOINTMENT OF ALTERNATES:** Kim McCummings for Charles Carroll Richard Isakson for Dr. Gerald Parker Paul O' Connor for David Tower during Robert VanDyke hearings

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**MINUTES OF PREVIOUS MEETINGS:** , David Tower moved to accept the minutes of 5/21/04 Dick Isakson 2<sup>nd</sup>, so voted.

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Citizen Mike Hendricks of 602 RTE 119 addressed the Board regarding a trailer located on a piece of property located at 598 RTE 119 owned by Mr. John Hill. Mr. Hendricks informed the board that although he was aware that Mr. Hill had received a cease and desist letter from code enforcement directing him to remove the trailer, it was still at the location. His family has been woken up at 5:00am by "rustling around" in the trailer as the trailer has been used as a storage container. Katie Duffy instructed Mr. Hendricks that although the Board was concerned with his issues, this matter was beyond their jurisdiction and it needed to be addressed by the Board of Selectmen and Code Enforcement.

**OLD BUSINESS:**

**Growth Management**

Before opening the Public Hearings, the board engaged on further discussion regarding the proposed Growth Management Ordinance. Jo Anne circulated documents to the Board, which included changes to the original document, minor changes to the findings of fact and minor changes to the ordinance its self.. Rindge is the third most densely populated community in the county behind Hindsdale and Keene. Another startling fact is, the number of building lots created by subdivision approval over the past two years as compared to the past 11 years. Regarding the impact on the school, the growth rate on our tax rate, as the gross evaluation of the towns property grows and exceeds our share of the school budget has increased dramatically. Not only has our tax rate increased, but because of the way the state administers its property tax, we get less money back so it is a two prong hit. Our tax rate is increasing much faster than that of Jaffrey. There are also impacts on the town's costs of services including all of the major departments. Cost of waste disposal has gone up 45% in the last couple of years. David Tower again pointed out that local towns have adopted growth ordinances, and The Town of Rindge needs some way of evening out the number of building permits issued. David felt it was important that we do everything possible to bring this issue to the people for a vote during the

primary in September, it is not legal to hold the vote with the general election in November. He felt that with the crisis in the school system, and this issue being of such great concern how, waiting until March for Town Meeting would not be in the town's best interest. In order to have two public hearings within the appropriate time, David Tower made a motion for the board to officially accept the "Findings of Fact" Written by Arthur Fiorelli. Katie Duffy asked if the Planning Board had to adopt the "Findings of Fact" prior to the first public hearing? David Tower said he was not sure that they would have to before the first public hearing. He felt that Board needed to accept the "Finding of Fact" now as a means of moving forward. We would also have to have these documents on file with the town office and the planning office so anyone would be able to read these documents. The law requires only one public meeting but there would still have time to have a second public hearing August 13. and still meet the requirement of five Tuesdays before the vote. Arthur Fiorelli added that this was statistical data, which did not obligate the board to anything. The ordinance its self is in draft form and there is enough time for discussion and revisions if necessary. It is important for people to have the adopted "Finding of Fact" for background information. Katie Duffy asked tonight if what would be adopted was The Finding of Fact and not the Growth Ordinance. Duffy expressed concern that with the Site Plan Regulations and Subdivision Regulations being re-vamped and requiring an extraordinary amount of attention and discussion, that another matter of such gravity might be too much for the board to handle right now. She questioned why this could not wait until March. David Tower said that due to the situation in the schools and the fact that this is an issue that needs to stand alone in discussion, it would not be prudent to wait until Town Meeting to put this to a vote. David Tower reiterated that this problem could not wait. Arthur Fiorelli added that the Growth Ordinance was not to stop growth but to even it out. Cheves Walling asked if we could have this information reviewed by South West Regional Planning Commission. Arthur Fiorelli said that it had been and the data had been reviewed and a "green light" had been given to the data its self. Jo Anne offered her opinion on the scheduling of all of the projects. First, she thought the idea of two public hearings was a good at idea, as it gave plenty of opportunity for the public to come out and voice their opinion. She is not worried about Subdivision and Site Plan Regulations because work on them can be fit in between meetings. It will make for a dense summer but by then most of the work will be done and in the fall, the Board could focus strictly on Zoning and what changes need to be done and what needs to go to Town Meeting. Katie Duffy said that one of the issues she had with that was that Site Plan and Subdivision regulations are normally discussed at public hearings held specific to those issues. To have a public hearing with applicants mixed in with changes to the Regulations will not give the members of the community a good opportunity to be informed about the Site Plan and Subdivision Regulations, because they are usually addressed at their own hearings. Katie Duffy felt that out of fairness to the residents of the Town Zoning, Site Plan and Subdivision should be addressed at the same time. Options of advertising in the newspaper and through the website and direct e-mail were discussed. Katie Duffy added her corrections to "The Findings of Fact". Motion by David Tower For the Planning Board to adopt "The Findings of Fact" Dick Isakson 2<sup>nd</sup> Katie Duffy Opposed James Hoard Opposed David Tower In Favor Kim McCummings In Favor Arthur Fiorelli In Favor Chevez Walling In Favor Dick Isakson In Favor Motion Carried 5-2

David Tower Made a Motion to schedule the first public hearing July 20 Arthur Forelli 2<sup>nd</sup> Motion to post a notice for a public hearing on a Proposed Growth Management Ordinance carried unanimously

Katie Duffy read the letter from Dr. Gerry Parker who supported the idea of a Growth Management Ordinance. Copy of letter is attached.

### **NEW BUSINESS**

David Tower recused himself from the Board during Hearings for Robert Van Dyke Paul O'Connor stands in as alternate.

#### **Application for Earth Removal/Excavation Woodbound Road Robert Van Dyke, Map 11 Lot 1**

Mr. Robert Van Dyke, Mr. Rick Kholmorgan and Attorney James Callahan Mr. Van Dyke previously met with the Board regarding excavating a gravel pit on Woodbound Rd. Mr. Van Dyke brought in a plan of the area. His intention is to excavate in phase over a three to five year period, with the restoration of each acre before moving on to the next excavation site. Mr Van Dyke was asked to return with details of reclamation of excavated areas. A more detailed plan showing lot lines and topography, and a more detailed drainage calculations. This application is continued to July 20, 2004.

#### **Site plan Review-Taggart Meadow Townhouse Condominiums Robert Van Dyke, Map 50 Lot 46 and 47**

Katie Duffy opened the hearing and again stated that The Planning Board had no jurisdiction to address violations. Town Council has advised The Planning Board that The Code Enforcement Officer and the Board of Selectmen must address these alleged violations. Until these violations can be resolved, the planning board cannot make any decisions regarding this site plan until the violations are resolved. Katie Duffy stated that this matter is continued until there is a conclusion to the violation. Attorney James Callahan asked that the board listen to a part of the plan as he believed it not to be included in the alleged-violations. Jo Anne said she had visited the site in question and that indeed it was an area considered to be in violation. Katie polled the board for their opinion. The Board voted unanimously that this matter be continued. It is important to note that the Planning Board will make no decisions regarding this site plan until the violations are resolved. No motion to accept or approve the plan was made. Arthur Fiorelli added that the Planning Board should not be taking a site walk until the selectmen do. Presently there is a site walk scheduled for August 3, 2004 at 6:00pm.

David Tower Re-joins the Planning Board

#### **Public Hearing-Site Plan Review Alpine Automotive Ron Pederson, Map, 10 Lot 29-1-2**

Ron Pederson of Alpine Automotive intends to make an 28'X40' addition to an existing building at his car dealership. The intended use is for additional office space and a possible show room. The building will be in a barn red color with vinyl siding clapboards. Mr. Pederson also agreed

to use a decorative vent on the front of the building. There will be no change in signage or lighting. Jo Anne informed the board that she received a call from an abutter who could not attend the meeting expressing concern about contaminants polluting local wells and surface wells. Mr. Pederson replied that no oil changes or work of that nature is performed out side. It is all done in the garage and the waste product is stored until it is removed off site.

Richard Isakson moved to accept the Site Plan, Arthur Fiorelli 2<sup>nd</sup> motion carried unanimously. Motion to approve the plan was made by Chevez Walling and James Hoard 2<sup>nd</sup> the plan was unanimously approved with the following conditions;

- ◆ Place the location of existing lighting on the plan.
- ◆ Note on the plan that there will be no more than 75 vehicles for sale at one time.

### **Public Hearing-Site Plan Review, Amendment**

#### **Tim Halliday, Route 202, South Main St. Map, 3 Lot 4-7**

Tim Halliday came to address the board to amend his site plan and address some of the violations he has received. Mr. Halliday first told the board that the plan was he was presenting was an “as built” plan to demonstrate the current conditions of the site. Katie Duffy compared Mr. Halliday’s “as built plan with the original approved site plan to demonstrate the differences that had evolved over time. Dave Tower noted that there was an existing access where buffer was required on the original plan. Mr. Halliday responded that the buffer was planted but he and his trucks began using it as a driveway a year later. Mr. Halliday addressed the zoning violation of property on 202 which he had applied for a variance from the ZBA for and been denied. He has since filed for an appeal. Mr. Halliday believes this property to be in the Business Light Industry Zone and not Residential. Art Fiorelli noticed that the map Mr. Halliday brought before the Planning Board was incorrectly labeled with the Business Light Industry Zone on the area in violation by Mr. Halliday in anticipation of his belief he will prevailing in his case. Mr. Halliday has not heard if the ZBA will hear his appeal yet, so the board can take no action on this plan until the violation is resolved. The case is continued to September 7th

### **Franklin Pierce College**

#### **Ball Field Tree Cutting Violation**

Bruce Kirsch of Franklin Pierce College, Keff Kevan of TF Moran, Eric Leonardson of AJ Contracting present. Jeff Kevan of TF Moran displayed an amended plan to the board showing an access road in the correct location. The approved plan mistakenly, had the road in an incorrect location. Jeff located on the map the areas of the excess tree cutting, which were 20x30 area just south of the access road, another area that is about 700sq ft. He described the cutting as minor. Some trees were knocked down and it was necessary to take some additional trees down that were dead. Upon notification of the problem silt fencing and construction fencing was put up. Dave Tower asked if silt fencing and construction fencing was put up prior to cutting. He said no it had not. They had survey flagged the clearing limits. Dave then asked if it was the survey area that was the problem or the failure to define the limit of the work area that contributed to the problem ? Jeff said that was speculating and not necessarily either. Jo Anne added at the pre construction meeting prior to the wetlands permit being issued. There was orange construction fencing at that time going across the field showing the workers that they were not supposed to go into the wetlands. The day before or the day the wetlands permit came in the fencing came down and that was when the tree cutting began. Jo Anne called Jeff to inform them that they had to set limitation of the work is. Arthur Fiorelli asked if they removed

stumps within 50feet of the wetlands and Jeff said yes, but that it was not a large number of trees. Jeff stated what action was currently being taken was to stabilize the site immediately and listen to what Monadnock Conservancy has to say. They are open to whatever they suggest. At this point no permits appear to be effected by this. Katie Duffy stated that the Planning Boards roll in this issue is to have a cease and desist in that work area, a new survey map with the correct road and the correct Conservation area delineated. Katie Duffy said Board needs letters from DES and Site Specific stating that permits are not effected by this. Jo Anne added it would be helpful if Conservation areas on both sites should be delineated and show where those trees were and what the current conditions are. Richard Mellor Said that he would like to see an overlay of both plans to see exactly the difference. The really dramatic difference was that the road wasn't where we thought it was. The Board of Selectmen and Code Enforcement are going to be the ones who are going to address the violation and decide on what the appropriate restitution will be. Katie Duffy asked if there were any other changes to this plan beside the location of the road, a notification from DES and Site Specific. There was a motion to accept the amended site plan by Katie Duffy James Hoard 2<sup>nd</sup> Approval is continued to 7/13 to allow Jo Anne an opportunity to review the plan.

Cheves Walling Motioned to adjourn Katie Duffy 2<sup>nd</sup>

**Meeting Adjourned 10:35pm**

**NEXT MEETING**

**Work Meeting**

**July 13, 2004**

Respectfully submitted,

Robyn Payson