

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
July 8, 2008**

DATE: July 8, 2008 TYPE: Zoning Public Hearing DATE APPROVED:08/05/08

TIME: 7:00PM-11:05PM CHAIR: Kim McCummings

CALL TO ORDER: 7:00PM

ROLL CALL MEMBERS: Kim McCummings, Deb Sawyer, Kirk Stenersen, Rick Godin
Roberta Oeser

ROLL CALL ALTERNATES: Art Fiorelli, Scott Brown, Shirley Carney Robyn Payson

EX OFFICIO: Burt Goodrich

PLANNING DIRECTOR: Jane Pitt

PLANNING ASSISTANT: Robyn Payson

APPOINTMENT OF ALTERNATES Art Fiorelli for Dave Tower

Kim opened the hearing and described the hearing procedure for the evening.

Gateway Central

The article reads:

“Amend the Zoning Map by creating a new Gateway Central District and amend the Zoning Ordinance by adopting the new Article X, Gateway Central District, allowing for coordinated mixed use development (business, commercial, retail and multi-family uses).”

Jane presented the Gateway Central Ordinance. No one residing in the existing Zones will lose any uses. They will in fact gain uses with the addition of mixed use residential development being allowed.

Judy Cypret of Sears Drive wanted to know why the Gateway district stopped at Hunt Hill Rd and not continue down RTE 202.

Jane said that the South 202 area was considered by the Zoning Subcommittee when discussion began but because there was a lot of opposition to the prior Gateway that was proposed a year or so ago by the property owners. The Subcommittee decided to focus on the other two areas and do more homework on that southern corridor. There will be more study and possibly something may be ready for Town Meeting in March.

Judy Cypret said that the big objection to the Gateway in the last election was the loss of some uses not to the idea of a Gateway District.

Jane said the Gateway concept does not include heavy industrial uses. Those uses are allowed in the Business Light Industry District. If the southern part of 202 was included in the Gateway, the property owners would have lost uses.

Judy Cypret asked why single family homes were being allowed at all in the Gateway District.

Roberta said it was because there are two lots, with single family homes that are currently in existence. This makes a previously non conforming use, conforming.

Kirk Stenersen made the motion:

I move that the Planning Board approve the final form of this amendment to the Zoning Map creating a new Gateway Central District and the final form of this amendment to the Zoning Ordinance adopting the new Article X, Gateway Central District and that the same be presented to the voters at the Special Town Meeting on September 9, 2008.

Art Fiorelli seconded the motion. The motion carried unanimously.

Gateway East

The article reads:

“Amend the Zoning Map by creating a new Gateway East District and amend the Zoning Ordinance by adopting the new Article XI, Gateway East District, allowing for coordinated mixed use development (business, commercial, retail and multi-family uses).”

Jane gave a brief overview of the Gateway East District, reads the same as the Gateway Central District Ordinance.

Gateway East is located in the former Commercial District along RTE 119.

Burt Goodrich made the motion:

I move that the Planning Board approve the final form of this amendment to the Zoning Map by creating a new Gateway East District and the final form of this amendment to the Zoning Ordinance adopting the new Article XI, Gateway East District and that the same be presented to the voters at the Special Town Meeting on September 9, 2008.

Roberta Oeser seconded the motion, the motion carried unanimously.

Sally Collins re-zoning request

Tax Parcel Map 10 Lot 39

The article reads:

“Amend the Zoning Map by removing Tax Parcel 10-39 (67-69 County Road) from the Commercial Zoning District and placing it in the Residential Zoning District.”

Jane gave a brief description of the article.

Kirk Stenersen made the motion:

I move that the Planning Board approve the final form of this amendment to the Zoning Map removing Tax Parcel 10-39 (67-69 County Road) from the Commercial Zoning District and placing it in the Residential Zoning District and that the same be presented to the voters at the Special Town Meeting on September 9, 2008.

Roberta Oeser seconded the motion. The motion carried unanimously.

GMO amendment

The article reads:

Amend the existing Growth Management Ordinance to add new sections addressing the applicability of the Growth Management Ordinance to multi-unit dwellings; restore the exemption for College Housing; clarify how Growth Management Ordinance permits are granted and counted for multi-unit dwellings

Kim reviewed the warrant article.

Jean Cargulo asked what GMO permit was.

Art explained how the GMO permits as they apply to multi unit structures.

Kirk Stenersen asked how he could build a 10 unit building under the current GMO without the amendment.

Jane said he couldn't get 10 building permits under the current GMO.

Jean Cargulo asked if it was possible that building could be stopped because all the building permits were taken in advance because of multi unit building.

No, because there are always permits reserved for small Subdivisions and Single lots of record.

Les Cypret said he didn't think Elderly housing impacted the infrastructure the town was concerned about. Elderly housing will not impact the school and maybe that is the type of housing that should be encouraged.

Kim said that different types of housing have different impacts. Elderly housing has more of an impact on Life and Safety services.

Eric Fisk of Middle Winchendon asked if there was a lot of pressure to build ten unit structures.

Kim said that there was a need for that type of housing in town and we need to prepare for it when it comes along.

Art Fiorelli made a motion to amend the GMO section D3 to conform to include the updated definitions of "Dwelling Unit" and "Multi Dwelling Unit".

Rick Godin seconded the motion. The motion carried unanimously

Art Fiorelli made the motion:

I move that the Planning Board approve the final form of this amendment to the existing Growth Management Ordinance and that the same be presented to the voters at the Special Town Meeting on September 9, 2008.

Deb Sawyer seconded the motion. The motion carried with Roberta Oeser voting No.

Dwelling unit and Dwelling Multi-unit

Amend Article XVII (11) of the Zoning Ordinance by deleting it in its entirety and replacing it with the following: "Dwelling Unit: One (1) or more rooms, including cooking facilities and sanitary facilities in a structure, designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes."

Amend Article XVII (14) of the Zoning Ordinance by deleting it in its entirety and replacing it with the following: "Dwelling, Multi-Unit: Any building or structure containing more than two (2) dwelling units."

Ray Rodriguez of Pine Terrace said that there was a need for work force housing that would be allowed on his property for agricultural purposes.

Roberta Oeser said that these articles were changes to definitions and the Board of Selectmen have appointed a Work Force Housing Committee too address work force housing needs in the town. The Selectman has requested that something addressing work force housing be ready to be put on the ballot in March.

Phil Stenersen asked for a definition of a "family".

Following discussion by the Board the word "family" was removed from the definitions.

Roberta made a motion to amend the article to read as follows:

Amend Article XVII (11) of the Zoning Ordinance by deleting the existing definition of "Dwelling Unit" in its entirety and replacing it with the following: "Dwelling Unit: One (1) or more rooms, including cooking facilities and sanitary facilities in a structure, designed as a single unit for occupancy and for living and sleeping purposes.

Kirk Stenersen seconded the motion. The motion carried unanimously.

Kirk Stenersen made the motion:

I move that the Planning Board approve the final form of this amendment to Article XVII (11) of the Zoning Ordinance by deleting the existing definition of "Dwelling Unit" in its entirety and replacing it with the following: "Dwelling Unit: One (1) or more rooms, including cooking facilities and sanitary facilities in a structure, designed as a single unit for occupancy and for living and sleeping purposes and that the same be presented to the voters at the Special Town Meeting on September 9, 2008.

Burt Goodrich seconded the motion. The motion carried unanimously.

Roberta Oeser made the motion:

I move that the Planning Board approve the final form of this amendment as amended to Article XVII (14) of the Zoning Ordinance by deleting the existing definition of "Dwelling, Multi-Unit" in its entirety and replacing it with the following: "Dwelling, Multi-Unit: Any building or

structure containing more than two (2) dwelling units purposes and that the same be presented to the voters at the Special Town Meeting on September 9, 2008.

Rick Godin seconded the motion. The motion carried unanimously.

Agriculture,

Amend Article III of the Zoning Ordinance by adding Paragraph Q as follows:

"Q. Agricultural uses of land: In accordance RSA 672:1, III-d, whenever agricultural activities are not explicitly addressed with respect to any zoning district or location, they shall be deemed to be permitted there, as either a primary use or an accessory use, so long as they are conducted in accordance with Best Management Practices as adopted by the Commissioner of Agriculture, Markets and Food and in accordance with Federal and State laws, rules and regulations."

Kim introduced the warrant article, which is adding the language from the State Statute into the Zoning Ordinance. Agricultural use is not listed as permitted in the Residential Zone giving the appearance that that it is not allowed. This article clarifies that agricultural uses are allowed in all districts.

Tim Halliday asked if this is allowed by State Statute, why does it need to be in the Zoning Ordinance.

Ray Rodriguez Pine Terr –It's very important that this information is in the Ordinances so people know they have the right to do this. It is our responsibility to tell people they have the right to raise a couple of turkeys for Thanksgiving or chickens or have some pigs out back. It should be encouraged and not hidden away somewhere. It needs to be put somewhere that every day people can learn about it.

Jane Pitt said most people look to the Town Zoning Regulations for what is allowed and would not necessarily go to the State Statute. This makes sure the people are informed of their right to farm.

Phil Stenersen said that Cathedral Estates has covenants that do not allow farm animals. He assumed that this would not supersede those covenants.

Roberta said those were deed restrictions and she was sure more subdivisions would put them in there because of this.

Kim said there are Subdivisions across the country that agriculture is the focus and they attract people who are interested in a large community garden or farm animals. That might be a selling point for someone who wants to develop that kind of Subdivision.

Jackie Poultry Pine Terr-asked if her animals could be taken away from her if someone felt they were a "nuisance".

Jane-said that was not a Zoning Issue.

Deb Sawyer made the motion:

I move that the Planning Board approve the final form of this amendment to Article III of the Zoning Ordinance by adding Paragraph Q as follows: "Q. Agricultural uses of land: In

accordance RSA 672:1, III-d, whenever agricultural activities are not explicitly addressed with respect to any zoning district or location, they shall be deemed to be permitted there, as either a primary use or an accessory use, so long as they are conducted in accordance with Best Management Practices as adopted by the Commissioner of Agriculture, Markets and Food and in accordance with Federal and State laws, rules and regulations and that the same be presented to the voters at the Special Town Meeting on September 9, 2008.

Kirk Stenersen seconded the motion. The motion carried unanimously.

Wetlands Ordinance

Amend the Rindge Wetlands Conservation District Ordinance to clarify the limits/boundary of the Wetlands Conservation District; expand the purposes of the Ordinance; amend and clarify the Permitted Uses; amend and clarify the Prohibited Uses; add provisions for uses permitted by Special Exception; amend and clarify Restricted Uses; amend and clarify the application procedure; amend and clarify certain definitions and add definitions.

Rick Godin who is Chairman of the Wetlands Subcommittee gave an overview of the changes to the Ordinance. These are changes that were intended to remove ambiguity in the Ordinance and address issues expressed by Town Counsel.

Kim stepped out and appointed Roberta as chair.

Phil Stenersen-Rand Rd attended the subcommittee meetings and proposed changing the “Prohibited Uses” “Restricted Uses”. The town would still have oversight through Special Exception. Prohibiting the use requires individuals to get a variance. He was also in favor of using the state standards and not being more stringent.

Kim came back and Roberta stepped down as chair.

Tim Halliday-said he was in favor of mirroring the State but not being more stringent.

Judy Cypret of Sears Drive-asked why our Ordinances are so different from the State.

Art Fiorelli-The state has no regulations or control over setback of impervious surface to wetland. For Septic Systems, the minimum is 75ft there is no reason to change the 100ft existing in our Ordinance.

Charlie Eicher-said we need to protect our wetlands to protect our source for drinking water.

Kirk Stenersen-wanted to point out that the state does have a setback from surface water like Lake Monomonac but not vegetated wetlands. They don't have a setback to poorly drained soils.

Following further discussion, corrections were made to the proposed article which makes a second hearing necessary. The second hearing on the Wetlands Ordinance will be held Tuesday, July 22, at the Selectman's Meeting Room.

Kirk made a motion to delete from “Prohibited Uses” and re-number the section.

- D. No dredging, filling, draining or otherwise altering the surface configuration of Surface Waters, Vegetated Wetlands, or lands within the Wetlands Conservation District shall be permitted unless a Special Exception is granted by the Zoning Board of Adjustment in accordance with Section 6 of this Ordinance.

Roberta Oeser seconded the motion. The motion carried unanimously.

Roberta made the motion to make the corrections and post the changes for public hearing on July 22, at 7:00pm in the Selectmen's Meeting Room. Rick Godin seconded the motion. The motion carried unanimously.

Sign Ordinance

Rescind the existing Sign Ordinance and adopt a new Sign Ordinance in its place. The new Sign Ordinance regulates signs according to zoning district; clarifies existing definitions and adds new definitions; provides for updates to dimensional regulations; adds Master Plan provisions for multiple buildings and/or businesses and adds illumination standards.

Roberta Oeser- Chair of the Subcommittee presented the new Sign Ordinance.

Les Cypret-said expecting a business man going to a lighting engineer is ridiculous. You create a safety hazard if you have signs that you can't read because you can't see them. 90% of the signs in the town are internally lit. To not recognize that and allow it in this ordinance is ridiculous.

Roberta said you didn't have to get an engineer. You can send the sign size to one of the people on the list in the Ordinance and they will provide the design for free.

Kirk said he called one of the numbers and has had success so far.

Les Cypret said it has become too complicated and it seems totally unnecessary.

Judy Cypret said as they have been traveling and she has been noticing signs. She has big problems with saying every sign has to be down lit. Franklin Pierce College has an up lit sign. Business people are going to want to do this and they are going to find out that business people and regular people are not allowed to do the same things the college is allowed to do. Some down lit signs are awful looking. I am trying to think of the people on the board who have a half a million to a million dollars besides Mr. Stenersen invested in a business who have to go through all of this. We are hoping to attract services to our town so we don't have to drive to Nashua or Keene because people can't afford gas. I thought this was Rindge New Hampshire I didn't know we were in Cambridge. I don't want to hurt the town or the environment but all this on signs is too much.

Roberta said up lighting may be appropriate in some instances, but in most of the towns that we reviewed their Sign Ordinances, the light fixture cannot be visible. It has to be hidden so you can't see it. Some of the down lit signs are a problem but this is a compromise.

Jackie Poultry Pine Terr-asked about signs in the Residential Agricultural. She wanted to know why a church could have a 16sq ft sign and she could only have a 4sqft. She also asked about off premises signs. She says she has an Animal Rescue at her home.

Roberta said because speed limits are low in the Residential and Residential Agricultural District and a large sign is not necessary, and off premises signs are not allowed at all.

Art Fiorelli recused himself from the discussion.

Candice Starrett did not agree with prohibiting off premises directional Real Estate Signs and submitted language to address regulating them. She said they were necessary in directing clients to homes that were for sale. She also brought in one of her signs to demonstrate a possible standard.

Kirk Stenersen said that it was understandable that these signs would be important for Real Estate Agents and Brokers.

Roberta said it is an off premises business directional sign, if we allow it for Real Estate we have to allow it for all businesses.

Real Estate signs have always had their own little niche but it is unfair to other businesses. You are making an exception for Real Estate that you aren't making for anybody else.

Roberta went on to say that as a Real Estate Broker she was against them and that they were against the concept of the Master Plan to have four Real Estate Directional signs on one corner. No one can say that is attractive, its clutter.

Burt Goodrich said that the Sign Subcommittee has really tried and gone to great lengths on the rewrite of this Ordinance. We are probably not going to take care of 100% of the situations but this rewrite goes a long way toward that end. He went on to say he would like to see this go forward to the voters and the work can continue to go on.

Following further discussion about Real Estate Signs, Roberta made the motion:

I move that the Planning Board approve the final form of this new Sign Ordinance to replace the existing Sign Ordinance and that the same be presented to the voters at the Special Town Meeting on September 9, 2008.

Deb Sawyer seconded the motion. The motion carried unanimously.

Housekeeping article

Kim described article #7 which is the Housekeeping Article which is:

Amend the Zoning Ordinance, Sign Ordinance, Wetlands Conservation District Ordinance and Growth Management Ordinance in order to renumber and reorder sections and paragraphs in the Ordinances, correct cross references and make typographical corrections and clerical revisions as necessary

There was no public comment.

Rick Godin made the motion:

I move to approve amending the Zoning Ordinance, Sign Ordinance, Wetlands Conservation District Ordinance and Growth Management Ordinance in order to renumber and reorder sections and paragraphs in these Ordinances, correct cross references and make typographical corrections and clerical revisions as necessary and that the same be presented to the voters at the Special Town Meeting on September 9, 2008.

Burt Goodrich seconded the motion. The motion carried unanimously.

Second Public Hearing

Kirk Stenersen made a motion that the second public hearing on July 22, will address the following issues:

Changes to the Wetlands Ordinance, the Growth Management Ordinance and the updates to the definitions of Dwelling unit and Dwelling Multi-unit.

Roberta Oeser seconded the motion. The motion carried unanimously

Meeting Adjourned 11:05 PM

NEXT MEETING

July 22, 2008

Respectfully submitted,

Robyn Payson