



RINDGE BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD
RINDGE, NH 03461
Tel. (603) 899-5181 X100 Fax (603) 899-2101 TDD 1-800-735-2964
www.town.rindge.nh.us

MEETING MINUTES: February 26, 2013 Approved 4/23/2013

Regular members: Janet Goodrich (Chair), Dave Drouin (Vice Chair), Marcia Breckenridge, Bill Thomas, Phil Stenersen
Alternates: Joe Hill, Rick Sirvint, Forbes Farmer
Absent: Phil Stenersen, Bill Thomas
Recusals: None
ZBA Clerk..... Susan Hoyland

The meeting convened at 7:00pm with the Pledge of Allegiance.

Roll Call was taken: Forbes Farmer, Rick Sirvint, David Drouin, Janet Goodrich, Marcia Breckenridge, Susan Hoyland, Joe Hill.

Summary by Janet Goodrich (Chair): For those who have not attended or appeared before the ZBA, there are only five voting members. The alternates participate in the testimony phase and can ask questions as can anyone from the audience. However, once the testimony is closed, only 5 voting members will participate in the deliberations and decisions. When a regular member is either absent or recuses, the Chairman appoints one of the alternates to sit on the case. As our signage shows, members have red signs, alternates have blue signs. Once testimony is closed and deliberations begin, those members or alternates sitting on a case will leave their signs up, and those not sitting will turn their signs down.

Susan Hoyland (ZBA clerk) announced that the Notice of Public Hearing for Case #1051 was posted at the Town Hall, Police Station, Fire Station, Library, Transfer Station, Post Office, and published in the Monadnock Ledger-Transcript.

Janet Goodrich: This evening Phil Stenersen is not present and Forbes Farmer is the alternate who will be sitting in his place. Bill Thomas is not present and Rick Sirvint will be sitting in his place.

Sitting on this case were: David Drouin, Marcia Breckenridge, Janet Goodrich, Forbes Farmer and Rick Sirvint.

Janet Goodrich: The case before the board is Case #1051.
Joe Hill read the case:

Case # 1051: Matthew Olson, Nathan Olson Family Trust of 1999, P. O. Box 283, Rindge, NH 03461, property at 22 Lord Hill Rd, Map 6, Lot 90-3 application for a Special Exception, Rindge Zoning Ordinance Article XV, Section B and Article I, #13 Accessory Dwelling Unit Ordinance.

Forbes Farmer summarized the ADU ordinance which outlined 13 Requirements/Limitations. (see Town of Rindge Accessory Dwelling Unit Ordinance, adopted March 14, 2006)

Matthew Olson: I am presenting this case before the board on behalf of my father, Nathan Olson.



RINDGE BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD
RINDGE, NH 03461
Tel. (603) 899-5181 X100 Fax (603) 899-2101 TDD 1-800-735-2964
www.town.rindge.nh.us

We would like to apply for a Special Exception for an accessory dwelling unit at 22 Lord Hill Road in Rindge. This would be constructed in the basement of an existing single family home.

Janet Goodrich: One of the requirements of this Special Exception is that the owner will reside within the home. Will your Dad be residing here?

Nathan Olson: Yes

Joe Hill: Will anyone else be living in either unit?

Nathan Olson: My Dad and Mom will be living there. If they are granted the ADU unit, then we will have the option that they could either live in the main house or in the accessory unit and a family member or perhaps someone else, could live in the other.

Marcia Breckenridge: Would this be a rental unit?

Nathan Olson: It would most likely be a family member, but we are not sure at this point in time.

David Drouin: The ordinance is pretty non-specific as to who may live in this unit. The ordinance says "...to accommodate family members or non-related people of a permitted, owner occupied, single family dwelling..." So, this is a little different from what we've seen. The owners may stay in the main house or maybe go to the ADU.

Marcia Breckenridge: This case is a bit different. Traditionally, we're being asked to approve a 'mother-in-law apartment'. However, the ordinance says it is fine for non-related persons.

Matthew Olson: There is no specific plan at this time. We wanted to have this approved now so that they could make that decision in the future.

Marcia Breckenridge: So, you are being proactive.

Matthew Olson: Yes

Rick Sirvint: Can ADU's be a rental?

Dave Duvernay: Yes, they can.

Marcia Breckenridge: But the home or ADU must be owner occupied?

David Drouin: On either side. Either the main home or the ADU can be owner occupied?

Dave Duvernay: Yes

Rick Sirvint: Can you show me the two means of egress from the proposed ADU?



RINDGE BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD
RINDGE, NH 03461
Tel. (603) 899-5181 X100 Fax (603) 899-2101 TDD 1-800-735-2964
www.town.rindge.nh.us

Matthew Olson: There is a stairway up to the main house as well as an outside door on the side of the basement entrance. *Matthew showed the Board this on the provided plans.*

David Drouin: Is this a split level?

Matthew Olson: It is a ranch.

David Drouin: Is the garage level the same as the ADU level?

Matthew Olson: Yes, there are a few steps, but otherwise, it is the same level. The basement level today is completely finished. He is living in the basement area today. The upstairs is still a shell and is not yet finished.

Forbes Farmer: The owner of this property is the Nathan Olson Family Trust of 1999. Matthew is the son and is applying for this. Is that okay?

Marcia Breckenridge: Matthew, you are just representing your father tonight?

Matthew Olson: Yes.

Forbes Farmer: But did you not fill out the application? It is signed by you.

Matthew Olson: I filled out the application with assistance, for my father.

Susan Hoyland, clerk: If you look on page six of the application, you will see that Nathan Olson has signed as the Owner and one page one, Matthew Olson has signed the application as Applicant.

David Drouin: It looks as if both driveways are existing now, so there will be no change to that?

Matthew Olson: Yes, that is correct.

David Drouin: There will be no additions to the exterior of the home.

Janet Goodrich: The owner of the property will reside within it so that meets the fourth requirements.

Dave Duvernay: He has given you a septic approval as well.

Marcia Breckenridge: In terms of the fire department checking the alarms and egresses, that is not our concern tonight?

Dave Duvernay: No, that will be part of the building permit process and is one of the conditions/requirements.

Janet Goodrich: You just sneaked under the 25 % area requirement.



RINDGE BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD
RINDGE, NH 03461
Tel. (603) 899-5181 X100 Fax (603) 899-2101 TDD 1-800-735-2964
www.town.rindge.nh.us

Matthew Olson: Yes, we actually had to redo it when Dave Duvernay found an arithmetical error. This is my second application to fix that.

Janet Goodrich: Is there any additional information anyone would like to add?

David Drouin: I don't know if I've ever seen this many neighborhood endorsement letters. This application is very complete.

MOTION: Marcia Breckenridge moved to go to Deliberative Session and the Decision Tree. Rick Sirvint seconded the motion. Vote was unanimous.

Janet Goodrich: At this point, we need to meet a series of criteria which you have responded to in your application.

David Drouin: Could we provide the applicant with a copy of the Decision Tree?

Susan Hoyland, Clerk, provided Matthew Olson with a copy of the Decision Tree for a Special Exception.

DECISION TREE FOR Special Exception Application.

1. The Board finds that the use will not create excessive traffic, congestion, noise or odors.

On these issues, the applicant provided evidence that with just two vehicles, there will not be any excessive traffic. Congestion, noise and odors do not apply to this.

VOTE: (YES) Unanimous

2. The proposed use will not reduce the value of surrounding properties.

On this issue, the applicant provided evidence that, due to no exterior changes, there will be no effect to surrounding properties.

VOTE: (YES) Unanimous

3. There is adequate sewage and water facilities and sufficient off street parking provided by the applicant.

On these issues, the applicant provided evidence that the water and sewage system is more than adequate (as the septic system is approved for four bedrooms, and there will be only three bedrooms) and there are four parking spaces already there.

VOTE: (YES) Unanimous



RINDGE BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD
RINDGE, NH 03461
Tel. (603) 899-5181 X100 Fax (603) 899-2101 TDD 1-800-735-2964
www.town.rindge.nh.us

4. The proposed use will preserve the attractiveness of the Town.

On this issue, the applicant and others provided evidence that due to no exterior changes, and rural setting, there will be no effect to the attractiveness of the Town.

VOTE: (YES) Unanimous

MOTION: David Drouin moved that the Special Exception for an ADU for the Olson Family Trust of 1999 be granted because all four criteria have been met. Marcia Breckenridge seconded the motion.

The Board of Adjustment **APPROVES** an application for Special Exception:

VOTE: (YES) Unanimous

David Drouin: You have a 30 day appeal process when this decision could be opposed. . If you proceed, proceed at your own risk.

Matthew Olson: Do I get paperwork from you?

Dave Duvernay: You will get a copy of the decision and you will need to get a building permit.

Janet Goodrich: And then you will need to comply with the Town's regulations.

Janet Goodrich: Thank you for providing us with such a complete application.

APPROVAL OF MINUTES:

MOTION: Joe Hill moved to accept the minutes of November 27, 2012 as submitted. David Drouin seconded the motion. **Vote: Unanimous**

Reviewers for March 26, 2013 Hearing.

The cutoff date is 4PM on Tuesday March 5, 2013. Reviewers for March will be Forbes Farmer and Joe Hill.

Janet Goodrich: Is there any other business that needs to come before the board this evening?

David Drouin: I have something to say. With elections coming up, I'd like to say that I've enjoyed being on this board. It's been a good three years. I've learned a lot. We have a very good board and I think we disagree well. We are not here for ourselves but because each case deserves a fair shot. We have very good alternates. It is disappointing that, after all the concern about the appointed board, since it is has



RINDGE BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD

RINDGE, NH 03461

Tel. (603) 899-5181 X100 Fax (603) 899-2101 TDD 1-800-735-2964

www.town.rindge.nh.us

become an elected board, we have had only one contested race. I think a lot of people do not want to run, but they do want to serve and there is a difference.

Marcia Breckenridge: To piggyback on David's comment: some of the issues that we have faced have been contentious, have had opinions which were passionate, and yet, we didn't have anyone who was so angry at the board for not having been heard. This speaks to the fact that whether you agree with the Board or not, you were heard. I don't sense that the Town is angry with this Board. I think they realize we are trying to do a good job without coming in with an agenda.

David Drouin: You can't come in with an agenda. I think we've been wrong before, but I think we've been fair. We've been here until 10:00pm or 10:30pm to hear an applicant and we've been more than fair. Joe Hill was on the old board.

Joe Hill: Things were extremely tough in the past. It took a lot of work to change things. We have converted this into a well-oiled board that does a doggone good job. Every regular member and every alternate need to be congratulated.

Janet Goodrich: This is a quasi-judicial board and I think we all take that quite seriously.

Marcia Breckenridge: I think the Decision Tree helps. To have something tangible to go by makes the process fair to all.

Joe Hill: Sometimes during our deliberations, it may sound as if we are going to the right, and yet when we take it to the Decision Tree, we end up going to the left.

Janet Goodrich: One thing I would like to see is for us to consider providing better detail of the evidence in our responses to the decision tree. Even if it means adding an additional phrase to make it more thorough, even if it seems redundant.

David Drouin: One thing that was remanded back to us from the earlier board was a denial that lacked a good explanation.

Janet Goodrich: I do recall that. We have made a point during our dialogue to address and articulate most of the bulleted points in the requirements, and I think we need to do that in the event that a judge looks to our minutes or decisions to determine what took place.

Janet Goodrich: The Hunt Case was a split board and a split audience. We took in the evidence and processed that information. But it is before the court.

David Drouin: I would be curious what the outcome of that court decision is.

Joe Hill: It will probably come back to us at some time.

Rick Sirvint: I would like to add that I agreed to be an alternate on this board for all the reasons that have already been stated.



RINDGE BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD
RINDGE, NH 03461
Tel. (603) 899-5181 X100 Fax (603) 899-2101 TDD 1-800-735-2964
www.town.rindge.nh.us

Joe Hill: This is the last session of this board. We now have elections. If we have no case, then we have no need to meet in March and our present officers continue, until the board reconvenes and elects officers.

Marcia Breckenridge: Would we have a special meeting to elect officers?

Joe Hill: We could, but according to the Rules of Procedure, we don't need to. As I was telling Susan, she will run the meeting until we elect new officers.

Janet Goodrich: I won't be here for the May meeting. I will be away

Forbes Farmer: I have a question about tonight's case. We took his word for it that his father was living there.

Janet Goodrich: It is testimony and during testimony, we assume an applicant is telling the truth.

MOTION: Joe Hill moved to adjourn at 7:45PM Rick Sirvint seconded and all were in favor.

Minutes respectfully submitted by:

Susan Hoyland, Clerk