



## 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: April 22, 2014 Approved: May 15, 2014

Regular members: ..... David Drouin (Chair), Marcia Breckenridge (Vice Chair), Janet Goodrich, Bill Thomas, Phil Stenersen  
Alternates: ..... Joe Hill, Forbes Farmer, Rick Sirvint  
Absent: ..... Janet Goodrich  
Recusals: ..... Phil recuses on Case 1064  
ZBA Clerk..... Susan Hoyland  
Others Present..... Emily Golinsky, Dave Duvernay

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

*The clerk announced where the notice of the Public Hearing was posted. Town office, police station, fire station, library, transfer station, town website, post office, Monadnock Ledger Transcript.*

Rick Sirvint read the case before the board.

*Case #1064: West of the Border, LLC, 1044 NH Route 119, Rindge, NH 03461, Tax Map 7, Lot 16-1-2, in the Gateway East District, for a Variance from Article V Section O and Q and Article VI, Section C.3 and C.5d of the Sign Ordinance to permit Illuminated Canopy Signs, Internally Illuminated Signs, a Free Standing sign greater than 10 feet (22 feet requested) and sign area greater than 64 square feet (133.4 sq. ft. requested- 103.1 square feet Free Standing Pylon Sign plus 30.3 square feet of Canopy sign).*

Joe Hill summarized the relative ordinances.

#### **Article V: Prohibited Signs: Notwithstanding any other provisions of this Ordinance,**

- O. Illuminated Canopy signs.
- Q. Internally illuminated signs including Vending Machine Signs and/or their facades.

#### **Article VI. SIGN REGULATIONS BY ZONING DISTRICT: PERMIT REQUIRED**

##### **C. COMMERCIAL DISTRICT, GATEWAY DISTRICTS AND COMMERCIAL USES IN THE BUSINESS/LIGHT INDUSTRIAL DISTRICT:**



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3. Maximum sign height for a Free Standing sign is either: (1) 10 feet measured from the adjacent ground, or (2) 10 feet higher than the average elevation of the two points on the crown of the adjacent road, each 60° to the side of a perpendicular line running from the sign to the road; whichever is higher.

5. The following signs are allowed with Site Plan Review:

d. A group of more than 3 businesses may have one sign per entrance from a public road or public access road limited to a maximum cumulative area of 32 square feet. For each business in the group an additional 8 square foot of area may be added to the sign with a maximum size limit of 64 square feet for all entrance signs. Individual occupants within a building or collection of buildings may have, in addition, 1 sign with up to 16 square feet of sign surface area per occupant on the exterior of the building and must have a Sign Master Plan for the development before any sign permits are issued. Total signage area for the entire development or cluster shall be calculated at the rate of 0.75 square foot of sign surface area per foot of building frontage.

Sitting on this case will be: David Drouin, Marcia Breckenridge, Bill Thomas, Rick Sirvint to sit for Phil Stenersen, Forbes Farmer to sit for Janet Goodrich.

Dave Duvernay: I think there is an error in the application. I think it should be Article VI, C 3 and C 5A. I sent that in my memo.

*Joe Hill read C5A:*

5. The following signs are allowed with Site Plan Review:

a. A single business, in a single building may have one sign per entrance from a public road or public access road not larger than 32 square feet of sign surface area. If more than one entrance, the total maximum sign surface area of all signs is not to exceed 32 square feet. One additional sign no larger than sixteen (16) square feet is allowed on the building.

David Drouin: Just for clarification: We are looking at Article V, O and Q and Article VI C 3 and C 5a for this variance.

*Chairman Drouin invited Ahmad Mortada to address the Board.*

Ahmad Mortada: We are asking for a variance for West of the Border. In the application are pictures of the type of sign we are requesting. This does not mean it will be Irving or Subway, I think it may be a coffee shop. We do not yet have an agreement. We are going to have a sign for a car wash instead of an ATM. What we are showing in these pictures is the type and size of sign that we want. We have answered the five criteria questions in our application.



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Ahmad Mortada: Gas sales stations are an allowed use in the Gateway East Zoning District. There is a gas station that is approximately 0.3 miles from the proposed West of the Border gas station that has similar signage and lighting to what is being requested. The larger sign and better lighting is in the public interest due to increased visibility. This will allow for more time for making a decision to turn into this site and to provide for safer travel for those on NH Route 119 by allowing a greater time to react to those turning into the site. The Shell station which is 1/3 of a mile from our site has internally illuminated free standing signage and internally illuminated canopy signage similar to what we are asking for. The proposed sign sizes and lighting will not be distracting for vehicular and pedestrian traffic but will allow them to more quickly recognize the type(s) of businesses at West of the Border. The sign lighting will not be intrusive to abutting properties which are substantially commercial and retail in nature. An unnecessary hardship will be placed on West of the Border if the variance is not granted as West of the Border will be at a significant visibility disadvantage to the Shell gas sales station only 0.3 miles down the road. Thank you.

Rick Sirvint: The signs you are requesting will be the same as the Shell. Does anyone know if the Shell was given a variance?

Dave Duvernay: I don't think it is relevant.

David Drouin: I suspect that the signage is grandfathered.

Joe Hill: It has not come up

Rick Sirvint: Were there any accidents near your store?

Ahmad Mortada: I don't know.

Dave Duvernay: The Shell due to its proximity to Cathedral is probably more dangerous as when you see a turn signal, you don't know if they are going to Cathedral or to the Shell.



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Bill Thomas: It is the kind of a place where I would have concerns about people making a left turn. It's a funny stretch of road, it looks dead straight and perfectly clear, but people show up faster than you think.

Dave Duvernay: I would support the application as the signage would give you an opportunity to see far in advance, where you may be going to turn.

Joe Hill: The numbers for price of gas will be internally illuminated, but the sign itself will not be illuminated?

Ahmad Mortada: Same as Shell.

David Drouin: The entire sign is lit.

David Drouin: The total footage is 22 feet above grade.

Ahmad: Same as Shell Station.

David Drouin: The Canopy is going to be square to the road, so I'm assuming there will be three canopy signs; one on each end and one on road side.

Ahmad Mortada: Just one on each side.

Dave Duvernay: We discussed this and I asked for one on each side; one east and one west and eliminate the one facing the road.

Forbes Farmer: You don't reference the other gas station. Is that because they don't have a mini mart?

Ahmad Mortada: They have no other thing than selling gas.

Forbes Farmer: I am wondering about their signs as well.

Ahmad Mortada: We look at who we are competing with. The Shell station is the closest to what we sell. This is how we are looking at it.



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David Drouin: Then, this sign will be in the same location as they are now?

Ahmad Mortada: Yes

David Drouin: And instead of ATM, you'll have carwash and where Subway is, will be the coffee shop?

Dave Duvernay: He doesn't have a contract yet with Irving, it could be someone else.

Ahmad Mortada: We looking at the size itself and what we can put on it.

David Drouin: And the building is being remodeled?

Ahmad Mortada: The building stays the same, we will add a drive through for the coffee shop but the building stays as it is.

Ahmad Mortada: There are no signs on the building itself

Forbes Farmer: This looks as if your sign is a little smaller than Shell?

Ahmad Mortada: It could be a little smaller.

Marcia Breckenridge: You are right; they are both industry standard signs.

Forbes Farmer: There is not a house right across from the Shell station. Are there houses across from this?

David Drouin: This sign from the street, you will be looking at the narrow profile. The current lighting is very bright, that will be changed to downcast so the light pollution, for lack of a better term, will be going down.

Marcia Breckenridge: So this will be an improvement.



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*Chairman Drouin asked for comments from the audience.*

Phil Stenersen: I just wanted to say that the fact that there is more than one business here, a carwash, a convenient store and a gas station is just my guess that may be why he applied the way he did.

**MOTION:** Joe Hill moved to go to deliberative, Marcia Breckenridge seconded the motion. **Vote: 5-0-0**

Ahmad Mortada: Thank you for your time to listen to my case.

Sitting on this case were: David Drouin, Marcia Breckenridge, Bill Thomas, Rick Sirvint and Forbes Farmer

### **DECISION TREE FOR A VARIANCE**

**1. The variance would not be contrary to the public interest because:**

It increases the safety because it gives advance notice of a turn and a business.

Vote: 5-0-0

**2. Granting the variance would do substantial justice because:**

Gas stations are an allowed use and a similar business, very close by, has the same size signs.

Vote: 5-0-0

**3. The variance would be consistent with the spirit and intent of the Rindge Zoning Ordinance because:**

It is an industry standard for an allowed use in the Gateway East District.

Vote: 5-0-0

**4. Granting the variance would not diminish surrounding property values because**

We have no evidence presented to support that and in our opinion it is consistent with other properties in the area.



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Vote: 5-0-0

**5. Special conditions do exist on the property that distinguish it from other properties in the area, such that literal enforcement of the ordinance results in unnecessary hardship.**

This does not apply  
Vote: 5-0-0

**5a. No fair and substantial relationship exists between the general purposes of the Zoning Ordinance provision(s) and the specific application of the provision(s) to the property because:**

This does not apply  
Vote: 5-0-0

AND

**5b. The proposed variance would be a reasonable one because:**

It is similar to an already existing sign in a similar business

Vote: 5-0-0

**MOTION:** Marcia Breckenridge moved to grant the Variance because all five criteria have been met. Rick Sirvint seconded the motion. **Vote: 5-0-0**

The Variance has been GRANTED.  
*Chairman Drouin advised Mr. Mortada of the 30 day appeal period.*

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Forbes Farmer read the case before the board.

**Case #1065:** *Camp Starfish/Emily Golinsky, 1121 Main Street, Lancaster MA 01523 for property located at 12 Camp Monomonac Rd, Tax Map 3, Lot 71 in the Residential District, for a Variance from Article IV, Section A of the Zoning Ordinance to permit 2 shed-style buildings for use as learning spaces for campers; expansion of one cabin to allow for more sleeping space; addition of two cabins to the same village; small bump out on side of existing building to permit one additional sleeping space; creation of emergency egress fire escape stairs with possible bump out of partial side of dining hall to accommodate it, addition of third row of parking spaces at field parking area.*



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Rick Sirvint summarized the relative ordinances.

Rick Sirvint: Article IV, Section A of the Zoning Ordinance is about Uses Permitted. A camp is not listed as a Use Permitted. This is an expansion of a legal non-conforming use which is grandfathered.

Sitting on this case will be: David Drouin, Marcia Breckenridge, Joe Hill for Janet Goodrich, Bill Thomas, Phil Stenersen.

David Drouin: This is quite an ambitious plan. Is this part of any big plan?

Emily Golinsky: The situation for us is that, since 2008, when we purchased the property, we thought we were going to have a commercial mortgage with Citizen's Bank. We bought this property a week before the global financial crash. They were not able to help us at that time and could not fulfill the loan offer that they had made. We have spent the past six years working with the Church, who sold us the property, and just this past month, have finally signed a commercial mortgage with Clinton Savings Bank. And so now, we can actually do what we had hoped to do back in 2008, to fix the things that are falling apart.

Emily Golinsky: Once we realized we could get a commercial mortgage, we reached out for Capital Improvement Grants. Every day, the number of special needs kids seems to be increasing, we have many demands on our space. What we are trying to do is to serve as many kids as we can safely. This process will max out our residential camp cabins, until we come before you to ask to build another village. Given the nature of our camp program, we don't want to grow huge; our kids really flourish in a small intensive environment. This will bring us from 48 to 54 kids and also allow a space for 6 more day campers. This will bring us to 18 day campers. This is actually some of the same grant money that we were using last year. We may look into year round use of facility. You may hear from us within the next year or so on that.

Marcia Breckenridge: Are you telling me that by law, you will reach your capacity?



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Emily Golinsky: Not by law, but by camp philosophy. Technically, we could do more, but we want to keep much of the property as green and wild and open as we can. One of the reasons we are before you today, asking for more sleeping space is primarily because a few years ago, Emergency legislation was put in place which limits female staff from living in male camping units, and male living in female units. Although we have exemptions because we are special needs, we still need to have the ability to spread people out so that only female staff is in female buildings and female staff working in male camping units will have a place to go as well, to change their clothes or sleep. We have more female than male staff at this time. We have more staff than kids.

David Drouin: Do you have building plans?

Emily Golinsky: I have those and larger plans as well if you would like to see them.

David Drouin: Well, this is coming to us piecemeal.

Dave Duvernay: Under the ordinance, they don't have much choice. If next year, they decide to build another building, they have to come back.

Marcia Breckenridge: Who funds all this?

Emily Golinsky: Fully private nonprofit funding. I spend my year fundraising. We use a combination of financial aid from private donors; some school systems will pay, not in New Hampshire; but mostly Massachusetts school systems will pay; Dept. of Mental Health; other health services for kids with autism that require family respite funding. If a parent can pay, great, if not, we look for help. MDS sometimes will pay \$250 toward a \$5000 camp session. We all pitch in and try to put it together.

Rick Sirvint: Do you get New Hampshire State Aid?



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Emily Golinsky: No. We get independent agency money. We are a vendor for the state but it comes through a private funding. We are not special ed, we don't offer academics, we are not a NH SPED organization. We are a summer program with all clinical services.

*Emily showed her building permit drawings to the board which included adding two new cabins, bumping out a wall on one existing cabin and enlarging it for private changing areas and an extra bed for female staff. Extending out a cabin on a hillside to add an overhang and have a space for rainy days She said the biggest project being done is in response to a request from Officer Casey of the Rindge Fire Dept. This will add a second means of egress from the second story area on the dining hall. No one sleeps in this area. The design will add a stairway and increase the space of the dining hall to allow for 4 extra tables of 6 people each. Outdoor parking spaces will be added and two trees will be taken down.*

Emily Golinsky: We are absolutely looking into year round use of this property in the future. To pay a twelve month mortgage and to have a three month business is poor planning. We are looking at a future use toward the Crescent Beach side of things. We are looking for a dorm style building to use in November.

Phil Stenersen: To put this into perspective, if she doubled the staff and kids she is talking about right now, she would have approximately 3 maybe 4 people per acre. This property is definitely underused.

Emily Golinsky: One of the things we are really excited about is all the work that was done for the islands. The little group of islands has been trespassed upon by party barging. That area will now be restricted. We are very excited about being able to take our kids out to that side of camp. The Police and the Marine Patrol will help to stop the drinking and partying that has taken place.

David Drouin: Physically, there are no conflicts here with setbacks.

Emily Golinsky: Nothing here is visible to the public, the number of kids we will be adding is inconsequential, we only have two drop off days, perhaps four more cars, and nothing we are doing will increase traffic on Monomonac.

Dave Duvernay: Do you continue to have an agreement with the Rec Dept.?



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Emily Golinsky: Yes, they continue to use that side of the camp.

David Drouin: That's a nice arrangement and a very generous arrangement.

Emily Golinsky: That is our pleasure.

**MOTION:** Bill Thomas moved to go to deliberative session. Joe Hill seconded the motion. **Vote: 5-0-0**

Sitting on this case were Joe Hill, Marcia Breckenridge, David Drouin, Phil Stenersen and Bill Thomas.

### DECISION TREE FOR A VARIANCE

**1. The variance would not be contrary to the public interest because:**

The expansion would not be visible to the public

**Vote: 5-0-0**

**2. Granting the variance would do substantial justice because:**

It is addressing special needs students. There is no gain to the public and only a loss by denying this.

**Vote: 5-0-0**

**3. The variance would be consistent with the spirit and intent of the Rindge Zoning Ordinance because:**

It promotes health, safety and welfare of special needs children

**Vote: 5-0-0**

**4. Granting the variance would not diminish surrounding property values because**

There is no impact on surrounding properties and no evidence to dispute that.

**Vote: 5-0-0**



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5. Special conditions do exist on the property that distinguish it from other properties in the area, such that literal enforcement of the ordinance results in unnecessary hardship.

It's a large block of property in an area of small properties set up for semipublic use.

**Vote: 5-0-0**

5a. No fair and substantial relationship exists between the general purposes of the Zoning Ordinance provision(s) and the specific application of the provision(s) to the property because:

This does not apply.

**Vote: 5-0-0**

AND

5b. The proposed variance would be a reasonable one because:

It is in keeping with the existing use and is a minor expansion.

**Vote: 5-0-0**

**MOTION:** Joe Hill moved to grant the Variance because all five criteria have been met. Phil Stenersen seconded the motion. **Vote: 5-0-0**

**The Variance has been GRANTED**

*Chairman Drouin advised Emily Golinsky of the 30 day appeal period.*

Emily Golinsky: I'd like to ask a question with regard to a site plan. There was some conversation last year, about an ongoing variance, if I could supply a site plan.

David Drouin: Because you are a non-conforming use, every change would require a variance. But if you had a Master Plan, and went through the Planning Board, and they approved it, you would need a variance, but it would cover everything in that Master Plan which may take you about 5-10 years to do.

Emily Golinsky: So we could get that one variance.



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David Drouin: As long as you stuck to that Master Plan.

Approval of the March 25, 2014 minutes.

**MOTION:** Joe Hill moved to approve the minutes of March 25, 2014. Marcia Breckenridge seconded the motion. **Vote: 5-0-0**

Joe Hill: I would like to add my own personal comment. Although this was a very long set of minutes, I think it was extremely important that everything that was brought up, especially at the end of the meeting by our Chairman, was in these minutes.

Pick reviewers for May Hearing. Cutoff date is Tuesday May 6, 2014 for meeting on May 27, 2014 Joe Hill, Forbes Farmer will review for May.

Bill Thomas will miss the May meeting. Janet Goodrich will be back for the May meeting.

### Review of Application fees

*Susan Hoyland provided Board members with last year's ZBA expenses.*

**MOTION:** Phil Stenersen moved to keep application fees the same. Bill Thomas seconded the motion. **Vote: 5-0-0**

Motion for adjournment 8:45PM

*Minutes respectfully submitted by:*

Susan Hoyland, Clerk