



## 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: July 22, 2014 **Approved August 26, 2014**

Regular members: ..... David Drouin (Chair), Marcia Breckenridge (Vice Chair), Janet Goodrich, Bill Thomas, Phil Stenersen  
Alternates: ..... Joe Hill, Forbes Farmer, Rick Sirvint  
Absent: ..... Bill Thomas  
Recusals: ..... Phil Stenersen for Case 1068  
ZBA Clerk..... Susan Hoyland  
Others Present..... Paul Rickert, Susan Rickert, Roniele Hamilton, Jason Conrey, Bob Knight, Edith Cole, John O'Day, June O'Day, Alice Cole, Elise Taylor, Gillian L'Entenplier, Al L'Entenplier, Larry Cleveland, Dick Drew, Roberta Gordenstein, Kale Stenersen, Dave Duvernay, Kelen Geiger, Cheryl McCabe Charron

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,*

Forbes Farmer read the case before the board.

*Case #1067: Paul and Susan Rickert, 71 Old Ashburnham Road, Rindge, NH 03461, Tax Map 4 Lot 15-1 in the Residential Agricultural District, for a Variance from Article 5, Section B-2 of the Zoning Ordinance to permit a variance to the setback of 30 feet from the abutter's property line to 15 feet.*

Rick Sirvint summarized the relative ordinances as follows:

**Article V, Section B.2. Yard: No building shall be located closer than thirty (30) feet to an abutter's property line or fifty (50) feet from the edge of a right of way.**

Sitting on this case were: David Drouin, Marcia Breckenridge, Janet Goodrich, Rick Sirvint, Phil Stenersen.

*Chairman David Drouin invited the applicants to present their case.*

Paul Rickert: This situation arose when I decided to install a swimming pool. I thought I was in the Residential district where the setback is 15 feet but learned that I was in the Residential Agricultural District where the setback is 30 feet. I met with the pool installer and it turned out that the best place to install this was



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about 15 feet from the property line. There is ledge and a septic pipeline and the terrain goes uphill which made it difficult to meet the 30 foot setback.

David Drouin: This is a semi in-ground pool?

Paul Rickert: It will be set on the ground flat, not a dug in pool. One end will be backfilled so that it is flush with the grade.

Janet Goodrich: It appears in this picture that you have a significant wall of trees there.

Paul Rickert: There is no development on land next to this lot. It was logged perhaps 15 years ago. I contacted the abutter and have a letter that Roger Keilig signed stating that he has no objection to the proposed setback from 30 feet to 15 feet.

*Chairman Drouin read the letter into record which was signed and dated 6/29/14 by Roger B. Keilig, 434 Rollins Road, Hopkinton, NH 03229.*

David Drouin: We have a letter from Code Enforcement addressing this variance.

Dave Duvernay: I have no objections.

Marcia Breckenridge: Are you required to install a fence?

Paul Rickert: Yes, I am required to put a fence around the pool which will be within the 15 feet.

Phil Stenersen: You can have a fence on your property line.

*Chairman Drouin asked for questions or comments from the audience. There were none.*

Forbes Farmer: Is there a house directly behind you?



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Paul Rickert: Along the road, to the south, there are two houses but they are not directly behind me.

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

### DECISION TREE FOR A VARIANCE: Case 1067

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

it does not violate the basic zoning objective.

**Vote: 5-0-0**

2. Granting the variance would do substantial justice because:

there is no gain to the public by denying it.

**Vote: 5-0-0**

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

it is in keeping with promoting health, safety and welfare and the values of the town.

**Vote: 5-0-0**

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

we have no evidence that it would. A pool would not degrade the value of an unbuilt lot.

**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.

A special condition is the narrowness of the lot.

**Vote: 5-0-0**



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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:

NA

**Vote: 5-0-0**

AND

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

it is in keeping with the intent of the ordinances.

**Vote: 5-0-0**

**MOTION:** Phil Stenersen moved to grant the Variance without conditions because all five criteria have been met. Janet Goodrich seconded the motion. **Vote: 5-0-0**

The Variance has been GRANTED.

*Chairman Drouin advised the applicant of the 30 day appeal period.*

### Case #1068:

Joe Hill read the case before the board.

*Case #1068: Kale and Rachel Stenersen, 20 Amalia Way, Rindge, NH 03461, Tax Map 11 Lot 36-1-3, Eastview Estates in the Residential Agricultural District, for a Special Exception as specified in the Accessory Dwelling Unit (ADU) ordinance, and Article XV, Section B of the Zoning Ordinance.*

Forbes Farmer highlighted the following from the ADU Ordinance:

- *ADUs shall be secondary and accessory to a single family dwelling unit.*
- *In granting a Special Exception, the Board of Adjustment must find that the ADU is developed in a manner which does not alter the character or appearance of the principal dwelling unit as a single family residence.*
- *Only one ADU shall be allowed per principal dwelling unit and/or lot.*

Forbes Farmer summarized Zoning Article XV-B as follows:



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*B. The Board of Adjustment shall approve those Special Exceptions provided by this Ordinance, subject to the following criteria: If after presentation, including a review of the plan, showing the location, layout, a scale drawing, and location of any signs and utilities, the Board in its judgment, finds that the use will not create excessive traffic, congestion, noise, or odors, not tend to reduce the value of surrounding properties, has adequate sewage and water facilities and sufficient off-street parking, and will preserve the attractiveness of the Town, said use shall be granted.*

Sitting on this case will be: David Drouin, Marcia Breckenridge, Janet Goodrich, Forbes Farmer and Joe Hill.

*Chairman Drouin invited Kale Stenersen to present his case.*

Kale Stenersen: My wife and I are primary residents in our home. We are looking for approval of a Special Exception for an ADU on the lower level. The ADU will be 480 square feet with the primary residence being 1960 square feet. This does not alter the character of the residence from the outside. There will be a door between the primary residence and the ADU. I have a four bedroom septic system for a three bedroom house. There is adequate parking, 7 spaces and a garage so there is no issue there. This seems to be pretty straight forward to me.

David Drouin: You cannot see this from the street at all, even as you come up Amalia Way.

Kale Stenersen: That is correct

David Drouin: Has the Fire Department looked at this plan for egress?

Kale Stenersen: They have not. I do not have the building permit yet and that would be part of that process.

David Drouin: But, as far as you know, you meet the criteria. Is that correct?

Kale Stenersen: Yes, it is.

Janet Goodrich: I want to compliment you on a well put together application.



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Kale Stenersen: I had a lot of help from someone who knows this process.

Rick Sirvint: I have looked this over a couple of times; and it seems to be done in accordance with the ordinance.

Kelen Geiger: I was just curious as to the size of this lot. This is the Residential Agricultural district and the lot is less than an acre and a half. I was curious how that was taken care of when that development was put in and was that a variance already on that property that was less than two acres? And now you are asking for an accessory dwelling unit on a small lot?

David Drouin: Lot size has nothing to do with whether or not an ADU is allowed. This development is a PURD, a Planned Unit Residential Development.

Kelen Geiger: Thank you.

Phil Stenersen: (from audience) As a major abutter, I have no objections to this application.

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

David Drouin: A Special Exception may only be granted for a permitted use as listed in the Zoning Ordinance. A Special Exception may only be granted if all four (4) criteria in Article XV of the Zoning Ordinance are satisfied.

**Criteria 1: The use will not create excessive traffic, congestion, noise, or odors.**

On these issues, the applicant provided evidence that:

this is a residential use; and it will not change the traffic. There is plenty of parking.

**Vote: 5-0-0**

**Criteria 2: The use will not reduce the value of surrounding properties.**

On these issues, the applicant provided evidence that:

there is no change to the exterior of the building.



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**Vote: 5-0-0**

**Criteria 3: There are adequate sewage and water facilities, and sufficient off street parking is provided by the applicant.**

On these issues, the applicant provided evidence that

the septic system is for a 4 bedroom home and this is only a three bedroom home. They have provided testimony that there is plenty of parking.

**Vote: 5-0-0**

**Criteria 4: The proposed use will preserve the attractiveness of the Town.**

On these issues, the applicant provided evidence that

There are no changes to the exterior of the building or the grounds.

**Vote: 5-0-0**

**MOTION:** Joe Hill moved to grant the Special Exception without condition because all four criteria have been met. Janet Goodrich seconded the motion.

**Vote: 5-0-0**

**The Special Exception has been GRANTED.**

*Chairman Drouin advised the applicant of the 30 day appeal period.*

**Case 1069**

Rick Sirvint read the case before the board.

*Case #1069: Richard P. Drew, LLC, 266 Tully Brook Road, Richmond, NH 03470 as agent for Alaero Construction Outfitters, LLC, for property located at 50 West Main Street, Rindge, NH 03461, Tax Map 33, Lots 12-1; 12-2; 12-3, for a Variance from Article VI Section C of the Zoning Ordinance to permit less than 250' frontage in the Village District.*



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Joe Hill summarized the relative ordinances.

From the Zoning Ordinance:

### *C. Frontage, Yard and Area Requirements*

1. *Frontage:* Every lot shall have a minimum lot frontage of two hundred fifty (250) feet as defined in Article XX, Number 17

### *Article XX Definitions*

17. *Frontage:* The uninterrupted length of a lot bordering a public right of way maintained by the town or state, or in a subdivision approved by the Planning Board, to which the lot has legal right of access.

From the Subdivision Regulations:

### 5. *Action by the Board:*

D. *The Board shall not approve a subdivision if:*

4. *The subdivision does not conform to the Ordinances as adopted by the Town and the applicant has not obtained relief from the Board of Adjustment.*

Sitting on this case were David Drouin, Marcia Breckenridge, Janet Goodrich, Phil Stenersen, Rick Sirvint.

*Chairman Drouin invited Dick Drew to present the case for Alaero Construction Outfitters, LLC.*

Dick Drew: I'd like to give a little history of these lots. Currently, these lots are 9 acres on lot 1; 3.9 acres on lot 2 which has a large home on it; and a small lot of approximately 10,000 square feet where Knight Hall is. All of the frontage for these three lots is currently on West Main Street. The total frontage is 480 feet, quite a bit less than the 750 feet that current zoning would require. What I am proposing to the Planning Board and looking for relief from the BOA on is to allow Knight Hall to continue to use the driveway and access to the large lot to be moved. The reason for this is that the Knight Hall lot needs a septic system, and the only place we can find to put this would require that we take area from another lot.



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David Drouin: So, where is the septic system for Knight Hall now?

Dick Drew: Good question. We need to make that safe and healthy.

Joe Hill: Lot one currently has no frontage.

Dick Drew: That is correct.

Janet Goodrich: So, you want to actually change the lower portion, to change the access at the road level?

Dick Drew: That is correct.

David Drouin: Could you explain the new division of the frontage?

Dick Drew: The large existing home lot would have 140 feet of frontage; frontage for Knight Hall lot would be 170 feet; 167 feet would go to the large lot in back.

Joe Hill: These two buildings are grandfathered because they were there before Zoning.

Dick Drew: Yes, one goes back to 1964, before zoning. The other I believe to be the late 1800's.

Dick Drew: This is our best shot at this,- using the existing driveways and using existing roads as much as we can, but we have to get a septic system in there.

David Drouin: So this makes lot one as a building lot?

Dick Drew: Yes

Phil Stenersen: Which it is now, as it is grandfathered.

Dick Drew: There is no new subdivision; no new creation of lots, the final step will be a lot line adjustment by the Planning Board.



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David Drouin: It still is a tight, narrow lot.

Dick Drew: I can't get around that. There is only a certain amount of frontage. I don't have the 750 feet.

Rick Sirvint: So, as I am understanding this, you could now build on lot one.

Dick Drew: Correct.

Rick Sirvint: Could a right of way be granted for the driveway on lot 3 if this variance were not granted?

Dick Drew: I don't know.

Joe Hill: So there is a ROW to the big lot as a wood lot?

Dick Drew: Yes

Rick Sirvint: So what is the advantage to having a lot with frontage?

Dick Drew: It would be much more conforming to current zoning.

David Drouin: When it is all said and done, this is helping lot 3- making lot 3 a lot more conforming. They would not have to go to the neighbor's land to put a septic in.

Forbes Farmer: Who owns these 3 lots?

Dick Drew: Alaero.

David Drouin: We cannot assume that this will always be owned by one owner. He can't fit the septic in on its own lot.



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Forbes Farmer: I am assuming we are doing this is the right direction. That is, we don't have to wait for the boundary lines to be changed before we make this variance decision.

David Drouin: He cannot obtain a lot line adjustment until he gets a relief from the BOA for frontage.

Rick Sirvint: Could someone clarify for me how this makes it more conforming?

David Drouin: He as a ¼ acre lot which will go to the 2 acre lot which is what our current zoning requires. He goes from no frontage to some frontage making it less non-conforming. They meet the criteria for lot size, just not for frontage.

Forbes Farmer: So under this proposed changing of the lines, lot 2 will be having a smaller frontage after this is done?

Dick Drew: Yes, currently lot 2 has the entire frontage; it will have 140 feet; lot 1 will have 167 feet and lot 3 would be 172.

Forbes Farmer: All of them less than the 250 feet?

Dick Drew: Yes. I did that because of the driveway for lot 2. I put that entire driveway on one lot. The lines needed to move for the septic system which left me with 167 feet for the large lot in the back.

David Drouin: Isn't there a change in grade?

Dick Drew: Yes there is.

David Drouin: So to move the driveway would be destructive.

David Drouin: We have a letter from Code Enforcement.

Dave Duvernay: I laid out all the changes, but the one thing I didn't mention was the spring. If that is where the septic is going, that may be something to consider.



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David Drouin: Are the wetlands flagged on your plan?

Dick Drew: Yes.

Forbes Farmer: So there is no way to have the septic system on the other side of the brook?

Dick Drew: DES would be pretty much against that. We don't want to have to do a wetland crossing. The land behind the barn is not conducive to septic systems.

David Drouin: Are the wells shown on the plan?

Dick Drew: The well for Knight's Hall is in the corner, the well for the house is right next to the driveway.

David Drouin: So they are both close to property lines.

Dick Drew: Yes, but they are at least on their own property.

*Chairman David Drouin opened the public hearing.*

Roberta Gordenstein: I have no idea what Knight's Hall is.

Dick Drew: I just call it that because of the name on the deed in 1964.

Bob Knight: It was a dormitory for the college, before that, it was a chicken house.

Roberta Gordenstein: Lot one, - is that buildable now?

Phil Stenersen: It's grandfathered, so it is absolutely buildable.

David Drouin: But it is non-conforming because it doesn't have any frontage.



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Phil Stenersen: It's called a grandfathered lot. It was a lot of record before zoning was put it. Any lot of record before zoning is still recognized today. It is buildable.

Larry Cleveland, 26 South Woodbound Road: I am an abutter to this property. I am here to oppose this variance.

*Chairman Drouin asked Larry Cleveland where his property abutted this property.*

Larry Cleveland: I would like to remind this board that just four short months ago, the voters of Rindge voted to keep the existing 250 frontage requirement in the Village District by a vote of 963 to 494. That is a two to one margin, not even a close vote. By allowing this variance, it would not only be a slap in the face to the voters, but it would be a very dangerous precedent for future applications. When the voters went to the polls this past March, they in essence voted to keep the Village District and the rest of Rindge rural. By allowing a variance to frontages to be granted, (inaudible) you will be taking the rural character away from Rindge. If granted, this would adversely affect all abutters. I respectfully ask the Board to deny this request and do not go against the will of the voters or the abutters. Thank you.

John O'Day: I just wanted to know if that big lot could be split up into smaller ones.

Dick Drew: Not unless they built a road into it somehow. It does not have frontage. This is the whole issue. I don't think there's room to get a road in there so I don't think it's possible.

David Drouin: That would have to go for Subdivision approval. So it could be done. It would have a frontage issue.

Janet Goodrich: It could be applied for but it doesn't mean it would be granted.

Phil Stenersen: This variance wouldn't change that one way or another. It could be applied for Subdivision the way it is right now. Or it could be applied for Subdivision after a variance.



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Phil Stenersen: To your comments, Larry, I have a question for you. How would this adversely affect abutters?

Larry Cleveland: By putting houses right behind our property.

Dave Duvernay: There are two houses right now. There can't be any more houses except on the big lot.

Phil Stenersen: This is not adding a building lot. A variance isn't going to change that. So if they can't build any more houses on these two lots and that doesn't affect you, coming back to the question, how else does this variance adversely affect abutters?

Larry Cleveland: I would be affected if they built more houses behind me.

Phil Stenersen: So this proposal does not change the number of houses that could be there. So it doesn't affect you.

Larry Cleveland: Okay

Larry Cleveland: It was not very clear in the notice what was being done.

David Drouin: That is why we are here tonight. To flush things out. You can have on these three lots, you can have three houses. You already have two. We are not adding any more homes. A variance does not set a precedent. A variance stands on its own. Across the street, the auction property had some issues with frontages. There was a variance granted for road frontage. It did not change the buildings, it did not change the number of dwellings, it just cleaned up the frontage because most of these lots go back to pre-1962. This variance does not add a building lot.

Larry Cleveland: Alright. I was concerned about losing my privacy with houses behind me.



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David Drouin: They could go forward to the Planning Board for a subdivision on that big piece of property, but nothing we are doing tonight would change that.

Phil Stenersen: They have a right to do it either way, with or without a variance.

David Drouin: They have a right to apply, not a right to subdivide unless approved.

Marcia Breckenridge: I want to be clear about the frontage on West Main Street. Currently there is only frontage on one property; the other two lots have no frontage. The third lot has just a driveway?

Phil Stenersen: Correct. Some of this stuff went on way before zoning. They slowly over the years have come before the board with different situations to address them.

Marcia Breckenridge: Has this property always been one property?

Dave Duvernay: There's a little history here. Back in (I think) the 90's, DRA did the revaluation for the town of Rindge. They combined these three properties that had historically been three. They combined them into one. A law was passed by the Legislature requiring that if anyone had their properties merged without their permission, they could request that they be unmerged. And the Town had no right to deny them - as long as they apply before 2016. They applied last year and we unmerged these properties, to put them back the way they had been historically; three properties with only one that had frontage.

David Drouin: Actually when they were merged, they were more nonconforming as there were multiple drives on one property.

David Drouin: So, in degrees of non-conforming, this is getting better as we go along.

Don Cook: If this variance were granted, and allow them to shrink the frontage, would this have some sort of effect on anyone else, anywhere else in town. Could they say that you allowed this owner to go from having frontage to going down to



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less than 250 feet? Could another person in town use that as an argument to allow him to have less frontage? Why couldn't I do that?

David Drouin: Every case stands alone. It does not set a precedent. This has come up many times. In this case, we are righting two wrongs: two of those lots have zero frontage. At the expense of making one have less. To go from 470 feet to 160 feet, that sounds like a pretty drastic drop and if someone were reading this case and sitting on 500 feet of frontage, they might think they could then break theirs up into three and only have 1/3 of the frontage. But that's not the case. We are making two wrongs better, and we're taking a lot that has only a 1/4 acre and making it more usable and conforming to 2 acres. What if I have to use a driveway across someone's property and I don't get along with this neighbor. We are not just lowering frontage. We are looking at the entire picture and making it better.

Don Cook: Would the settling of this case make it easier for someone else in town to lower their frontage or lot size?

Marcia Breckenridge: No. That's why we use our Decision Tree. They would answer the same questions; none of which would have the same answers. And that's why it is so equitable and that's why this Board has worked so hard to be fair, - no matter who you are. Every case that comes in, regardless of what is decided tonight, would go through the same questions and if, on its own, met or did not meet the criteria of those same questions, the decision would be made.

Robert Knight: I am one of the abutters. What I see here is that they are trying to make room for a septic at Knight Hall and have the driveway onto one lot.

Phil Stenersen: And make it more conforming.

Forbes Farmer: I have a couple of questions. Lot number one is grandfathered for one house. One house or more than one house?

David Drouin: One house, you can only have one house on a lot

Forbes Farmer: But it could be subdivided.



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David Drouin: That's not what we're doing here tonight.

Forbes Farmer: But it could be subdivided.

Marcia Breckenridge: They could do that right now.

Forbes Farmer: The Right of Way has a 10 foot width. If this boundary changes, allowing a new driveway to go between the corner of lot 3 and the pipe, how wide is that?

Phil Stenersen: 37 feet.

Forbes Farmer: 37 feet compared to 10 feet; that would make it a whole lot easier to get into lot one. I understand where some of these folks are coming from. To me, this is facilitating things, making it easier.

David Drouin: We are not adding or taking away any land in this area.

Marcia Breckenridge: They have the right to apply for subdivision right now.

Larry Cleveland: We are concerned about them building more houses here.

Phil Stenersen: Anyone could come in and subdivide this lot. They could come in with or without a variance. It doesn't make it easier; it doesn't make it harder. They are allowed to do this right now.

Cheryl McCabe Charron: Why were they kicked back from the Planning Board to be here?

David Drouin: They were not kicked back from the Planning Board. They want to do a lot line adjustment. In order to do a lot line adjustment, you have to meet the criteria for lot size and frontage. They are meeting the acreage requirement but they cannot meet the frontage. That is the technical reason why they are here. The reason they are adding acreage to lot 3 is to give Knight's Hall some breathing room for septic.



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Ty Taylor: When you look at the current Tax Maps, it does not show lots 1 or 2 or 3. It just shows a single parcel of land. Now all of a sudden, you are saying lots 1, 2 or 3. In the past, I guess these were separate parcels, but now they are owned by only one person, so they are bundled, correct?

David Drouin: No, This law passed in 2012 and you have until 2016 to change it. Towns found it much more convenient to send one tax bill to people who owned abutting lots so they were combined. Many times these people didn't even realize the town had done it. So the Legislature changed the law, twice I think. So if your lot was merged without you knowing, you have another two years to correct it.

Phil Stenersen: That's why, for a time, this was shown as a single lot. Without the owner's approval. But now it will be put back to three lots.

Dave Duvernay: The updated tax map is due in this week.

Ty Taylor: The back lot, is that nonconforming because it has no Right of Way?

David Drouin: No, it is non-conforming for frontage.

Ty Taylor: Wouldn't it make more sense to make them more conforming?

Dick Drew: That is what we are doing tonight.

Larry Cleveland: So, there is already a house on lot 2, and lot 2 has three acres, so you cannot build on it there will never be another house there?

Dick Drew: Correct.

David Drouin: You cannot have more than one dwelling on a single lot, unless our zoning changes.

Jason Conrey: These are three distinctly separate lots. Could they be merged?

Dick Drew: They could be but there could only be one dwelling per lot.



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Jason Conrey: Can you subdivide a lot? Could they sell off a portion of it?

Dave Duvernay: If you meet the requirements.

David Drouin: You could sell off a piece if you wanted to. You cannot sell it as a building lot unless you met the criteria.

Phil Stenersen: In theory, he could sell an acre of that 3 acre lot to an abutter, but he'd have to go through the planning board.

Larry Cleveland: Could I ask who owns that abutting piece of land?

Dick Drew: Doug Seppala

Larry Cleveland: And that's a relative of Aaron Seppala? So if I am not mistaken, Aaron Seppala owns the land around this and he could sell some land to his son to make it more desirable?

Dick Drew: Sure.

Al L'Entenplier, 252 Bancroft Road: Why is the lot such a sliver of land on lot 3?

Dick Drew: I'm trying to get the acreage without disturbing the 9 acre lot too much. I could do rectangles but it was not desirable to my client. We are trying to maintain the 9 acre lot as much as possible.

Al L'Entenplier: So the idea of that sliver is make it more buildable?

Dick Drew: I am trying to get the acreage.

Rick Sirvint: So the concern of the abutters that the granting of this variance would lead to the creation of a series of homes would be unfounded, as that would not happen?



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David Drouin: This variance would not change their ability to have more homes. You would have the same ability for the same number of homes or the same potential for subdivision with or without this variance.

Phil Stenersen: This new configuration actually adds a bit more of a buffer to the people living on the northwest side.

*Chairman Drouin received and read into record two abutter's letters opposing this variance from Mary J. Conrey and Robert and Beth Clark. These letters were written prior to tonight's meeting.*

Phil Stenersen: By granting this variance, we are actually supporting what they are looking for; this would go from zero frontage to 140 feet of frontage, closer to conforming to the zoning of the Village District.

David Drouin: I think now that the information has been flushed out, I think we have addressed the concerns and it is more clear to everyone now.

Forbes Farmer: Are there any abutters here that are still opposed to this variance?

*There were none.*

**MOTION:** Rick Sirvint moved to go to deliberative session. Janet Goodrich seconded the motion. **Vote: 5-0-0**

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

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

it makes two of the three lots more conforming and supports an approved septic design.

**Vote: 5-0-0**

2. Granting the variance would do substantial justice because:

it is a gain to a certain number of abutters and a gain to the general public and the landowner because two of the three lots are more conforming

**Vote: 5-0-0**



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

it addresses the health issues with the septic system design. The intent of the ordinance is to have frontage and this puts frontage on two of the three lots.

**Vote: 5-0-0**

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

there would be no physical changes to the property associated with the variance.

**Vote: 5-00**

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.

Special conditions are the lack of frontage on two of the lots; the extremely small size of lot three; and the soil conditions and proximity of wetlands on lot 3.

**Vote: 5-00**

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:

Not Applicable

**Vote: 5-00**

AND

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

it allows for the proper placement of a safe septic system.

**Vote: 5-00**

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



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### **The Variance has been GRANTED**

*Dick Drew thanked the BOA for their hard work. Janet Goodrich thanked the audience for asking questions. Chairman Drouin advised the applicant of the 30 day appeal period.*

### Approval of minutes for June 24, 2014

**MOTION:** Joe Hill moved to approve the minutes of June 24, 2014 with no corrections. Janet Goodrich seconded the motion. **Vote 5-0-0**

Pick reviewers for August Hearing. Cutoff date is Tuesday, August 5, 2014 for meeting on August 26, 2014. Joe Hill and Rick Sirvint volunteered to review for August.

Is there any other business to come before this board tonight?

### Variance Decision Tree/Application

David Drouin: Susan Hoyland brought up a good question. We changed the language of the Variance Decision Tree. There is some language in the Application that mirrors that.

Susan Hoyland: I was asking if the Board could make a motion to allow me to change the application to mirror the Decision Tree, because they should be the same.

David Drouin: It is part of our Rules of Procedure that before changing the application form, we must do two readings.

Janet Goodrich: But we could do it quickly, there is nothing to discuss.

Joe Hill: No, we would need to have two readings of the change.

Susan Hoyland: I was hoping you could amend your prior motion to include the application.



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David Drouin: We can't do that. We have already accepted that motion. I would say that we would need a new clean motion that the clerk be instructed to modify the application to mirror the new language of the decision tree for presentation for the second hearing at the next meeting. Does everyone agree to that? (All were in favor).

David Drouin: Is there any other new business?

### Application for tonight's third hearing

Forbes Farmer: I want to comment on the last application we heard this evening. I must have read this application three times and had no clue what the intent for this variance was. I wondered why there isn't some question at the beginning asking why they are seeking this. If you read this, I don't think it is clear.

David Drouin: The purpose is not part of this.

Forbes Farmer: What is he trying to do? Nowhere in the application does it speak to adding or reducing frontage. David Drouin: Under question two, it speaks to frontage.

Phil Stenersen: Could we find this out at the time of review?

David Drouin: No, we review for completeness, not for content.

Rick Sirvint: I learned from the discussion tonight more of what was intended. I didn't learn from the application.

Motion for adjournment: 9:00 pm

*Minutes respectfully submitted by:*

Susan Hoyland, Clerk