



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: September 23, 2014 Approved 10/28/14

Regular members: David Drouin (Chair), Marcia Breckenridge (Vice Chair), Janet Goodrich, Bill Thomas, Phil Stenersen
Alternates: Joe Hill, Forbes Farmer, Rick Sirvint
Absent: Marcia Breckenridge, Bill Thomas
Recusals: none
ZBA Clerk..... Susan Hoyland
Others Present..... Barbara Athy, Nancy Drago, 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

Joe Hill read the case before the board.

Case #1071: Nancy H. Drago, 115 Prospect Street, Canton, MA 02021-2271 for property located at 74 Thayer Road, Rindge, NH, Tax Map 48 Lot 60 in the Residential District for a Variance from Article IV, Section B3 of the Zoning Ordinance to permit the sale of 0.054 acres.

Forbes Farmer summarized the relative ordinances.

ARTICLE IV Residential District

The following provisions shall apply to the Residential District:

B. 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 XIX Number 17.*
- 2. Yard: No building shall be located closer than fifteen (15) feet to an abutter's property line or fifty (50) feet from the edge of a right of way.*
- 3. Area: Each lot shall have an area of no less than two (2) acres.***



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Sitting on this case were: David Drouin, Rick Sirvint for Marcia Breckenridge, Janet Goodrich, Forbes Farmer for Bill Thomas, Phil Stenersen

Nancy Drago: I would like to sell a small wedge of land (.054 acre) to my neighbor, Paula Dupre Davis. There will be no change in total acreage and this won't change the taxes paid to the Town of Rindge. My neighbor built their home as a year round residence; I have a summer cottage. They need some extra space and I am not using this land. This wedge of land is 30 feet in the back and 6 feet on the road.

David Drouin: Will you be moving the front shed?

Nancy Drago: That's a playhouse that my husband built for our daughter. She's 45 years old now, and her daughter who is 13 years old now enjoys it. Yes, it will be moved.

Nancy Drago: As you requested, I have provided pictures of both properties from the road. We are all on non-conforming pieces of property; no one in our neighborhood has two acres. My lot was purchased in 1957. The sale of this little wedge of land will not interfere with any other property owner in the neighborhood. I am requesting this variance so that I can sell this little piece of land.

Phil Stenersen: Are they meeting setbacks right now?

David Drouin: It's close.

Rick Sirvint: What is the reason for this sale?

Nancy Drago: To give my neighbor a bit more land, their lot is smaller than mine so this will increase their property a little and it is land that I am not using. They live here year round, I have a cottage.

Forbes Farmer: Would this sale be an advantage to anyone besides your neighbor? No one in back who might benefit?



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Nancy Drago: No. Other neighbors are not affected in any way. I would be paying a few less tax dollars and Paula Dupre Davis would be paying a little more.

Forbes Farmer: I have a question for Dave Duvernay. In your letter, you have added something that I don't quite understand. And that is about the Rindge Subdivision Regulations.

Dave Duvernay: The Subdivision Regulations say you cannot get a lot line adjustment from the Planning Board unless the ZBA gives a variance to allow them to reduce their frontage.

Nancy Drago: What had happened is that we had gone to the Planning Board for a technical subdivision without realizing that we needed a variance. They could not hear our case. We still have to go to the Planning Board but after we have a variance.

Forbes Farmer: I'm confused as to what subdivision we are talking about.

Dave Duvernay: A lot line adjustment is called a technical subdivision.

David Drouin: When it is only two lots, is it still considered a subdivision?

Dave Duvernay: Yes, it is a technical subdivision.

Forbes Farmer: I misunderstood the word subdivision. I thought you were putting houses back there and couldn't see where.

Dave Duvernay: This, to me, is similar to the Alaero Construction Variance where we had three lots and only one lot had frontage. So we reduced the frontage to accommodate the other lots. This is less complicated and there is no impact on any other parcel.

David Drouin: There are no new lots added and no change to the exterior. Down the road, if they want to do something, they have a little more room. They may be less non-conforming than they had been.



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

DECISION TREE FOR A VARIANCE 1071

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

it meets the basic zoning objectives; it does not alter the character of the neighborhood; and it does not threaten health, safety and welfare

Vote: 5-0-0

2. Granting the variance would do substantial justice because:

there would be no gain to the general public by denying this variance.

Vote: 5-0-0

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

it doesn't alter the value of the property; it preserves the character of the neighborhood and there is no negative impact to the neighborhood.

Vote: 5-0-0

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

there is no change

Vote: 5-0-0

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

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:

Not Applicable

Vote: 5-0-0

AND

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

It does not alter the character of the neighborhood and there are no changes.

Vote: 5-0-0

MOTION: Forbes Farmer 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 the applicant of the 30 day appeal period.

Approval of minutes for August 26, 2014

MOTION: Joe Hill moved to approve the minutes of August 26, 2014. Phil Stenersen seconded the motion. **Vote: 5-0-0**

Pick reviewers for October Hearing.

Cutoff date is Tuesday, October 7, 2014 for the meeting on October 28, 2014
Rick Sirvint and Joe Hill volunteered to review.

Motion for adjournment: 7:30 pm

Minutes respectfully submitted by:

Susan Hoyland, Clerk