



RINDGE BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD, PO BOX 163

RINDGE, NH 03461

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

www.town.rindge.nh.us

Zoning Board of Adjustment Public Hearing Minutes March 24, 2009

Regular members present: Acting Chairman George Carmichael, David Drouin, Marcia Breckenridge, and Jan Goodrich.

Alternate members present: William Thomas and Charlie Eicher.

Carmichael opened the Public Hearing at 7:00 pm with the Pledge of Allegiance. The members and alternates introduced themselves and their status. Carmichael stated that Mrs. Goodrich would be recusing herself from Case #1000 and that he expected Mr. Stenersen to be absent.

The Clerk stated the Public Hearing notice was posted at the Town Office, Library, Police Station, Fire Station, Transfer Station and the Monadnock Ledger-Transcript.

Case #999: John and Lynda Hunt, 165 Sunridge Road, Rindge, NH, 03461, Map 1 Lot 11-8 for a Special Exception from Article V, Section A. 3 of the Rindge Zoning Ordinance to allow for a Tourist Home.

Sitting on this case were Carmichael, Goodrich, Breckenridge, Drouin and Thomas.

Thomas read the case before the Board; Eicher summarized the Ordinances.

Mr. Hunt stated that he and his wife want to rent out their house for two months out of the year and possibly some weekends during the year. He stated the house would be a good place to hold weddings and other events and that he already had several bookings from a bridal show they attended. He stated that he would only be renting his house for events and did not think that should classify it as a Tourist house. He stated he wanted approval to do this so that he would not get any cease and desist orders from Code Enforcement. He stated they would limit the amount of events as they did not want their house ruined, and they also wanted to be sensitive to their neighbors. He stated there would not be excessive traffic because there were multiple access routes to his property that would not disrupt the neighbors. Mr. DuVernay submitted a memo to the Board and those present, and the abutters presented a petition stating their concerns. Mr. DuVernay stated that the existing ordinance prohibits all the things Mr. Hunt will be soliciting for, and that the traffic would be excessive. Extensive discussion was held regarding what constitutes a Tourist House. Carmichael asked Mr. Hunt if he wanted to pursue the Special Exception or withdraw the application, and after further discussion Mr. Hunt decided on the latter.

Case #1000: Southwestern Community Services, PO Box 603, Keene, NH, 03431, property address Payson Hill Road, Rindge, NH, 03461 for a Special Exception from Section 6 of the Wetlands Conservation District Ordinance to allow crossing of the intermittent stream to allow access for well testing, construction, piping and maintenance.



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Sitting on this case were Carmichael, Drouin, Breckenridge, Thomas and Eicher.

Thomas read the case before the Board; Eicher summarized the Ordinance(s).

Mr. Thibault briefly summarized the project and stated the reasons it would not violate the ordinance. After brief discussion, Breckenridge moved, seconded by Eicher to close discussion and move to deliberation and the motion passed unanimously.

The Board found that:

1. **The use will not create excessive traffic, congestion, noise or odors.** On these issues the applicant provided evidence that traffic is limited to maintenance. Unanimous decision.
2. **The proposed use will not reduce the value of surrounding properties.** On this issue the applicant provided evidence that values will not be affected due to evidence presented at previous special exception hearing. Unanimous decision.
3. **There are adequate sewage and water facilities and sufficient off street parking provided by the applicant.** On this issue the applicant provided evidence that the access road is only for maintenance and that there is adequate water since this is a water facility. Unanimous decision.
4. **The proposed use will preserve the attractiveness of the Town.** On this issue the applicant provided evidence that there is no structural change. Unanimous decision.
5. **A Special Exception for dredging, filling, draining or otherwise altering the surface configuration of surface waters, wetlands, or land within the Wetland Conservation District must meet the four Special Exception criteria and:**
 - a. **Prove that the proposed use will not conflict with the purpose and intent of the Wetland Conservation District Ordinance.** On this issue the applicant provided evidence that this plan was the least invasive.
 - b. **The applicant must have obtained all other applicable permits.** The Special Exception is conditional upon all permits from the NHDES.
 - c. **The Rindge Conservation Commission must produce an advisory opinion on the application.** Opinion is attached. Unanimous decision. (See Attachment A)

A motion was made by Drouin, seconded by Breckenridge to Grant the Special Exception and the motion passed unanimously.

Second reading of proposed change to Rules of Procedure. Goodrich moved, seconded by Drouin to approve the Rules of Procedure as amended, and the motion passed unanimously.

Drouin moved, seconded by Breckenridge to approve the Minutes of the February 24th Public Hearing as amended and the motion passed unanimously.

Drouin and Carmichael were appointed Case Reviewers for April.



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Drouin moved, seconded by Breckenridge to refund the \$175 fee for Case #998 and the motion passed unanimously.

The Clerk was directed to obtain copies of new Ordinance(s) passed at the March election in time for the next Board meeting in April.

Goodrich moved, seconded by Breckenridge to adjourn at 8:30 pm and the motion passed unanimously.

Respectfully submitted,
Kathy Strasser, Clerk

Chairman



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Attachment A

March 21, 2009

TO: Rindge Zoning Board of Adjustment

FROM: Rindge Conservation Commission

RE: Case 1000 - Special Exception for a well access road on Map 28, Lot 13

On March 19, 2009, members of the Rindge Conservation Commission reviewed the site with the plans submitted in the Application for a Special Exception from the Rindge Conservation District Ordinance. We were also in receipt of a copy of David DuVernay's letter of March 13, 2009 to Mr. Keith Thibault, and notwithstanding his stated opinion to the contrary therein, we believe that both the Special Exception applied for and the State permit are required for this aspect of the project.

We found that the proposal was consistent with the intent of the Ordinance and met the requirement to minimize the detrimental impact. The culvert installation for the intermittent stream will need an approved Dredge & Fill Permit from NHDES, but contingent upon that, we have no objection to the granting of approval for this application. This was the unanimous opinion of the six Commissioners present for the site review.

Richard Mellor Chairman