



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

APPROVED

ZONING BOARD OF ADJUSTMENT ORGANIZATIONAL PUBLIC MEETING MINUTES APRIL 22, 2008

Regular members present: Chairman Joseph C. Hill, David Drouin and Janet Goodrich.

Alternate members present: William Thomas, Richard Feldman and Charlie Eicher.

Hill opened the Public Meeting at 6:30 pm. He welcomed Charlie Eicher to the Board and stated that Carmichael, Breckenridge and Phillips are excused tonight. He appointed Feldman and Thomas to sit as regular members.

Election of Chair and Vice Chair for 2008/2009

Hill called for nominations for Chairman for 2008/2009. Thomas stated that Carmichael requested him to nominate Hill for Chairman in his absence. Motion was seconded by Goodrich. Goodrich and Feldman expressed their appreciation for Hill's hard work as Chair during the past year. The motion passed unanimously. Hill nominated Carmichael for Vice Chairman, seconded by Goodrich and the motion passed unanimously.

Review of Revenue and Expenses

Hill summarized the expense sheet and stated the current fee of \$175 per case seemed to be adequate to cover the expenses of the Board. Drouin moved, seconded by Thomas to keep the fee at the current rate of \$175 per case and the motion passed unanimously.

Approval of Rules of Procedure

Hill read the most recent changes. Drouin moved, seconded by Feldman to accept the Rules of Procedure as amended, and the motion passed unanimously.

Brief discussion was held regarding the OEP conference in Manchester on Saturday.

Drouin moved, seconded by Thomas to adjourn the Public Meeting and the motion passed unanimously.



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PUBLIC HEARING MINUTES

APRIL 22, 2008

Hill opened the Public Hearing at 7:00 pm with the Pledge of Allegiance. The members and alternates introduced themselves and their status. Hill stated that Carmichael, Breckenridge and Phillips were excused for the night.

Hill asked if there were any recusals. There were none. Hill stated that Feldman and Thomas were appointed to sit for Carmichael and Breckenridge.

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

Case #985: T. F. Moran, Inc. 149 Emerald Street, Center at Keene, NH 03431, Owner; Edward Stevens, 57 West Main Street, Rindge, NH 03461, Map 33 Lots 19-1, 19-2, 19-3. This application is for a Waiver of Dimensional Requirements from Article VI, Section C of the Zoning Ordinance.

Feldman read the case before the Board and Eicher summarized the ordinance(s) and RSA. Hill stated that sitting on the case would be himself, Drouin, Feldman, Goodrich, and Thomas.

Mr. Duffield introduced Mr. Tieger, who is representing Mr. Stevens, the owner of the properties. He explained to the Board the history of the properties and stated that the buildings and infrastructure were built before setback requirements. He stated that Mr. Stevens is planning for the future and wants to make the properties more equitable by bringing the lots into conformance, and that a lot line adjustment is needed before they can submit a subdivision map to the state.

Lengthy discussion was held regarding the Town's combining the lots for tax purposes and its failure to recognize that the lots were not in conformance when some construction was done in the early 2000's. Drouin asked why Mr. Duffield was not asking for a variance. He stated there are lots of homes that are on nonconforming lots and that going for a waiver of dimensional requirements rather than a variance would set a precedent that would not be in the interest of the town. Hill explained that he spoke with Carmichael, Goodrich and Breckenridge, and then called New Hampshire Municipal for an opinion. He stated he was told to instruct the parties to request the equitable waiver first to clear up the setback issues and then have them go to the Planning Board, and if an area variance was still needed they could come back before the Zoning Board.

Drouin again expressed his discomfort with the equitable waiver since the case does not involve setback issues. He stated that the issue is frontage, since the setbacks are grandfathered. Lengthy



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discussion again took place between all parties to try to clarify what the applicants were trying to achieve. Goodrich stated that there was a difference of opinion as to which route to follow and asked if there would be any negative repercussions if the Board proceeded with the equitable waiver. Drouin again expressed his concern that there would be a precedent set for the town in going forward since the requirements for the equitable waiver are more lenient than those for a variance. He requested to recuse himself and stated that the case could be heard with four members.

Hill then appointed Eicher to sit on the case in place of Drouin. He asked if there were any other questions or comments. Goodrich moved, seconded by Feldman to close arguments and go into deliberations and the motion passed unanimously.

The Board found that:

1. The request involves a dimensional requirement, not a use restriction because:

Boundary line adjustment and road frontage. Unanimous decision.

2A. The violation has existed for ten years or more with no enforcements action, including written notice, being commenced by the Town because:

The lots and buildings existed before zoning and Town merged lots in its tax notice. Unanimous decision.

3. The nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area because:

Applicant is bringing property into greater conformance. Unanimous decision.

4. The cost of correction far outweighs any public benefit to be gained because:

Buildings and infrastructure would need to be relocated. Unanimous decision.

A motion was made by Feldman and seconded by Thomas to Grant the Equitable Waiver of Dimensional Requirements because all above criteria were met. Unanimous decision.

Drouin returned after deliberations and decision.

Approval of Minutes of March 25, 2008 Public Meeting

Drouin moved, seconded by Feldman to approve the Minutes of the March 25 meeting and the motion passed unanimously.

Hill moved, seconded by Drouin to appoint himself and Eicher as reviewers for May and the motion passed unanimously.

Drouin moved, seconded by Feldman to adjourn at 8:00 pm and the motion passed unanimously.



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Respectfully submitted,
Kathy Strasser, Clerk

Respectfully submitted

Joseph C. Hill, MD

Chairman

George Carmichael

Vice-Chairman