



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 April 28, 2009

Regular members present: Chairman George Carmichael, David Drouin, Philip Stenersen and Janet Goodrich.

Alternate members present: William Thomas, Charles Phillips and Charlie Eicher.

Carmichael opened the Public Hearing at 7:00 pm with the Pledge of Allegiance. He asked if there were any recusals for the hearing. Discussion was held regarding Stenersen's proximity to the applicant and whether he should recuse himself. Stenersen and Carmichael stated they had researched the issue and both felt comfortable with his ability to sit on the case. The members and alternates introduced themselves and their status. Carmichael read the rules for the procedure and stated the hearing would end by 10:30 pm if possible.

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 #1002: Raymond C. AuCoin, 40 Rand Road, Rindge, NH 03461, Map 2-41/Lot 35-1 for a Special Exception from Article V, Section A1 of the Rindge Zoning Ordinance to allow for a business to be run out of the home.

Carmichael stated that sitting on this case would be himself, Drouin, Goodrich, Stenersen and Thomas.

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

Mr. Thomas Hanna, Esq., stated that Mr. AuCoin has a garage that he currently uses for his hobby of restoring cars, and that it is in pristine condition. He stated that since Mr. AuCoin has been laid off from his construction job he now wants to utilize the garage to make a living. He said the goal of the operation is to maintain the character of the neighborhood and that it would be a limited and modest operation with no employees.

Discussion was held concerning the hours of the operation, possible noise from the business, storage of oil or parts, and traffic. After discussion Drouin moved, seconded by Stenersen to close discussion and move to deliberation and the motion passed unanimously.



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The Board found that:

- 1. The use will not create excessive traffic, congestion, noise or odors.** On these issues the applicant and others provided evidence that traffic will be minimal and operational noise will be restricted to indoors. Based on applicant's testimony there will be minimal odors and congestion. Unanimous decision.
- 2. The proposed use will not reduce the value of surrounding properties.** On this issue the applicant and others provided evidence that there is a natural vegetative buffer in place and the neighboring houses are at a substantial distance. Any signage as per code is allowed. Unanimous decision.
- 3. There are adequate sewage and water facilities and sufficient off street parking provided by the applicant.** On these issues the applicant and others provided evidence that parking will be very limited-4 vehicles in a designated area. This is a homeowner operation and facilities will be used in the home. Unanimous decision.
- 4. The proposed use will preserve the attractiveness of the Town.** On this issue the applicant and others provided evidence that the business operation will be modest, with no employees. Nothing will be stored outside the garage, which is an existing building. Parking is very limited and will be screened by vegetation. Unanimous decision.

Drouin moved, seconded by Goodrich to Grant the Special Exception with the restrictions that there will be no excessive noise from the business operation after 9:00 p.m. and that there will be no storage of parts outside of the garage, and the motion passed unanimously.

Drouin moved, seconded by Goodrich to approve the Minutes of the April 2, 2009 Public Hearing and the motion passed unanimously. Drouin moved, seconded by Goodrich to approve the Minutes of the March 24, 2009 Public Hearing and the motion passed unanimously.

Thomas and Goodrich were designated as Reviewers for May.

Discussion was held concerning the review of cases by the Code Enforcement Officer. The Board agreed that it should be a technical review only, with no opinion regarding whether the Board should grant or refuse an application. Carmichael was appointed to bring this to the attention of the Code Enforcement Officer.

Stenersen raised a concern about the announcement at the beginning of the hearing stating it would end by 10:30 pm and whether it would affect any applicant's ability to have a case heard. Carmichael stated that it is just a guideline and no applicant had ever been affected by it in the past.



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

Respectfully submitted,
Kathy Strasser, Clerk

George Carmichael

Chairman