



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 **APPROVED** **Public Hearing Minutes** **October 28, 2008**

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

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

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 was excused and that Phillips would sit as the 5th voting member.

Hill asked if there were any recusals. There were none. Hill stated the rules for the hearing and that it would end by 10:30 pm.

The Clerk announced that the notice of Public Hearing was posted in the Town Office, Police Station, Fire Station, Library, Transfer Station, Post Office, and the Monadnock Ledger-Transcript.

A motion was made by Breckenridge to approve the minutes of the August 26 Public Hearing after the night's case was heard. Drouin stated it was current procedure to approve the minutes of the previous meeting before the Public Hearing. Breckenridge withdrew her motion. Hill stated corrections to the minutes. Drouin moved, seconded by Breckenridge to approve the minutes of August 26, 2008 as amended and the motion passed unanimously.

Case #994: Frederick Dodd, 210 Washington St, Sherborn, MA, property address 357 Robbins Road, Rindge, NH, 03461, Map 2/Lot3. Application for a Use Variance to the Wetlands Conservation Ordinance Section #6 to allow dredging and filling in order to repair an earthen dam.

Hill stated that sitting on this case would be himself, Drouin, Breckenridge, Goodrich and Phillips. Phillips read the case before the Board; Hill summarized the Ordinance(s).

Mr. Cooperman explained the scope of the project to the Board. He stated the variance was needed to allow dredging of Robbins Pond to reconstruct the dam. Discussion was held among the Board, Mr. Cooperman and the applicant. He stated all engineering has been approved by



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New Hampshire dam safety officers. After discussion, Drouin moved, seconded by Breckenridge to close discussion and go to deliberation and the motion passed unanimously.

The Board found that:

1. **The variance will not be contrary to the public interest because:** It restores the integrity of the wetlands. Unanimous decision.
2. **Special conditions do exist such that literal enforcement of the ordinance results in unnecessary hardship:**
 - a. **The zoning restriction as applied to this property interferes with the reasonable use of the property, considering the unique setting of the property in its environment.** The applicant proposes to remove material from bottom of pond to rebuild the earthen dam, The property has a unique setting because the material is available on site; **and this is a reasonable use** because it restores the integrity of wetlands. Unanimous decision.
 - b. **No fair and substantial relationship exists between the general purposes of the Rindge Zoning Ordinance and this restriction on the property.** The purpose of the applicable Zoning Ordinance provision is to limit dredging and filling except for access, and granting this variance **will interfere** with that purpose. Unanimous decision.
 - c. **The variance will not injure the public or private rights of others** because it restores a water resource that has a history of public use and is within property boundaries of the applicant. Unanimous decision.
3. **The variance is consistent with the spirit and intent of the Rindge Zoning Ordinance.** The variance **does not have** any negative impact on these considerations because it aligns with Section 2B of the Wetlands Ordinance. Unanimous decision.
4. **Substantial justice is done by granting the variance.** If the variance is denied the applicant will be burdened because denial would require bringing in offsite material and cause a greater negative impact on the environment, and there is no significant benefit to the town in denying the variance. Unanimous decision.



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5. Granting the variance will not diminish the value of surrounding properties.

Unanimous decision.

A motion was made by Breckenridge, seconded by Drouin to Grant the Use Variance subject to all state permits and mitigation agreements, and the motion passed unanimously.

Hill stated that one case for November had already been reviewed by Carmichael and Thomas and asked if they should be kept to review any other cases that should come in. The Board opted to keep Carmichael and Thomas.

Second reading of proposed changes to ZBA Rules of Procedure

Drouin stated his opposition to switching the approval of previous minutes to the end of the Public Hearing because he preferred to have old business finished before any new business was discussed. He stated in the past that if there was a problem with the minutes a motion could always be made to postpone their approval until later in the meeting. Hill stated that people come to have their cases heard and that should be the first order of business. Breckenridge agreed, and stated the Board should make it clear to the public that their time is valuable, and this was a simple courtesy to them. Goodrich moved, seconded by Breckenridge to approve the Rules of Procedure as amended. The motion passed by the following vote: Ayes: Goodrich, Breckenridge, Hill and Phillips. Opposed: Drouin.

Second reading of "Equitable Waiver of Dimensional Requirements" form

Drouin moved, seconded by Hill to approve the form as presented and the motion passed unanimously.

Second reading of "Equitable Waiver of Dimensional Requirements Decision Tree"

Drouin moved, seconded by Breckenridge to approve the form as presented and the motion passed unanimously.

Hill opened a discussion of ZBA revenues and expenses for the calendar year through 9-30-2008. He stated the Board was well under budget and proposed to ask for the same budget for the next year. Discussion was held. After discussion a motion was made by Breckenridge, seconded by Goodrich to maintain the current budget figure. The motion passed by the following vote: Ayes: Goodrich, Breckenridge and Hill. Opposed: Phillips and Drouin.

Goodrich questioned Hill regarding a change in the job description that Ms. Pini proposed for the Clerk to bring it in line with other part time employees of the Town. Hill stated that she had not submitted a new description for the Board's review and would not bring up the matter until she did.

Goodrich moved, seconded by Breckenridge to adjourn at 8:30 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