



## 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 25, 2008

**APPROVED**

**Regular Members present:** Chairman Joseph C. Hill, George Carmichael, David Drouin, Marcia Breckenridge, and Janet Goodrich.

**Alternate Members present:** William Thomas.

Hill opened the Public Hearing at 7:00 pm with the Pledge of Allegiance and a moment of silence in memory of John Vorfeld, a well respected resident of Rindge who served on the Planning Board for many years and who passed away on March 20, 2008.

Members and alternates introduced themselves and their status. Hill stated that Richard Feldman and Charles Phillips are excused for tonight.

Hill asked if there would be any recusals for tonight. There were none. He then explained the Rules of Procedure for the hearing to those present, and stated the hearing would end by 10:30 pm.

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

**Case #983: APPLICATION FOR REHEARING filed by Crowpond, Inc., c/o Margaret Barry, 3813 Legation St NW, Washington, DC, 20015, of Case #981: Sally McCaigue, Trustee of John B. Rice, Main Street, Rindge, NH, 03461, Map 30/Lot 40 Beachwood Drive: Application for an Area Variance from Article V, Section B-2 of the Rindge Zoning Ordinance. This case was heard and an Area Variance was granted on January 22, 2008.**

Hill read the case before the Board and Thomas summarized the pertinent ordinance(s).

Hill stated that if a rehearing is granted, it would occur on April 22, 2008 as the first case of the evening. He stated that sitting on the case would be himself, Breckenridge, Goodrich, Carmichael, and Drouin, the same members who sat on the case on January 22.

Attorney Little made several points to the Board. He stated that 1-The information presented to the Board was insufficient to determine that a septic system without waiver could safely be constructed on the property, no soils information accompanied the plan and no bed size/tank location was specifically shown. He stated the information presented failed to establish that the septic system including the tank could be successfully constructed within the limited area available. 2-The application for variance did not address the Shorelands Protection Act. He stated the construction of the house, particularly its foundation, would intrude into the 50 foot required setback. 3-He stated insufficient evidence was presented to the Board that the lot could be safely developed observing both the New Hampshire Wetlands Statutes and the Town of Rindge Ordinance with respect to the necessary excavation for the building. He also stated



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that the Board did not stipulate in its previous decision that any approval for a septic system from the Department of Environmental Services should be without any waivers.

Discussion was held between members of the Board, Mr. Little, and Mr. Walsh regarding the type of septic system to be installed, where it will be installed, and the type of house to be built. Mr. Walsh stated the septic system will be 100 feet from the water as required.

Hill asked if there was any further testimony.

Mr. DuVernay submitted a memo to the Board members and to Mr. Little. Mr. Little objected to Mr. DuVernay being allowed to speak at the hearing and stated that he was at a disadvantage because he had not seen what Mr. DuVernay submitted. Hill told Mr. Little that this is a Public Hearing and that anyone is allowed to address the Board.

After reading his memo, Mr. DuVernay stated that all applications for septic systems go to his office and he stamps them before they go to the Department of Environmental Services. He stated he measured the setback in question and easily got the required 100 feet.

Mr. Little stated his objection to Mr. DuVernay's being an advocate for Ms. McCaigue. Mr. DuVernay stated he is not appearing as an advocate for her, and that he appears in an advisory capacity only for anyone who has business before the Board.

Drouin moved, seconded by Carmichael to close discussion and move to deliberations and the motion passed unanimously. Brief discussion was held regarding the various points that were brought up by both sides. After discussion, the majority of the Board felt there was no new information presented.

The Board found that:

1. The application for rehearing was complete because all necessary information was provided.  
Unanimous decision
2. The applicant did not supply any new information that was not previously available to the Board because nothing that was provided definitively stated an imposition on the setback.  
Unanimous decision
3. The Board of Adjustment did not make any procedural or structural (legal) errors in rendering the previous decision because the Board already stipulated the condition of a state approved septic system and followed the normal decision tree.  
Unanimous decision

A motion was made by Drouin, seconded by Breckenridge to **Deny the Rehearing** because there was no new evidence presented, and there was no evidence of procedural or structural errors in the previous decision. The motion passed unanimously.

Hill declared a recess at 7:58 pm for 5 minutes. The Board reconvened at 8:03 pm.



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### Approval of Minutes of January 22, 2008

Hill and Drouin submitted corrections to the minutes. Breckenridge moved, seconded by Goodrich to approve the January 22, 2008 minutes as amended and the motion passed unanimously.

Hill and Breckenridge were named Case reviewers for April and May. The Organizational Meeting was set for 6:30 pm on April 22.

### Second reading of changes to Rules of Procedure

Drouin moved, seconded by Carmichael to approve changes to Rules of Procedure and the motion passed unanimously. Goodrich stated she would like to see a statement added that clarified procedure in the absence of chair and vice chair. She suggested adding wording under Officers on page 1 as follows:

3. In the absence of both the Chairman and Vice-chairman, an acting Chairman shall be chosen by a majority vote of the members present.

She also suggested that on Page 3 item (6), the first sentence should read "Members must reside in the community and are expected to attend each meeting of the Board to exercise their duties and responsibilities **in a professional and impartial manner.**"

Carmichael moved, seconded by Breckenridge to approve the changes and the motion passed unanimously.

Goodrich moved, seconded by Breckenridge to adjourn at 8:20 pm and the motion passed unanimously.

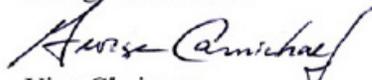
Respectfully submitted,  
Kathy Strasser/Clerk  
Respectfully submitted

Joseph C. Hill, MD



Chairman

George Carmichael



Vice-Chairman