



## 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 PUBLIC MEETING MINUTES APRIL 2, 2007

**Regular members present: Joseph C. Hill, MD – Chairman, George Carmichael - Vice Chairman, Marcia Breckenridge, William Harper, and David Drouin.**

**Alternate members present: Janet Goodrich and William Thomas.**

Hill opened the public meeting at 7:00 PM with the Pledge of Allegiance.

Secretary McDermott read aloud the posting places for this public meeting: Town Office, Post Office, Police Station, Transfer Station and Library.

Hill asked if each member had been sworn in. Breckenridge – yes, Feldman – no, and Drouin – yes.

The members and alternates introduced themselves and announced their status on the Board.

#### **The Board elected its Officers for the upcoming year.**

Dr. Joseph Hill was nominated to retain the Chairmanship by Carmichael, seconded by Breckenridge and the motion passed unanimously.

George Carmichael was nominated to retain the Vice Chairmanship by Harper, seconded by Hill and the motion passed unanimously.

Carmichael handed out a copy of a legal inquiry received from NHLGC, that is attorney client privileged information, for the Board's review.

A motion was made by Harper to change the Rules of Procedure to include that only regular board members will sit at the table during a public hearing or meeting; that the Secretary will sit at the end of the table, and that alternates shall sit alongside the south wall of the meeting room, seconded by Carmichael, and the motion passed unanimously.

Hill presented to the Board decision trees with respect to the Rehearing, Equitable Waiver of Dimensional Requirements, and Appeal from an Administrative Decision applications that he had drafted. These do not replace any existing decision trees associated with the applications;



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they are new additions that will be utilized by the Board when evaluating those applications to make this process easier for the Board members.

Rehearing Decision Tree – motion was made by Harper, seconded by Carmichael to accept this document as written. The motion passed unanimously.

Equitable Waiver of Dimensional Requirements Decision Tree – motion was made by Carmichael, seconded by Harper to accept this document as written. The motion passed unanimously.

Appeal from an Administrative Decision Tree – motion was made by Harper, seconded by Carmichael to accept this document as written. The motion passed unanimously.

Area Variance Decision Tree – Page 1, number 2 that reads, “Special conditions do/do not exist such that literal enforcement of the ordinance results in unnecessary hardship:” will be placed under “b.” of that section.

There was discussion as to whether or not the pertinent local, State and Federal ordinances, rules, and regulations should be sent out to each member prior to a hearing. It was decided that this should be readdressed at the next meeting of the Board.

### **Revisions, corrections, and additions to the Rules of Procedure revised 7/25/06:**

**Page one, Officers - #3:** The Clerk shall be appointed by the Board of Selectmen. The Clerk shall maintain a record of all meetings, transactions, and decisions of the Board, and perform such other duties as the Board may direct by resolution. The Clerk shall prepare all meetings, notices, minutes and decisions on same. The Chair or Vice Chair will affix his/her signature on minutes and decisions.

Motion was made by Carmichael, seconded by Harper to accept the language as noted above. The motion passed unanimously.

**Page one, Members and Alternates - #1:** Pursuant to **NH RSA 673:3**, the Zoning Board of Adjustment shall consist of five (5) regular members elected by the Town of Rindge. All members shall be elected for three (3) year terms. The membership of the Board shall be elected in such a manner so that not more than two (2) members shall be elected each year.

**Page two, Members and Alternates - #2:** Up to five alternate members may be appointed for three (3) year terms, as provided by the Zoning Board of Adjustment. They shall be appointed in such manner so that not more than two alternate members shall be appointed each year. The alternate members should attend all meetings to familiarize themselves with the workings of the Board to stand ready to serve whenever a regular member of the Board is unable to fulfill his/her



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responsibilities. The Alternates will sit at a separate table off to the side, unless appointed by the Chairman to fill in for a regular Member of the Board.

### **Page two, Members and Alternates - Filling of Vacancies on an elected Zoning Board of Adjustment:**

**3:** Whenever a vacancy occurs on the elected Zoning Board of Adjustment, an Alternate shall be appointed to be a regular member by the remaining regular members of the Zoning Board until the next municipal election, at which time a successor shall be elected to either fill the unexpired term or start a new term, pursuant to **NH RSA 673:12-1**.

**4.** Whenever a vacancy occurs for an Alternate position, that position may be filled by appointment by the regular elected members of the Zoning Board of Adjustment for the unexpired term pursuant to **NH RSA 673:12-II**.

**5.** Members must reside in the community and are expected to attend each meeting of the Board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the Chairman or Clerk as soon as possible. Regular Members, including the Chairman and all Officers, shall participate in the decision making process and vote to approve or disapprove all motions for consideration.

Motion was made by Carmichael, seconded by Hill to accept the language as noted above for these Members and Alternates changes. The motion passed unanimously.

**Page four: Applications and Decisions – delete present section “h” and add a new section “h”:** Each month the Zoning Board of Adjustment will have two members review and initial each application checking for completion in accordance with the Zoning Board of Adjustment’s application requirements. One of these members will continue to review applications for one more month; the other will be replaced by another board member. In this way, all board members will rotate and share reviewing of applications.

**Page four: Applications and Decisions – add new language as section “i” that reads:** The Secretary will notify the members scheduled for review of an application upon receipt of an application. Both shall review as soon as possible for completeness and any immediate action that needs to be taken, prior to the application being scheduled for presentation for the Zoning Board of Adjustment.

Motion was made by Harper, seconded by Carmichael to approve the language as written above for the two sections under Applications and Decisions. The motion passed unanimously.

**Page five: Public Hearings – remove section “o.” in its entirety and replace with previous section “p”.** Add a new section “p” to read: Legal advice shall be obtained only upon a



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recommendation of a majority of the Board. The language of the questions to be posed for legal advice shall be decided by a majority of the Board. The Board shall designate the contact person to obtain the legal advice.

Motion was made by Harper, seconded by Carmichael to approve the language as written above for the Public Hearing section. The motion passed unanimously.

**Page six: Records, #4 – remove section 4 in its entirety and replace with new section #4.**

The official record of each Decision, Public Meeting and Public Hearing shall be the approved minutes signed by both the Chairman and Vice Chairman. In addition, all Public Hearing and Public Meeting minutes shall be approved by the voting members of the Board. A copy of these will be on file with the Town Clerk and the Secretary of the Zoning Board of Adjustment.

Motion was made by Hill, seconded by Carmichael, to approve the language as written above for the Records section. The motion passed unanimously.

Secretary McDermott was asked to draft a checklist for each of the applications that will assist in determining the completeness of an application for discussion at the next meeting.

Motion was made by Harper, seconded by Carmichael to adjourn at 8:45. The motion passed unanimously.

Jody McDermott

Secretary / Clerk

Respectfully submitted

Joseph C. Hill, MD

Chairman

George Carmichael

Vice-Chairman