



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 August 25, 2009

Regular members present: Chairman George Carmichael, David Drouin, Janet Goodrich and Marcia Breckenridge.

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

Carmichael opened the Public Hearing at 7:00 pm with the Pledge of Allegiance. The members and alternates introduced themselves and their status. Carmichael asked if there were any recusals; Eicher stated that he would recuse himself from Case 1007 as he is an abutter. Carmichael read the rules for the Public Hearing.

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.

Case #1006: Ahmad and Jennifer Boura, 43 Abel Road, Rindge, NH 03461, Map 5/Lot 16-2, for a Special Exception from Article V Section A.1 of the Rindge Zoning Ordinance to allow for a small home business.

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

Mr. Boura stated the business would be a small family run catalog/mail-order web business selling custom made gift items. He stated there would be no employees, and traffic would be limited to typical UPS delivery/pickup service and supply deliveries no more than 4-5 times per year. He stated there would be a two story garage built on the property to be used for storage and order fulfillment, and to supplement the existing home's one car garage. He presented a clock as an example of the items to be offered for sale.

Mr. Bob Van Dyke submitted a sketch of the new garage. Dave DuVernay submitted a memo to the Board. Discussion was held after which Drouin moved, seconded by Breckenridge to end 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 the only new traffic required would be a typical UPS delivery/pickup service and occasional supply deliveries no more than 4-5 times per year. Noise and odor issues do not apply. Unanimous decision.

2. The proposed use will not reduce the value of surrounding properties. On this issue the applicant and others provided evidence that the building is in keeping with a residential neighborhood. 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 there are no new requirements for facilities with the new use. Unanimous decision.

4. The proposed use will preserve the attractiveness of the Town. On this issue the applicant and others provided evidence that the use is consistent with the intent of the ordinance and does preserve the attractiveness of the town. Unanimous decision.

Breckenridge moved, seconded by Drouin to Grant the Special Exception, and the motion passed unanimously.

Case #1007: Sharron Lawrence, 41 Daria Drive, Rindge, NH, 03461, Map 1/Lot 10-5 (Winn Farm Estates), for a Special Exception from Article V Section A.1 of the Rindge Zoning Ordinance to allow for an in-home child care facility.

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

Carmichael stated that this case was posted as an Area Variance as opposed to the Special Exception that was correctly applied for. He stated that since the criteria for an Area Variance are more stringent than for a Special Exception he felt that the Board could move forward with the hearing if there were no objections. There were no objections.

Ms. Lawrence stated she applied for a license with the State for an in-home child care facility for a maximum of 6 preschool aged and 3 school aged children.

Eicher, who had recused himself from this case, read a memo to the Board asking for 3 restrictions to be placed on the facility: 1. Since the Special Exception runs with the land, he asked for a restriction of 6 children for traffic purposes. 2. Since he and his wife are retired



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seniors, he would like a restriction on the time for snow blowing in the event of a storm. 3. He requested there be no signage since the covenants of the subdivision prohibit it.

DuVernay submitted a memo to the Board. Discussion was held. The Board members felt that restricting the time for snow blowing would not be possible, and that the signage would not be an issue since it is prohibited by the covenants. Several abutters asked questions regarding traffic and noise, but the overall opinion to the facility was positive. Breckenridge moved, seconded by Drouin to end discussion and move to deliberation and the motion passed unanimously.

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 with limited number of children at facility, traffic would not be excessive. There will be no odor or noise issues. Unanimous decision.
- 2. The proposed use will not reduce the value of surrounding properties.** On this issue the applicant and others provided evidence that abutters are not objecting to the facility; there are no structural changes involved; and is not visible from the street. 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 the septic is rated for a 4 bedroom home, but home is only 3 bedroom. There will not be excessive use of water; sewage and water facilities are sufficient. The parking area of the driveway is 55' x 70' with a maximum of 6 cars dropping off and picking up children, so parking is sufficient. Unanimous decision.
- 4. The proposed use will preserve the attractiveness of the Town.** On this issue the applicant and others provided evidence that there is no change to the building or property so the use will not affect the attractiveness of the town. Unanimous decision.

Breckenridge moved, seconded by Drouin to Grant the Special Exception with the condition that the number of children not exceed 6 preschool and 3 school aged children with hours of operation between 7:30 am and 6:00 pm five days per week, the motion passed unanimously.

Carmichael raised a concern that some decisions the Board makes become lost or after a period of time are difficult to locate, and suggested all decisions be registered in the future. Mr. DuVernay agreed and stated the Planning Board registers all of its decisions. Discussion followed as to how to accomplish this. Drouin moved, seconded by Breckenridge to instruct the Clerk to register tonight's and all future decisions of the Board, with the exception of Appeal of Administrative Decision, with the Register of Deeds, and to amend the Rules of Procedure to reflect this change, and the motion passed unanimously.



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Drouin stated that the opinion of the Conservation Commission should be attached to the minutes of July 28. Drouin moved, seconded by Breckenridge to approve the minutes of the July 28, 2009 Public Hearing with the change noted and the motion passed unanimously.

Carmichael and Goodrich were appointed reviewers for September.

Drouin stated he would like the decisions of the Board to be distributed to all members. The Clerk was instructed to email decisions to all members. Drouin moved, seconded by Breckenridge to approve the minutes of the July 28, 2009 Public Hearing and the motion passed unanimously.

Drouin moved, seconded by Breckenridge to adjourn at 8:30 pm and the motion passed unanimously.

Respectfully submitted,
Kathy Strasser/Clerk

George Carmichael



Chairman

Janet Goodrich



Vice-Chairman