



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 June 22, 2010

APPROVED

7/27/10

Regular members present: Vice Chair: Janet Goodrich, David Drouin, Marcia Breckenridge and Phil Stenersen.

Alternate members present: Charlie Eicher, William Thomas and Joseph Hill.

Meeting was called to order at 6:37pm.

Housekeeping:

In light of Carmichael's resignation from the Chairman position, a new Chairman needs to be elected, new Vice Chairman, as well as a new regular member.

Drouin made a motion to nominate Thomas as a regular member for duration of the year, Breckenridge seconded, all in favor, unanimous vote. Thomas will need to be sworn in; Carol will be in touch with Julie to see how this gets done.

Breckenridge made a motion to nominate Goodrich as Chairman, Thomas seconded, all in favor, unanimous vote.

Stenersen made a motion to nominate Drouin as Vice Chairman, seconded by Breckenridge, all in favor, unanimous vote.

Discussion of advertising for alternates: Since Thomas is now a regular member, there will only be two alternates and the board is allowed up to five. Carol will be in touch with Julie to have ad placed in the newspaper.

Review of Minutes from previous meetings:

April 27, 2010 – Review suggested changes for both Variance Application and Special Exception application, wording reviewed and approved. Changes to be made to applications. Motion to approve as amended by Stenersen, seconded by Breckenridge, unanimous vote.

May 4, 2010 – Minutes reviewed changes/corrections suggested. Motion to approve as amended by Breckenridge, seconded by Drouin, unanimous vote.

May 11, 2010 – Review of minutes, one suggestion for change recommended, motion to approve minutes as amended by Breckenridge, seconded by Stenersen, unanimous vote.



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May 25, 2010 – Minutes reviewed, suggested corrections to be made. Motion to approve as amended by Stenersen, seconded by Breckenridge, unanimous vote.

Brief discussion of where the ZBA is with regard to budget, possible adjustment of application fee. Financials will be reviewed at July meeting. Carol to be in touch with Julie to get financial reports.

Janet Goodrich opened the Public Hearing at 7:00 pm with the Pledge of Allegiance. All members introduced themselves and their status.

Notice of public hearings was posted as follows: Town office, post office, transfer station, and newspaper

Recusals: Joseph Hill, Janet Goodrich

Thomas will read the case with Eicher summarizing the ordinances.

Case #1016: Daniel LaBell 104 LaChance Dr. Rindge, NH 03461 Map 17, Lot 17 for a special exception of section 6 of the Wetlands Ordinance.

Sitting on this case will be: Stenersen, Breckenridge, Drouin, Thomas and Eicher.

Letter submitted by Code Enforcement Officer David DuVernay suggesting application does not fit the criteria for a special exception. As he sees it, a variance is required and not a special exception. Section 6 of the Wetlands Ordinance generally deals with dredging and filling to allow for access to a property. The applicant needs a variance to allow for sand to flow through the pervious wall

Mr. LaBell was verbally informed by the board at the 5/11/10 meeting that a special exception was needed.

DuVernay made mention that he feels the Public Hearing Notice was in error and that the board cannot grant a special exception. DuVernay states applicant needs a variance to allow for sand to go through the wall which was deemed pervious in an earlier case (#1012).

Drouin stated the Public Hearing is not an error, the applicant filed a special exception application, and that is what the board is to hear.

There was also a letter submitted by the Conservation Commission suggesting the applicant seek an “engineered” solution to the sand passing through the wall.

Breckenridge questioned Rich Mellor, from the Conservation Commission what the interpretation of “engineered” is? He replied that it could be as simple as placing landscape fabric behind the wall in question.



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Mr. LaBell voiced his frustration and confusion regarding what he is to be applying for. He was instructed to apply for a special exception which is what he did, and now he is being told that this is incorrect, he seeks direction from the board. He states that in five years there has only been one little corner of the wall where sand went back into the water, and this was over the top, not through the wall. Mr. LaBell stated he would “fix” the corner he feels is in question by placing smaller rocks behind the larger ones and this will block the sand from passing through.

DuVernay says this would not be an acceptable solution since the wall is pervious and sand is passing through the entire wall, not just that corner.

Breckenridge asked DuVernay that if Mr. LaBell can show that a certified, engineered design can be found, and is in place, will he need either a variance or special exception?

DuVernay stated that if Mr. LaBell shows the above, he will need neither a variance nor a special exception and this will satisfy him.

Drouin concerned that we cannot move forward with this case given the information discussed. The suggestion for special exception was made in error on the part of the board. Breckenridge asked where to send the applicant from this point on, as the intent of the board is not to mislead Mr. LaBell.

Drouin suggested a letter from Code Enforcement clarifying the issue. He suggests Mr. LaBell seek legal council once the letter is received. It was suggested that Mr. LaBell attend the meeting of the Conservation Commission on Thursday evening 6/24/10 to seek direction from them with regard to a design that would both solve the issue of the sand leaching through the wall, and meet a criteria acceptable to both them and Code Enforcement.

Mr. LaBell agrees and will plan to attend the 6/24/10 meeting of the Conservation Commission for direction.

Breckenridge asked Mr. LaBell if he is ok with withdrawing his special exception application, Mr. LaBell agrees. Application withdrawn at this time.

Breckenridge moved for application fee to be refunded to the applicant, seconded by Stenersen, unanimous vote.

Other Business:

Reviewers for the July meeting will be Breckenridge and Hill. The cut off date for the July Meeting is July 6th at 4:30 PM.

Stenersen asked Jan to draft a letter to George Carmichael thanking him for his years of participation on the ZBA.

Review for July meeting:



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Rules of Procedure

Financials

Review of job descriptions

Respectfully submitted,

Carol Olesen/Clerk

Chairman

Vice Chairman