



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

January 27, 2009

Approved

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

Alternate members present: Charles Eicher, William Thomas

Hill opened the continuation of the Public Hearing on Case 996 at 7:00 PM with the Pledge of Allegiance. The members and alternates introduced themselves and their status. He explained the clerk was ill and that Goodrich would be the recorder for the evening.

Goodrich recused herself from Case 996 and Hill appointed alternate Charles Eicher to sit in her place. He stated the rules for the hearing and that it would end by 10:30 PM.

Hill 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 #996: Appeal of Southwestern Community Services, P.O. Box 603, Keene, NH 03432, property address 30 Payson Hill Road, Rindge, NH 03461, Map28/Lot 13 for a Special Exception from Article V, Section A.6.a & b, of the Rindge Zoning Ordinance to allow for a twenty-four unit elderly housing development. Case Continuation
Sitting on this case: Mrs. Breckenridge, Mr. Carmichael, Mr. Drouin, Mr. Eicher and Dr. Hill.

Eicher read the case and Thomas read the associated ordinances.

Hill noted the November session was continued to January with the request the applicant provide:

1. An updated plan showing the locations of the building, parking lot, well and septic;
2. Up to date details of wetlands delineation
3. Letters from realtors from towns where other elderly units are located stating there is no negative impact on the value of neighboring properties
4. Adequate sewer and water supply plan and septic location and capacity submitted.

As the board continued in deliberative session, Hill noted the applicant has provided the above requested documents.



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It was moved by Drouin and seconded by Breckenridge to come out of deliberative session to hear any new information to be submitted. [Unanimous approval]

The committee heard references to and discussed in detail previous studies concerning salt contamination of water in the Payson Hill area. Drouin asked if Southwest were to go forward with the project, would it continue to provide water to the complex in the event that the town did not take over the well. Thibault assured the Board that it would continue to provide potable water to the facility regardless of future conditions that might arise.

Abutters noted their concerns about water quality in the Payson Hill/Butterfield area.

Drouin and Carmichael asked whether or not the town would be protected from liability in the event of salt contamination of the well. Hill noted the Board is charged with determining if the concept of this building in this area met the four required criteria. If the criteria are met, the board must grant the special exception. There have been concerns raised that fall under the purview of other boards and committees.

It was motioned by Carmichael and seconded by Drouin to close testimony and enter deliberative session. [Unanimous approval]

The Board found:

1: The use will not create excessive traffic, congestion, noise or odors.

On these issues the applicant and others provided evidence that: There will be no excessive traffic, congestion, noise or odors based on testimony from the applicant and others including the Police Chief. Unanimous decision.

2: The proposed use will not reduce the value of surrounding properties:

On this issue, the applicant and others provided evidence that: There will be no diminution of surrounding property values based upon independent real estate appraisers. Unanimous decision.

3: There is adequate sewage and water facilities and sufficient off street parking provided by the applicant.

On these issues the applicant and others provided that:

Sewage: there is sufficient sewage as per their plan, and is subject to State Approval.

Parking: off street parking is sufficient as per their plan.

Water: there are adequate water facilities provided that no building shall be commenced prior to full approval of the State for quality and quantity of water.



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Unanimous decision.

4: The proposed use will preserve the attractiveness of the Town:

On this issue, the applicant and others provided evidence that: Per their plan, the building design is consistent with neighboring buildings.

Unanimous decision.

A motion was made by Drouin and seconded by Breckenridge to **GRANT** the Special Exception with the following conditions:

1. All permitting required must be obtained prior to commencing, including dredge and fill if necessary.
2. No construction to commence prior to full approval by the state for quality and quantity of water.

Drouin noted an error in the Minutes of Oct. 28, 2008. Item 2A on the decision tree should include the statement, "the property has a unique setting because material is available on site." He requested the Dodd decision that was issued be checked to make sure it is complete. The above correction should also be included in the November 2008 minutes [page 1, paragraph 3]

The November minutes should note those sitting on Case 995 [Page 1, paragraph 6: ...Ordinance[s]. *Sitting on this case are Carmichael, Goodrich, Eicher, Drouin and Breckenridge.*]

Page 2: Case 996 , paragraph 3: ...updated plan [*eliminate comma*] because...

Page 2 Case 996, paragraph 4....he ~~planned~~ planned to create.....

It was motioned by Drouin and seconded by Breckenridge to approve the October minutes as amended. [Unanimous]

It was motioned by Drouin and seconded by Breckenridge to approve the November minutes as amended. [Unanimous approval]

Reviewers for February are Hill and Drouin.

Hill distributed a proposed Annual Report. Motion by Drouin and second by Breckenridge to accept the proposed Annual Report as presented. [Unanimous approval]

Motion by Breckenridge and second by Carmichael to adjourn. [Unanimous approval].



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Janet Goodrich, Recorder

Respectfully submitted

Joseph C. Hill, MD

Chairman

George Carmichael

Vice-Chairman