

**PLANNING BOARD  
RINDGE, NEW HAMPSHIRE  
June 5, 2007**

**DATE: June 5, 2007 TYPE: Public Hearing Date Approved 7/10/07**

**TIME: 7:00 PM-9:30 PM. CHAIR: Kim McCummings**

**CALL TO ORDER, at 7:00 PM**

**ROLL CALL MEMBERS: Kim McCummings, Roberta Oeser, John Vorfeld, Jed Brummer, James Hoard**

**ROLL CALL ALTERNATES: Art Fiorelli, Keith Halloran, Dick Isakson,**

**PLANNING ASSISTANT: Robyn Payson**

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**ALTERNATES Dick Isakson for Deb Sawyer**

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McCummings opened the meeting at 7:00pm

**Announcements**

**SWRPC Annual Dinner Meeting and Rescheduling of June 19th Meeting** -The South West Regional Planning quarterly meeting will be held June 19, 2007. The Planning Board is re-scheduling its work meeting to June 12, 2007.

**First Planning Board meeting in July**-The first meeting has been rescheduled from July 3, to July 10.

**Village Plan Alternative Workshop**- There is a workshop scheduled on June 21, for the Village Plan Alternative. A draft mailing list was circulated to the Board for their input.

**Alternates Update**-All alternates will be able to participate during the time when a hearing is open to public comment. Otherwise, only the seated alternates will be able to participate during the case and during deliberation. Un-seated alternates will turn their nameplates so the name is not visible to make it clear to the public who is sitting on a case. All alternates will be able to participate in administrative matters and subcommittees. This is per consultation with Town Counsel.

**Jason Czekalski-Sign Ordinance Suggestions**- Mr. Czekalski reviewed his proposed Business Directional Sign Ordinance. Following his presentation Mr. Czekalski was told that his proposed ordinance would be discussed in depth when the Sign Ordinance subcommittee is appointed.

**Impact Fees**-Roberta Oeser said that the Planning Board exempted Bob VanDyke's condominiums from impact fees. She said code enforcement had no right to override the decision legally made by the Planning Board. Roberta said that she suggests that a letter be sent to the Board of Selectmen informing them that they have no right to over rule the Planning Board and that they have no authority in regard to Impact Fees. Roberta said that by statute the Planning Board has a right to assess and administrate Impact Fees. If one disagrees with the Planning Board on Impact Fees, because this is an innovative land use control, it must be appealed to Superior Court –not the ZBA.

This discussion is continued to the work meeting June 12.

## **Committee Updates**

### **Economic Development Committee**

Kim McCummings reported on the Economic Development Committee meeting at which the focus was to compile a list of active businesses in Rindge with their contact information. Also addressed was the Economic Development Chapter in the Master Plan to propose to the Planning Board.

## **OLD BUSINESS**

**Review minutes May 15, 2007** James Hoard made a motion to approve the minutes, Roberta Oeser seconded. The motion carried with Keith Halloran and Dick Isakson abstaining because they did not attend the meeting.

## **NEW BUSINESS**

### **Major Site Plan**

#### **Map 3 Lot 4-7 Dolly Ln. and Route 202**

#### **Tim Halliday**

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**Sitting on this case: Kim McCummings, John Vorfeld, Roberta Oeser, Jed Brummer, James Hoard, Keith Hal loran, Dick Isakson**

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Robyn Payson read the plan review into the record.

Tim Halliday presented his Amended Site Plan, which he regards as a Minor Site Plan because the parking areas are gravel and there is no impervious surface. He described the plan as an “As Built Plan” showing the proposed parking and existing conditions in order to clear up the violations on the site. The only other change is showing the additional driveway which was not allowed when the site plan was originally approved in 1994. Since then, the driveway regulations have been amended to allow two driveways per lot.

Art Fiorelli asked Mr. Halliday to describe all of the changes to the site that were made since the 1994 Site Plan approval.

1. The second driveway was added.
2. Two gravel parking areas shown on the plan in the location where the use variance was granted.
3. A second parking area on the site has been expanded from the 1994 approval.
4. The original 1994 site plan stated no additional cutting. Dying trees and thinning made some cutting necessary, the tree line is not shown on the plan.
5. The original approval was for automotive retail business and the use has changed to the sale of construction equipment.
6. The use of a storage trailer for the recycling area instead of the fenced in area, which was on the original 1994 approval.

Mr. Halliday said he had a Site Plan that the Board at the time did not choose to use that showed the buildings, road and tree line. Mr. Halliday said his intention was to show existing conditions and not showing all of the changes over time.

The first issue that needed to be determined was whether this was a Major or a Minor Site Plan. Roberta Oeser read the requirements of a Minor Site Plan and because this application included no new construction, no significant impact and no impervious surface in the construction of the parking area.

Art Fiorelli stated that what made this a Major Site Plan was the fact that the changes to the amendments to the site plan in total, affected the entire site and not just the parking area. He said that the Board was being asked approve all of the amendments to the plan since 1994 which makes it more intensive than a Minor Site Plan.

Roberta Oeser said she didn't feel that there was a change in use between Motor Vehicles and Construction Equipment. Mr. Halliday said that as far as the state of NH was concerned there wasn't because the licenses were the same.

Les Cypret said in his previous experience there is as much similarity between a boat and a car as a car and a truck, he pointed out that his property is not considered acceptable for car sales so in his opinion this would be a change in use.

Art Fiorelli said that he didn't think that an excavator or a bulldozer could be considered a motor vehicle because you don't just drive around it.

Kim McCummings said that it appears that selling motor vehicles and construction equipment would be a change or expansion of use.

Roberta pointed out that the Code Enforcement Officer never considered selling construction equipment a violation.

John Vorfeld said that the intent of the restriction on the 1994 approval pertaining to the parking of construction equipment was because Mr. Halliday was selling cars and had an auto repair service. Selling construction equipment was not an issue at that time. Parking construction vehicles on the property was allowed in the decision only on a temporary basis, not with the intent of selling construction equipment.

Dick Isakson made a motion to declare this application a Minor Site Plan James Hoard seconded, Motion carried with one no vote by Keith Halloran and Kim McCummings abstaining.

The Board will discuss the technical aspects of this application at the June 12, work meeting and will send Mr. Halliday a list of requirements to bring forward for the meeting for the meeting of July 10, 2007

Roberta Oeser made a motion to continue this matter to the next Planning Board meeting July 10, 2007. John Vorfeld seconded motion carried

**Major Subdivision**

**Map 11 Lots 36-1 & 36-2 Cathedral Rd.**

**Phillip Stenersen**

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**Sitting on this case: Kim McCummings, John Vorfeld, Roberta Oeser, Art Fiorelli, James Hoard, Keith Hal loran, Dick Isakson**

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Jed Brummer recused himself due to his involvement with the Cathedral of the Pines. Art Fiorelli was seated in his place.

Robyn Payson read the plan review into the record.

Kirk Stenersen presented the application plan for a 19 lot P.U.R.D. Following discussion, the Board determined the application sufficiently complete for acceptance.

Kim McCummings read the minutes from the road committee meeting which stated:

”After some discussion, Chief Sielicki moved that the Committee express the following concerns about the plan to the Planning Board: 1) The road is too long; 2) The wide cul-de-sac ends at the steepest part of the property; 3) There are no driveways shown on the plan; and 4) The cul-de-sac needs to be flared to accommodate plowing.”

The board felt that these comments were too vague and there needed more specific comments, accompanied by recommendations by the road committee regarding this project. There is an existing memo from Fire Chief Rick Donovan

Robyn Payson related concerns from the Town of Jaffrey, received via e-mail and through a conversation in the Planning Office with Jaffrey Planning Board Chairman Don MacIsaac who visited the Planning Office earlier in the day. The Town of Jaffrey is an abutter, owning land on which Bullet Pond is located. Bullet Pond is a potential water source for the town of Jaffrey and asked that any minutes and information be copied to himself and acting Town Manager Randy Heglin.

The Planning board found the application was sufficiently complete to be accepted.

James Hoard made a motion to accept the application, Roberta Oeser seconded. The application was accepted unanimously.

Roberta Oeser made a motion to continue discussion of the technical aspects of the plan further, at the upcoming work meeting scheduled for June 12.

The Public Hearing will be held on July 10.

Keith Halloran seconded. The motion carried unanimously.

### **Major Subdivision**

**Map 5 Lot 4 Abel Rd/Whicker Drive**

**Matt Sauvola**

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**Sitting on this case: Kim McCummings, John Vorfeld, Roberta Oeser, Jed Brummer, James Hoard, Keith Hal loran, Dick Isakson**

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Kim McCummings read the plan review in to the record.

Kirk Stenersen presented the plan for a 7 lot Subdivision on Whicker Drive. The size of the lot is 143 acres and is located in the Residential Agricultural District. State DES approval is pending for the wetlands impacts on the site, and a special exception is necessary for the 20' gravel road.

Mr. Stenersen asked for a waiver of the full perimeter survey due to the fact that the development was limited to the front 21 acres of the property. The survey submitted includes only the area to be developed.

Following discussion by the board Roberta Oeser made a motion to grant the waiver of the full perimeter survey, Jed Brummer seconded the waiver was approved with Kim Mc Cummings abstaining.

Mr. Stenersen was advised that the Planning Board cannot act on this application until all ZBA approvals have been acquired.

Roberta Oeser made a motion to continue discussion of this application until the hearing of August 7, James Hoard seconded. Motion carried unanimously.

**NEXT MEETING**

**June 12, 2007**

Respectfully submitted,  
Robyn Payson