



RINDGE BOARD OF ADJUSTMENT
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November 28, 2023 Meeting Minutes

Date: November 28, 2023

Time: 7:00 PM

Location: Rindge Town Office

I: Pledge of Allegiance led by Chair, George Carmichael

II. Members and Alternates Present: George Carmichael, Chair, Marcia Breckenridge, Vice-Chair, Marty Kulla, Member, Ross Thermos, Member, Terrence Fogg, Alternate

III. Members Absent: Phil Stenersen

IV. Others present: Phil Stenersen, applicant

V. Meeting Proceedings: Chair, George Carmichael, outlined the meeting protocol, then ZBA Clerk, Kim McCummings, noted that public hearing notices were posted in various public locations and with the Ledger/Transcript newspaper.

VI. Hearing for Case #2016: Phillip R. Stenersen

Chair Carmichael opened the hearing, and Marty Kulla and Terrence Fogg read the case details.

A. Overview of Case:

Applicant: Phillip R. Stenersen

Property: 59 Amalia Way, Rindge, NH 03461

Request: Special Exception for an Accessory Dwelling Unit (ADU)

B. Seating for the Case: Chair Carmichael announced that Terrence Fogg would be sitting for Phil Stenersen, as he is the applicant in this case.

C. Presentation by Stenersen:

Stenersen said the application is for a special exception to construct a 606 sq. ft. accessory dwelling unit (ADU) in the basement of the home currently under construction on Tax Map 11 Lot 36-1-11 located at 59 Amalia Way. The subject parcel is 1.430 acres. Stenersen added that the primary dwelling unit will be 1,918 sq. ft. of finished off areas. (1,166 sq. ft. on the main floor and 752 sq. ft. on the second floor). The ADU will be accessed from the lower level with parking to the south of the house for the ADU. Mr. Stenersen addressed the five criteria required for an ADU as follows:

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

The proposed use will not create excessive traffic due to allowing one additional ADU within a 19-lot subdivision on a dead-end road. The ADU will have its own parking area at the lower level. The ADU parking area will come off of an existing access driveway to the common area, which comes off of the cul-de-sac of Amalia Way where any cars on the road are moving very slowly. The surrounding properties are single family homes, some with ADU's (5 of the existing 17 homes within the subdivision) and an additional ADU will not create any additional noise or odors beyond those existing homes.

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

The surrounding properties are single family homes with 5 of the existing 17 homes within the subdivision already having an ADU. The proposed use of an additional ADU will not reduce the value of the surrounding properties. The ADU will be completely hidden within the confines of the walkout basement of the primary structure and from the street this will appear to be a single-family home.

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

The proposed ADU and house have an approved septic system through the State of New Hampshire Department of Environmental Services. The driveways have been designed to provide adequate off-street parking for the ADU and proposed house.

Criteria 4: The proposed use will preserve the attractiveness of the town.

The proposed ADU will be constructed in such a manner that from the street it will appear to be a single-family home. As such this single-family home with an ADU will preserve the attractiveness of the town and will be in keeping with the homes within the subdivision and in the area.

VII. Deliberation: Motion: by Breckenridge to enter deliberative session. **Second:** by Thermos **Vote:** 6-0-0

The Board deliberated as follows:

Carmichael highlighted that the application in question pertains to a property owner who, in addition to being the builder of the home, currently resides in another part of town. The

home, which is nearing completion, is actively listed for sale online. Notably, the listing explicitly mentions the presence of a full in-law suite within the home. Carmichael expressed concern, noting that this situation appears to be in violation of the Rindge Accessory Dwelling Unit Ordinance (Section 3-D). According to the ordinance, "An ADU shall only be permitted for a principal dwelling unit in which the owner of record of the property will personally reside in either the principal dwelling unit or the ADU, except for bona fide temporary absences." Carmichael suggested that, to align with the purpose and intent of the Special Exception requirements, the applicant/owner must either currently reside in or have definite plans to reside in the building. Breckenridge emphasized what she thought was a key point in the ordinance, specifically focusing on the use of the word "will." Breckenridge argued that the inclusion of this term implies a commitment that the future owner of this new construction intends to reside in the property.

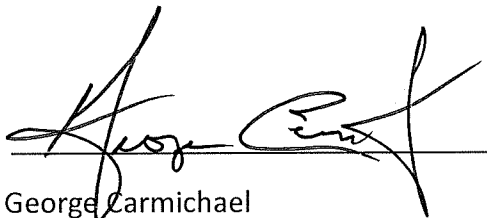
After further discussion a motion was made by Breckenridge to approve the Special Exception using the criteria as written in the application. **Second:** by Kulla **Vote:** 4-1-0

The Special Exception was approved.

VIII. Approval of Minutes: **Motion:** Marcia Breckenridge **Second:** George Carmichael **Vote:** 6-0-0 The Minutes of August 22, 2023, and September 26, 2023 were approved.

IX. Motion to Adjourn: **Motion:** by George Carmichael **Second:** Marcia Breckenridge

Meeting adjourned at 8:30 PM.



George Carmichael
ZBA Chair



Marcia Breckenridge
ZBA Vice Chair

