

Meeting Minutes for
Public Meeting/Public Hearing
September 3, 2024
KG, DS, TC, JA, KM, RO, MG, AB

PLANNING BOARD
RINDGE, NEW HAMPSHIRE
September 3, 2024

DATE: September 3, 2024,
TIME 7:00 pm

TYPE: Public Meeting

APPROVED: 10/01/2024

CALL TO ORDER: 7:00 pm

ROLL CALL MEMBERS: Roberta Oeser, Joel Aho, Tom Coneys, Kim McCummings, Doug Seppala. Max Geesey and Kim McCummings arrived at 7:03PM and 7:07 respectively.

ROLL CALL ALTERNATES: Kelen Geiger

ABSENT: Rob Chamberlain

EX OFFICIO: Tom Coneys

PLANNING DIRECTOR: Al Bump

APPOINTMENT OF ALTERNATES: Kelen Geiger to sit for Rob Chamberlain

OTHERS PRESENT: Deb and Jim Sweeney, Ericka Boudreau Woods, Henry Woods, Ashley Saari, Jamie VanDyke

Call to order and Pledge of Allegiance

Roll call by Chairperson

Appointment of alternates

Kelen Geiger to sit for Rob Chamberlain

Announcements and Communications

Chairman Roberta Oeser announced that this meeting is being both video and audio recorded for the purposes of minute-taking as well as an auxiliary recording.

Kelen Geiger said that she would like to make sure that everyone knows that this meeting is being live streamed on YouTube, and it is listed under the Town of Rindge at the Town of Rindge. Kelen Geiger said that she does not believe that the Town of Rindge has really decided that. Kelen said she believes that Tom Coneys has decided that he is going to live-stream this and Kelen wants to be sure that people are aware that when you are speaking, you are being live-streamed on YouTube and you can find it there. Also, Kelen said, after the meeting, this recorder is not being turned off right away, so if you want your conversations to be private, you should walk outside of this room.

Kelen Geiger asked Tom Coneys under what capacity he is recording this. Tom Coneys said he is a private citizen. A conversation took place which included:

- Whether or not an Ex Officio can serve both as a private citizen and an appointed official at the same time. Tom said he has every right to do this per RSA (New Hampshire Revised Statutes Annotated)

Meeting Minutes for
Public Meeting/Public Hearing
September 3, 2024
KG, DS, TC, JA, KM, RO, MG, AB

- That the Town of Rindge at the last Board of Selectman's Meeting has not decided if they are in favor of live streaming the meetings.
- That other meetings that have been recorded include the BOS, ZBA and the Planning Board Subcommittee meeting.
- That these recordings are being identified as coming from the Town of Rindge.
- Chairman Roberta Oeser said that, personally, she has an issue with these being labelled as Town of Rindge as it appears that it is an official recording, and it is not. Roberta said perhaps legal counsel should be consulted.

Approval of Minutes:

August 6, 2024

MOTION: Tom Coneys made a motion to accept the minutes as written. Joel Aho seconded the motion. **Vote: 6-0-0**

Kim McCummings arrived at 7:07PM

Old Business/Continued Public Hearings

1. <u>Conceptual Discussion: Jamie Van Dyke, Map 2 Lot 45</u>

Jamie said back in 2015, he and his brother purchased property on Dale Farm Road, a Class VI Road. This property required quite a few approvals including Planning, ZBA, Con Com, BOS. After receiving all of the approvals, they were challenged by some neighbors who took them to court where they prevailed. That was appealed and went to Supreme Court where they prevailed. By this time, it was 2019 and the financial markets were much different than they had been in 2015. And then, COVID hit, and inflation and pricing went crazy. Jamie is here today asking for relief from the density requirements and is looking to get 42 units there instead of the approved 27 units. This would eliminate the requirement for Workforce Housing. Jamie Van Dyke said the two units at Robert's Landing that are Workforce Housing have had issues with violence and drugs and have been problematic. The only Police calls to Robert's Landing have been those two units. Jamie Van Dyke said that all of his units are occupied, and Franklin Pierce University is looking for housing for their staff. Jamie said they are trying to build a nice product with landscaping and stay within the character of the Town of Rindge.

Board members looked at the plans that Jamie brought this evening to show what he is proposing. These will be 7 buildings with 6 units in each one. Jamie Van Dyke said these could be either condominiums or rentals, depending on the market.

Jamie Van Dyke said he would need to take this to the ZBA for a variance. This is 40 acres of land, and they are only using 10 acres. The footprint would be the same as the PURD with a natural wetland buffer. Mr. Van Dyke is looking for a recommendation from the Planning Board.

Meeting Minutes for
Public Meeting/Public Hearing
September 3, 2024
KG, DS, TC, JA, KM, RO, MG, AB

The Board discussed this and determined, at cursory glance, that Mr. Van Dyke would need a Variance for Density from the ZBA and then a Site Plan Review from the Planning Board. The earlier Variance (#1118) for frontage will still be apply. Bringing the road up to standards would also be needed. Most of the Board said that this was something that the Town needed.

Jamie VanDyke thanked the board for their time.

Discussion: Phased Development Ordinance

Chairman Roberta Oeser said that this Board has spent a lot of time on the Phased Development Ordinance. Chairman Roberta Oeser asked if the Board has any recommendations at this time.

Planning Director Al Bump read the following excerpt from **Section 3. Applicability.**

...When unique or unforeseen conditions arise with regard to a particular subdivision, the applicant may request the Planning Board to consider a modification to the phasing schedule ...”

Planning Director Al Bump said that he is not saying that this ordinance should or should not be amended but pointed out that the phasing schedule may be modified.

Board members discussed the following:

- Amending **Section 4 Phasing** to begin phasing at 10-20 units
- Amending **Section 4 Phasing** to begin phasing at 4-6 units
- This ordinance is a tool that may be adjusted for each individual project as it stands. Is it necessary to change it?
- The current phasing schedule may scare away builders who will think that perhaps they would be phased at as little as 4 to 6 units.
- The first 10 units would not be phased but after that it would be at 50 percent.
- Get rid of phasing in its entirety
- Let the market dictate what is being built at what time
- Phasing will mean that the people who buy the first units will be living in a construction zone for much longer.
- Keep the ordinance as it is right now.
- This ordinance is so restrictive that it doesn't make sense.

Board members determined that they would like Chairman Roberta Oeser to write this proposed Warrant article amendment starting phasing at 10 units and 50% and present it at the next meeting.

Discussion: ADUs

Chairman Roberta Oeser said that Planning Director Al Bump had proposed a change to the Ordinance for clarity. Al said that if the Board sticks to the strict definition of the word “accessory” and “accessory dwelling unit”, it is an accessory to an existing home.

Meeting Minutes for
Public Meeting/Public Hearing
September 3, 2024
KG, DS, TC, JA, KM, RO, MG, AB

- Board members discussed:
the process for allowing a spec-built home with an ADU which would require a variance.
- Attached and detached ADUs and the requirements.
- Town of Fitzwilliam says that ADUs cannot be used for Short Term Rentals

Distribution of updated Rules of Procedure

Planning Director Al Bump distributed updated Rules of Procedure.

New Business/Public Hearings

1. Discussion: Possible changes Camping Permits Article III, Section N
--

Chairman Roberta Oeser said that the BOS (Board of Selectmen) are working on a Camping Ordinance. Camping Permits are addressed in our Zoning Ordinance, Article III N.

Chairman Roberta Oeser said that motor homes, campers, etc. should be owned by the property owners. Board members discussed motor homes or campers possibly being used as Short-Term Rentals. Roberta said the ordinance is clear when it spells out “nonpaying guests”.

Reports of Officers and Subcommittees

1. Report of Short-Term Rental Subcommittee

Chairman Roberta Oeser said this is her first try at working with Article III, S, in our Zoning Ordinance which was addressed following the Hunt Castle court case. Planning Director Al Bump said he has provided the Board with several other ordinances including Franklin. Al Bump said that in reviewing the Hunt Castle court case, it all boiled down to the Definitions. Planning Director Al Bump said it is important that this be enforceable, and this is not going to happen tonight nor this month. It is going to take time to meet the will of the town and the property owners.

Chairman Roberta Oeser said the next subcommittee meeting will be in two weeks. Al Bump said he will send out the Portsmouth Ordinance to review.

Audience member Deb Sweeney said that:

- Short Term Rentals are happening all over town.
- ADUs are cropping up all over town.
- The Town of Rindge has no Noise Ordinance in place
- Increased tourism/over-occupancy will lead to the need for more Police/Fire/Safety issues.
- Boating safety as a State issue.
- People are buying up lake properties with the intention of using them as Airbnb’s.
- Many deeded Right of Ways around the lakes can become overused.

Meeting Minutes for
Public Meeting/Public Hearing
September 3, 2024
KG, DS, TC, JA, KM, RO, MG, AB

Chairman Roberta Oeser said we would be in court if we, as a Town, said we do not allow Short Term Rentals, but we can regulate them and require a Site Plan Approval. Site Plan Approval will

- Limit the number of occupants to two per bedroom
- Provide for adequate parking on-site, no parking on the road
- Must be posted similar to a hotel room
- We will ask the BOS to require a permit and inspections yearly

Planning Office Report

Rejected incomplete applications for a Minor Site Plan and Conditional Use Permit located at Map 31 Lot 4 (the old Sunoco property at 1162 Route 119).

Planning Director Al Bump said that a gentleman came in at the last meeting who wants to refurbish this property and use half for auto-repair and half for a screen-printing company. Al met with the applicant and provided him with the applications and checklists and the deadline for submission. The applicant slowly provided documents piecemeal. Upon review, there were 13 issues not provided. For that reason, Planning Director Bump rejected the application as incomplete and advised the applicant that he has until September 10th to be heard at the October 1 meeting.

Ericka Boudreau Woods said that she is leasing the whole building with the exception of one outside bathroom at 1162 NH Route 119. She said only last week she learned that the owner was leasing out the land to a landscaping company. Planning Director Al Bump said this is all news to him. Ericka said that she had been told that the Site Plan Review and the Conditional Use Permit (CUP) was specifically for her business and not the property. Ericka is here tonight to speak on behalf of her business.

Planning Director Al Bump said that the responsibility for the Site Plan Review and the CUP are the Owner's responsibility. Chairman Roberta Oeser said that the CUP had nothing to do with screen printing but was for the Service Station. Ericka said the owner of the property charged her for the Site Plan Review and the CUP and they have moved their stuff in last weekend and their lease says September 1st. Ericka said she is really confused. Planning Director Al Bump said this is a civil issue but an attorney may be necessary.

Kim McCummings said there was an issue at that site many years ago with oil leakage. Henry Woods said that they have been digging this up recently and you can smell the gasoline. They trucked out contaminated soil.

Adjourned at 8:50 pm

Respectfully submitted,
Planning office staff