

Meeting Minutes for
Public Meeting/Public Hearing
October 1, 2024
KG, DS, TC, JA, KM, RO, MG, AB

PLANNING BOARD
RINDGE, NEW HAMPSHIRE
October 1, 2024

DATE: October 1, 2024,
TIME 7:00 pm

TYPE: Public Meeting

APPROVED: 10/15/2024

CALL TO ORDER: 7:00 pm

ROLL CALL MEMBERS: Roberta Oeser, Joel Aho, Tom Coneys, Kim McCummings, Robert Chamberlain, Max Geesey

ROLL CALL ALTERNATES: Kelen Geiger

ABSENT: Doug Seppala

EX OFFICIO: Tom Coneys

PLANNING DIRECTOR: Al Bump

APPOINTMENT OF ALTERNATES: Kelen Geiger to sit for Doug Seppala

OTHERS PRESENT: Sam Girgis, Ashley Saari, Roberta Letourneau, Jim Fletcher, John Anderson, Russ Huntley, Anna Taylor, Corey Taylor, Courtney Ball, Esq., Rob Martel, Zachary Fletcher, Brian White, Paul Grasewicz

Call to order and Pledge of Allegiance

Roll call by Chairperson

Appointment of alternates: Kelen Geiger for Doug Seppala

Announcements and Communications

Chairman Roberta Oeser announced that this meeting is being recorded by a private citizen. She said this recording is not sanctioned by the Town nor it is the official recording of this meeting. This will be live streamed on YouTube.

Kelen Geiger said that she wants everyone to know that the title of this YouTube has been changed from Town of Rindge to a citizen produced for transparency. Kelen said that the Board of Selectmen (BOS) did not approve the livestreaming but a private citizen, who is also a member of the BOS, Tom Coneys is livestreaming this. Kelen cautioned anyone in the room to be aware that what they say before or after this meeting in this room is being livestreamed.

Kim McCummings announced that the last Farmer's Market is this coming Thursday.

Approval of Minutes:

September 3, 2024

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MOTION: Max Geesey moved to accept the minutes as written. Kim McCummings seconded the motion. **Vote: 6-0-1** Robert Chamberlain abstained.

Old Business/continued Public Hearings

Chairman Roberta Oeser said that unless there were any objections, the Discussion of the Phased Development Ordinance would be moved to the end of the meeting.

New Business/Public Hearings

- 1. CONCEPTUAL CONSULTATION:** Sam Girgis, Pizza Haven location for allowed uses on this property which is located at 1343 NH Route 119, a 2.8 acre lot, Tax Map 6 Lot 33-1. in the Gateway Central Zoning District.

The applicant is considering building a second building on this lot which would house a convenient store on the bottom with condominiums or apartments on the upper floor. Roberta Oeser said this is an allowed mixed use and encouraged in the Gateway districts.

- 2. CONSIDERATION OF** an application for a Technical Subdivision submitted by Corey R. and Anna M. Taylor, 63 East Main Street, Rindge, NH 03461 and Bruce H. White, PO Box 469, Rindge, NH 03461 for property located at Tax Map 26, Lot 12 and Tax Map 4, Lot 25 on East Main Street in the Village and Res-Ag Zoning Districts. The applicants are seeking approval for a lot line adjustment.

Planning Director Al Bump read the following into record from the Planning Office memo:

Background Information:

- 1) Huntley Survey & Design, PLLC with Russell J. Huntley, LLC, surveyor, on behalf of Corey R. & Anna M. Taylor and Bruce H. White have submitted for approval of a Technical Subdivision / Lot Line Adjustment of Tax Map 4 Lot 25 and Tax Map 26 Lot 12 located on East Main Street.
- 2) The subject parcels, Map 4 Lot 25 and Map 26 Lot 12 are currently 3.5 acres and .657 acres, respectively.
- 3) Planning Director Almyr L. Bump conducted a completeness review and determined that the applicant has provided the Planning Board with the information necessary to make an informed decision on this application.

Regarding the Application:

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- 1) The proposed technical subdivision is located in the Residential-Agricultural and Village Zoning Districts.
- 2) The proposed technical subdivision is located on East Main Street.
- 3) Map 4 Lot 25 is a vacant undeveloped lot.
- 4) Map 26, Lot 12 has a single-family residence. The foundation and well location are shown. Driveway and the septic system are shown.
- 5) The proposed Technical Subdivision will change the lots as follows:

<u>Lot #:</u>	<u>Existing Size:</u>	<u>Parcel A:</u>	<u>New Size:</u>
Map 4, Lot 25	3.5 acres	- 0.542 acres	2.96 acres
Map 26, Lot 12	.657 acres	+ 0.542 acres	1.199 acres

Chairman Roberta Oeser asked the applicant to address the Board.

Russ Huntley reviewed the plan before the Board. The applicant is seeking a bit more privacy.

Motion: Max Geesey moved to accept the Technical Subdivision application for Tax Map 4, Lot 25 and Tax Map 26, Lot 12 as substantially complete as presented. Joel Aho seconded the motion.

Vote: 7-0-0

Chairman Roberta Oeser asked for questions or recommendations from the Board. There were none.

Chairman Roberta Oeser opened the public hearing.

There were no comments.

Chairman Roberta Oeser closed the public hearing.

Planning Director Al Bump read the following into record from the Planning Office memo:

Recommendation:

I recommend approval of this Technical Subdivision subject to the following conditions:

- 1) Monumentation (iron pins) shall be set at the new lot corners as required.
- 2) All applicable governmental permits shall be obtained.

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- 3) Prior, during and after recording of the decision, the applicant shall be made aware that any conditions placed on this subdivision plan through other governmental or permitting agencies are hereby included in this approval.
- 4) Approval by the Town of Rindge Planning Board in and of itself does not effectuate a change in lot line location. This approval recognizes that the lot configurations proposed are in conformance with the Town of Rindge Ordinances and Regulations or are otherwise accepted with non-conformances. The change in lot line location does not occur until such time as a deed transferring parcel "A" is recorded at the Cheshire County Registry of Deeds. A copy of the recorded deed must be submitted to the Town of Rindge Assessing Office.
- 5) The applicant or applicant's agent shall provide the Planning Office with an electronic copy of all approved plans.

MOTION: Max Geesey moved to grant approval of this Technical Subdivision of Tax Map 4, Lot 25 and Tax Map 26, Lot 12 as presented with the five aforementioned conditions. Rob Chamberlain seconded the motion. **Vote: 7-0-0**

Chairman Roberta Oeser read the following:

3. **CONSIDERATION OF** an application for a Conditional Use Permit submitted by Granite Trust, 3 Blair Road, Ipswich, MA 01938 for property located at Tax Map 31, Lot 4 at 1162 NH Route 119 in the Gateway East Zoning District. The applicant is seeking approval for auto repair and associated use.

Chairman Roberta Oeser provided the following from the Planning Office memo:

Background Information:

- 1) Granite Trust has submitted for approval of a Conditional Use Permit of Tax Map 31 Lot 4 located at 1162 Route 119.
- 2) The subject parcel, Map 31 Lot 4, the former Sunoco station, is currently vacant.
- 3) The applicant is seeking a Conditional Use Permit for an Automobile Repair facility on Map 31, Lot 4.
- 4) The applicant is seeking to waive the requirement from Section VI 2A from the Site Plan regulations:

New Hampshire Department of Environmental Services (NHDES) septic design approval where applicable; or letter of certification by a licensed septic designer that an existing septic system is adequate to meet the needs of the proposed use, if applicable.

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- 5) Planning Director Almyr L. Bump conducted a completeness review and determined that the applicant has provided the Planning Board with the information necessary to make an informed decision on this application.

Chairman Roberta Oeser said that she is extremely concerned about the waiver request. She said this property was built in 1955 and there has been no record of any change to the septic system. The Town has been keeping records since the 1970s. Board member discussed this waiver request and came to the decision that they need someone to inspect this and determine what type of system this is.

Attorney Courtney Ball, representing Rob Mattel, said that they have run into difficulties finding someone to certify this system. Roberta Oeser said that in New Hampshire for around \$600.00 they will come out and inspect and provide a service to what is there.

Kelen Geiger asked about the Auto Repair as a Use and suggested a Site Walk. Chairman Roberta Oeser said right now we need to decide if we can provide a waiver on the septic system. Until that is resolved, we cannot move forward to considering the Conditional Use Permit.

Board members discussed the rationale for the waiver request. Rob Martel said that he contacted several companies and no one would inspect and certify something they did not install.

Attorney Courtney Ball asked if it was possible to have a conditional waiver if they cannot find someone willing to perform this service, could they come back with a hardship request? Chairman Robert Oeser said it would be hard to do as the Board would have to reconvene to accept it. Roberta LeTourneau, an audience member, provided the applicant with a phone number to a possible provider.

Attorney Courtney Ball and Rob Martel spoke to the clean up on that lot of contaminated soil. The site is clean per NH DES. (New Hampshire Department of Environmental Services)

Chairman Roberta Oeser said that, in order to accept the application as substantially complete, a waiver must be granted. Otherwise, the application is not complete at this time. The Board discussed continuing the hearing until the next meeting which is on November 5, 2024. That is the same date as the election and could be a problem. Chairman Roberta Oeser stated that the Board has other business that needs to be addressed and suggested meeting in 2 weeks on October 15, 2024.

Attorney Courtney Ball asked to confirm what is being requested regarding the Septic System. The questions that need answering are:

- What it is
- Location
- Condition.

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MOTION: Roberta Oeser moved to continue the applications for Verdantas, PLLC on behalf of Granite Trust for a Minor Site Plan and Conditional Use Permit for Tax Map 31 Lot 4 located at 1162 NH Route 119 for a hearing on October 15, 2024 at 7:00 PM. Max Geesey seconded the motion. **Vote 7-0-0.**

4. **CONSIDERATION OF** an application for a Minor Site Plan submitted by Granite Trust, 3 Blair Road, Ipswich, MA 01938 for property located at Tax Map 31, Lot 4 at 1162 NH Route 119 in the Gateway East Zoning District. The applicant is seeking approval for a screen printing and embroidery for various promotional products (hats, bags, jackets, etc.) as well as auto repair and associated use.

See motion above to continue to October 15, 2024. This application has not been accepted as complete.

5. **CONSIDERATION OF** an application for a Technical Subdivision submitted by Richard Genovese, PO Box 236, Rindge, NH 03461 for property located at Tax 14 Lot 47 and Lot 46 at 36 LaChance Drive in the Residential Zoning District. The applicant is seeking approval for a lot line adjustment.

Chairman Roberta Oeser read the background information:

- 1) Graz Engineering, LLC, on behalf of Richard Genovese has submitted for approval of a Technical Subdivision / Lot Line Adjustment of Tax Map 14 Lot 47 and Lot 46 located on LaChance Drive.
- 2) The subject parcels, Map 4 Lot 47 and Lot 46 are currently 31,958 SF and 10,380 SF, respectively. Both parcels are legal non-conforming lots.
- 3) Planning Director Almyr L. Bump conducted a completeness review and determined that the applicant has provided the Planning Board with the information necessary to make an informed decision on this application.

Chairman Roberta Oeser asked the applicant if a variance had been granted as the Planning Board cannot approve lot line adjustments that make a non-conforming lot even less conforming as this application requests. Paul Grasewicz of Graz Engineering stated that they did not. He had looked at doing an equal 'land swap' but it was not feasible. His client would be doing an easement instead. The application was not accepted.

Reports of Officers and Subcommittees

1. STR Subcommittee (Short Term Rentals)

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A discussion ensued about STRs and whether to limit the number of days in a year that STRs can be rented. That the process of regulating STRs must include a Zoning Ordinance change, Site Plan Regulation language added and the need for the Board of Selectmen to pass a Town Ordinance.

Planning Director Al Bump supplied the Planning Board with background information from surrounding towns including Antrim who are also working on Short Term Rentals regulation.

Planning Director Al Bump said that another subject that has come up is that of an HOA (Homeowner's Association) which has a deed restriction that does not allow for commercial use. What is the Role of the Planning Board in that situation. Al Bump said he has sent an inquiry to the Town Attorney but has not yet heard back.

Other Business

Chairman Roberta Oeser brought up Jamie VanDyke's request for the Planning Board to write a letter in support of his new plan for his property on Dale Farm Road/Knight Lane. This was brought to the Board previously as a proposed change to his PURD project. She explained that there had been zoning changes and changes to the PURD Regulations and his project could no longer be submitted as a PURD. He would need variances to build a 'high density' apartment complex. Planning Director Almyr Bump said that he would have to do an entirely new application. The Board was not in favor of writing a letter under these circumstances.

Next meeting is October 15, 2024.

Adjourned 9:10 PM

Respectfully submitted,
Planning office staff