

Meeting Minutes for
Public Meeting/Public Hearing
November 12, 2024
KG, DS, TC, JA, RO, MG, RC, AB

PLANNING BOARD
RINDGE, NEW HAMPSHIRE
November 12, 2024

DATE: November 12, 2024, **TYPE:** Public Meeting **APPROVED:** 12/3/2024
TIME 7:00 pm
CALL TO ORDER: 7:00 pm
ROLL CALL MEMBERS: Roberta Oeser, Joel Aho, Tom Coneys, Doug Seppala. Max Geesey, Robert Chamberlain
ROLL CALL ALTERNATES: Kelen Geiger
ABSENT: Kim McCummings
EX OFFICIO: Tom Coneys
PLANNING DIRECTOR: Al Bump
APPOINTMENT OF ALTERNATES: Kelen Geiger for Kim McCummings
OTHERS PRESENT: Matt Olson arrived at 7:20 PM Karl Pruter arrived at 8PM

Public Meeting

Call to order and Pledge of Allegiance

Chairman Roberta Oeser reminded the Board that this meeting is being recorded for minute taking as well as being live streamed.

Roll call by Chairperson

Appointment of alternates:

Kelen Geiger for Kim McCummings

Announcements and Communications

Planning Director Al Bump said that Matt Olson will be addressing the Board under “Other Business” this evening as it pertains to the Saybrook Drive project. (Map 2 Lot 46-1-1). Among other things, Matt’s intent is to discuss the reasons for the denial of his wetlands permit, his way forward, and the phasing schedule on the Notice of Decision. Planning Director Al Bump said we have no Performance Bond (in cash or otherwise) and that the Board will need to hear from Mr. Olson and decide what they want to allow.

Kelen Geiger said that individuals have tried to get in touch with the Planning Board and those letters have not been passed along to the Board. Kelen said this is a concern to her. She said if someone takes the time to watch the video or attend a meeting and then writes something to the Board, these communications should be sent to the Board. A discussion took place among the Board members regarding emails that have been sent.

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Kelen Geiger said that if members of the Board have not had time to watch the video of the subcommittee meeting, they may want to take the time to do that to hear the comments and concerns of the people who were in attendance.. Chairman Roberta Oeser said it was an interesting group.

Approval of Minutes:

October 15, 2024

Roberta Oeser said that Joel Aho's name was misspelled within the minutes and that needs to be corrected.

MOTION: Tom Coneys moved to approve the minutes as corrected. Joel Aho seconded the motion. **Vote: 6-0-1** Rob Chamberlain abstained.

Old Business/Continued Public Hearings

1. Discussion: Phased Development Ordinance

Chairman Roberta Oeser provided the Board with a handout of suggested changes to Sections 3 and 4 of the Phased Development Ordinance. Roberta said that Max had suggested to give the Planning Board the ability to waive provisions of the Ordinance. Roberta said she has difficulty with this as this is an Ordinance that the Town votes on. (not a Regulation). Chairman Roberta Oeser said that we can modify this. A discussion took place. Max Geesey said that we should be clear about this and say that we can waive this and not leave it to be a guessing game.

Kelen Geiger asked if anyone knows how many building permits are out there right now. No one in attendance could answer that question. Kelen said she is hesitant to change this and then, if building happens all at once there could be big issues. Tom Coneys said he is under the same impression as Kelen, and things can be modified with the current ordinance. Roberta said that currently, this does not apply to developments but only to subdivisions.

Other Business

Matt Olson- Saybrook Drive discussion

Chairman Roberta Oeser said that Matt Olson would like to address the Board to get permission to go forward with paving and getting some building permits as well as addressing some issues with phasing as he has lost a year now.

Matt Olson said that in 2023, he did not pull his building permits. He was under the impression that he was waiting for his NH DES Wetlands Permit which is for crossing of a wetland that is 20 x 15 feet. NH DES is pushing back to move the whole road to address this.

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Chairman Roberta Oeser reviewed the conditions on the Notice of Decision. Matt Olson provided Roberta Oeser with his estimate for the surety and a letter dated November 12, 2024, from GRAZ Engineering addressing the paving. Mr. Olson also showed the Board a plan for the changes proposed by the State of NH DES. This plan shows a straight road rather than the winding road that was proposed and would require reconfiguring the lots. Some board members said that this straight road could be a safety issue.

Planning Director Al Bump asked if there is anything the Planning Board can do with the State of NH on this issue? Board members discussed a possible letter from the Planning Board to the State of NH DES to challenge this or perhaps Matt Olson can go directly to the state and propose an alternative. Several Planning Board members said that they would prefer the winding road and to replicate the wetlands.

MOTION: Chairman Roberta Oeser moved that a letter be written in support of the original approved plan and not what is now being proposed as a straight road. Max Geesey seconded the motion. **Vote: 7-0-0**

Matt Olson said that he is not comfortable paving at this time until he hears from the State of NH DES. Roberta Oeser said he can get a building permit but not the CO (Certificate of Occupancy) which is depending upon the paving. Matt asked if a Temporary CO is allowed. Roberta was not aware of such. Max Geesey asked if this could be done if a bond were posted. Roberta said surety would be required at some point and we would need something from CHA. (Clough Harbour Associates) Chairman Roberta Oeser said that Matt Olson could talk to the Board of Selectmen or to Rick Donovan about temporary permits.

Matt Olson asked about amending the phasing schedule as he is already in year 2. Roberta Oeser said Matt could come back before the Board when it is time.

Tom Coneys asked about the conditions on the Notice of Decision that have not been met. Roberta said he cannot get a CO until conditions are met.

Discussion: Moving items to Public Hearing for Warrant

Chairman Roberta Oeser read the proposed amendments to be reviewed.

<p>Are you in favor of the adoption of Amendment number 1 (one) to the Town of Rindge Zoning Ordinance as proposed by the Planning Board and generally described as follows: To amend Article III, A by adding the words “no building, structure, or land shall be used except for the purposes permitted in the district as specified in this ordinance. Any use not listed shall be construed as prohibited.” To read: After passage of this ordinance, <i>no building, structure, or land shall be used except for the purposes permitted in the district as specified in this ordinance. Any use not listed shall be construed as prohibited.</i></p>

Recommended by the Planning Board _ in favor, _ opposed.)

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There were no comments from the Board to make any changes to the wording of this amendment.

Are you in favor of the adoption of Amendment number 2 to the Town of Rindge Zoning Ordinance as proposed by the Planning Board and generally described as follows:
To amend the Accessory Dwelling Unit Ordinance, Section 2 by adding ‘existing’ to the first sentence to read: For the purpose of providing expanded housing opportunities and flexibility in household arrangements to accommodate family members or non-related people of a permitted, **existing** owner-occupied, single-family dwelling, while maintaining aesthetics and residential use compatible with homes in the neighborhood.

(Recommended by the Planning Board in favor, opposed.)

Chairman Roberta Oeser said this is to clarify the ordinance.

There were no comments from the Board to make any changes to the wording of this amendment.

Are you in favor of the adoption of Amendment number 3 to the Town of Rindge Zoning Ordinance as proposed by the Planning Board and generally described as follows:
To amend Article III, N by adding the words “on the owner’s property” to the first paragraph and removing the words “Tents do not require permits” from the second paragraph to read:

Campers, travel trailers and motor homes may be stored unoccupied **on the owner’s property** in any district in the Town of Rindge for any period of time.

The Board of Selectmen may issue a permit for any residential property owner to accommodate him/herself or nonpaying guests on their property to reside in campers, travel trailers or motor homes for a period not exceeding 60 days in any one year. In granting the permit, the Board of Selectmen shall take into consideration legitimate concerns raised by abutters. The units shall demonstrate that proper sanitary facilities are available, as determined by the Health Officer and all applicable life safety codes are met. No unit may be used for permanent dwelling at any time.

There were no comments from the Board to make any changes to the wording of this amendment.

Are you in favor of the adoption of Amendment number 4 to the Town of Rindge Zoning Ordinance as proposed by the Planning Board and generally described as follows:
To amend Article III, S by rewriting of the first sentence, deleting the second sentence and adding two sentences which will provide for regulations and adding a heading to describe the section as Short Term Rentals to read:

Short Term Rentals: The rental of all or any portion of a Single-Family Dwelling, Two- Family Dwelling, or Multi-Unit Dwelling, with the exception of **Accessory Dwelling Units**, by the property owner thereof, to any other person or group for periods of less than 30 days is a permitted **commercial use provided that: Short Term Rentals shall require Site Plan approval, issuance of a**

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Conditional Use Permit by the Planning Board and be in compliance with all local ordinances, regulations and applicable state laws and rules. Issuance of a Conditional Use Permit shall take into consideration adequate septic, water supply, adequate parking, maximum occupancy, life safety inspections and other items deemed appropriate to protect public health and safety.

Chairman Roberta Oeser said that we are waiting to hear from Town Counsel on whether or not this would be Commercial use or Non Residential use. A discussion followed:

- Kelen Geiger asked if this is something that the Board wants to pass at this time.
- Kelen said she has attended the subcommittee meeting and wonders if the BOS (Board of Selectmen) will be working on a Nuisance ordinance prior to moving this forward. Kelen said she would like the Board to consider putting this off for a year.
- Roberta Oeser said she would oppose that strongly.
- Robert Chamberlain asked about parking and questioned if this should say On Site Parking. Roberta said that they took this out as it was redundant as a Site Plan Review would be required which requires adequate parking.
- Tom Coneys said he agrees with Kelen and would be in favor of waiting a year so that we have a rock-solid ordinance to do this.
- Roberta Oeser said this will be voted on in March 2025 and by then, the Planning Board will have the Short Term Rental regulations addressed as part of the Site Plan Review with a streamlined application and Conditional Use Permit.
- Planning Director Al Bump said he does share some of Kelen and Tom's concerns and he is also concerned that he has not yet heard back from Town Counsel Gary Kinyon. Planning Director Al Bump said he would like to see a completed package.
- Planning Director Al Bump said he sees the Noise Ordinance as a separate thing, but overall, would like to see a legal review so that the Town is not in court as they were back in 2011
- Chairman Roberta Oeser said there is no reason to write Site Plan Regulations for something that is not in the realm of existence yet. What we have needs to be approved by the voters and then we can take the next step.

Chairman Roberta Oeser said the next two amendments have to do with the Short Term Rentals.

Are you in favor of the adoption of Amendment number 6 to the Town of Rindge Zoning Ordinance as proposed by the Planning Board and generally described as follows:
To amend Article XX, 11 by adding the words "with permanent provisions" to the first sentence and adding "This use shall not be deemed to include such transient occupancies as hotels, motels, rooming, boarding houses or short-term rentals" to read:
Dwelling Unit: One (1) or more rooms, including cooking facilities and sanitary facilities in a structure, designed as a single unit for occupancy ***with permanent provisions*** for living and sleeping purposes. ***This use shall not be deemed to include such transient occupancies as hotels, motels, rooming, boarding houses or short-term rentals.***

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Are you in favor of the adoption of Amendment number 7 to the Town of Rindge Zoning Ordinance as proposed by the Planning Board and generally described as follows:
To amend Article XX by adding new definitions and the renumbering of this section as needed:
Short Term Rental: Any individually or collectively owned single-family house or dwelling unit, or any unit or group of units in a condominium, cooperative, or timeshare, or owner-occupied residential home, or part thereof, that is offered for a fee for less than 30 consecutive days for transient occupancy.
Transient occupancy: Temporary lodging of less than 30 days.

Planning Director Al Bump said that he would begin to work on the Short Term Rental regulations within a section of the Site Plan Review regulations so that the Board has something that is consolidated to work on. This will be a first draft for the Board to look at between now and March.

There is one more warrant article to be reviewed prior to taking motions to send these to public hearing.

Chairman Roberta Oeser read the following:

Are you in favor of the adoption of Amendment number 5 to the Town of Rindge Zoning Ordinance as proposed by the Planning Board and generally described as follows:
To amend the Phased Development Ordinance by adding the word development(s) after the word subdivision(s) where it appears in the ordinance to reflect that not all developments of residential units are subdivisions, to remove 'are subdivisions that' from the first sentence and to revise the phasing schedule to read:
This article shall apply to all major subdivision/**development** applications filed with the Rindge Planning Board. Major subdivisions/**developments** ~~are subdivisions that~~ create four (4) or more new dwelling units.

Number of Dwelling Units	Years	Max. Units in One Year
2 to 5	Not Applicable	Not applicable
6 to 10	2	50%
11 to 15	3	33%
16 to 20	4	25%
21 to 40	5	20%
Over 40	6 to 7	16%

(Percentages will be rounded to the nearest number)

149:08

Moving items to Public Hearing for Warrant

1. Amend Article III, A of the Zoning Ordinance. This amendment is intended to clarify the Town of Rindge Zoning Ordinance to read: "***no building, structure, or land shall be used except***

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for the purposes permitted in the district as specified in this ordinance. Any use not listed shall be construed as prohibited."

MOTION: Roberta Oeser moved to post Amendment No. 1 for a public hearing on December 3, 2024, at 7:00 PM. Robert Chamberlain seconded the motion. **Vote: 7-0-0**

2. Amend the Accessory Dwelling Unit Ordinance, Section 2. This amendment is intended to clarify where ADUs are allowed.

MOTION: Roberta Oeser moved to post Amendment No. 2 for a public hearing on December 3, 2024, at 7:00 PM. Tom Coneys seconded the motion. **Vote: 7-0-0**

3. Amend Article III, N of the Zoning Ordinance. This amendment is intended to clarify the storage of campers, travel trailers, and motor homes, and the use of tents for camping.

MOTION: Roberta Oeser moved to post Amendment No. 3 for a public hearing on December 3, 2024, at 7:00 PM. Joel Aho seconded the motion. **Vote: 7-0-0**

4. Amend Article III, S of the Zoning Ordinance. This amendment is intended to rewrite the first sentence, deleting the second sentence and adding two sentences which will provide for regulations and adding a heading to describe the section as Short Term Rentals.

MOTION: Roberta Oeser moved to post Amendment No. 4 for a public hearing on December 3, 2024, at 7:00 PM. Doug Seppala seconded the motion. **Vote: 5-1-1** Tom voted No, Kelen abstained.

5. Amend the Phased Development Ordinance of the Zoning Ordinance. This amendment is intended to add "development" or "developments" after "subdivision" or "subdivisions", and to adjust phasing requirements.

MOTION: Roberta Oeser moved to post Amendment No. 5 for a public hearing on December 3, 2024, at 7:00 PM. Max Geesey seconded the motion. **Vote: 6-0-1** Kelen abstained

6. Amend Article XX. This amendment is intended add the words "with permanent provisions" and "This use shall not be deemed to include such transient occupancies as hotels, motels, rooming, boarding houses or short-term rentals" to the definition of Dwelling Unit.

MOTION: Roberta Oeser moved to post Amendment No. 6 for a public hearing on December 3, 2024, at 7:00 PM. Joel Aho seconded the motion. **Vote: 7-0-0**

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7. Amend Article XX. This amendment adds two (2) new definitions for Short Term Rental and Transient Occupancy.

MOTION: Roberta Oeser moved to post Amendment No. 7 for a public hearing on December 3, 2024, at 7:00 PM. Doug Seppala seconded the motion. **Vote: 7-0-0**

Meeting Adjourned at 9:00 pm

Respectfully submitted, Planning office staff