

Meeting Minutes for
Public Meeting/Public Hearing
December 3, 2024
RC, TC, JA, KM, RO, AB

PLANNING BOARD
RINDGE, NEW HAMPSHIRE
December 3, 2024

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

TYPE: Public Meeting

APPROVED: 1/7/2025

CALL TO ORDER: 7:00 pm

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

ROLL CALL ALTERNATES:

ABSENT: Kelen Geiger, Max Geesey, Doug Seppala

EX OFFICIO: Tom Coneys

PLANNING DIRECTOR: Al Bump

APPOINTMENT OF ALTERNATES:

OTHERS PRESENT: Aaron Landry, Ashley Saari, Paul F. Grasewicz, Joshua Joslyn, Evan Oatis, John and Lynda Hunt

Call to order and Pledge of Allegiance

Roll call by Chairperson

Approval of Minutes:

November 12, 2024

MOTION: Rob Chamberlain moved to approve the minutes as written. Tom Coneys seconded the motion. **Vote: 4-0-1** Kim abstained.

New Business/Public Hearings

Chairman Roberta Oeser said that prior to hearing the next application, it is necessary to approve the Voluntary Merger Request to merge the roadbed known as Shady Lane with Map 6 Lot 75.

Chairman Roberta Oeser said that the Planning Office will need the original document as the Cheshire County Registry of Deeds will not accept a copy.

MOTION: Tom Coneys moved to approve the Voluntary Merger Request for Map 6 Lot 75 and the roadbed known as Shady Lane. Joel Aho seconded the motion. **Vote: 5-0-0**

1, **CONSIDERATION OF** an application for a Technical Subdivision submitted by GRAZ Engineering on behalf of The King's Way LLC, 104 Mark Street, Rindge, NH 03461 and Rindge Rentals LLC, PO Box 459, Rindge, NH 03461 for property located at Tax Map 6 Lot 73-13 on Mark Street in the Res Ag and Gateway East Zoning Districts and Tax Map 6, Lot 75 on Route 119 and Shady Lane in the Gateway East Zoning District. The applicants are seeking approval for a lot line adjustment.

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

Background Information:

- 1) Graz Engineering, LLC, on behalf of The King's Way, LLC and Rindge Rentals, LLC has submitted for approval of a Technical Subdivision / Lot Line Adjustment of Tax Map 6 Lot 75 and Lot 73-13 located on Letourneau Lane, Mark Street, NH Route 119 and Shady Lane.
- 2) The subject parcels, Map 6 Lot 75 and Lot 73-13 are currently 5.615 acres and 14.091, respectively. Both parcels are legal 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 if anyone had any comments as to the completeness of the plans submitted. Roberta said that the plans do not show the entirety of each lot, and the applicant has provided a waiver request from Section V. 1.A2.b. Technical Subdivision submission requirements.

MOTION: Roberta Oeser moved to approve the waiver request from Section V.1.A.2.b and to accept the Technical Subdivision application for Tax Map 6, Lot 73-13 and Tax Map 6, Lot 75 as substantially complete as presented. Joel Aho seconded the motion. **Vote: 5-0-0**

Planning Director Al Bump provided the following from the Planning Office memo.

Regarding the Application:

- 1) The proposed technical subdivision is in the Gateway East and Residential Agricultural Zoning Districts.
- 2) Plan requires a voluntary merger of Shady Lane with Map 6 Lot 75, which has been submitted.
- 3) 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 6, Lot 75	5.615 acres	+5.547 acres	11.162 acres
Map 6, Lot 73-13	14.091 acres	-5.547 acres	8.543 acres

Recommendation:

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

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- 1) Plan requires a voluntary merger of Shady Lane with Map 6 Lot 75, which has been submitted.
- 2) Monumentation (iron pins) shall be set at the new lot corners as required.
- 3) All applicable governmental permits shall be obtained.
- 4) 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.
- 5) 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.
- 6) The applicant or applicant's agent shall provide the Planning Office with an electronic copy of all approved plans.

Paul Grasewicz of GRAZ Engineering presented the plan before the Board.

Roberta Oeser asked about the location of the State Right of Way which Paul said was 35 feet. Paul said there were two accesses on NH Route 119. A discussion of these accesses took place.

Chairman Roberta Oeser opened the public hearing.

Aaron Landry said that his property abuts this technical subdivision. (Map 6 Lot 81-6 on Butternut Lane) Mr. Landry said he has no issues with this application.

Evan Oatis had a concern about how this would affect his driveway. Chairman Roberta Oeser said he would still have all the rights he has in his deed. Evan Oatis said that he believes that this plan understates the amount of water that is on this property. He said there is a creek and a little lake that are not shown. Paul Grasewicz pointed out the wetland flagging on the plan. Rob Chamberlain located the pond on the plan.

Tom Coneys asked if this was flagged when King's Way was developed. Paul Grasewicz said it was. Tom asked if it needs to be reflagged as a lot has happened since then. Paul Grasewicz said they are going to have this refreshed.

Chairman Roberta Oeser closed the public hearing.

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Chairman Roberta Oeser said to remove #1 of the proposed conditions of approval as read earlier.

MOTION: Joel Aho moved to recommend approval of this Technical Subdivision for Map 6 Lot 73-13 and Map 6 Lot 75 subject to the following conditions: Roberta seconded the motion. **Vote: 5-0-0**

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

2. CONCEPTUAL CONSULTATION: ATA Construction for Map 2 Lots 41A and 41A-3 off of Forristall Road for a potential PURD.

Joshua Joslyn of GRAZ Engineering presented on behalf of ATA Construction. Joshua said that there are two pieces of property that will be merged in order to apply for a PURD (Planned Unit Residential Development.) Joshua provided the Board with an existing condition plan as well as a PURD Grading Concept Plan for Forristall Road. He said there will be 38 acres once these two properties are merged. The property has been surveyed and wetlands flagged by Tom Peragallo. An Alteration of Terrain permit will be required for this project. Joshua said they can get up to 17 lots based on the PURD requirements. They will be requesting two waivers, one for the roadway curve and the other for use of retaining walls and curbing to avoid a wetland crossing.

Roberta Oeser said they would need a Variance from the ZBA (Zoning Board of Adjustment) from Section XIII E which reads:

ARTICLE XIII <i>Nonconforming Uses and buildings</i>

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E. Only a single-family dwelling or accessory structures(s) may be erected on a lot having less than the minimum requirements for frontage and area provided such lot was a lot of record at the time of adoption of this ordinance (March 14, 1961) or as subsequently amended. However, yard requirements of Article IV, Residential District, Article V, Residential-Agricultural District, and Article VI, Village District, must be complied with whichever pertains. This requirement does not apply to Article VII, College District, Article VIII, Commercial District, and Article IX Business Light Industry District.

A discussion took place amongst Board members regarding the need for a Variance as well as the interpretation of this Article.

Chairman Roberta Oeser said that the Chief of Police, DPW Director and Rick Donovan will have to weigh in on their request for a roadway curve of 150' rather than 200'.

Public Hearings for Zoning Amendments that will go to Warrant in 2025
Per RSA 675:3 II and 675:7 I

Chairman Roberta Oeser opened the public hearing

Chairman Roberta Oeser said that the amendments will be numbered later in the evening.

1. Amend Article III A of the Zoning Ordinance

Are you in favor of the adoption of Amendment number ___ 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, ***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.***

Why? Chairman Roberta Oeser said that there have been many court cases where Towns lost because the court found their zoning ordinances ‘vague’ or poorly written. This clause was suggested from NHMA to make our ordinances clearly ‘permissive’. Meaning if not specifically allowed in the ordinance, it is not allowed or permitted.

2. Amend Accessory Dwelling Unit Ordinance, Section 2

Are you in favor of the adoption of Amendment number ___ to the Town of Rindge Zoning Ordinance as proposed by the Planning Board and generally described as follows:

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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.

Why? Chairman Roberta Oeser said that the language was found to be confusing as it didn’t specifically refer to ‘existing’ and the Board felt that the intent of the ordinance was not for building ‘spec’ homes, but as it reads to accommodate residents to expand or build an apartment for family, friends or even for rental units.

John Hunt said that he had received a call regarding this issue and this change will clarify that it must be an existing house. Tom Coneys said that the word accessory clarifies that this is an accessory to an existing thing.

3. Amend Article III N of the Zoning Ordinance

Are you in favor of the adoption of Amendment number __ 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.

Why? Chairman Roberta Oeser said that the language was vague and did not state that storing a personally owned travel trailer, etc. was intended. Not to store those that belonged to other people. As tents are not real property, the Planning Board does not have jurisdiction.

John Hunt said that he would urge the Board not to remove the part about the tents because it makes people understand that this is talking about campers and not tents.

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Board members and audience members discussed the use of the word “tents” and its impact to this amendment.

John Hunt posed a question to the Board. Would Airbnb “off the grid campsites” be allowed? Could one charge for these? John Hunt said this would go back to the permissive ordinance, if it is not listed, it is not allowed.

4. Amend Article III S of the Zoning Ordinance

Are you in favor of the adoption of Amendment number ___ 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 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 revisions are to address the surge in Short Term Rentals or Airbnb’s. There have been many court cases, and it has been determined that they are not ‘residential’ use as they are considered more like a hotel and need to be regulated. This will give the Planning Board over-sight to make sure they comply with life safety and health standards. Also to make sure there is adequate parking and that they are not rented to an excessive number of people based on the number of bedrooms and septic size. The Planning Board will be adopting regulations at a different time, when this is adopted by the legislative body.

Chairman Roberta Oeser said that the maximum occupancy based on septic loading would be 2 people per bedroom.

Chairman Roberta Oeser said she had received a phone call from John Hunt regarding the wording of the original Article III S (prior to making this change) which reads as follows

- A. The rental of all or any portion of Single Family Dwelling, Two Family Dwelling, or Multi-Unit Dwelling, with the exception of Bed and Breakfast Facilities, by the property owner thereof, to any other person or group, shall be a valid, permitted, Accessory Use of said dwelling under this ordinance, provided that there is adequate on-premise, off-street parking for the vehicles of all***

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renters/tenants and guests. Acceptable rentals shall include rentals for wedding parties and receptions, bachelor parties, corporate or institutional meetings, seminars, workshops, religious retreats, and events or activities for which attendance is not expected to exceed 25 people.

John Hunt said that they interpret this as saying that they cannot exceed 25 people in the house. There is no way that he would vote for the proposed change which would only allow him a maximum occupancy of 16 as the Castle is an 8 bedroom home. John Hunt said, to pass this regulation on paper would then limit most to four-bedroom septic systems or an occupancy of 8 people. To pass this vote, John Hunt said he recommends increasing this to 3 people per bedroom.

A discussion of septic loading being used as an issue, problematic lakefront properties with small lots and what to use as a basis for occupancy on short term rentals took place.

John Hunt said, after this discussion, he would urge the Board to not use septic design as the multiplier for how many people can stay in the unit.

Ashley Saari said that it would be helpful if the Board had draft regulations available for the voters to review prior to voting. Tom Coneys said, as he and Kelen Geiger have said repeatedly, this Board has not created a punch list; this Board is not ready to move this forward.

John Hunt urged the Board to consider using the number of bedrooms at 3 people per bedroom as a good compromise.

MOTION: Robert Chamberlain moved to make modifications to Article III S by adding on-site to parking and maximum occupancy of up to three people per bedroom. Kim McCummings seconded the motion. **Vote: 5-0-0**

Chairman Roberta Oeser said that this change will require another public hearing so that will be addressed later.

5. Amend the Phased Development Ordinance

Are you in favor of the adoption of Amendment number ___ 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

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to read:

This article shall apply to all major subdivision/*development* applications filed with the Rindge Planning Board. Major subdivisions/*developments* 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)

Chairman Roberta Oeser aid the Planning Board determined that this ordinance was too restrictive. They thought that this still would allow for building at a modest rate.

6. Amend Article XX of the Zoning Ordinance (with permanent provisions)

Are you in favor of the adoption of Amendment number ___ 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.*

Chairman Roberta Oeser said this was also a suggested addition to make our definition clear after court cases regarding similar cases where the language was considered ‘vague’ and unclear.

7. Amend Article XX of the Zoning Ordinance (Short Term Rental and Transient Occupancy)

Are you in favor of the adoption of Amendment number ___ to the Town of Rindge Zoning Ordinance as proposed by the Planning Board and generally described as follows:

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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.

Chairman Roberta Oeser said the new definitions are needed for the proposed zoning ordinance regarding Short Term Rentals.

Chairman Roberta Oeser said that the Board could number the amendments at this time. It was determined to leave them numbered as they are. Roberta said she would prefer to wait until we have a full Board prior to recommending these articles. She said that Article III S would require a second public hearing.

MOTION: Roberta Oeser moved to post Amendment no. 4 to Public Hearing for January 7, 2025, at 7:00 PM with changes to the language. Rob Chamberlain seconded the motion. **Vote: 5-0-0**

MOTION: Roberta Oeser moved to post to the Warrant for March 2025, Amendment Nos. 1, 2,3,5,6,7 as presented. Kim McCummings seconded the motion. **Vote: 5-0-0**

Ashley Saari asked about the recommendations. Roberta said this will be done at the next meeting.

Planning Office Report

Chairman Roberta Oeser said that she has spoken with Matt regarding the Saybrook Drive subdivision. (Map 2 Lot 46-1-1). Matt will be coming in with a new set of plans for this project. Tom Coneys asked if this would be a new application, Roberta said yes.

Adjourned 9 30 PM

Respectfully submitted,
Planning office staff