

Meeting Minutes for
Public Meeting/Public Hearing
January 7, 2025
TC, JA, KM, DS, KG, MG, RO, AB

PLANNING BOARD
RINDGE, NEW HAMPSHIRE
January 7, 2025

DATE: January 7, 2025,
TIME 7:00 pm

TYPE: Public Meeting **APPROVED:** February 4, 2025

CALL TO ORDER: 7:00 pm

ROLL CALL MEMBERS: Roberta Oeser, Joel Aho, Tom Coneys, Kim McCummings, Max Geesey, Doug Seppala

ROLL CALL ALTERNATES: Kelen Geiger

ABSENT: Rob Chamberlain

EX OFFICIO: Tom Coneys

PLANNING DIRECTOR: Al Bump

APPOINTMENT OF ALTERNATES: Kelen to sit for Rob

OTHERS PRESENT Suzanne Hepburn, Russ and Candy Phillips, Joshua Joslyn, Matt Olson, Eric and Marcella Stevens, James Critser, James Burns, Isaac Traffie, Nilene Traffie, Ashley Saari, Gene Andersen, Judy Unger-Clark

Call to order and Pledge of Allegiance

Chairman Roberta Oeser said that this meeting will be video and audio recorded as well as being live streamed.

Roll call by Chairperson

Appointment of alternates, if necessary

Announcements and Communications

Approval of Minutes:

December 3, 2024

Chairman Roberta Oeser said that she had two items that need to be corrected. On page 6, the “a” was left off of her name and on page 9, there was an error which required removing the words “are subdivisions that” from the first sentence on page 9.

MOTION: Joel Aho moved to accept the minutes as corrected. Tom Coney seconded the motion.
Vote: 4-0-3 Max, Doug and Kelen abstained.

New Business/Public Hearings

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1. **CONSIDERATION OF** an application for a Major Subdivision submitted by GRAZ Engineering, LLC, 323 West Lake Road, Fitzwilliam NH 03447, on behalf of Ashoryn, LLC, PO Box 283, Rindge, NH 03461, for property located at Tax Map 2, Lot 46-1-1 on Dale Farm Road and Knight Lane, in the Business-Light Industry and Residential-Agricultural Zoning Districts. The applicant is seeking approval for a 15 lot subdivision.

Chairman Roberta Oeser said that this has been heard before and was approved. However, NH DES was not happy with the road layout. For that reason, they have redesigned the road, which required a whole new application.

Josh Joslyn of GRAZ Engineering presented the case before the Board on behalf of Ashoryn Homes LLC. Mr. Joslyn said that this Saybrook Drive PURD was approved about a year and a half ago as a 14 lot subdivision. Mr. Joslyn pointed out the location of the original road. A Special Exception was approved through the ZBA for the wetlands crossing and the Planning Board conditionally approved the PURD. The State of NH kicked back the wetlands permit stating that there appeared to be room to shift the road location to avoid any wetland impact. The road was redesigned which changed this PURD from a 14 lot to a 15 lot subdivision and they were able to avoid any wetlands impact. They did make some changes to the frontage as well as the common land areas. The storm water is very similar to what was originally approved. There was a change made to an infiltration basin due to a concern that this basin was discharging to a newly constructed house. Josh Joslyn said they will be asking for a waiver from the Subdivision Regulations for the roadway. By shrinking the grading requirements and not having swales on each side, they will be able to avoid the wetlands. They are considering the possibility of eliminating two drainage easements.

Mr. Joslyn said that all of these proposed changes will have to go back to NH AoT (Alternation of Terrain) for reconsideration.

Chairman Roberta Oeser said that CHA Engineering (Clough Harbour) will be reviewing the roadway.

Chairman Roberta Oeser asked the Board if they were ready to accept this application as substantially complete.

Kelen Geiger asked about the access to Dale Farm Road. There was a short discussion which included the possibility of having the cul de sac connect to Dale Farm Road for emergency access.

Tom Coneys asked if the applicant needs to go back to the ZBA to make sure that the ZBA affirms the previous approval which was based on a different plan. Chairman Roberta Oeser said the approval would go with the land for two years.

MOTION: Roberta Oeser moved to grant the Waiver request to the Subdivision Regulations, Appendix A, Roadway Construction Standards, Paragraph I.2.I and to accept the Major Subdivision application for Tax Map 2 Lot 46-1-1 as substantially complete as presented. Max Geesey seconded the motion. **VOTE: 6-0-1** Kelen abstained.

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Chairman Roberta Oeser asked if Board members had questions about this application. There were none.

Planning Director Al Bump said that ConCom will meet on January 13 to review this new application and the Planning Board should wait for their input. Chairman Roberta Oeser suggested that a Site Walk take place.

Chairman Roberta Oeser opened the public hearing.

Suzanne Hepburn from 33 Dale Farm Road asked how you can exit onto a Class VI road that is privately maintained? What if no one maintains it? Suzanne also asked about the previous application and promises made as to the ownership of the private roads. Chairman Roberta Oeser said this was discussed in the Board of Selectman meeting as Knight Lane is a town road. Roberta said that a cul de sac was put in on this plan to address that.

Judy Unger-Clark asked if the cul de sac will exit onto Knight Lane. Roberta Oeser said there is an exit. Judy said that this was a point of contention at previous meetings. Judy Unger-Clark said the roads are lined up so that they could be a cut through. Roberta said that is what is recommended in highway design.

Judy Unger Clark asked if this Board has considered the potential for the amount of traffic onto Middle Winchendon Road with these two developments.

Board members discussed these concerns including the pros and cons of access versus privacy.

Matt Olson said he would want access for emergency vehicles but he does not want cars going that way on a regular basis.

James Critser, Main Street, an abutter, asked for some details on the road length and width. He also asked for some details about the drainage plans. Joshua Joslyn of GRAZ Engineering provided the details.

Chairman Roberta Oeser asked about the pull-offs for the fire equipment. Joshua Joslyn said he will have to add those as they are not shown on his plan.

Chairman Roberta Oeser said she would be in favor of a Site Walk.

MOTION: Roberta Oeser moved to continue the public hearing until 3:30 PM on January 14, 2025 at the intersection of Saybrook Drive and Middle Winchendon Road. Max Geesey seconded the motion. **VOTE: 7-0-0**

Roberta Oeser said this site walk is a public meeting and this hearing will then be continued until February 4th.

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2. Public Hearing for Zoning Amendment that will go to Warrant in 2025 per RSA 675:3 II and 675:7 I

1. Amend Article III S of the Zoning Ordinance
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Chairman Roberta Oeser said that, at the last meeting, the Board discussed adding a maximum number of people per bedroom as well as on site parking.

Roberta read the following as the final wording for Short Term Rentals:

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 ~~Bed and Breakfast Facilities,~~ ***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 on site parking, maximum occupancy of up to three (3) people per bedroom, life safety inspections and other items deemed appropriate to protect public health and safety.*** ~~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.~~

Chairman Roberta Oeser said that the Board will have to go over all the other proposed warrant articles as well at this time.

Ashley Saari, Thayer Road, asked if, at the last meeting, had the Planning Board not forwarded the remainder of the articles to the Town Warrant? Roberta Oeser said they had, but since that time, the Town Attorney had made some suggestions to the wording. There were no substantive changes except that he made the recommendation to split one article into two articles and to put the changes in bold print. Roberta Oeser said we will go over them to approve the changes suggested by town counsel.

Candy Phillips said she sees that the number of occupants per bedroom has increased to up to 3 people. On the Airbnbs on waterfront, would there be a consideration of square footage as well as the size of the septic system? Chairman Roberta Oeser said it would be a combination of septic loading as well as up to 3 persons per bedroom.

Candy Phillips asked if the town would do inspections. Chairman Roberta Oeser said if these warrant articles are approved, and you change from Residential Use to a Commercial Use, a Site Plan review would be required.

Other discussions took place including the

- Conditional Use Permit

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- The need for the BOS (Board of Selectmen) to work on a Noise Ordinance
- The difference between a house rental and a short-term rental.
- Room and Meals tax payments. Is that what started this issue? Does the town have liability?
- Parking issues, fire roads and safety hazards.
- Many other towns are having issues.
- Small lots on lakefront properties.
- Changing people in the neighborhood.
- Security issues for the neighborhood
- Protecting the neighbor's rights and the property owner's rights.
- How will the 3 person per bedroom be policed?
- People are buying up lake homes that don't live here. There is no one to complain to.

Gene Andersen asked if there is a short summary of what this will change? Roberta Oeser said, in some instances, nothing, in others, these are considered hotels. Our prior zoning allowed these, up to 25 people. This gives us some regulations to comply with life safety standards.

Andy Krook asked what the difference is between a Single-Family residence septic system and a single family residence septic system with an Air bnb? Would the town be inspecting all homes in Rindge? Who would be policing this? Roberta Oeser said the Building Inspector would. Andy Krook said that would be a lot of work. If this article is recommended, you would have to have it inspected.

Marcella Stevens asked for clarification of the 30-day time period. Roberta said this would be for less than 30 days at a time.

Judy Unger-Clark asked about smoke detectors, carbon monoxide detectors, other safety issues.

Isaac Traffie asked if existing Airbnbs will have a grace period to meet regulations.

Chairman Roberta Oeser said that Site Plan Reviews do not require engineering drawings and can be done from septic plans or tax maps with locations added. It is not an onerous process.

Jim Burns from 218 Wellington Road, said that he has hosted an Airbnb for 13 years in Florida and one property here to pay the taxes. There has to be a grace period. If you have taken a reservation, will you be shut down? Roberta Oeser said, if this warrant article passes, it will take some time to bring everyone into compliance.

Kelen Geiger asked if there would be an application form to fill out to show where the smoke detector and other requirements are? Chairman Roberta Oeser said that the Site Plan Review lists it all. Roberta said there is no need to write new regulations. They already exist in the Site Plan Review process. Roberta said that for the Short-Term Rentals Site Plan review they will only need about 7 of the 17 items listed.

Chairman Roberta Oeser read the final wording for the Short-Term Rental proposed warrant article.

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Roberta said this item is No. 4 and has not yet been sent to the warrant.

Vote on recommending all warrant articles that will be posted to warrant.

Chairman Roberta Oeser read the amendments before the Board as they are amended by Town Counsel. The proposed wording is shown in bold print.

Are you in favor of the adoption of Amendment number 1 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 a new first and second sentence in **bold**, as follows:

A. 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.

(Recommended by the Planning Board 7 in favor, 0 opposed.)

MOTION: Roberta Oeser made a motion to recommend Amendment No. 1 to the Town to be passed. Doug seconded the motion. **Vote: 7-0-0**

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 as shown in **bold** below, as follows:

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.

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MOTION: Roberta Oeser made a motion to recommend Amendment No. 2 to the Town to be passed. Tom Coneys seconded the motion. **Vote: 7-0-0**

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 as shown in **bold** below, and removing the words “Tents do not require permits’ from the second paragraph as shown in strikethrough below, as follows:

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. ~~Tents do not require permits.~~ 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.

MOTION: Roberta Oeser made a motion to recommend Amendment No. 3 to the Town to be passed. Tom Coneys seconded the motion. **Vote: 7-0-0**

Are you in favor of the adoption of Amendment number 4 to the Town of Rindge Zoning Ordinance as proposed by the Planning Board to amend Article III, S by deleting the words in strikethrough and adding the words in **bold** as follows:

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 ~~Bed and Breakfast Facilities,~~ **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 on site parking, maximum occupancy of up to three (3) people per bedroom, life safety inspections and other items deemed appropriate to protect public health and safety.** ~~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.~~

The purpose of the Amendment is to provide a new approval process for Short Term Rentals.

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MOTION: Roberta Oeser made a motion to post Amendment No. 4 to the March 11, 2025, Town Warrant. Kim McCummings seconded the motion. **Vote: 6-1-0** Tom voted No.

Tom Coneys said that he wanted to clarify that he is not against short term rentals, but our regulations are vague and we don't yet have all the pieces. Kelen said that is why she will abstain from the next vote. Roberta Oeser said that everything is covered in the Site Plan Regulations.

MOTION: Roberta Oeser made a motion to recommend Amendment No. 4 to the Town to be passed by Town Meeting. Joel Aho seconded the motion. **Vote: 5-1-1** Tom voted No, Kelen abstained.

Chairman Roberta Oeser said that Gary Kinyon recommended that the Phased Development Ordinance amendment be done as two warrant articles. The phasing schedule should be separate.

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 as follows: add the words "or development" after the word "subdivision" where it appears in Section 2(1) and in Section 3; add the words "or developments" after the word "subdivisions" where it appears as shown in **bold** below, and revise the second sentence of Section 3 by deleting the words "are subdivisions that" 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.

MOTION: Roberta Oeser made a motion in favor of posting to the March 11, 2025 Town Warrant and splitting up the Phased Development Ordinance changes to Amendments No. 5 and No. 6. Max Geesey seconded the motion. **Vote: 7 -0-0**

MOTION: Roberta Oeser made a motion to recommend Amendment No. 5 to the Town to be passed by Town Meeting. Joel Aho seconded the motion. **Vote: 7-0-0**

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 the Phased Development Ordinance to amend the Phasing table in Section 4 by deleting the numbers shown in strikethrough and adding the numbers shown in **bold** as follows:

Number of Dwelling Units	Years	Max. Units in One Year
2 to 3 2 to 5	Not Applicable	Not applicable
4 to 6 6 to 10	2	50%
7 to 9 11 to 15	3	33%
10 to 20 16 to 20	4	25%

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21 to 40	5	20%
Over 40	6 to 7	16%
(Percentages will be rounded to the nearest number)		

MOTION: Roberta Oeser made a motion to post Amendment No. 6 to the March 11, 2025 Town Warrant. Max Geesey seconded the motion. **Vote: 6-1-0** Tom voted No.

MOTION: Roberta Oeser made a motion to recommend Amendment No. 6 to the Town to be passed by Town Meeting. Max Geesey seconded the motion. **Vote: 5-2-0** Kelen and Tom voted no.

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, 11 (“Definitions”) by adding the words as shown in **bold** as follows:
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.***

MOTION: Roberta Oeser made a motion to recommend Amendment No. 7 to the Town to be passed by Town Meeting. Joel Aho seconded the motion. **Vote: 7-0-0**

Are you in favor of the adoption of Amendment number 8 to the Town of Rindge Zoning Ordinance as proposed by the Planning Board and generally described as follows:
To amend Article XX by adding two new definitions as shown in bold below as Article XX, #31 and #35, and renumber Article XX as needed, as follows:
31. 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.
35. Transient occupancy: Temporary lodging of less than 30 days.

MOTION: Roberta Oeser made a motion to recommend Amendment No. 8 to the Town to be passed by Town Meeting. Max Geesey seconded the motion. **Vote: 7-0-0**

Adjourned: 9:15 PM

Respectfully submitted,
Planning office staff