



ZONING BOARD OF ADJUSTMENT
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ZONING BOARD OF ADJUSTMENT

MEETING MINUTES

June 23, 2026 – 7:00pm

7:00 pm - Meeting called to order by Chairman George Carmichael

Members present: George Carmichael, Marcia Breckenridge, Ross Thermos, Peter Letourneau, Kevin Sawyer, Terence Fogg, Phil Stenersen

Members and Alternates absent: Marty Kulla

Public Present: Tom Coneys, Roberta Oeser, David Drouin, Ken Rosbach

For general information, the Zoning Board of Adjustment (ZBA) has five voting members.

Alternates may participate during the testimony phase and are permitted to ask questions, as may members of the public. Anyone wishing to speak during portions of the hearing open to public comment must first be recognized by the Chair and should state their name and address for the record.

Once the testimony phase is closed, only the five voting members will participate in the deliberations and decision-making process.

If a regular member is absent or recuses themselves from a case, the Chair will appoint an alternate to serve in their place.

Recusals: No recusals heard. Marty Kulla is absent, Terence Fogg will stand in for him on tonight's cases.

Sitting on tonight's cases will be: George Carmichael, Marcia Breckenridge, Ross Thermos, Phil Stenersen, Terence Fogg

Notice of Public Hearing posted: Town Offices (2x), Rindge Post Office (1x), Monadnock Ledger Transcript, Rindge town website

ZBA Case #2026-07: The ZBA will consider a Motion for Rehearing filed by an abutter pursuant to RSA 677:2 and RSA 677:3 regarding ZBA Case #2026-03, in which Special Exceptions were granted under Section 6 of the Wetlands Conservation District Ordinance associated with a proposed subdivision at Tax Map 4, Lot 3-1, owned by Boardwalk in Rindge Realty LLC. The Board will deliberate on whether the Motion sets forth sufficient grounds to warrant a rehearing.

- **Presentation of Case:**

- Carmichael read the ZBA process on a rehearing application per NH RSA: when the Board receives a request for a re-hearing they hold a simple public meeting, not a full public hearing. There is no requirement to notice abutters and there is no requirement to take testimony. It is still a public meeting, so the public is welcome to attend, but they have no right to input or comment. The Board deliberates and decides if there was a fundamental flaw in the original hearing based on the factors you listed. If the Board finds proper grounds to overturn their original decision, then they will schedule a full re-hearing where abutters are noticed and the process is basically done over again. If no such grounds exist, the Board can deny the re-hearing request and the applicant or appellant can choose to appeal to the superior court if they desire.

- Breckenridge read the relevant ordinance from the original case (#2026-03)
- Carmichael moved to enter Deliberative Session, seconded by Breckenridge. Board voted 5-0, motion approved.
- **Deliberative Session**
 - Carmichael mentioned that the discrepancy noted by Messina on the property lot size was addressed at the meeting on April 28 when case #2026-03 was first heard. He added that property boundary lines are a civil matter, as referenced in the minutes of April 28, and not of ZBA's purview to rule on.
 - Thermos asked if a ConComm letter was sent in the initial case, which was confirmed. He then asked if any additional testimony or opinion was sent regarding environmental impacts, which there has not been.
 - Stenersen noted that the wetlands and buffer areas were addressed in previous meeting and did not see that there were grounds for rehearing, and that the applicant's concerns were previously addressed in the April 28, 2026 hearing.
 - Breckenridge asked if an incorrect measurement on property boundaries invalidates the Board's decision. Carmichael replied that the engineer provided a stamped drawing with measurements from the developer and without a stamped drawing of boundary lines provided by the rehearing applicant, there is insufficient evidence to argue a boundary discrepancy. Letourneau added that the applicant stated the discrepancy was listed on her property deed, which is a matter that cannot be validated by ZBA.
 - Carmichael moved that the Board deny the request for rehearing in Case 2026-03. Under RSA 677:2, a rehearing may be granted only upon a showing of a specific ground, such as an error of law, material procedural error, or the discovery of evidence that was not reasonably available at the time of the hearing and that would likely have affected the decision. The request presented does not identify any procedural error, does not introduce new evidence, and instead restates issues already raised and fully considered during the April 28, 2026 hearing. The Board previously reviewed each required criterion for the Special Exception and made specific findings on the record that all criteria were met, followed by a unanimous vote of approval. Because the ordinance uses mandatory 'shall approve' language upon satisfaction of the criteria, and those criteria were already found to be met, there is no legal basis under RSA 677:2 to grant a rehearing. For those reasons I move to deny the request for rehearing. This motion is based solely on the legal standard for rehearing under RSA 677:2 and the record of the original decision. Motion seconded by Fogg.
 - Board voted 5-0 in favor, rehearing motion denied.
 - Carmichael moved to exit Deliberative Session, seconded by Breckenridge. Board voted 5-0 in favor, motion approved.

ZBA Case# 2026-08: A Variance is requested from Article VI, Section B-1 of the Rindge Zoning Ordinance to permit the creation of a lot with less than the required frontage located in the Village District at Tax Map 25, Lot 2, and owned by Alvah and Judith Reida.

- **Presentation of Case & Public Testimony:**

- Alvah Reida is presenting on behalf of his parents with a signed document stating their consent. He mentioned that his application addresses the request to divide his parents' property into two lots to build a single-family home. The current lot is 4.25 acres and has 397' frontage currently. His request is to have one conforming lot and one secondary lot with 147' frontage. He noted that splitting the lot would fit the character of the neighborhood in the Village District as most lots in the area have much smaller footprints.
 - Carmichael asked if an ADU would suffice instead of the variance application. Reida replied that he has a family of five and the size restrictions of ADU would not fit for his family.
- Danny Ford, E. Main Street, asked where the proposed road/driveway would be located and where the home is planned for. Reida replied to the abutters and showed them the proposed site plan.
- David Drouin, Conservation Comm, noted the need for reasonable use within the district which the property is located in and that the Board might consider the small comparable lot sizes and if the 103' shortage overall should be considered in relation to the rest of the Village District area and density.
- Stenersen moved to enter Deliberative Session, seconded by Breckenridge. Board voted 5-0 in favor, entered Deliberative Session.
- **Deliberative Session**
 - Carmichael advised Board to be consistent with decision making process as more applications of this nature come to hearing.
 - Breckenridge addressed the conflict in thought that the Board is to uphold the will of the Rindge voters and the spirit and intent of the Rindge Zoning Ordinance while also hearing each case on its own merits. She wondered if the voting public should bring a warrant to vote about changing the requirements, and that 103' is quite short on frontage.
 - Thermos asked if variances splitting properties should be heard after the subdivision has been approved. Carmichael noted it was a risk as the subdivision has the potential to approve by the Planning Board but denied by ZBA. He then asked if a subdivided lot that was created with less than adequate frontage would then have a case for hardship.
 - Breckenridge noted that a warrant article might be needed to address frontage shortages in specific districts in Rindge Zoning Ordinances.
 - Carmichael proposed to go through the five criteria for Board Review.
 - 1. Variance will not be contrary to public interest. Carmichael agreed that the variance would not be contrary because it would fit within the neighborhood as it exists.
 - Stenersen moved that the Variance will not be contrary to public interest because it would not change the character of the neighborhood or threaten public safety health welfare. Seconded by Carmichael.
 - Board voted 5-0, approved.

- 2. Granting the variance will be consistent with the Rindge Zoning Ordinance. Breckenridge read from the application.
 - Stenersen noted that the fine print under the criteria and that it would be within the ordinance as it would not violate the spirit of the ordinance and its basic zoning objectives.
 - Carmichael noted that granting will not be consistent with the spirit and intent of the ordinance because it lacks required frontage. Breckenridge agreed that the spirit of the ordinance is violated as it goes against the voters' intent to keep frontage requirements at 250'.
 - Carmichael moved that granting Criteria #2 would undermine the purpose and intent of the Ordinance by allowing lots or subdivisions to be created below ordinance standards, seconded by Breckenridge.
 - Board voted 4-1, motion approved.
- 3. Granting the Variance would do substantial justice; Breckenridge read the applicant's testimony from the application and noted the balancing act of potential loss to landowner coupled with public gain of denying it.
 - Carmichael again noted that the will of the voters have again sided with the need to keep frontage requirements at 250' and referenced similar cases in which the Board of Selectmen have requested a rehearing.
 - Stenersen noted that the loss to the landowner would be that the landowner would be not being able to build on the 4.25 acres, larger lot than required. He added that gain to the general public would be minimal if any because the visual separation between the homes would be not readily discernable to the public.
 - Fogg again stressed the voter's intent where 250' was a required amount of frontage, which Stenersen countered was an injustice to the landowner with no specific gain to the public.
 - Breckenridge noted that for the public to retain trust in the elected Boards in town, public gain is retaining trust in the ZBA.
 - Breckenridge moved that granting the variance would not do substantial justice because it goes against what the voters voted, seconded by Fogg.
 - Board voted 4-1, motion approved.
- 4. Granting the variance would not reduce property values. Breckenridge read the criteria and noted that expert realtor testimony was presented to support the application in that it would not diminish surrounding property values.
 - Stenersen moved that granting the variance would not diminish surrounding property values based on the fact that surrounding properties are on two acres or less lot, not seconded and Stenersen withdrew his motion.

- Breckenridge moved that we accept that the proposed home would not diminish surrounding property values based on written expert evidence from a realtor, seconded by Carmichael.
 - Board voted 5-0, motion approved.
- 5a. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship and there are unique settings which distinguish it from others in the area, Breckenridge read the criteria and the applicant's testimony.
 - Carmichael noted that the applicant did not address hardship in their explanation, Stenersen countered that the hardship arises because the applicant wishes to build two homes and cannot do so. He noted that 4.25 acres is more than sufficient to build two houses.
 - Carmichael moved to deny 5a because the owner of the property currently has full use of the property and had not demonstrated hardship, seconded by Breckenridge.
 - Board voted 4-1 in favor, motion approved.
- 5b. Applicant must also show no fair and substantial relationship between general public purpose and application to the property. Breckenridge read the criteria and information from the application.
 - Carmichael moved that it would frustrate the zoning laws because it would create a nonconforming subdivision, seconded by Breckenridge.
 - Board voted 4-1, motion approved.
- 5c. Proposed use must be a reasonable one, Breckenridge read the criteria and information from the application.
 - Carmichael moved that the use is not allowed because it creates a nonconforming subdivision, seconded by Breckenridge.
 - Board voted 4-1, motion approved.
- 5d. If a/b/c not met, applicant must show that property cannot be reasonably used. Breckenridge
 - Carmichael moved to deny 5d because they have reasonable use of the property and because Criteria 5(a), 5(b), and 5(c) also failed.
 - Board voted 5-0, motion approved.
- Carmichael noted that since multiple of the five criteria were not met, the variance is denied.

ZBA Case# 2026-09: A Variance is requested from Article VI, Section B-1 and B-3(c) of the Rindge Zoning Ordinance to permit the creation of a lot with less than the required frontage and area in the Village District at Tax Map 37, Lot 15, and owned by Old Dog, LLC.

- **Presentation of Case & Public Testimony:**

- Carmichael noted that the application was signed by GRAZ and that the GRAZ signature was approved by Andre Aho, who does not own the property. Aho explained that the landowner authorization for him to sign was included in the application.

- Trevor Fletcher of GRAZ Engineering presented on behalf of the applicant and the property owner. He noted uniqueness of the property being part of the restaurant's property but also a freestanding historic home. He noted that the proposed subdivision would make a lot consisting of 83.4' of frontage and 0.22 acres. The existing lot layout would allow for the restaurant owner to sell the small parcel of land to the abutter (applicant) for the applicant to renovate and sell as a single-family home. Stenersen asked why more of the restaurant lot was not carved off to make it more conforming, which Fletcher noted would come close to making the restaurant lot nonconforming. He also noted that there is offsite septic.
- Andre Aho, ATA Construction, noted that a subdivision was made in 2005 and a variance was granted at that point to create the ATA construction holding building. He also noted that the all lots are connected to the same offsite septic and water. Additionally, any repairs or backup to the septic would be, by design and deed, split by all property holders.
- Stenersen asked how many gallons per day is allotted to the property lot in question, Aho replied 600 gallons and it was designed for a home and not the previously existing gift shop.
- Fletcher noted hardship comes in which the restaurant and property owner cannot financially accommodate the upkeep of all property buildings, selling to the applicant would allow the current building and lot to be used to their full potential.
- Roberta Oeser, Main Street, noted that even for the Village District, the proposed lot is half the size of majority of the other Village District lots, and added that she disputes the septic system assessment. She added that the Village District does not have any limitations on the number of buildings/structures on a lot as long as they are conforming use with the zoning laws.
- Ken Rosbach, 32 Goodall Rd, noted concern on the septic system as a direct abutter to the restaurant with an easement to the septic system for the restaurant and property lots. He noted concern with septic as there has been an influx of septic trucks in recent years and accessing his property with frequency in the last year and asked if a new construction should be built with a system that has questionable merits.
- Andre Aho, ATA Construction, spoke to the application and noted that nothing inherently changes with the property of the lot since there is already a residential building on the lot, only that the property would be improved upon.
- Roberta Oeser, Main Street, noted that given the unconventional size of the lot it might make more sense to add the existing property to Aho's existing lot and rehab the home. Aho noted that the Planning Board had recommended he go to the Zoning Board first to split the lot but he was not opposed to adjusting the lot lines to add the property to his existing lot rather than subdividing it into two.
- David Drouin, ConComm, noted that splitting the lot would be better for the property owners present and future, which Oeser denied.
- Carmichael moved to enter Deliberative Session, seconded by Thermos.

- Board voted 5-0 in favor, entered Deliberative Session.
- **Deliberative Session**
 - Carmichael noted the difficult decision ahead for the Board and expressed concern about setting an unfair precedent. He added that the applicant has other means, such as a technical subdivision, to create a lot without a formal subdivision approval.
 - Carmichael proposed to go through the five criteria for Board Review.
 - 1. Variance not contrary to public interest; criteria and application testimony read by Thermos.
 - Breckenridge moved that the variance would not be contrary to the public interest because there are not health safety welfare or septic issues, seconded by Thermos.
 - Board voted 5-0, motion approved.
 - 2. Granting the variance would be consistent with the intent and spirit of the Rindge Zoning Ordinance, criteria and supporting evidence read by Thermos.
 - Carmichael moved to deny criteria 2 because it violated the ordinance's basic zoning objectives, seconded by Breckenridge.
 - Board voted 4-1, motion approved.
 - 3. Granting the variance would do substantial justice, criteria and supporting evidence read by Thermos.
 - Stenersen clarified that lot is 1/10 of acreage requirement and 1/3 of frontage requirement, confirmed.
 - Carmichael moved to deny criteria 3 because the property owner already has full use of the property and because the request is far below what the voters decided on for area, seconded by Carmichael.
 - Board voted 5-0, approved.
 - 4. Granting the variance would not diminish surrounding property values.
 - Breckenridge moved to approve Criteria 4 because there was no evidence that the proposal would diminish surrounding property values.
 - **At this point, Andre Aho requested to withdraw his application, approved by Zoning Board.**
 - Carmichael moved to exit Deliberative Session, seconded by Breckenridge.
 - Board voted 5-0 in favor, motion approved.

Approval of Minutes: May 26, 2026

- Carmichael moved to accept the minutes of May 26, 2026, seconded by Breckenridge. Board voted 5-0, motion approved.

Adjournment

- Carmichael moved to adjourn, seconded by Breckenridge.
 - Board voted 5-0 in favor, meeting adjourned at 8:50pm

Respectfully submitted, Amanda Nardini