



ZONING BOARD OF ADJUSTMENT
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ZONING BOARD OF ADJUSTMENT

MEETING MINUTES

July 28, 2026 – 7:00pm

Members present: George Carmichael, Marcia Breckenridge, Ross Thermos, Peter Letourneau (Alt.), Kevin Sawyer (Alt.), Terence Fogg (Alt.), Phil Stenersen, Marty Kulla
Public Present: Jim Critser, Lindsay Bramble, Kimberly Naresky, Megan Naresky, Andy Ladeau, Dee and Jeff Burns
Meeting called to order: 7:00pm

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: Phil Stenersen recused himself from Case #2026-11.
Notice of Public Hearing was posted : Town Offices (2x), Rindge Post Office (1x), Monadnock Ledger Transcript, Rindge town website

Public Hearings:

ZBA Case #2026-10: The ZBA will consider a Motion for Rehearing filed by Kimberly A. Naresky pursuant to RSA 677:2 and RSA 677:3 regarding ZBA Case #2026-06, in which a Variance was applied for and denied from Article V, Section B, of the Rindge Zoning Ordinance to permit the creation of a new building lot with less than the required frontage (250' required, 50.41' provided) within the Residential/Agricultural zoning district located at 32 McGregor Lane, Tax Map 6, Lot 50-9 and owned by Kimberly Naresky. The Board will deliberate on whether the Motion sets forth sufficient grounds to warrant a rehearing.

- Breckenridge read the case summary.
- Carmichael opened the session by reminding the Board that, pursuant to New Hampshire law, consideration of a Motion for Rehearing is conducted at a public meeting rather than a full public hearing. Additional notice to abutters is not required, and the Board is not required to accept testimony or public comment. Members of the public are welcome to attend and observe the Board's discussion and deliberations. The Board will review the Motion for Rehearing, the grounds stated in the motion, the original decision, and the existing record to determine whether the motion states good reason to grant a rehearing. The motion must identify the grounds upon which the original decision is claimed to be unlawful or unreasonable. Such grounds may include, but not limited to material error of fact or law, newly discovered evidence that could not reasonably have been presented previously, or another significant defect affecting the original decision. If the Board determines that good reason has been stated,

it may grant the Motion for Rehearing and schedule a rehearing, with notice provided as required by law. If the Board determines that good reason has not been stated, it may deny the Motion for Rehearing.

- Members sitting on this case: George Carmichael, Marcia Breckenridge, Ross Thermos, Phil Stenersen, Peter Letourneau. These members reflect the same members who sat on the case being requested to rehear; Case #2026-06.
- Deliberative Session
 - Breckenridge moved to enter deliberative session for rehearing, seconded by Thermos. Board voted 5-0 in favor.
 - Stenersen suggested that the Board read aloud the changes stated in the rehearing application, Thermos noted that Section 4 of the application states reasons for rehearing and should be read, Breckenridge read this section from the application.
 - Carmichael noted that prior to variance requests were not specifically for a subdivision.
 - Stenersen noted that the ZBA does not have authority to approve/deny subdivision, ZBA can only grant or deny variance for frontage.
 - Breckenridge referenced application and noted the argument that the variance was not necessary because the August 2025 variance covered the frontage requirement. Carmichael noted that the Planning Board sent the applicant back to ZBA for the variance and determined that an additional variance was necessary.
 - Stenersen began to propose that the Board rehear the case, and was questioned by Breckenridge to clarify reasoning stated in the rehearing application. Breckenridge questioned if there was an error made by ZBA or material presented that would be grounds for rehearing.
 - Stenersen replied that he is unclear of the first variance parameters and sees merit in rehearing for it.
 - Thermos asked if it would be a procedural error or if the applicant was potentially misguided on their application that led to their prior denial.
 - Thermos and Breckenridge debated the criteria for rehearing based on new evidence vs hardship. Thermos argued that rehearing would be beneficial to review legal arguments from the applicant. Thermos noted that the ZBA is not specifically limited to only considering rehearing based on procedural error and new evidence, brought up the point that the Planning Board had issued conditional approval.
 - Stenersen noted that disagreement with original decision is not sufficient grounds for a rehearing, agreed by Carmichael who again asked for new information presented in the application.
 - Breckenridge returned to the question of what is most fair to the general public, which would be in favor of relying solely on the parameters of the rehearing requirements.
 - Carmichael and Thermos debated the merits of the application and what constitutes as new evidence. Thermos noted that there is new evidence when viewed in the broader context of the project and points presented in the rehearing that should be fully reviewed for the decision. Letourneau noted that the property may be unique based on the two pipe stems present given the large amount of land.

- Breckenridge asked what the options would be if the rehearing request was approved vs denied. Stenersen noted that the rehearing request is the first step before going to appeals court.
- Stenersen asked if erring on the side of caution would be appropriate in this case. Carmichael noted that this case is unique because of the circumstances with the town and other boards involved.
- Thermos noted ethical consideration, Carmichael agreed, though he questioned if there is new evidence presented. Discussed similar cases, path for resolution.
- Thermos moved to rehear so that the ZBA can understand the full breadth and scope of the project, seconded by Stenersen. Board voted 4-1 in favor, motion approved.
 - Breckenridge requested ZBA legal counsel in advance of any rehearing application, Carmichael agreed.
 - The motion to rehear the application was granted.
- Lindsay Bramble, on behalf of Nick Mason (Shaheen and Gordon), agreed to the decision and noted that she will confirm availability for Attn. Mason to determine their timeline for a new application. It was noted to all parties that the deadline for August case materials is Tuesday, August 4 for Public Hearing scheduled for August 25, 2026.

ZBA Case #2026-11: A Variance is requested from Article IX, Section A of the Rindge Zoning Ordinance to permit Residential/Agricultural use in the Business Light Industry District at Map 2, Lot 41-5A, located at 29 Rand Rd and owned by Philip R & Judith H Stenersen.

- Public Testimony Period
 - Members sitting on this case: George Carmichael, Marcia Breckenridge, Ross Thermos, Marty Kulla, Kevin Sawyer.
 - Carmichael introduced the case and relevant articles.
 - Stenersen presented the overview of case and subdivision plan as approved by the Town. Noted that property is currently in Business Light Industry based on historic town redistricting, 87% of surrounding properties are Res-Ag. Stenersen noted that prior variance approved was for Residential, seeking to bring the property into conformity with surrounding properties by converting to Res-Ag. Presented plan to Board with lot lines with request to allow solely Residential Agricultural use.
 - Carmichael noted that ZBA can't change the underlying zoning, it would require a vote of the town. Noted that if approved without condition, presents a concern that underlying use will always be business light industry, and opens the door for future mixed use to exist.
 - Stenersen noted no opposition to adding conditions on decision.
 - Noted that any accompanying conditions to approval should be sent to the Cheshire Registry of Deeds along with decision.
 - Carmichael moved to enter deliberative session, seconded by Thermos. Board voted 5-0 in favor, Board moved to deliberative session.
 - Deliberative Session
 - Carmichael presented suggested conditions to accompany approval of the variance. Board and applicant agreed to incorporate into the motion.
 - Conditions presented were as follows: This variance permits the proposed residential and agricultural subdivision substantially as shown on the plan presented to the ZBA on July 28, 2026. That plan shall be incorporated and recorded with this decision. No new Business Light Industry use shall be established on any lot included in the application or created from the subject property. This condition does not prohibit the continuation of any

lawful Business Light Industry use prior to July 28, 2026. This condition shall run with the land, be noted on the final subdivision plan, and be referenced in all resulting deeds.

- Carmichael moved to approve the variance with the following conditions as follows: This variance permits the proposed residential and agricultural subdivision substantially as shown on the plan presented to the ZBA on July 28, 2026. That plan shall be incorporated and recorded with this decision. No new Business Light Industry use shall be established on any lot included in the application or created from the subject property. This condition does not prohibit the continuation of any lawful Business Light Industry use prior to July 28, 2026. This condition shall run with the land, be noted on the final subdivision plan, and be referenced in all resulting deeds. Seconded by Breckenridge. Board voted 5-0 in favor, motion approved.
 - Variance for Case #2026-11 approved.

Approval of Minutes: June 25, 2026

- Breckenridge moved to approve the minutes of June 25, 2026 as written, seconded by Carmichael. Board voted 5-0 in favor, motion approved.

Other business that comes before the Board

- Short discussion of print vs digital copies of ZBA materials for Board distribution.
- Jim Critser, Main Street, raised a Point of Order asking whether the ZBA Rules of Procedure are available in PDF format on the Town website. He asked for clarification that all pages are publicly available, and volunteered to help post information.

Adjournment

- Stenersen moved to adjourn, seconded by Thermos. Board voted 5-0 in favor, motion approved.
 - Meeting adjourned at 8:08 p.m.

Respectfully submitted, Amanda Nardini