



ZONING BOARD OF ADJUSTMENT
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ZONING BOARD OF ADJUSTMENT

MEETING MINUTES

March 24, 2026 – 7:00pm

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

Members present: George Carmichael, Marcia Breckenridge, Kevin Sawyer, Ross Thermos, Marty Kulla, Peter Letourneau

Members absent: Phil Stenersen, Terence Fogg

Public Present: Tom Coneys, Selectman

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: Stenersen (regular member) was absent from the meeting, Letourneau (Alternate) will stand in as a voting member.

Notice of Public Meeting were posted: Town Offices (2x), Rindge town website

Agenda

- Approval of meeting minutes from February 24, 2026
 - Carmichael moved to approve the minutes as written, seconded by Breckenridge.
 - Board voted 5-0 in favor, minutes approved.
- Review of the decision tree prepared by Town Counsel
 - Board reviewed the provided materials and provided edits to the five criteria as listed below:
 - Discussion on Criteria 1: Public Interest
 - Breckenridge asked if the variance criteria reflects the wills of the voting base of Rindge NH or based from NH RSA standard. Carmichael replied that the criteria is based on NH RSA standard.
 - Carmichael noted it is important to include NH RSA 674 standard that the variance can fail if any one of the five criteria are not met. Breckenridge agreed and countered that it should be noted prominently in the application that if an application fails on any of the five criteria it will be denied. Carmichael added that the proposed revision would bring that notice to the top of the application so, to Breckenridge's point, an applicant would know upfront that passing all five is required.

- Discussion on Criteria 2: Spirit of the ordinance
 - No changes
- Discussion on Criteria 3: Substantial Justice
 - Breckenridge noted a typo in the explanation from "...which would be served if the variance were denied" from "...which would be served were the variance denied"
 - Similar typo and correction on section 3a from "" ...would suffer if the variance is denied" to "...would suffer if the variance were denied..."
 - Thermos noted word use in 3.b. to ".whether the proposed use is consistent.." from "whether the proposed development is...".
- Discussion on Criteria 4: Property Values
 - No changes noted.
- Discussion on Criteria 5: Hardship
 - Carmichael noted this criteria being the most influential as it must show proof of unnecessary hardship as in the case heard on Feb. 24 (Case#2026-02) compared to cases where hardship was
 - Kulla noted that hardship does often include financial loss, though Carmichael noted that according to NH law, it cannot be solely hardship based on finances.
 - Letourneau asked if finances would be totally exempt from the application's defense. Carmichael noted that some financial can be considered if it in incurred from not being able to use the property as intended but it cannot be the sole reason or financial hardship
 - Kulla argued that, with the example of an earlier case, the reasons could have been considered financially motivated since the development could have been built as proposed, though not used.
 - Thermos noted that in 5.a.ii that the hardship must arise from the property itself and not of the landowner's plight.
- Carmichael asked Board if they were confident in changing the wording of the applications as proposed. He noted that it is in line with NH courts' expectation of how applications are structured.
- Thermos asked how long the changes would take to effect. Carmichael noted that a change of this type not included in the ruled of procedure and could go into effect immediately.
 - Thermos asked how this would apply to the outstanding rehearing case that ZBA will hear in April. Carmichael confirmed that they would be judged on the original application, as will others who apply before the new format is published.
- Thermos moved to accept the new Variance application with noted edits, seconded by Carmichael. Board voted 5-0 in favor.
 - Commission noted that new application should be updated to reflect that this is a 2026 Update. Applicants will be advised of this, Amanda will notify Town Exec Secretary and Planning Board Director

- Election of a Chair following the Town Election in accordance with the ZBA Rules of Procedure and applicable New Hampshire RSA requirements
 - Thermos nominated Carmichael for ZBA Chair, seconded by Breckenridge.
 - Board voted 5-0 in favor. Carmichael elected as Chair.
 - Carmichael nominated Breckenridge as Vice Chair, seconded by Thermos.
 - Board voted 5-0 in favor, Breckenridge elected as Vice Chair.
- A proposed update to our Rules of Procedure and application requirements to include a requirement that all submitted materials be scanned or photographed so digital copies are available to the Board.
 - Carmichael noted that scanned copies would be cleaner and easier to send out to the Board and relevant commissions and members
 - Thermos asked if only a digital copy could be accepted. Discussion noted that a physical application will need to be delivered for check processing, deadline for applications.
 - Carmichael asked Coneys what the Planning Board the process for their applications. Coneys noted that physical copies are delivered then given to the board electronically.
 - Carmichael proposed to alter the application requirements so that five hard copies must be delivered with a check and one digital file sent to zoningclerk@rindge.nh.gov
 - All applications and ZBA checklists will need to be updated to reflect change.
 - Thermos asked if large scale maps should also be removed form application, Carmichael suggested that the criteria should remain.
- Thermos asked if cost saving measures existed that could be taken to offset Town cost of mailing certified to abutters list. Carmichael noted that the cost of the application covers the cost of mailing abutters.
- Carmichael moved that the new applications will contain five physical copies and one digital copy, seconded by Breckenridge.
 - ZBA voted 5-0 in favor.

Adjournment

- Breckenridge moved to adjourn, seconded by Carmichael.
 - ZBA voted 5-0 in favor, meeting adjourned 7:50pm

Respectfully submitted, Amanda Nardini, Zoning Board Clerk.