



ZONING BOARD OF ADJUSTMENT
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ZONING BOARD OF ADJUSTMENT

MEETING MINUTES

February 24, 2026 – 7:00pm

7:00 pm - Meeting called to order by Chairman George Carmichael
Members present: George Carmichael, Marcia Breckenridge, Ross Thermos, Marty Kulla, Peter Letourneau, Kevin Sawyer, Terence Fogg
Members absent: Phil Stenersen
Public Present: Jim Weidner on behalf of the applicant Matt Olson; David Drouin, Rindge Conservation Commission; 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: None heard, Terence Fogg will be sitting on case 2026-06 for Phil Stenersen.
Notice of Public Hearing were posted: Town Offices (2x), Rindge Post Office (1x), Monadnock Ledger Transcript, Rindge town website

Chair Carmichael reviewed Board procedures with the audience and then shared guidance from Town Counsel regarding application of the five variance criteria under RSA 674:33.

Public Hearings:

ZBA Case# 2026-02: A Variance is requested from Article X Gateway Central District, of the Rindge Zoning Ordinance to permit the conversion of three (3) approved but unbuilt commercial condominium units to four (4) residential condominium units within the previously-approved mixed-use condominium development on Thomas Road located at Map 6 Lot 14-1 and owned by Ashoryn, LLC.

- Terence Fogg sat on the case in place of Phil Stenersen. The members on this case were Carmichael, Breckenridge, Thermos, Kulla, Fogg.
- Carmichael noted that he spoke to Rindge DPW Director Mike Cloutier regarding the road restrictions regarding the property in this case which render it unusable for business and the inflexibility of this restriction as the town grants no waivers for posted weight limits. He then invited the applicant's representative to present the case.
- Jim Weidner, Jaffrey NH, presented on behalf of the applicant, Matt Olson of Ashoryn, LLC and read the application as it pertained to the Variance criteria requirements, including:
 - 1. Public Interest: The proposed residential conversion would reduce building footprint, height, impervious surface, traffic, noise, and delivery activity compared to the approved

- commercial units. Residential use avoids conflicts with seasonal weight limits and reduces potential road damage and safety risks.
- 2. Substantial Justice: Denial would render the approved commercial units unbuildable due vehicle weight restrictions on Thomas Road, resulting in economic loss without corresponding public benefit. Approval allows reasonable use of the property.
 - 3. Spirit and Intent of the Ordinance: The Gateway Central District promotes flexible development, efficient land use, and minimization of traffic and environmental impacts. Strict enforcement of mixed use at this site undermines those goals due to unique road access limitations. The proposal better aligns with ordinance intent.
 - 4. Surrounding Property Values: Residential use is lower intensity than commercial use. The conversion avoids vacant or underutilized commercial space that could negatively affect aesthetics or surrounding property values.
 - 5. Unnecessary Hardship: The sole access via Thomas Road, subject to strict seasonal weight limits with no waivers, makes commercial use legally and practically infeasible. This condition is unique to the property and not self-created.
 - 5a. Special conditions do exist as the mixed use requirement in the Gateway Central District aims to increase business and residential communities but the restrictions on this specific property with access only on Thomas Rd coupled with a lack of exception for business-grade trucks above the allowed weight limit creates a special condition.
 - Carmichael presented a letter from the Rindge Conservation Commission regarding the case in which the Commission saw no issue with the application as presented.
 - Breckenridge moved to enter deliberative session, seconded by Thermos. Board voted 5-0 in favor, moved to deliberative session.
 - **Deliberative Session**
 - Carmichael reinforced that he spoke with the Rindge DPW Director prior to the hearing to confirm that the town has not previously and does not intend to allow special exceptions to the road vehicle weight limit requirement. Cloutier did confirm this.
 - Thermos added that a letter was included in the application from Rindge DPW that clearly outlined the weight limit restrictions.
 - Breckenridge agreed with Carmichael to the physical restriction on the property and the town limitations on Thomas Road. Fogg agreed to the hardship unless the town was to upgrade the entire road, and that non-commercial use would diminish road wear, maintenance, and traffic.
 - Fogg agreed to the applicant's point that a full residential neighborhood would diminish the noise and congestion in the area compared to a mixed-use.
 - Kulla noted that the proposed residential conversion would retain the same blueprint.
 - The Board discussed that the hardship criteria is met through physical and regulatory constraints imposed by the Town's road policies, not financial considerations.
 - Carmichael requested the Board to work through the five criteria and review.
 - Breckenridge countered that the application is written very well and clearly outlines the unique attributed and challenges on the property in regard to the application. She asserted that it could be approved as written with the condition that the written justification of the Variance criteria outlined by the applicant accompany the decision in support to document the Board's findings.
 - Breckenridge moved that to accept the five criteria as written and attach the written application to the minutes as justification, seconded by Kulla.

- Board voted 5-0, Variance approved.

Approval of Minutes: January 27, 2026

- Carmichael moved to approve the minutes of January 27, 2026 as corrected with an edit to the minutes under Rehearing Request, Case 2025-16 to remove a duplicate phrase, seconded by Kulla. Board voted 5-0 in favor, minutes approved.
- Kulla noted two spelling errors of his name which will be corrected.

Other Business

- Update on ZBA Application Process: Carmichael reached out to Town Attorney, M. Serge, regarding application wording and process. M. Serge agreed to rewrite the application for Board approval. Carmichael noted that a draft is expected before March meeting.

Adjournment

- Breckenridge moved to adjourn, seconded by Carmichael. Board voted 5-0 in favor, motion approved.
 - Meeting adjourned at 7:29pm.

Approved on March 24, 2026



George Carmichael, Chair



Marcia Breckenridge, Vice Chair