

**Town of Cornish, New Hampshire
Zoning Board of Adjustment
Case 19-02
Public Hearing
October 7, 2019**

The Cornish Zoning Board of Adjustment met on Monday, October 7, 2019, at 6:30 pm in the Cornish Town Offices. Members present were Caroline Storrs, Chair, Bill Balch, Karim Chichakly, and Jason Bourne. All present were voting members.

Also present were Jim Liggett, applicant, Peter Hoe Burling, Hayley Cummings, Garrett Glassock, Beth Isham, Laird Klingler, Diane Miller, Sharona Sylvester, Fred Weld, and Wylie Wood.

Caroline Storrs called the meeting to order at 6:31 pm.

Case 19-02

James Liggett has requested a Special Exception concerning Article IV, Sections 19 & 19A, and Article VII, Section B. The applicant proposes to expand an existing building and the number of employees at the Liggett Soap Company. The building does not meet setback requirements. The property is located at 973 NH Route 12A in Cornish, New Hampshire, Tax Map 3, Lot 35.

Background

Ms. Storrs introduced members of the Board. Bill Balch, Board Clerk, read the notice. The Board asked members to turn to Article IV.19a, Expanded Cottage Industry. Mr. Liggett was invited to present the proposal.

James Liggett began with the history of the business, which was established in 1980. Growth of the business now requires more space. He would like to rebuild an existing 32x120 building and increase the dimension to 40x120 feet by extending the building eight feet more into the setback from the boundary line. The eight additional feet are needed in order to make the building dimensionally correct. Mr. Liggett would also like to expand the manufacturing business. Much of the building would be used for storage and for drying soap, which must dry for 30-45 days before it is ready. Wrapping machines would also be moved into the building. The building would be used for storage of raw materials. Additionally, Mr. Liggett was asking for an increase of the number of employees permitted to twenty-two; however, there would not be twenty-two employees in the building at the same time. The expansion of allowed employees would allow for a second shift if necessary.

Mr. Liggett read a chronology of the business from 1980 to 2019, which went from two products, bar shampoo and a wooden shampoo shelf to include several lines of products. The residence on the property is the oldest structure in the Town of Cornish. Over the years different formulations and additional products were added. Products are marketed internationally. Recently a full line of pet shampoos has been added. The company is now a 100% zero waste business. Scrap from production can be used to make other products. A line of lip products is in

the works. Mr. Liggett closed by stating that he hoped that the town of Cornish would be supportive, as it has in the past, of this local business.

Mr. Liggett submitted letters from Jenny and Ray Sprague, Fred and Susan Weld, abutters, and Peter Burling, Cheston Newbold, Colleen O'Neill, along with letters from several other residents. All were in support of the expansion. Mr. Liggett read aloud the letter from Cheston Newbold in support of the proposal. He also read a letter from Doug Hackett, Cornish Police Chief. Officer Hackett wrote in support of the proposal, and in particular, Officer Hackett had no concerns about traffic impact. He submitted copies of all letters into the record.

Mr. Liggett added that he had supported the Town of Cornish over the years. He described the custodial responsibility he feels to the residence on the property, which is the oldest home in Cornish. Any construction would fit into the environment. He presented pictures of the existing and proposed barn. He described the existing barn as dilapidated. The barn could be repurposed should the property ever be sold.

Karim Chichakly asked if Mr. Liggett had ever met with the Board before. He pointed out that the use was not grandfathered since the business was started after zoning. Mr. Liggett submitted to the Board Planning Board minutes regarding a Site Plan Review of the property in 2015. The minutes stated that the business was a grandfathered use. Mr. Chichakly responded that the finding had been incorrect since the business had not been in existence before 1974. The Board recalled that the initial approval was for a home occupation.

Caroline Storrs read the General Use Provisions outlined in Article IV.19a, Expanded Cottage Industry. Mr. Liggett added he owns the abutting property. The Board asked Heidi Jaarsma about lot mergers and lot line adjustments. Neither action can create a new violation of the zoning ordinance. Mr. Chichakly asked why he could not change the planned expansion so that it did not encroach any further into the setback from the property line. Mr. Liggett stated that any other plan would change the look of the farm. Bill Balch asked what the setback was to NH 12A. Mr. Liggett responded that the setback was at least 100 feet. The Board recommended that Mr. Liggett added on an ell addition so as not to further encroach the setback.

The Board continued the review of the General Use Provisions. Because the barn was built in 1950, the size restrictions in Article IV did not apply. Currently, the business is using 4,400 square feet. The new building would add a footprint of 4,800. Mrs. Storrs stated that the combined square footage of the two buildings would exceed the 5,600 square foot limit given in Article IV.19a. Mr. Liggett asked if the ordinance meant that he would need to move his business out of Cornish. Ms. Storrs read again from the ordinance. Karim Chichakly stated that his only option was a variance, and that a variance for a business use would be difficult to achieve. Ms. Storrs said that the only other option would be to change the Zoning Ordinance. The Board discussed the process for amending the Zoning Ordinance.

Caroline Storrs asked for comment from the public. Peter Burling stated that it would be fair to the applicant to explain in detail the elements that stand between the application and approval. Ms. Storrs stated that the square footage and the number of full-time employees were the barriers to a special exception. Additional parking would also be required. Mrs. Storrs explained to the

applicant that the Zoning Board cannot grant a special exception for anything beyond what is allowed in the ordinance. Ms. Storrs added that in her time on the board, no application had ever been made to change an expanded cottage industry. This was the first and only time that the Board had been asked to change the definition.

Fred Weld asked if the process had been followed correctly. Mr. Chichakly said that the applicant could have come to the Board for a preliminary consultation. Mr. Liggett thanked the Board for their time. Karim Chichakly made a motion to deny the application. Jason Bourne seconded the motion, and the vote of the Board was in the affirmative to deny the application, 4-0.

Peter Burling asked ZBA members whether he felt the limitations on the elasticity of the current ordinance too severe. He wondered if the town was getting into a situation where the ordinance was restricting the uses that fit the town. He asked if the denial was in the best interest of what the ordinance set out to do.

Approval of Minutes

The Board reviewed the minutes of 4/1/2019. Jason Bourne made a motion to approve the minutes. Bill Balch seconded the motion, and the vote of the Board was in the affirmative.

Respectfully submitted,
Heidi Jaarsma, Recording Secretary