

**Town of Cornish, New Hampshire
Zoning Board of Adjustment
Case 21-02
Public Hearing
June 7, 2021**

The Cornish Zoning Board of Adjustment met on Monday, June 7, 2021, at 6:30 pm in the Cornish Town Offices. Present were Caroline Storrs, Chair, Bill Balch, Jason Bourne, and Michael Fuerst. Kate Freeland attended remotely due the Covid-19 situation and in accordance with the provisions RSA 91-A:2.III.

Also present were Travis Wright, for the applicant, Angela Poland, Brian Poland; and Heidi Jaarsma, recording secretary

Caroline Storrs called the meeting to order at 7pm. Ms. Storrs announced that meetings will be in-person beginning June 12, 2021. Members may attend remotely as long as a quorum is physically present.

Michael Fuerst made a motion to accept the minutes as presented. Jason Bourne seconded the motion and the vote of the Board was in the affirmative.

Caroline Storrs designated Bill Balch, Jason Bourne, Kate Freeland, and Michael Fuerst as voting members for Case 21-02.

Case 21-02

Jeffery Lamoureux has requested a Special Exception concerning Article IV, Section 7A, of the Cornish Zoning Ordinance. The applicant proposes a multiuse conversion to change the existing house from a residential property to a rental property. The property is located at 967 NH Route 120, in Cornish, NH, Tax Map 11, Lots 56, 57, and 57A, in the Rural Zone.

Mr. Wright, representing Mr. Lamoureux, presented the plan showing the property comprising Straightaway Auto and a residence. Mr. Wright plans to purchase the property and would like to convert the residence into a rental property. The single-family rental would be for a non-family member. The garage would be rented to Straightaway Auto. There will be no alteration to the footprint of either structure. As part of the 2006 decision granting a special exception to Straightaway Auto, the bathroom in the house served as the bathroom facility for the garage. Since this situation would no-longer be practicable under the proposed residential rental, Mr. Wright requested that a portable toilet be allowed at Straightaway Auto. There is a sink in the garage building and an existing holding tank for graywater from the building. Mr. Wright plans to purchase a portable toilet which will be regularly maintained by a local vendor. Bill Balch asked about the well. Mr. Wright explained that the line from the well serviced the sink in the garage.

Michael Fuerst asked if Mr. Wright was aware of the restrictions imposed on Straightaway Auto. Mr. Wright stated that he was and that he agreed with all conditions except for the use of the

house bathroom facilities. There will be a key to the portable toilet, and use of the portable toilet will be for employees only. Mr. Fuerst asked if the portable toilet was in compliance with State and local regulations. Mr. Wright replied that the unit is self-contained and that setbacks required by the State would be more than met.

Mr. Fuerst asked if the house would be a single-family residence. Mr. Wright confirmed that it would be a single-family rental. It was proposed that condition #20 from the 2006 Special exception be changed to "Portable toilet allowed at location shown on plan for use by employees only, with regular maintenance at least monthly. The portable toilet must comply with State and local regulations." Additionally, "Business owners" was added to existing to condition #10.

Ms. Storrs opened the meeting to abutters. Brian Poland stated that his concerns had been allayed now that he knew that the proposed rental would be for a single family. He added that the plan sounded good.

Michael Fuerst asked if there would be any other significant changes to the house. Mr. Wright replied that there were no proposed changes to the house. The garage attached to the house would be used by the renters. Mr. Wright added that a title search had established that the house and Straightaway Auto garage are on one lot of record. He also plans to purchase an adjacent 5-acre lot from Mr. Lamoureux, which is not part of this application.

Closed Discussion

The Board reviewed the definition and provisions of Multiuse Conversion. Mr. Fuerst asked if the Straightaway Auto use was to be treated as an existing special exception. Mr. Fuerst felt that while the Board needed to deal with the multi-use conversion for the Special Exception, the conditions for the Automotive Garage must also be discussed. Mr. Fuerst pointed out that historically there had always been a residence on the property. The multi-use conversion does not require the owner of the property to live on the property.

Heidi Jaarsma read the conditions to the 2006 special exception granted to Straightaway Auto. Ms. Storrs asked if the conditions should include the provisions of the zoning ordinance.

The Board reviewed Article X.F.2.a-n, *Criteria Applicable to Special Exceptions*, and found that no specifications or modifications were necessary. With regard to subsection (k), Kate Freeland asked about a limitation of the number of occupants for non-family members in the residential rental. Michael Fuerst said that towns cannot dictate the kind of people living somewhere, just occupancy levels. Ms. Freeland hoped that the change in use would not negatively affect the character of the area. Mr. Bourne said that he did not recall a condition ever limiting the number of people in a residence. The Board noted that any future enlargement or alteration of the use would require board approval. The Board reviewed Article X.F.1.d, 1-6, *Criteria for a Special Exception*:

1. *The capacity of existing or planned community facilities.*

The Board found no adverse effect 4-0.

2. *The character of the area affected.*
The Board found no adverse effect 4-0.
3. *Traffic on roads and highways in the immediate vicinity.*
The Board found no adverse effect 4-0.
4. *Town services and facilities.*
The Board found no adverse effect 4-0.
5. *Neighboring land uses present and prospective.*
The Board found no adverse effect 4-0.
6. *Significant wildlife habitat, trails, natural, scenic or historic features.*
The Board found no adverse effect 4-0.

The Board found, 4-0, that the site is an appropriate location for the use, giving due regard to such factors as topography, soils, surface and groundwater, vehicular access including internal access and the public road system serving the site, significant wildlife habitat and trails, significant natural, scenic or historic features or sites (Article X.F.e.1); and that the use will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any person or property, or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors (Article X.F.e.2).

Michael Fuerst made a motion to approve the multi-use conversion to allow a single-family home on the premises along with an automotive repair garage subject to the twenty-two conditions listed below. Jason Bourne seconded the motion, and the vote of the Board was in the affirmative, 4-0.

1. Hours of operation: 8:00 am - 6:00 pm Monday-Friday 9:00 am -12:00 pm Saturday.
Doors to be shut at 6:00 pm. Monday-Friday and at 12:00 pm on Saturday.
2. Auto related services include regular repair, state inspection and general maintenance (for example: ball joints and shocks).
3. No more than two cars for sale with signage on one area of the vehicle.
4. All repair work to be done inside the garage, with the exception of washing a car.
5. Outdoor car washing restricted to 5 cars/week.
6. No tuning, testing or “revving up” of a racecar engine is permitted outdoors; or inside the garage with the garage doors open.
7. No bodywork or painting other than light rust work for state inspection is permitted.
8. Washing of auto parts, steam cleaning of engines, etc. is prohibited outside of the garage.
9. Small engine repair as well as repair on ATVs, motorcycles and snowmobiles is prohibited.
10. There may be no more than 2 full time employee equivalents (including business owners).
11. There are to be no floor drains. All liquids are to be containerized. Oil is to be recycled or used in an oil- fired furnace. Antifreeze is to be recycled.
12. No fumes except exhaust fumes are permitted.
13. Repair work on approximately 55 cars/week (average 8-10 cars/day Mon.-Fri, 5 cars/Sat.) is permitted.
14. Maximum number of cars permitted on lot for overflow is 20 at any time.
15. A 4x4’ roadside sign, a smaller building sign and an inspection sign are permitted.
16. Exterior lighting should provide abutters with minimal glare. The pole lighting will be redirected or shielded so as to minimize the glare on neighboring lots.

17. Conditions of operation cannot lead to excessive noise or glare.
18. Towing service is allowed as an accessory use and is limited to 1 tow truck and 1 flatbed car hauler. Flashers are to be turned off once the truck has entered the property.
19. Business is restricted to 100' x 120' area, per representations of the applicant. Garage building cannot be expanded beyond its current 32' x 70' (2240 sq. ft.) without a special exception.
20. No public restrooms. Portable toilet allowed at location shown on plan for use by employees only, with regular maintenance at least monthly. The portable toilet must comply with State and local regulations.
21. All permits, including all NH DES permits, must be in place at all times.
22. Width of drives is to be limited to 50'.

Election of Officers

The Board discussed the process for moving an alternate up to full membership, which is at the discretion of the Moderator. Current alternates are Karim Chichakly and Stuart Hodgeman. Michael Fuerst moved the following slate: Caroline Storrs, chair; Jason Bourne, vice-chair; and Bill Balch, clerk. The motion was seconded by Bill Balch and voted in the affirmative. Michael Fuerst asked about the current application for special exception and suggested that the application template in the current zoning board handbook would be helpful to applicants. Kate Freeland said that it would be helpful to have the application and plan ahead of the meeting.

Bill Balch asked about changing the meeting time. Kate Freeland and Jason Bourne asked to keep the meeting time at 6:30. No change was made to the meeting start time.

The Board adjourned at 8:39 PM.

Respectfully submitted,
Heidi M. Jaarsma