

**Town of Cornish, New Hampshire
Zoning Board of Adjustment
Case 21-03
November 1, 2021**

The Cornish Zoning Board of Adjustment met on Monday, November 1, 2021, at 6:30 pm in the Cornish Town Hall. Present were Caroline Storrs, Chair, Bill Balch, Jason Bourne, Michael Fuerst, and Stuart Hodgeman. Karim Chichakly and Kate Freeland attended remotely due to the Covid-19 situation and in accordance with the provisions RSA 91-A:2.III.

Also in attendance were Tom Hildreth, attorney for the petitioners; Gwyn Gallagher and Heather Gallagher; Laura Hartz, attorney for the Gallaghers; Marie DeRusha, John Drye, Bill Gallagher, Don LaClair, Lea LaClair, Colleen O'Neill, Kathryn Patterson, Anita Porter, Tom Porter, Jan Ranney; and Heidi Jaarsma, recording secretary.

Caroline Storrs called the meeting to order at 6:43 PM.

Case 21-03

Case 21-03 concerns a request by Al Rossow and Sandy Carpentier for an Appeal from an Administrative Decision concerning Article IV, Section 4.1 of the Zoning Ordinance. The applicants have appealed the August 23, 2021, Selectboard decision to grant a certificate of zoning compliance to Many Summers Farm and Gallagher Tree Service for property located on Clark Camp Road, Map 10, Lots 55 & 55A, in the Rural Zone. The hearing on appeal, which was held on October 4, 2021, was adjourned on that date and continued to November 1, 2021.

Bill Balch, Jason Bourne, Karim Chichakly, and Stuart Hodgeman had been designated voting members by Chairperson Storrs at the October 4, 2021, hearing. Michael Fuerst and Kate Freeland had recused themselves at that same hearing. Caroline Storrs announced that tonight's meeting had been warned at the October 4, 2021, and that no further warning had been necessary.

The first order of business was approval of minutes. The Board reviewed the October 4, 2021, minutes. A typographical error was noted. Caroline Storrs asked that a correction be made to the statute quoted during Ms. Hartz' testimony. Stuart Hodgeman made a motion to accept the October 4, 2021, minutes as amended. Bill Balch seconded the motion, and the vote of the Board was in the affirmative 5-0. Jason Bourne made a motion to accept the October 13, 2021, minutes as presented. Stuart Hodgeman seconded the motion, and the vote of the Board was in the affirmative, 5-0.

Ms. Storrs read aloud emails from the attorneys for both parties requesting a continuance. Per the communication to the Board from Attorneys Hartz and Hildreth, in the case that both parties can reach a full agreement, the Gallaghers will ask the Board of Selectmen to amend the Certificate of Zoning Compliance to incorporate provisions agreed upon by the parties. If that were to happen, the appellants would withdraw their pending appeal with the Zoning Board. Mr. Hildreth requested that the hearing be continued to the December meeting of the Board. Ms.

Hartz said that she was in complete agreement with Mr. Hildreth's request with the exception of the date. She requested that the hearing be continued to November 8, 2021. After a brief discussion, Ms. Storrs told Ms. Hartz that the earliest the Board could meet was November 15, 2021.

Tom Hildreth stated that only difference between the two requests was the date to which the continuance will occur and that the appellants had no objection to a November 15, 2021, continuation. Karim Chichakly made a motion to continue the case until Monday November 15, 2021, at 6:30 PM in the Town Hall. Stuart Hodgeman seconded the motion, and the vote of the Board was in the affirmative, 5-0.

Anita Porter asked if the sale could go forward if the appeal was withdrawn. Laura Hartz stated that if both parties agreed to conditions to be included on the certificate of compliance, the appellants would withdraw the appeal, and the sale could go forward.

Rules of Procedure

Michael Fuerst and Kate Freeland joined the meeting. Michael Fuerst move to amend the rules of procedure by adopting the draft as amended. Stuart Hodgeman seconded the motion, and the vote of the Board was in the affirmative 7-0. Caroline Storrs asked that the applications and rules of procedure be posted to the website with a notification to contact the Chair upon filing an application.

Karim Chichakly noted that a paragraph of the instructions had been omitted from each application. Michael Fuerst made a motion to adopt the applications as amended and to and make them part of the Rules of Procedure. Jason Bourne seconded the motion, and the vote of the Board was in the affirmative, 7-0.

New Business

Caroline Storrs circulated a home-based contractor's yard ordinance from Lebanon, NH, zoning ordinance. Ms. Storrs felt that it was a reasonable ordinance that addressed questions which had come before the Board. Karim Chichakly felt that it was a good idea to send the ordinance to the Planning Board. Michael Fuerst noted that, if included in the ordinance, the paragraph would not apply to existing contractor's yards as of a date certain. Caroline Storrs felt that it was key that a contractor's yard be in conjunction with the residence. Michael Fuerst noted that it was certainly worth finding examples of other contractor yards and suggested a joint meeting with the planning board. Stuart Hodgeman felt it was important to let the public know that what is happening currently would be grandfathered. Caroline Storrs will write a letter to the Planning Board regarding the issue. Michael Fuerst also discussed the regulation of agriculture in different zoning districts, and Caroline Storrs suggested waiting on the agriculture issue. Stu Hodgeman asked for clarification on the agriculture proposal. Mike Fuerst said that the Village District may be the only area of concern. Stuart Hodgeman agreed with concentrating on the contractor's yard proposal.

Jason Bourne made a motion to adjourn. Stuart Hodgeman seconded the motion, and the vote of the Board was in the affirmative, 7-0. The meeting was adjourned at 8:02 PM.

Respectfully submitted,
Heidi M. Jaarsma

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