

**Town of Cornish, New Hampshire  
Zoning Board of Adjustment  
Case 22-01  
January 10, 2022**

The Cornish Zoning Board of Adjustment met on Monday, January 10, 2022, at 6:30 pm at the Cornish Town Hall. Present were Caroline Storrs, Chair, Bill Balch, and Jason Bourne. Karim Chichakly, Kate Freeland, Michael Fuerst, and Stuart Hodgeman attended remotely due to the Covid-19 situation and in accordance with the provisions RSA 91-A:2.III.

Also in attendance were Al Rossow and Sandra Carpentier, petitioners, Tom Hildreth, attorney for the petitioners; Gwyn Gallagher and Heather Gallagher, Laura Hartz and Jeremy Eggleton (via zoom), attorneys for the Gallaghers; Everett Cass, Marie DeRusha, Cricket Downey, Bill Gallagher, Dillon Gallagher, David Haseman, Susanne Haseman, Janet Lord, Seldon Lord, Colleen O'Neill, Kathi Patterson, Anita Porter, Troy Simino; and Heidi Jaarsma, recording secretary.

Caroline Storrs called the meeting to order at 6:32 PM. Caroline introduced the members of the Zoning Board and reviewed the agenda.

**Approval of Minutes**

Bill Balch moved to approve the minutes as amended. Jason Bourne seconded the motion, and the vote of the Board was in the affirmative.

Correspondence from Jeremy Eggleton, Laura Hartz, and Tom Hildreth was submitted into the file.

**Motion for Rehearing**

A motion was submitted by Gwyn and Heather Gallagher for rehearing of the Zoning Board's December 14, 2021, decision to grant a rehearing of Case 21-03. Requests had been received by the Zoning Board for the recusal of Jason Bourne, Karim Chichakly, and Caroline Storrs. Ms. Storrs asked that each member speak to the recusal request.

Jason Bourne said that he would like to read the request for recusal in order to respond. Mr. Bourne reported that Tom Hildreth, on behalf of Rossow/Carpentier, had requested that Mr. Bourne recuse himself on the grounds that he could no longer be indifferent due to bias in favor of the Gallaghers. The request cited that Mr. Bourne had read a lengthy prepared statement at the December 14, 2021, hearing, which had been prepared before the meeting and before any deliberations of the Board. Jason Bourne stated that during the analytical process, he took working notes. He summarized assertions in his notes and the discussion of the December 14, 2021, meeting reinforced that the percentages were not a litmus test. Mr. Bourne stated that his notes best represented his thoughts at that moment and that he would not recuse himself.

Mr. Chichakly began to speak to the request for recusal. Laura Hartz made a point of order. She stated that her request for Mr. Chichakly's recusal had not been read aloud. Caroline Storrs answered that Mr. Bourne had made the choice to read the request aloud. Karim Chichakly said that he had sworn and oath to be impartial and to uphold the ordinance, and that is what he had done.

Caroline Storrs said that she would not recuse herself.

Caroline Storrs opened the request for rehearing by stating that interested parties can ask for a rehearing on any decision by the Board. She added that the decision was a narrow one and that the Board would see if anything was illegal or unreasonable. The Board reviewed the request submitted by Ms. Hartz and Mr. Eggleton on behalf of the Gallaghers.

Ms. Storrs asked the Board to consider Section A of the request for rehearing regarding due process and equal treatment under the law. Jason Bourne said that the question was whether there had been a problem with due process. Caroline Storrs explained why she regarded the objection filed by the Gallaghers for the December 14, 2021, request for rehearing to be moot. Jason Bourne stated that in the wording of the complaint, should the objection have been distributed prior to the meeting? Karim Chichakly referenced the ZBA handbook, which states that no testimony can be taken at a request for rehearing. Jason Bourne asked if the Gallagher's December 14, 2021, objection could be treated as testimony. Stuart Hodgeman said that he would like to take a vote again on the motion for rehearing. Karim Chichakly had nothing to add.

Ms. Storrs asked the Board to consider Section B of the request for rehearing which asserted that the Board had misunderstood the definition of "agriculture" in RSA 21-34-a. Bill Balch said that the definition of agriculture had been discussed for a long time. Stuart Hodgeman said that he did not know where need to find percentages of time on and off site had come from, and Bill Balch added that the percentages were hard to figure out. Jason Bourne said it seemed like Stuart Hodgeman was saying that the percentages were a non sequitur. Caroline Storrs responded that the percentages were meant to obtain an understanding about was happening on the property. Stuart Hodgeman stated that there was no percentage requirement in the RSA. Karim Chichakly said that ancillary use is where percentages come from. Stuart Hodgeman called it a fairy tale. Bill Balch felt that percentages really did not apply.

Ms. Storrs asked the Board to consider Section C of the request for rehearing which asserted that the Board misunderstood the definition of "farm" in RSA 21-34-a. Jason Bourne said that there were differences of opinion over the definitions, but that those differences had not been unreasonable.

Ms. Storrs asked the Board to consider Section D of the request for rehearing which asserted that the ZBA had ignored uncontroverted evidence from an expert. Karim Chichakly did not find the Board's actions had been illegal or unreasonable. Jason Bourne stated that the assertion referred to the original hearing and that he did not think that Mr. Taylor's testimony had been ignored. Jason Bourne said that the rehearing had been more about the on-site/off-site use of the property. Karim Chichakly regarded Mr. Bourne's statement as a fair summary. Stuart Hodgeman said

that he felt the Board should honor Steve Taylor's opinion and that the Board wound around the axle with percentages.

Ms. Storrs asked the Board to consider Section E, which asserted that the Chair had misstated facts from the previous hearing and had attempted to insert new evidence. Caroline Storrs said that the assertion incorrect. Jason Bourne did not see Ms. Storrs' statement given in the request for rehearing to be an egregious misstatement.

Ms. Storrs asked the Board to consider Section F, which asserted that the Board had erroneously concluded an evidentiary mistake had been made during the November 15, 2021, hearing. Karim Chichakly said the assertion was not true. Caroline Storrs noted that there is a difference between opinion and bias. Jason Bourne added that the Board did not need to unanimously agree on everything.

Ms. Storrs asked the Board to consider Section G, which asserted that two members should have recused themselves from the original request for rehearing. Karim Chichakly said that the Board had already covered conflict of interest. Jason Bourne noted that the comment attributed to Karim was not in the minutes. Karim Chichakly responded that he did make the statement given in the request for rehearing regarding Ms. Hartz. Mr. Chichakly explained that he was citing a specific example and not making a characterization. Caroline Storrs said that the reference in the request about the composting operation proposed by her brother was the first time that she had heard it. Ms. Storrs added that Laura Hartz had not been recognized by the Chair, and that meetings require that everyone be recognized by the Chair before speaking. Karim Chichakly noted that recognition by the Chair is also required by the rules of procedure.

Karim Chichakly moved that the motion for rehearing be denied. Caroline Storrs seconded the motion. Stuart Hodgeman asked Ms. Storrs to explain the motion, and she explained the effect of a yea or nay vote. Ms. Storrs called for a vote, and the motion carried 4-1 with Bill Balch, Jason Bourne, Karim Chichakly, and Caroline Storrs in favor and Stuart Hodgeman against.

### **Case 22-01**

Caroline Storrs opened the hearing. Al Rossow and Sandy Carpentier, petitioners, have submitted an appeal from the administrative decision of the Selectboard to grant a certificate of zoning compliance to Many Summers Farm and Gallagher Tree Service for Map 10, Lots 55 and 55A<sup>1</sup>. Case 22-01 is a rehearing of Case 23-01, granted on December 14, 2021. Ms. Storrs designated Bill Balch, Jason Bourne, Karim Chichakly, Stuart Hodgeman as voting members. The Chair was also a voting member.

Ms. Storrs reviewed the appeal process. She stated that when an appeal is made to the Board of Adjustment under the appeal provision, the Board must apply the strict letter of the law in exactly the same way that a building inspector must. It cannot alter the Ordinance and map or waive any restrictions under the guise of interpreting the law. The Board of Adjustment must act

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<sup>1</sup> Map 10, Lots 55 and 55A are described throughout the proceedings as the "Jewell property" or "Jewell lot". This nomenclature does not necessarily reflect current ownership of the property.

within the limits of the ordinance and the map. Legislative acts are beyond the scope of the Board's authority. Ms. Storrs then reviewed the appeal process for tonight's meeting. First, fees from the applicant will be collected and the case will be announced by the clerk. The petitioner will then present their case, and testimony will be heard by those in favor of the appeal. Then there will be a rebuttal by the opposition. The Board may ask questions at any time and all questions from the public must be directed at the chairperson.

Mr. Balch read the notice, reported how notice was given and collected the fees. Caroline Storrs submitted a letter received from Jean and Peter Burling in support of Gwyn and Heather Gallagher. Ms. Storrs reviewed the hearing process and asked the petitioners to present their case.

Tom Hildreth spoke on behalf of the petitioners. He requested that the Board not close the case tonight, but keep the hearing open for at least one more meeting for two reasons. First, earlier in the day, he had received a substantial filing from Attorney Hartz, which he had not reviewed. Second, Mr. Hildreth requested that the Board make a site visit to the property prior to closing the hearing. By way of procedure, Mr. Hildreth asked that the record of Case 23-01 come forward and be made part of the record. Attorney Hartz agreed. In that light, Mr. Hildreth said that he would only cover a few points.

Mr. Hildreth ran through a chronology of the use of the Jewell property. Milt Jewell had acquired the property in 1970; Cornish's first zoning ordinance was adopted in 1974. Mr. Hildreth reported that did not know when the garage was constructed. Milton Jewell, Inc., was created in 1978 with the principal office on located on Clark Camp Road. In 1986, the corporation adopted a plan of liquidation and dissolution. Mr. Hildreth circulated a series of google earth photographs to the Board, which showed vehicles strewn about the property in 1998.

Mr. Hildreth circulated a 2005 report from an environmental consulting firm which had sampled groundwater and soil at the Jewell Property. A February 2, 2005, letter addressed to Mr. Jewell from Harper Environmental reported that soils were screened from areas during the active years of Jewell Enterprise. Mr. Hildreth said that the implication was that in 2005 the company was not active. Photographs in the report of holes dug for testing show vehicles not unlike those in the 1998 google earth image. Per the report, no contamination or problems were found. Later that year, the Jewells subdivided the property and created the two lots. The subdivision plan shows wells and spaces for septic systems. Mr. Hildreth concluded that the environmental testing was done as a prelude to subdivision.

The balance of the photographs circulated by Mr. Hildreth showed the property during the period from 2008-2013. Those photographs show that the site had been considerably cleaned up: most of the vehicles had been removed. Mr. Hildreth concluded that the property had been static in terms of the photographic record. Mr. Hildreth reiterated that the business had been dissolved in 1986, and 2005 communications refer to former operations of the business. Mr. Hildreth stated that any use of the garage by the members of the Jewell family was a legacy of prior operation. Mr. Hildreth added that the Jewells never came for any use permit of the property, perhaps because it was established prior to 1974. By 2008, Mr. Hildreth asserted that the use was long

over. Mr. Hildreth said that at one time Jewells owned both sides of Clark Camp Road, and the garage used as a place to store equipment out of the weather. From the petitioners' observations, vehicles would be parked at the garage for an extended period of time before the Jewells would arrive to retrieve equipment.

Mr. Hildreth reported that when the petitioners had bought property in 2016, they had spoken to someone at the Town Office who had informed them that a commercial purpose would require approval from the zoning board.

Mr. Hildreth moved to the Gallaghers' proposal. Per the record to date, Mr. Hildreth said that those who felt that the Board of Selectmen had not erred had found the fact that Gallagher Tree Service chips wood offsite and brings it back to create compost and mulch makes the use agricultural. Mr. Hildreth suggested that the Board lost sight of the fact that all of the compost and mulch made at Many Summers Farm does not get used on the farm. Some of it gets used by Gallagher Tree Service. Mr. Hildreth cited the Gallagher Tree Service website reports that the tree service uses compost and mulch to spread around trees of customers.

Mr. Hildreth stated that Gallagher Tree Service and Many Summers farm are two separate entities; he did not know whether Gallagher Tree Service billed Many Summers Farm for its services. He surmised that if Gallagher Tree Service were not in business to generate revenue, there would be no reason to have a website. Tom Hildreth submitted to the Board a printout of all of the pages of the Gallagher Tree Service website. He stated that Gwyn Gallagher had reported that the website is not accurate, but Mr. Gallagher, continued Mr. Hildreth, had not told the Board how the website is not accurate. Mr. Hildreth asserted that the Gallaghers have emphasized only the tree service aspect of their business due to the language that defines farming. Mr. Hildreth stated that all the things happening on Jewell property are allowed. It was the off-site work that required a variance. Mr. Hildreth introduced what he called the compost fallacy: first, Gallagher Tree Service does not merely supply Many Summers Farm with compost and mulch. Second, shipping cut trees to make compost is not the only service Gallagher Tree Service provides. Through an examination of the website, which Mr. Hildreth noted was last updated in 2020, Mr. Hildreth found that Gallagher Tree Service also provides high quality tree pruning planting and fertilizing, hazardous tree removal, landscape design and installation services. Gallagher Tree Service does not exist, stated Mr. Hildreth, just to serve Many Summers Farm. Mr. Hildreth referenced Mr. Gallagher's presentation of the services provided by Gallagher Tree Service: landscaping, pruning, removal of hazardous trees with properly maintained equipment. Mr. Hildreth questioned where Gallagher Tree Service maintained its equipment. Mr. Hildreth reiterated that the Board did not know the volume of offsite business. The greater the volume, the more supplies, maintenance, activity as a result. Mr. Hildreth listed stump grinding, tree fertilizing, pest management as activities of Gallagher Tree Service. Mr. Hildreth said that pest management had disappeared from the conversation. He added that geographic area served by Gallagher Tree Service is described on the website as the Upper Valley Lake Sunapee Region and Vermont. Mr. Hildreth added that Gallagher Tree Service also installs lightning protection. Mr. Hildreth highlighted the word "landscape" in the Gallagher Tree Service email address although Mr. Gallagher said he had not done a large landscaping job in years. Mr. Hildreth suggested that small landscaping jobs would have a greater impact on the Jewell lot than fewer, larger, landscaping jobs since equipment, per prior testimony, could

remain on the jobsite on larger jobs. Mr. Hildreth said that the website was evidence of commercial activities conducted off-site. Mr. Hildreth stated that the 60-acre farm on Paget Road is where the Gallaghers live and work, but they want to move aspects of Gallagher Tree Service to the Jewell property. No one lives on the Jewell property, but the petitioners live across the street. Where the Gallaghers live on Paget Road, Mr. Hildreth stated, they can address and arrest problems with problems immediately.

Mr. Hildreth said that Laura Hartz had mentioned the part of the statute that references transportation of farm workers. Mr. Hildreth said that a link had been drawn from that provision to the proposition that farm operations can exist anywhere and everywhere. Mr. Hildreth stated that several examples have been shown to show the fallacy of that proposition: a ditch digger can install irrigation on a farm and that is agriculture, but the same equipment used to install irrigation at a golf course cannot be construed to fall under the definition of agriculture. Mr. Hildreth said that everyone present agreed that everything that Gallagher Tree Service does with its equipment on the Jewell property for the benefit of Many Summers Farm is agriculture. The case is about all the other uses of the Gallagher Tree Service equipment that is in service to residential, commercial, and municipal clients. Mr. Hildreth concluded that the more the off-site work, the more the comings and goings of the company,

Mr. Hildreth then circulated pictures taken by the petitioners of Gallagher Tree Service heavy equipment on the Jewell property. He noted that headlights will shine in the front windows of the Carpentier/Rossow home.

Mr. Hildreth noted that Ms. Hartz had been a stickler about the definition of farming and agriculture. He agreed that the words of the statute cannot be disputed, but added that all words of the statute must be honored. Mr. Hildreth said that part B of the statute which states any practice on the farm means on the farm. Mr. Hildreth said that work off the farm with other customers not agricultural but commercial.

Mr. Hildreth quoted the adage, a man's home is castle, and said that for Al Rossow and Sandy Carpentier, their Clark Camp Road home may be their last castle: they love Cornish, their home, and their neighborhood, and they are simply trying to protect their castle. The other aspects for which Gallagher Tree Service wants to make use the property across the street is not agricultural.

Tom Hildreth noted that the Zoning Board had stated at a prior meeting that applicants are regularly asked about the operational characteristics of businesses coming before the Board. Mr. Hildreth added that the Board has utilized conditions in prior applications to minimize impacts on neighbors. Mr. Hildreth said that there is no ill will between the petitioners and the Gallaghers, but the petitioners just do not want this aspect of the proposed use parked right across the street from their house. Mr. Hildreth said that the Gallaghers should be required to apply for a variance which would come with conditions that could include moving the driveway, screening, restrictions on storage of pesticides and herbicides, limits on maintenance, number of employees, controls on storage of gasoline and bulk fuel. Mr. Hildreth continued with a list of possible conditions and added that the Board of Selectmen did not impose a single condition on the use. Mr. Hildreth stated that it was unclear if site plan review would be required of the use.

Mr. Hildreth said that it was his belief that the Board of Selectmen was in error with regard the aspect of the certificate of zoning compliance that did not support Many Summers Farm.

Al Rossow said that we all have a bit of a legacy to pass on and discussed his early days playing football. He stated that he had been married for forty-nine years and had moved seventeen times. He reported that he had traveled all over the world for work and described a time that he took a walk on residential street in Taiwan when suddenly that street turned into a junkyard which was situated next to a mansion. Mr. Rossow informed the Board that there are no zoning restrictions in Taiwan and that it is a different world. Mr. Rossow said that he bought the Clark Camp Road property in 2016 with the assumption that it would be his last stand. His wife, Sandy Carpentier, was the first female equipment manager of a digital technology company and also sold real estate for twenty years. Ms. Carpentier had asked questions about the property and had been told that there would not be a problem such the one before them today. Mr. Rossow said that he had nothing but high esteem for Lyle Parry, Selectmen, who had done great work on the house. He had hired Mr. Gallagher to cut trees for his septic system. Mr. Rossow said that words had been parsed ad nauseum. Mr. Rossow said that the last comment at the last meeting was from Mr. Hodgeman, who had asked what the effect would be on the community. He advised the Board to think about what the legacy of its decision would be. Mr. Rossow stated that the real issue was not about parsing the word agro, but what the legacy of the Board with respect to the community would be.

Ms. Storrs asked the Gallaghers and Ms. Hartz if they would like to make a rebuttal. Gwyn Gallagher asked Ms. Storrs to restate the public process. Ms. Storrs apologized and asked if anyone would like to speak in favor of the appeal. There being no comment from the public, Ms. Storrs opened the hearing to those opposed to the appeal.

Laura Hartz introduced her colleague, Attorney Jeremy Eggleton, who will take over the case from Attorney Hartz. Ms. Hartz agreed that the record and proceedings from the prior meeting should be made part of the record. Ms. Hartz made a presentation which began with an aerial view of the property. She reviewed the Board of Selectmen's meeting history regarding the issuance of the certificate of compliance. Ms. Hartz stated that amount of documentary evidence to date eliminated the need for a site visit. She showed several views of Jewell property from the perspective of the Rossow property and an image of the 2005 subdivision of the property. Ms. Hartz then showed several pie charts giving the percentage of the land dedicated to the building with regard to property value and acreage. She added that there is no dispute about anything other than the 6.3% of the property occupied by the garage. One half of the barn, the upper loft, Ms. Hartz state, will be used for hay storage and is clearly agricultural. The first floor of the structure will contain half tree equipment and half farm equipment. Ms. Hartz concluded that the discussion is really about one fourth of the area of the barn. Ms. Hartz stated that the use of the property is primarily for Many Summers Farm. The property was purchased by Many Summers Farm and the Gallaghers.

Ms. Hartz described a significant degree of integration between Gallagher Tree Service and Many Summers Farm: (1) Raw inputs, a significant amount of shavings and wood products are used for bedding and compost. Additionally, carbon from tree material counterbalances nitrogen from manure in composting operations; and (2) The degree to which equipment is shared. Of the

equipment that Gallagher Tree Service plans to store, 100% of that equipment will be used on the property at some point in any given year. Pastures can increase productivity by 10% by increasing light through pruning the tree line. Gallagher Tree Service and Many Summers Farm share three employees between the two business. Ms. Hartz informed the Board that both businesses will remain to be headquartered on Paget Road, and some of the equipment will be moved to the Clark Camp Road property. Ms. Hartz stated that the big picture is the proposed use for the property: hay, maple, compost, and equipment storage. At some point a sugarhouse and greenhouse may be established, and if the building requires site plan review or a building permit, the Gallaghers will undergo the process.

Ms. Hartz returned to the definition of agriculture in RSA 21:34-a. Ms. Hartz stated that section I of the statute makes it clear that there is no residential requirement for the farm property. Ms. Hartz stated that the drafters wanted to ensure any property used for agriculture is considered agriculture. She referenced the example from Mr. Taylor's letter of a Dartmouth professor who has a hay field on their property as an example of agriculture.

Ms. Hartz turned to section II, of the RSA 21:34-a, which defined agriculture and farming. Ms. Hartz paid particular attention to subsections (a) 1,2,10, and 11 as most operative to the case. Ms. Hartz read section (a)11 word for word and added that it contains some of the most important points of the case: *The production, cultivation, growing, or harvesting of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees or tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any plant that can be legally grown or harvested extensively for profit or subsistence. (RSA 21:34-a.II(a).11).*

Ms. Hartz presented a statutory test to determine whether a use is incident to, ancillary to, or in conjunction with farm operations per RSA 21:34-a.II.(b) . She worked through two hypotheticals and showed that a hair salon would not be incident to, ancillary to, or in conjunction with farm operations. Under the same test, a farrier working on and off-site would qualify as agriculture. Ms. Hartz ran the proposed storage of tree equipment through the same test and showed that the use qualified as agriculture. When Gallagher Tree Service equipment works at an off-site apple orchard, for example, the activity falls under the definition of agriculture. Ms. Hartz stated that even tree work on a non-farm is still done in conjunction with Many Summers Farm because of the relationship between Many Summers Farm and Gallagher Tree Service.

Ms. Hartz pointed out RSA 672.III.b., which requires that land use boards resolve any ambiguity in favor of finding that agriculture is a permitted use. Ms. Hartz reiterated that the statute requires that agricultural activities shall not be unreasonably limited. Ms. Hartz also showed that agriculture and forestry are permitted uses by right in all Cornish zoning districts.

Ms. Hartz described earlier discussions about prior use a red herring. Although the garage/barn was an auto repair shop that predated the ordinance, the Gallaghers are not proposing a truck shop or auto repair shop. Ms. Hartz described the structure is proper for the storage of



equipment and found an element of continuity. Storage of vehicles and equipment has been a continuous use.

Ms. Hartz continued with some clarification of facts in the record and restated her key points:

1. Property will not be used as headquarters but rather as a satellite.
2. Farm and Gallaghers are buying the property.
3. Storage of farm and arborist equipment is just part of overall use of Property (hay, maples, compost, hemlocks.)
4. Arborist equipment = ¼ of the building.
5. Property is a “farm” under RSA 21:34-a, I.
6. 100% of the arborist equipment will be used on-site at some point.
7. 100% of the arborist equipment will be used for farm, also.
8. Even if used off-site, might still be “farm” under RSA 21:34-a, I. Asked the board to remember that the job of the board is to think about the use. Site impacts are the jurisdiction of the planning board. Think it is true that the board got too wrapped up in the percentages. Big picture is that an agricultural use is permitted.

Ms. Hartz agreed with Mr. Hodgeman’s characterization that the Board had gotten wrapped around the axle with percentages. In closing, Ms. Hartz said that the big picture is the proposed use, which is agricultural and allowed by right in the zoning ordinance. There were no questions from the Board.

Ms. Storrs opened the hearing to testimony by those opposed to the appeal.

Jan Ranney said that she was a real estate agent who had taught in Cornish for many years. She told the Board that she had brokered sale of property, and her role was done and over with. She said that she was speaking from her work with the Gallaghers and from understanding what their intentions were. Ms. Ranney wished that Fred Sullivan could have attended. He had stood up in front of the Board at a prior meeting and had said that farming has to be a business. Ms. Ranney said that anyone who tries to make farming not a business is going to go out of business. Fred Sullivan took his equipment to other people’s property, mowed fields, planted corn, etc. Ms. Ranney recalled all the odd jobs that Mr. Sullivan had done on the side. He tapped other people’s trees and benefitted from that: that was part of his working farm. Jan Ranney had cows, and Fred would come to her farm and artificially inseminate her cows. Ms. Ranney described farming as a business that all comes together as one. She said that the appeal before the Board all about nothing and suggested that if the Gallaghers cannot use an existing building to park their equipment, the Town needs to think about its zoning.

Everett Cass said Mr. Rossow and Ms. Carpentier were very nice people and that the Gallaghers were his friends. He described his position as not an easy one. He understood what the petitioners were worried about, but he had seen the progression of the Jewell property go from clutter to cleaned up. Mr. Cass said that the Gallaghers had done much needed repairs on the barn, improving the property. Mr. Cass stated his support for the Gallaghers, and said that he felt their ownership was the best thing that could happen to the property. He added that farming is a business and that no major farmer works solely on their own land: every large farm does custom

work. The only way to survive on a small farm is to do something else. Mr. Cass referenced an operation that is considered a farm, even though most of the work is done on other people's land. Mr. Cass added that when you look at the state definitions, it can be read more than one way, but forestry is under the umbrella of agriculture. He said that the Gallaghers had two businesses, one in forestry the other in agriculture. Mr. Cass said that he believed the Gallaghers were the best fit for the property.

Jan Lord said she loves the emphasis on rural living and farming and described the views of barns and hayfields while driving down NH Route 120. Ms. Lord said that it is important for this community to support its farmers and the people who are trying to earn a living in and support this community. Ms. Lord said that she lives across the road from a big farm and that she likes cows, but there are repercussions to living close to a forty-head beef farm: noise, tractors, flies. But, Ms. Lord continued, it is part of living in this community, and sometimes we have to put up with a little bit of noise living with farms. Ms. Lord described farming as a 24/7 activity. She appreciates the culture that is around her, the farmers that are here. She added that it is important that children do not lose the context of what farming is all about. Jan Lord said that she believes the Gallaghers meet the requirements of the property. She described the Gallaghers as an environmentally conscious family, who believe in sustainable farming, and are good neighbors. Ms. Lord said she would not mind be a neighbor of the Gallaghers.

Colleen O'Neill said that she had attended to support farming in Cornish. She added that the pressures of development on farmers are great. Ms. O'Neill spoke well of the farrier analogy. She said that she had hired Gallagher Tree Service to work on the tree farm on her property and that she owns the 20 acres next to parcel of land. Sixteen years ago, the Jewell property had been subdivided into four lots plus the two building lots. She had been interested in keeping the land in agricultural use and had purchased it for that reason. Ms. O'Neill said that the Rossows should be grateful that they do not have two houses right across the road. She encouraged the Board to support farming, an allowed use under current zoning.

David Haseman told the Board that he lived on Paget Road. He said that all of the equipment stored on the farm will be used on the farm and elsewhere. He stated that the equipment is still farm equipment for that farm, and it should be allowed.

Karim Chichakly recommended that the Board ask their questions at this point. Mr. Chichakly said that some of questions were answered during testimony, but that he had a question for Board counsel. Karim Chichakly made a motion to table the hearing to January 18, 2022. Bill Balch seconded the motion. Laura Hartz asked if she could understand the nature of the question. Karim Chichakly said that his question was about presentation, which had differed from the Board's interpretation of the statute. He added that the presentation was clear, but in conflict with what the board had been told by counsel. Stuart Hodgeman called for a vote on the motion. Jason Bourne said that he had further discussion related to the motion since there had been a request at the beginning of the hearing to continue the meeting. The Board discussed the scheduling of the meeting and amended the motion to continuing the meeting to Tuesday, January 11, 2022, at 6:30 PM. Ms. Storrs called for a vote, and the motion carried by a vote of 4-1, with Bill Balch, Jason Bourne, Karim Chichakly, and Caroline Storrs voting in favor, and Stuart Hodgeman voting against.

Jason Bourne made a motion to adjourn. Bill Balch seconded the motion, and the vote of the Board was in the affirmative.

Respectfully submitted,  
Heidi M. Jaarsma