

ZBA Meeting
Cornish Town Office Building
October 17, 2022, Monday

The meeting was called to order at 6:32 by acting chairperson, Jason Bourne. Roll call was taken and members present were: Bill Balch, Jason Bourne, Kate Freeland, Lyle Parry, Troy Simino, and Caroline Storrs. Absent members were: Karim Chichakly and Mike Fuerst. Voting members for Case #22-05 are: Bill Balch, Jason Bourne (Acting Chair), Kate Freeland, Caroline Storrs, and Lyle Parry.

With three special exceptions included in Case #22-05, Jason decided to begin the hearing for a special exception allowing a cottage industry of auto detailing, followed by a request for a Daycare, and finally a special exception for a multi use conversion.

Jason outlined the procedure that the ZBA would follow. Caroline Storrs gave the Ochman's the invoice for the costs of the hearing. They did not have their checkbook with them and will pay Mary Curtis at the Town Office Building the next day. Caroline read the notice of hearing which was posted in the Valley News, at the Town Office Building, and at the 12% Solution. She received 6 out of 7 receipts from the certified letters sent to all abutters.

Jason then asked Mike Ochman to explain his plan for installing an auto detailing business at his home on 622 Center Rd. Mike explained that he was given permission by the Selectboard three years ago to do his business but was told that he now needed to see the ZBA. The business will involve polish and paint correction but no spraying. There will be no dust created. There will be deep cleaning and exterior washing. All work will happen in a detached garage which is 30'X40' (total of 1200 sq ft). Work will be done by himself and maybe one other employee. There will be a sign of @2 1/2'X 3'. The only noise is generated from a compressor and work is done primarily with insulated doors closed on the garage. Mike explained he would have at the most two cars per day which would be max since that represents full time use of the garage. The hours of operation are 8 o'clock to 5. Mike is working part-time presently. There is no off street parking and all parking takes place on the property. There is no storage of materials outside except wood for heating the garage. The business has no business vehicles other than his own vehicle. Mike reviewed with the board the criteria as specified in Article X section F.1.(d) and found that he does not adversely affect the capacity of existing or planned community facilities, the character of the area, traffic on roads and highways in the immediate vicinity, town services, and facilities, neighboring land uses present and prospective, and significant wildlife habitat, trails significant natural, scenic or historic features or sites.

Walter Scott who lives on 649 Rt 120 (not a direct abutter) spoke in favor of the proposal. Also, a letter submitted by MaryAnn McGrath and Anthony Harling, an abutter, wrote a letter in favor of the applicant which is now part of the public record.

There was no one present in opposition.

Jason then moved the board into deliberations and closed the meeting to the public. Jason summarized the application being a cottage industry for auto detailing. The business would be operated in a 2 bay garage, no additional employees except 1 more possibly in the future, @3'X3' sign, on a residential property as an accessory structure which is under 1500' sq ft., no window displays, doesn't generate glare, vibration, smoke, dust or fumes, odors, or heat, two vehicles max per day, no off street parking, nothing stored outside except wood for heat, and hours of operation would be 8 to 5 o'clock. The applicant testified that the cottage industry for auto detailing would not adversely affect all criteria for a special exception.

Jason then asked the board to consider all six criteria for a special exception and each board member found all six criteria were met.

A motion was made by Caroline and seconded by Bill to accept the motion as presented except to delete the words "The business will not be operating when the daycare is operating. When the daycare is operating the garage business will be locked" and also to change under Cottage Industry, letter D. of the application appendix to read "The business can employ up to one other employee non family member". There was discussion of what that meant; is it the number of employees on the premises at any one time or just the number of employees? Caroline withdrew her motion and Bill withdrew his second. Caroline then made the same motion except adding the words to D. "The business can employ up to one other non family employee on the premises at the same time". The motion was seconded by Lyle and the vote on the motion was approved 5-0 in the positive.

Next Jason moved to the discussion of the daycare . Elana Ochman introduced her herself as having ten years experience in working with children and wanted to set up her own childcare facility in her home at 622 Center Road. She has applied for a license from the State of NH which would allow her to have up to 9 children with 6 being of preschool age. As of October 31st, the plan for the daycare would not have an outside fenced-in play area, her hours of operation would be 7:00 to 5:00 PM. She has had a fire inspection, health inspection (copy placed in the file), water testing, been fingerprinted and had a background check and is in compliance with all state regulations except the final approval by the local ZBA. She is CPR trained. Off loading of children would be in the driveway and she is hoping to have different drop off times to mitigate traffic congestion but would be setting up a system if cars needed to wait. Bill mentioned that there was a stream at the back of the house that might be of concern. Kate asked about the in and out parking and Elana indicated where on the plan that cars would drive in, possibly looking at 4 abreast in front of the garage and then back out. The board stressed that people often drive fast on Center Rd. and a clear drop off plan is needed. She testified that there is ample space for emergency vehicles on the street. Jason reviewed the 6 criteria with the board and all 5 members found that the proposed use would not adversely effect the 6 criteria listed in Article X, section F.1.(d).

When asked about Site Plan, Elana said that she had talked with Bill Liphert and said that he had said that it was not necessary. Jason asked what percentage area of the residence will be used for the daycare operation and the Ochmans testified that a minimum of 25% of space will be retained for residential use and the living room and son's bedroom will be for daycare. There will be no employees.

Speaking in favor of the proposal was Walter Scott of 649 Rt 120 (not an abutter) and MaryAnn McGrath and Anthony Harling (an abutter).

Jason closed the meeting to the public and began deliberations. Jason read the criteria for granting a special exception and the Board voted 5-0 in the positive that the criteria had been met.

Kate expressed her concern that a fence was needed and Lyle also felt that it should be a condition of approval. It was noted in our ordinance that the definition leaves room for requiring a fence. Jason asked the applicant to clarify the fenced in area indicated on their submitted plot plan.

Lyle made a motion to accept the application as written with the condition that an outside 600 sq ft fenced play area be completed.

Jason called the vote and the vote was 5-0 in the positive.

Jason moved on to the multi-use conversion for the auto detailing and daycare within the residence. Caroline read from the ordinance that "In the conversion of an existing residential building to business use, a minimum of 25% of the floor area of the building shall be retained for residential use". The board agreed that the applicant had met the criteria. Kate made a motion to approve both special exceptions as a multi-use conversion which was seconded by Lyle and voted on in the positive by a 5-0 vote.

The minutes were reviewed and there was one correction. On page 2, paragraph #1, 3rd sentence should read, ".....would not be contrary to the public interest". Bill made a motion to accept and seconded by Caroline and approved in a 5-0 vote in the positive.

Meeting was adjourned at 8:24 PM

Respectfully submitted,
Caroline Storrs