

**Cornish Zoning Board of Adjustment
Public Hearing
Town of Cornish, New Hampshire
June 5, 2023**

Case # 2023-01

The Cornish Zoning Board of Adjustment met on Monday, June 5, 2023. Members present were Michael Fuerst, Chair, Kate Freeland, Vice Chair, Merilynn Bourne, Clerk, Kerri Osgood, Troy Simino; and, David Haseman, Alternate.

Also in attendance were Everett Cass, Erin Downing, Jonathan Gilday, Bill Lipfert, James Liggett, Diane Miller, Frank Parks, Joe Salem, Mark Williams, Wiley Wood. and Heidi Jaarsma, recording secretary.

Michael Fuerst called the meeting to order at 6:30 p.m.

Michael and Un Hui Belanger have applied for an amendment to the existing special exception for a country inn/residence under Article IV, Country Inn. The applicant is requesting a reduction in the permitted number of guest rooms from eight to five.

Also, the applicant is requesting a special exception under Article IV, section 17 and/or 12 of the Cornish Zoning Ordinance. The applicant is requesting a special exception for a multi-use conversion/ auxiliary apartment to build a separate single level log cabin home, (1760 sq. ft.) on a portion of the existing property currently used as a country inn/residence. The applicant's property is located at 1001 NH Route 12 A, Cornish, Tax Map 03, Lot 034, in the rural zone.

Merilynn Bourne, clerk, collected the fees and read the notice. Mr. Fuerst reviewed the hearing procedure and asked Mr. Belanger to present the application.

Mr. Belanger said that he would like to reduce the number of rooms for the Chase House, and approved country inn, on the property from eight to five. The guest rooms are all on the second floor, and currently there are only five second-floor guest rooms. The first floor of the Chase House will comprise the residential section of the building. Mr. Belanger said that he would like to build a cabin as an accessory dwelling unit on the property and presented an aerial map to the Board. Mr. Belanger stated that the property was bought primarily as a family home. He would like the rest of his family to move to the area and that is why he would like to build the cabin.

David Haseman asked if the cabin would need new septic. Mr. Belanger confirmed that a separate septic system serving the proposed cabin would be installed. Kate Freeland asked Mr. Belanger if he would continue to live at the Chase House. He replied that he would. David Haseman asked if it would require a separate driveway and if the driveway would cross the septic system. Mike Belanger stated that access to the log cabin would branch off the existing driveway and would not cross the septic system.

Merilynn Bourne received clarification from Mr. Belanger that a new septic and well would be installed to serve the proposed cabin. Kate Freeland asked if the setback between the well and septic system would be met. Mr. Belanger confirmed that the setbacks would be met.

Mr. Fuerst asked the square footage of the living space in the Chase House. Mr. Belanger replied that 5,400 square feet of the Chase House was dedicated to residential living space. Per the town's regulations, the size of the accessory apartment must be no greater than 35% of the main residence, which comes to a maximum of 2,100 square feet. Mark Williams, builder, noted the square footage of the proposed cabin would be 1,736. Mr. Belanger said that 1,760 square foot dimension given in the application had been an estimate. Kate Freeland asked why there would be a reduction in the number of rooms. Mr. Belanger said that he did not have eight guest rooms anyway. Michael Fuerst stated that it was important to clarify that the first floor was a dedicated residential space. Ms. Freeland asked if breakfast was served. Mr. Belanger stated that his state license allows continental breakfast only.

Mr. Fuerst stated that the property was on one 35 acre parcel. Mr. Fuerst referenced a 1991 site p of the property. He asked about the existing leach field and septic in relation to building. Mr. Belanger stated that the location had changed and marked the current location of the septic system on the aerial map previously presented to the Board.

Mr. Belanger explained that he would meet the setbacks from the pond and the boundary lines. Merilynn Bourne asked if there was an approved septic design. Mr. Belanger responded that it was in the works.

Michael Fuerst asked if cabin would ever be used as a rental for the Chase House. Mr. Belanger stated that it would not. The Board asked how the application would increase the usage of the driveway: how many people would be living at the house related to the number of vehicles. Mr. Belanger stated that three of his children and their families would be moving to the area. He added that he anticipated that the use as a country inn would eventually cease.

Mr. Belanger reviewed the criteria for a special exception.

Criteria for a Special Exception per MB.

1. The capacity of existing or planned community facilities.

Per Mr. Belanger, there would be no adverse effect on the capacity of community facilities. .

2. The character of the area affected.

Per Mr. Belanger, the character of the area would be beautified by the addition of the cabin.

3. Traffic on roads and highways in the immediate vicinity.

Per Mr. Belanger, there would be no effect on NH Route 12A.

4. Town services and facilities.

Per Mr. Belanger, there would be no effect on town services and facilities.

5. Neighboring land uses present and prospective.

Per Mr. Belanger, there would be no effect on neighboring land uses present and prospective.

6. Significant wildlife habitat, trails, natural, scenic or historic features.

Per Mr. Belanger, there would be no effect on significant wildlife habitat, trails, natural, scenic, or historic features.

Mr. Fuerst suggested that Mr. Belanger's comments be taken to apply to both special exceptions. Mr. Belanger said that when he moved to Cornish, it had been a family decision. He has family here, and the home will go to his family. It is a family property.

Mr. Fuerst asked if there would be any interior changes to the residence portion of the inn. Mr. Belanger replied that there would be no interior changes.

Mr. Fuerst opened the meeting to the public.

Dianne Miller said that Mr. Belanger's family was very nice.

Everett Cass said that Mr. Belanger had improved the property. He felt it would be more attractive than a Dollar Store. He did not feel the proposal would detract from the area. The site was big enough that the addition of the cabin would not crowd the area.

Mr. Belanger added that the tax base would be increased by the construction of the cabin.

Jim Liggett said that Mr. Belanger was a good neighbor. He asked why the zoning board had to be involved to reduce the number of rooms. Mr. Fuerst said that the clarification was important to know what the dedicated residential space would be with regard to the proportionality of the proposed accessory dwelling unit. Mr. Liggett said that approval would be a positive thing.

Mark Williams said that he had built nine cabins in Cornish and eight in Corbin Park. He felt that the cabin would be an asset to the property.

Joe Salem said that he supported the application.

Laura Pantoja also supported the application.

Frank Parks said that he felt Mr. Belanger always tries to make things better and do things right.

Troy Simino asked for a clarification of the living space in the inn. Mr. Belanger stated that the living space in the inn is 5,400 square feet. The proposed accessory dwelling unit is 1,736 square feet, or approximately 32% of the residential inn space.

Mr. Fuerst closed the hearing.

Merilynn Bourne made a motion to approve the application for special exception to amend ZBA decision 96-1 to reduce the number of units from 8 to 5.

Mr. Fuerst made the following findings of fact:

- The Chase House property is approved as a Country Inn/residence.
- The Inn has 8 approved guest rooms and a large music room for its guests.
- Applicant wishes to reduce the number of guest rooms from 8 to 5.
- The entire first floor is used as a residence for the owner.
- The square footage of the heated lower level is 5,481 square feet.
- The total acreage of the property is 38.5 acres.
- The Applicant wishes to build an accessory living unit on the property.

- It will be a 1,736 square foot single-family, ranch style, log cabin on an open field lying northerly of the driveway providing access to the entire parcel.
- It will set on a 4.3 acre portion of the property which was previously annexed to the larger parcel.
- Applicant intends to use the new structure as a residence for his family.
- The square footage of the new structure is approximately 32% of the size of the existing residence.
- The residence of the Inn will remain the same size.
- There will be no other alterations to the layout and use of the country inn and residence.
- The existing driveway will provide access to both the Inn and the new structure.
- The informal site plan submitted by the applicant accurately shows the location of the existing structures and improvements on the property as well as the proposed location of the new structure.
- The residence in the Inn will be for the applicant's personal use.

There were no comments or additions to the findings of fact from the Board. Troy Simino seconded the motion previously made by Ms. Bourne, and the vote of the Board was in the affirmative, 5-0.

The Board turned to the special exception regarding the multi-use conversion. The board agreed that all six criteria for the special exception were met with no further comment.

The Board also found pursuant that

1. 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.
2. 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.

Merilynn Bourne made a motion to approve the special exception as specified in IV.17 and/or 12 because the applicant meets all the conditions. Troy Simino seconded the motion.

Mr. Fuerst added the condition that the new residence cannot be used for short term rentals or overflow guests at the Chase House. Both Ms. Bourne and Mr. Simino agreed to the condition. Mr. Fuerst called for a vote on the motion, and the vote of the Board was in the affirmative, 5-0. Mr. Fuerst said that Mr. Belanger would need to discuss whether or not he would have to go to the Planning Board for Site Plan Review with the Select Board.

Mr. Fuerst signed and read aloud the notices of decision.

The meeting was adjourned at 7:35 pm.

Respectfully submitted,
Heidi M. Jaarsma