

**Ashland Zoning Board
Meeting Minutes
Thursday, January 17th, 6:30pm
(Postponed from Thursday, January 10th, 6:30pm)**

CALL TO ORDER: Alan Cilley, acting chair of the Board, called the meeting to order at 6:30 PM.

MEMBERS PRESENT: Alan Cilley, Mardean Badger, Eli Badger

STAFF PRESENT: Kaitlyn Morse, acting as assistant to zoning board and recording secretary.

PUBLIC PRESENT: Kathleen DeWolfe, Christine Cilley, and Shelley Randall.

Alan Cilley appointed Eli Badger as a member of the zoning board.

The meeting is to rule on ZBA Case #2018-03 Appeal for Special Exception from Shelley Randall, 356 Owl Brook Road, TML 010-004-011, to operate a yoga studio business in the rural residential zone, and is a continuation from Jan. 10th meeting.

The ZBA reviewed the application for completeness.

The public hearing for the case was noticed in the Laconia Daily Sun (Dec. 20, 2018) and by postings at the town office, the post office, and on the town website.

Certified mail notices of the joint public hearing were sent to the applicant, the abutters identified on the applications, and the surveyor of the property. All of the notices were returned.

Mardean made a motion to accept the application for completeness, Eli seconded. Eli had one comment, that the digital version of the new site plan was not included in the application; however it was scanned at the town office. All members of the zoning board voted yes to accept the application as complete at 6:36pm.

The public hearing was opened at 6:36pm. Shelley Randall gave a brief explanation of her appeal.

“In November my application was denied because the plan for parking was insufficient. In my revised plan I have removed parking on the Ashland side, thus submitting a SPR for 10 spots located in Holderness. The zoning board in Holderness reviewed this SPR for parking on Jan. 15th, 2019 and accepted the plan without conditions. Now I request to operate the yoga studio in the barn”

Questions from the zoning board

1. Eli Badger “Was anyone from the zoning board at the Holderness meeting on Jan. 15th?”
Shelley Randall “Sue Macleod a member of the planning board was present, I was hoping that Bob from Holderness would have been present tonight.”
2. Eli Badger “Is the road that serves as your neighbor’s right-of-way on your land?”
Shelley Randall “yes”
3. Mardean Badger “What is your timeline to make the parking?”

1 Shelley Randall "My neighbor will do this; it can be done as soon as I get approval. There is no
2 digging required, just land fill. My other neighbor will also build the bridge over the swale and
3 walkway from the parking."

4 4. Eli Badger "How old is the barn?"

5 Shelley Randall "The barn was built in 1977, originally for a wood working shop. There is a lot of
6 history in this barn including a maple farm."

7 5. Eli Badger "Do you have showers?"

8 Shelley Randall "No showers, no running water, but we have compostable toilet"

9 6. Mardean Badger "Did Steve Heath, fire chief approve of your site?"

10 Shelley Randall "Yes I have the appropriate number of fire extinguishers, but the building
11 inspector did not come and said it is only necessary if there is an issue."

12 7. Mardean Badger "What is your intended use/capacity of the barn?"

13 Shelley Randall "A maximum number of 10 people at a time, 1-1 ½ hours, 2 times per day at the
14 most. Most likely 3 days/ week twice a day and 3 days a week once per day."

15 There are no abutters present to speak in favor or opposed. No one from the public had comments.

16 The public part of the hearing closed at 6:50pm.

17
18 The ZBA deliberated on the findings of facts and notes following the criteria below.

19 Mardean Badger "I would like to point out that the application was filed as an appeal, but this seems
20 more appropriate as a new application as new facts and findings are being presented"

21 - **The specific cite is an appropriate location for the intended use or structure**

22 The new parking change is appropriate following the topography of the land. The parking is now
23 behind the barn, not noticeable, and off of the road. The barn is an appropriate facility to
24 operate a yoga studio. No changes to outward appearances will be made.

25 - **The use will be compatible with neighboring land uses.**

26 This is low impact, and unobtrusive use

27 - **The property values in the zone and in the surrounding area will not be reduced by such use.**

28 There is no given proof that the property values will change. Yet this is not an intrusive use that
29 will change the value. No outward appearance change that impacts the neighborhood.

30 - **There will be no nuisance or serious hazard to vehicles or pedestrians**

31 Parking is no longer adjacent to the road, big improvement from the last submission.

32 - **Adequate and appropriate facilities will be provided for the proper operation of the proposed
33 use.**

34 No showers are present and are not needed, so no overload on the septic. Site of classes is
35 compatible with the compostable toilet.

36 - **The proposed use will comply with minimum lot sizes, frontage and set back requirements.**

37 There is no problem meeting the minimum lot size because shown on the map (reference plot
38 plan) as 4000 square feet. There is a minimum of 100ft frontage for the setback, there is a pre-
39 existing, non-conforming issue with the location of the barn that is not an issue.

40 - **Existing road and highways are capable of carrying the additional traffic.**

41 Ten cars additional will not impact Owl Brook road. There are no hazards with cars pulling out
42 onto the road, as this road is not a high speed road.

43 The ZBA voted on each of the above criteria, one by one, each unanimously voting yes to all. Mardean
44 moved to grant the special exception. Eli seconded. Mardean had the following conditions, in order.

- 45 1. Submission of a written inspection report from the building inspector and the fire chief,
46 confirming life safety codes are met.

- 1 **2.** Client parking will lie as shown on the plot plan prepared and revised by Anthony Randall on
- 2 12/10/2018
- 3 **3.** Written notification from the town of Holderness that the parking as noted on the plot plan
- 4 prepared and revised by Anthony Randall on 12/10/2018 has been allowed subject to any
- 5 conditions set by Holderness.
- 6 **4.** That any expansion of use or change of use will require returning to the Zoning Board of
- 7 Adjustment; and
- 8 **5.** Approval of the site plan review by Ashland Planning Board.

9 Alan Cilley clarified that these conditions are put in place so that this is a onetime approval for this
10 operation only, any other venture needs to be approved by the Zoning Board.

11 The members of the ZBA unanimously voted yes to approve the special exception for Shelley Randall at
12 356 Owl Brook Rd T/M/L 010-004-011 to allow conducting yoga classes in the barn as a commercial
13 venture in a rural residential zone, with the above conditions.

14 The meeting closed at 7:10pm.

15