

Call to Order: Chair Morton called the meeting to order at 7:06 p.m.

Present: Chair, Matt Morton, Edna Mosher, Jill Newick, Ralph Estes, Richard Ford and Town Planner, Tom Morgan.

Correspondence: There was no new correspondence.

Minutes: Ford made a motion to accept minutes of November 1, 2004, Mosher seconded. Motion carried.

Public Hearings:

- A) An administrative appeal of the Town Planner's determination that a proposed Cosmetology school is not a permitted use in the Commercial Zone; and
- B) A variance from Article V Section 3 of the Zoning Ordinance to permit a cosmetology school to be established at the Star Center, 25 Fox Run Road, Tax Map 19, Lot 1.

Kevin Healey, Broker, representing Hyder, owner of property, and Amy Beauregard, Executive Director, representing Pierre's School of Cosmetology were present. Beauregard stated that the Corporate Office is in Portland and presently that all seven schools are in Maine. Company has been in existence since the early 60's. Program includes study in cosmetology, nail technician, massage therapy and teaching. They have a large retail business in the front of the school. Students work in this business while in school in order to get hands on experience. NH school would be teaching nail technology, cosmetology and teaching. Healey stated the school has been very successful and currently there is a shortage of cosmetologists in NH. Mosher asked to see floor plan. She reminded applicant that the reason they were here tonight is because they are a school. After discussion, it was felt school really was retail. Chair stated it came under Commercial District "C". Commercial District is a mixed-use zone in which the principal use of land is retail sales, office buildings, research facilities and light manufacturing. Under permitted uses, barber and beauty shops are permitted. Board's concern was the fact that the business is a "school", however, perhaps they were splitting hairs. Morton asked what sign would say. It will say "school". Board asked how public would know that they provided retail services. Applicant stated they would put ads in the paper, however, they have not had trouble getting public to use their services. Applicant felt this would be a benefit to the community in that it would create hundreds of jobs. Beauregard said that they hope to have 35-40 students when they open. Hours for beauty shop would

be Monday - Friday 9:00 - 4:30, Saturday 9:00 - 1:00. Healey felt mass transit was a big plus for the school. The front of school would be retail, products. There would be a library area, office and classrooms and actually would have two retail areas. Tuition for the school is \$11,450. Newick asked if there was a zone that allowed both school and retail and Morgan said there was not. There were questions regarding parking and applicant outlined area they would use. School hoped to be ready for operation for the January school start date. Board had a question regarding signage. Applicant stated that they have a standard sign that will go on the front of the building. Will also have a spot on Tire sign. Chair closed public hearing. Estes made a motion to accept the variance, Mosher seconded. In discussion, Ford did not have concern with the idea; however, he did have a concern with parking. Just wants to be sure there is adequate parking. Chair went through five criteria. 1. No decrease in value of surrounding property feels it would increase the value. 2. Must not be contrary to public interest, feel its more retail, however, Newick felt they do get their money from the school, not haircuts. 3. Denial would result in unnecessary hardship to the owners seeking variance. Only hardship would be if it's been vacant a long time and he has trouble renting. Zoning restriction - do not feel applicable to this request, no fair relationship exists between the general purpose of the zoning ordinance and the specific restrictions on the property. Variance would not injure the private or private rights of others. 4. Granting the variance substantial justice would be done, yes. 5. Use must not be contrary to spirit and intent of the variance, do not feel it is. All in favor, motion carried. Four in favor. Variance approved. Applicant must now go before the Planning Board on December 13, 2004.

Adjournment: Ford made a motion to adjourn, Mosher seconded, motion carried. Meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Sandra Sweeney
Secretary

