

**Town of Cornish, New Hampshire  
Zoning Board of Adjustment  
Case 15-02  
December 7, 2015**

The Cornish Zoning Board of Adjustments met on Monday, December 7, 2015, at 7:30 pm in the Cornish Town Offices. Members present were Caroline Storrs, Chair, Bill Balch, Kate Freeland, and Dale Rook.

Also present: Clifton Bennett and David Clifford; and Heidi Jaarsma, recording Secretary.

Caroline Storrs called the meeting to order at 7:39 pm.

**Approval of Minutes: November 2, 2015.**

Dale Rook made a motion to approve the minutes as presented. Bill Balch seconded the motion, and the vote of the Board was in the affirmative, 4-0.

**Case 15-2:** Clifton Bennett has applied for a variance concerning Article V, Section C.3 of the Zoning Ordinance. The applicant proposes to move two sheds because a new, complete septic system was installed on the property located at 202 Town House Road, Map 11, Lot 5, in Cornish, New Hampshire. Neither building meets the setback requirements. Neither building is in the Regulatory Flood Plain.

Bill Balch, Clerk, read the notice eight certified letters had been sent, seven receipts had been received. The notice was posted in the Valley News, the Post Office, the Town Office, and the 12% Solution.

**Background**

Mr. Bennett presented a map of the property, a close-up diagram of the septic area and sheds, and several photographs. Mr. Bennett had to install a septic system in the back of the house. The new tank is in the same area. The dry well had failed, and a new, State approved system had been installed. The woodshed, formerly at the corner of the house had to be moved due to the slope created by the installation of the leach field. In order to move the woodshed, another existing shed, was moved closer to the road. Per the Division II State of NH Garage, the right of way on Town House Road is 33 feet from the center line of the road. The two sheds were placed in order to facilitate snow removal. Mrs. Storrs clarified that the diagram of the sheds showed the new locations of the outbuildings. Mr. Bennett confirmed. The Town and the State both have approved the location of the septic system with respect to the Regulatory Flood Plain. Mr. Bennett mentioned that the road had been moved to be further away from his house. A three-story barn, no longer existing, next to the house had been within six feet of Town House Road. Mr. Bennett said that his options were limited for placement of the sheds.

### **Discussion**

The Board reviewed the criteria for a variance with Mr. Bennett.

#### ***The variance will not be contrary to the public interest;***

Mr. Bennett stated that the sheds are more aesthetically pleasing in the current location, no view is impeded. Otherwise, the sheds would be in the Regulatory Flood Plain. The reduced setback would not impede maintenance or snow removal from Town House Road.

#### ***The spirit of the ordinance is observed;***

Mr. Bennett felt that the rural nature of a woodshed was within the spirit of the ordinance.

#### ***Substantial justice is done;***

Mr. Bennett stated that the sheds allowed him safe, orderly, and secure use of his property.

#### ***The values of the surrounding properties are not diminished; and***

Mr. Bennett said that as everything was under cover, the values of surrounding properties would not be diminished.

#### ***Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.***

Mr. Bennett stated that the fact the location of the Regulatory Flood Plain prevented him from putting the sheds anywhere else on the property.

Mr. Rook agreed that there was no other place for the sheds on the property. Line of sight was not affected for traffic. Bill Balch did not see any problem.

Dave Clifford, abutter, did not object to anything that had been presented and spoke in support of Mr. Bennett.

### **Closed Discussion**

Bill Balch moved that the variance was not contrary to the public interest. Dale Rook seconded the motion, and the vote of the Board was in the affirmative, 4-0.

Kate Freeland said that Mr. Bennett had made his best effort to locate the sheds. Mrs. Storrs noted that the use of the property was not changing. Kate Freeland made a motion that the spirit of the ordinance was observed. Bill Balch seconded the motion, and the vote of the Board was in the affirmative 4-0.

Dale Rook made a motion to find that substantial justice would be done. Bill Balch seconded the motion, and the vote of the Board was in the affirmative 4-0.

Bill Balch made a motion to find that the values of the property would not be diminished. Dale Rook seconded the motion, and the vote of the Board was in the affirmative, 4-0.

Dale Rook made a motion to find that literal enforcement of the ordinance would create an unnecessary hardship. Kate Freeland seconded the motion, and the vote of the Board was in the affirmative, 4-0.

Bill Balch moved to approve the variance with no conditions. Dale Rook seconded the motion, and the vote of the Board was in the affirmative, 4-0.

**Adjournment**

Dale Rook made a motion to adjourn. Kate Freeland seconded the motion, and the vote of the Board was in the affirmative.

Respectfully submitted,  
Heidi M. Jaarsma