

**Town of Cornish, New Hampshire  
Zoning Board of Adjustment  
Case 16-01  
January 4, 2016**

The Cornish Zoning Board of Adjustment met on Monday, January 4, 2016, at 7:30 pm in the Cornish Town Offices. Members present were Caroline Storrs, Bill Balch, Jason Bourne, Karim Chichakly, Kate Freeland, and Dale Rook.

Also present: Kathleen Mackay; Heidi Jaarsma, recording secretary.

Caroline Storrs called the meeting to order.

**Approval of Minutes: December 7, 2015**

Dale Rook made a motion to approve the December 7, 2015, minutes. Bill Balch seconded the motion, and the vote of the Board was in the affirmative.

**Case 16-01:** Kathleen Mackay has applied for a Special Exception concerning Article IV.D.2.b.ii. of the Cornish Zoning Ordinance. The applicant proposes to build a staircase going down to Mill Brook that is within the shoreline protection area on the property located at 528 Town House Road, Map 6, Lot 104, in Cornish, New Hampshire.

Voting: Bill Balch, Jason Bourne, Karim Chichakly, Dale Rook, and Caroline Storrs.

Bill Balch, Clerk, read the notice.

**Background**

Ms. Mackay said that she had the staircase built for safety. She had fallen down twice in that area by the brook. She gardens in the area. She was not aware that she needed a permit to build the staircase. The staircase is forty feet from the property line. Ms. Mackay has worked to control invasive knotweed on the property and has cleaned litter up from the area. Ms. Storrs asked if the Selectmen had notified her if she needed a permit. Ms. Mackay had received a letter from the Selectboard and was asked to apply for a special exception. Dale Rook said that the staircase was very well built. In Mr. Rook's opinion, the staircase was more than 30' from the water.

Ms. Storrs asked regarding the location of the Regulatory Flood Plain. No building is allowed in that district without meeting certain criteria. Karim Chichakly had researched the FIRM maps online. Mr. Chichakly reported that the area appears to be within the regulatory flood plain. Ms. Storrs asked that the Board make a finding that the construction is within the Regulatory Flood Plain. Mr. Bourne said that only a licensed surveyor could make that finding. Mr. Chichakly cited the Cornish Zoning Ordinance, Article IV.3.22 (Regulatory Flood Plain District). Ms. Storrs referenced Article IV.3.22.b and suggested that Ms. Mackay contact an engineer to determine whether or not the requirements of the Ordinance could be met. The Board discussed Article IV.3.22.a with regard to the prohibition of building within the Regulatory Flood Plain.

Jason Bourne moved to table the discussion until May 2, 2016, pending a report from the applicant regarding the determination of the Regulatory Floodplain by a licensed engineer. Karim Chichakly seconded the motion, and the vote of the Board was in the affirmative, 5-0.

**Adjournment**

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

Respectfully submitted,  
Heidi M. Jaarsma