

**Town of Cornish, New Hampshire
Zoning Board of Adjustment
Case 16-04
Public Hearing
November 7, 2016**

The Cornish Zoning Board of Adjustment met on Monday, November 7, 2016, at 6:30 pm in the Cornish Town Offices. Voting members present were Caroline Storrs, Chair, Bill Balch, Jason Bourne, Dale Rook, and Bruce Tracy. All present were voting members.

James Liggett attended the hearing.

Caroline Storrs called the meeting to order at 6:36 PM.

Approval of Minutes

Dale Rook made a motion to approve the minutes of October 10, 2016. Bruce Tracy seconded the motion, and the vote of the Board was in the affirmative.

Case 16-04

James Liggett has applied for a variance concerning Article V, Section C-2, of the Zoning Ordinance. The applicant proposes to build a two-room addition and a deck on property located on 30 Leavitt Hill Road, Cornish Flat, Map 18, Lot 27, in Cornish, New Hampshire.

Background

Mr. Liggett has requested to extend the northeast original addition 10' and to add 3' to the original end of the structure. Extensions would be 12' in width. These additions would allow for handicapped access. The applicant also proposes a 10'x14' deck to the southeast. An external stairway will lead to the deck and ground level. This would also allow enjoyment of the property by disabled and/or elderly occupants. Mr. Liggett hopes to improve the property for his aging parents. The addition would not bring the structure any further within the setback from the road. The deck affords an alternative exit in the case of an emergency.

Caroline Storrs asked whether the property was within the Regulatory Flood Plain. The Board identified the property on the online FIRM map. The lot appeared to lie within the Regulatory Flood Plain.

Caroline Storrs asked the Board to turn to Article IV.C.22 of the Cornish Zoning Ordinance. And to Article VII, B.5 Nonconforming Uses. Jason Bourne stated that it must be determined whether or not the additions would be considered substantial improvements. Mr. Liggett stated that the square footage of the proposed addition was not overbearing as a proportion of the total square footage. There was some discussion regarding the square footage of the improvements. Mr. Liggett presented a finished floorplan view. Mr. Liggett calculated the square footage of the expansion the deck and the addition total 270 square feet. The existing building is 880 square feet.

The Board reviewed Article IV.C.22.b-e, *Regulatory Floodplain District*. Under b-e the Board found that improvements to the house alone were not substantial. Bruce Tracy was concerned that fill would be required in the back of the house. Mr. Liggett said that there would be no fill added to the back of the house. Bruce Tracy stated that he remembered the level dropped off. Mr. Liggett reiterated that no fill would be required. A footing would be placed under the proposed structure. Mr. Tracy did not agree. The Board found that sections 'd' and 'e' did not apply.

After discussion and a review of Case 05-03 the Board found that the proposed use was an expansion of a nonconforming use and allowed by special exception. Per Article VII of the Cornish Zoning Ordinance, *Nonconforming Uses, Lots, or Structures*, if the existing nonconforming use is also a nonconforming structure, such expansion shall also comply with Article VII Nonconforming Lots, Uses or Structures, Paragraph C. Nonconforming Structures, Section 1 through 4 and Section VII.C.6. The Board questioned whether the deck would increase the non-conformity. Jim Liggett described the history of the house. The Board found that the expansion without the deck was not substantially expanded. The Board found that requirements 1-4 had been met.

Mrs. Storrs stated that under Section VII.C.6, cited above, a hydrological and hydraulic analysis would be required. Mr. Liggett outlined the path of the brook. He felt that the proposed addition would not inhibit the flow. Mr. Liggett examined the FIRM. He questioned whether the property was in the Regulatory Flood Plain. Mrs. Storrs said that it was up to the applicant to prove that the property was not in the Flood Plain. The Board informed the applicant that a surveyor or certified hydrological engineer could make that determination.

Jason Bourne questioned whether an insubstantial improvement would require a hydrological analysis under VII.C.6. Mr. Liggett said that he could disregard the deck for the time being. He would approach the Board with a hydrological survey for the deck at a later date. Bruce Tracy stated that without the deck, the proposed improvements were not substantial. Mr. Tracy asked about the grade at the back of the house. Mr. Liggett said that the drop off was at the same level as the basement. Mr. Tracy was concerned about the foundation under the new part of the building. Mr. Liggett stated that there was an existing footing. Mr. Liggett illustrated the proposed addition on the plan.

Mr. Bourne stated that the two improvements to the existing addition tied in with the lines of the existing structure. Mr. Rook was in agreement.

The Board reviewed Article X.F. the criteria for a special exception.

1. *The capacity of existing or planned community facilities:*

The Board found no adverse effect on the capacity of existing or planned community facilities.

2. *The character of the area affected*

The Board found no adverse effect on the character of the area.

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

The Board found no adverse effect on roads and highways in the immediate vicinity.

4. *Town services and facilities*

The Board found no adverse effect on Town services and facilities.

5. *Neighboring land uses present and prospective*

The Board found no adverse effect on neighboring land uses present and prospective.

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

The Board found no adverse effect on wildlife habitat trails, natural, scenic or historic features.

The site is an existing residence and is an appropriate location for the use. The Board found that 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. Per the applicant, 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.

Public Discussion

No abutters were present.

Closed Discussion

Dale Rook made a motion to allow the proposed expansion without the deck as a Special Exception under article VII.C Nonconforming Structures. Jason Bourne seconded the motion. Jason Bourne noted that the construction of the deck would constitute a substantial improvement. Caroline Storrs read the conditions applicable to special exceptions. Mr. Bourne felt that a condition regarding the deck was not applicable. The vote of the Board was in the affirmative 5-0.

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

Respectfully submitted,
Heidi M. Jaarsma