

**CORNISH PLANNING BOARD
MINUTES
JANUARY 16, 2020**

The Cornish Planning Board met on Thursday, January 16, 2020, at 7pm in the Cornish Town Offices. Members present were Bill Lipfert, Chair, Jon Glass, Mary Mancuso, and Gail McKenzie; Scott Baker, Selectman; Heidi Jaarsma, Secretary.

Also present were Tom DeCato, Everett Cass, Larry Dingee, Jane Crandall Glass, John Hammond, Laird Klingler, Jim Liggett, Donald Picard, Dan Poor, Fred Schad, Jenny Schad, Joanna Sharf, and Fred Weld.

Bill Lipfert called the meeting to order at 7:00 pm.

Approval of minutes: 12/19/2019

Jon Glass made a motion to accept the minutes as written. Mary Mancuso seconded the motion, and the vote of the Board was in the affirmative.

Linda & Robert Rice – Public Hearing re: Annexation, Burr Road.

voting: Bill Lipfert, Chair, Scott Baker, Jon Glass, Heidi Jaarsma, Mary Mancuso, and Gail McKenzie.

The correction requested at the Completeness Review had been made. The Public Hearing was opened at 7:04 pm. No abutters were present. Jon Glass made a motion to approve the annexation as presented. Gail McKenzie seconded the motion, and the vote of the Board was in the affirmative.

Public Hearing re: Petition to Amend the Cornish Zoning Ordinance.

voting: Bill Lipfert, Chair, Scott Baker, Jon Glass, Heidi Jaarsma, Mary Mancuso, and Gail McKenzie.

The Board made a presentation which highlighted the changes proposed by the petitioned amendment and illustrated how the provisions of the amendment fit into the larger ordinance. It was noted that Town Counsel had advised that provisions within a special exception supersede conflicting requirements found elsewhere within the ordinance. The statutory process for amending a zoning ordinance was outlined. After a public hearing, the petition will be voted by all-day ballot voting on Town Meeting Day.

Jim Liggett stated he had submitted the petition because he had gone through the ZBA application process and was told that there was no possibility of obtaining a special exception with the application he had presented. He did not want to redo the zoning laws. After discussion with a number of people in Town, he felt that instead of trying to create another zone, amending the existing ordinance was the easiest path. All that were changed were numbers. He stated that the amendment was not just about him, but for other companies. The Town has not been an easy place for businesses. He stated that the provisions within the special exception would supersede conflicting requirements.

Bill Lipfert opened the meeting to Board comment. Gail McKenzie asked if there had been any applications to the Zoning Board that had been denied and would there be any legal exposure. Heidi Jaarsma stated that amendments were not retroactive.

Jon Glass asked if businesses are assessed at a different rate and asked if the home's assessment would be affected. Scott Baker stated that businesses are often assessed at a higher value, but the question of how the residential space might be affected would be for the Town's assessors.

Heidi Jaarsma discussed the limiting factors which remain in the proposed amendment, namely the number of vehicle trips per hour, provisions prohibiting non-residential levels of vibration, glare, smoke, dust, fumes, odors or heat, and limitations on noise levels at the boundary lines.

Mr. Lipfert opened the hearing to comment from the public.

Ms. Jaarsma read a letter from Peter Storrs into the record. Mr. Storrs did not support the proposed ordinance.

Everett Cass supported the ordinance. He did not understand why the town is against anything happening that would bring in tax revenue. He was against too much control of a business by the town. He felt a nice business where people can work would benefit the town. He referenced businesses in Plainfield which bring in tax revenue and employment. He asked when Expanded Cottage Industry went into effect. The Board stated that it was added to increase the size of the business in 1996.

Jenny Shad asked for a clarification of the definition of expanded cottage industry and how business use worked in town. Heidi Jaarsma reviewed the provisions of the ordinance.

Joanna Sharf asked how the square footage requirements added up. The provisions of the proposed amendment were reviewed.

Don Picard felt that it was unfortunate that the amendment would not be discussed at Town Meeting. Bill Lipfert stated that State law regulated the process. Mr. Picard asked about enforcement. Bill Lipfert replied that the Selectboard are the enforcement officers. Mr. Baker also explained the process for issuing a cease and desist order. Don Picard asked if there were any requirements for parking since the number of spaces was so increased. Bill Lipfert stated that Site Plan Review would address parking.

Laird Klingler spoke enthusiastically in favor of the amendment. He could not think of any way that the proposal would affect the rural character of Cornish.

Everett Cass asked if the Zoning Board could still say no to a special exception. Heidi Jaarsma stated that as long as the criteria of the ordinance are met, the ZBA can put conditions on an approval, but would not be able to deny the application. Mr. Cass asked if the Board would send a notice out to all residents. Bill Lipfert stated that no decision had been made at this point.

Joanna Sharf directed a question to Jim Liggett about his particular plans for expansion. Jim Liggett traced the history of the business. He would like to have the ability to expand in place when he needs it. He envisioned an addition of 120'x40', or 4,800 square feet. The extra space

would be for drying bars of soap. The Board pointed out that the 15,000-foot limit was for all accessory buildings together. Mr. Liggett stated that he would never do anything that would take away from the rural character of the area.

Don Picard pointed out that the amendment applied to any prospective Expanded Cottage Industry, not just the petitioner's plan. Jim Liggett stated that he felt the ordinance would help all of Cornish. Mr. Picard stated that the ordinance would change the complexion of the town: Cornish is a desirable town in the Upper Valley just the way it is. Jim Liggett responded that the concept of the 'last person in' was inhibiting the growth of the town. He stated that the petition was not just about his company.

Fred Weld urged the Board to recommend the article on the ballot. He felt many good points had been made in favor of the amendment. The idea of people being able to commute to work in town was an opportunity for residents. It is time to allow some expansion of opportunity in town.

Dan Poor brought up the issue of a warehouse in Plainfield which had been in the news recently. Some protections were put into the granting of the permission for the business, but those protections had been somewhat ignored. As long as an Expanded Cottage industry had to have frontage on State roads, Mr. Poor stated that he was not that opposed to its passage; however, he was worried about the enforcement of the conditions. Bill Lipfert noted that Plainfield has a full-time town administrator.

Everett Cass asked if someone has his business all built and sells, does the business have to be re-approved. Bill Lipfert replied that it is up to the Selectboard to decide if there is a change of use. Mr. Cass stated that the attitude that zoning will keep the other people out is wrong.

Jenny Schad stated that she was for small businesses and that she was for the amendment. However, she was concerned for the rural environment where we do live. She would like to see businesses located in the Village Zone but understood that may not be feasible. Jenny asked Mr. Liggett what his proposed expansion would look like. Jenny Schad asked if it would look like a barn, Mr. Liggett stated that his building would look like a barn. Bill Lipfert pointed out that the Town has no historic district or any other significant sway over a building's design.

Scott Baker stated that he had lived in Cornish his whole life. He recalled when Cornish was held together by people who made a living in Town. He felt that the petition was a good thing.

John Hammond supported the amendment. He felt that it would be good for the Town.

Bill Lipfert asked for a sense of the Board. Jon Glass looked favorably on the amendment to allow for moderate growth which could bring young people and perhaps bolster our school population.

Gail McKenzie felt it was a good idea. There are not enough cottage industries or small businesses.

Mary Mancuso was of two minds. It is not about Mr. Liggett's business. She was concerned that a business that was not in the character of the town may be allowed by this ordinance. She continued that she felt it was unfortunate the Mr. Liggett was not able to get a variance for his proposed use. The State-maintained provision allayed some of Ms. Mancuso's concerns. Heidi Jaarsma stated that supporting a town and school on a residential tax base can be difficult. Moreover, Ms. Jaarsma continued, sometimes growth is necessary to maintain the status quo.

Heidi Jaarsma made a motion that the Planning Board recommend passage of the proposed amendment. Scott Baker seconded, and the vote of the Board was in the affirmative, 5-0.

Other Business

Heidi Jaarsma reviewed the upcoming agenda with the Board.

Respectfully submitted,
Heidi M. Jaarsma