

**CORNISH PLANNING BOARD
MINUTES
AUGUST 20, 2020**

The Cornish Planning Board met on Thursday, August 20, 2020, at 7pm. Attendance was by roll call. Members present in the Town Offices were Bill Lipfert, Chair; Everett Cass, and Gail McKenzie; Linda Leone, Alternate; John Hammond for Scott Baker, Selectman; and Heidi Jaarsma, Secretary. Attending via Zoom was Jonathan Glass.

Also present in-person were Colleen Salinger, applicant, Nancy Braghirol, Bill Wall, and Kathy Wall.

Attending via Zoom were Barbara Cieslicki, George Edson, Lisa Geberth, and Paul Geberth.

Bill Lipfert called the meeting to order at 7:03 pm. Planning Board members and attendees identified themselves. Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, Mr. Lipfert authorized the meeting to be held electronically. Social distancing and mask requirements were discussed. Bill Lipfert asked Zoom attendees to call the Town Office, (603) 675-5611, in the case that problems accessing the meeting arose.

Approval of Minutes.

Everett Cass asked for two edits and made a motion to approve the 8/6/2020 minutes. Kellie Patterson Parry seconded the motion, and the vote of the Board was by roll call with Everett Cass, Jon Glass, Heidi Jaarsma, and Linda Leone voting in the affirmative. With no votes in the negative, the motion carried.

Colleen Salinger – Continued Completeness Review and Public Hearing, Langwood Farm, Lang Road.

voting: Bill Lipfert, Chair, Everett Cass, Jonathan Glass, John Hammond for Scott Baker, Gail McKenzie, Kellie Parry, and Heidi Jaarsma

Heidi Jaarsma reviewed the 7/16/2020 minutes and the associated waiver requests. She noted that Ms. Salinger had amended the application in writing to request an additional waiver of application requirement A7. Ms. Jaarsma also reviewed Site Plan Review Regulations, Article VIII, Waiver Procedure. Ms. Jaarsma distributed to the Board RSA 674:44 and guidance from the NH Office of Strategic Initiatives regarding waiver procedure.

Mr. Lipfert noted that the July 16, 2020, Completeness Review had been interrupted by a power outage. He opened the continued Completeness Review by asking Ms. Salinger to make presentation of the Site Plan. Ms. Salinger presented the plan and pointed out the barn and the area where the tents are erected when applicable. Parking areas for delivery vehicles were noted on the plan. Ms. Salinger stated that the line of site from the road was adequate in both directions. She pointed out the garden on the plan. Heidi Jaarsma asked if the pedestrian

crossing from the parking area to the barn was shown on the plan. Ms. Salinger stated that is was and pointed it out. Heidi Jaarsma asked what kind of events would make full use of the site, i.e. parking, delivery vehicles, tent, etc. Colleen Salinger stated 'full use' of the plan would be commercial weddings. Bill Lipfert asked Ms. Salinger to describe the parking and traffic associated with delivery vehicles for commercial weddings. Ms. Salinger said that delivery trucks come and go while the caterer generally stays on site.

Gail McKenzie asked about noise restrictions in the ordinance. Heidi Jaarsma answered that Cornish does not have a noise ordinance; however, Site Plan Review does regulate noise. Ms. Jaarsma read from Article III.A., *General Requirements*, of the Site Plan Review Regulations: "noise at property boundaries shall not exceed ambient levels except for short periods of time."

Everett Cass asked how many events per year Ms. Salinger would like to have. She stated that she limits commercial weddings to four per year. Ms. Salinger continued that she would like to use her land to invite friends over. Everett Cass asked if a permit was required for an event at a residence. John Hammond stated that private gatherings did not require permits. Gail McKenzie asked if there was a number at a private gathering where police would have to provide traffic control. Mr. Hammond indicated there was not. Heidi Jaarsma asked Mr. Hammond if the town had ever required a permit for a private wedding or other large event for family or friends hosted at a residence. John Hammond stated that a gathering of friends has never been an issue and no permit is required. Ms. Jaarsma said that she felt it important to be clear about which uses were being reviewed and that private gatherings were not part of the Site Plan Review. Kellie Patterson Parry asked if the weddings were the only events that went into the night. Ms. Salinger stated that the weddings do go into the night. Ms. Patterson Parry referenced noise generating businesses in area towns which allow the noise producing activities only on certain days of the week with an 11:00 pm cutoff for the activity. Ms. Salinger says that she currently asks that the music at weddings be stopped at 10:00 pm.

Heidi Jaarsma said that although the focus of the hearing was the completeness of the application, she felt it was important to get an idea of the scope of the use. Kellie Patterson Parry asked if an approval would carry over to a different owner. Heidi Jaarsma stated that the approvals run with the property. The Board discussed situations where a change or expansion of use could trigger site plan review.

Heidi Jaarsma said that since the issue of waiver of application requirements had come up at the July 16, 2020, hearing, she had gone through the Planning Board files to tally how many applications had received a waiver of requirement A2, that the plan be prepared by a registered surveyor or engineer. Out of ten applications, seven had received a waiver of requirement A2. Receiving a waiver were the 12% Solution, Newton Ballet Studio, Williams Daycare, Bailey Neighborhood Store, The Song Garden, The Broom at Crows Corner, and JR Liggetts. Applicants that did not receive a waiver were the Verizon cell tower, the commercial solar installation by Barrington Power, and the Viridi cell tower.

Bill Lipfert asked for any questions or comments from the public. Barbara Cieslicki stated that in terms of all the waivers and non-responsive application answers, Ms. Salinger had not documented how health and safety were to be protected. She spoke of the impact of the weddings and stated that people walk all over the property. Ms. Cieslicki stated that the site plan filed with the Board was immature and juvenile in quality. She added that everyone else has had to hire a surveyor. Bill Lipfert asked Ms. Jaarsma to re-read the list of applications which received waivers. Ms. Cieslicki stated that seventeen wrongs do not make a right and that the Board had been too lax. Mr. Lipfert stated that each application is taken at its own merit.

Bill Wall stated that the property was a very important part of his life and that Ms. Salinger is a caring and giving person. He relayed a story about his granddaughter, who had recently rented an apartment from Ken Burns. One day after work, Mr. Burns asked her if she had lived in the town of Cornish and if she knew Colleen Salinger. The granddaughter said that when she gets stressed out, she and many other in the younger generation go and walk on Ms. Salinger's property for hours. Mr. Wall reported that Mr. Burns said that he has heard from his friends for many years how important that property is for so many people. He hoped that the town would not deprive himself and his wife of the opportunity to enjoy the property.

A2. Preparation of map by a registered land surveyor, architect, landscape architect or registered professional engineer. Gail McKenzie stated that what Colleen Salinger wants to do on her property does not interfere anywhere near the boundaries of the property. Bill Lipfert added that the application included a GIS drawing that showed the overall extent of the property and how it related to the use on the property. Everett Cass felt that the barn was far enough from her neighbors that a scale drawing would not make a difference. The area of impact was relatively small considering the whole property and the open area around the area of impact was significant. Everett Cass stated that the map had been drawn so as to be understandable. Gail McKenzie made a motion to waive application requirement A2. Everett Cass seconded the motion, and Bill Lipfert called for a roll call vote. Voting in the affirmative were Everett Cass, Jonathan Glass, John Hammond, Gail McKenzie, Kellie Parry, and Heidi Jaarsma. With none voting in the negative, the motion carried, 6-0.

A3. The boundary lines of the area included in the site, including angles or bearings of the lines, dimensions and the lot area. Bill Lipfert stated that the waiver of A3 was closely aligned to A2 and repeated the justification that the area of use is small within the GIS area. Heidi Jaarsma stated that in the spirit of the regulations, the plan as presented gave a good picture of the use of the property.

Barbara Cieslicki stated that the Planning Board meeting was a celebration of mediocrity. Bill Lipfert asked Ms. Cieslicki if she would like to be more specific. Ms. Cieslicki stated that she found it disappointing that the map was found acceptable. She stated that the plan was juvenile in its design. Bill Lipfert stated that he did not feel the Board ever settled for mediocrity. He stated that if Ms. Cieslicki had specific concerns, the Board would be happy to address them.

Ms. Cieslicki stated that the plan opened the door to allow the applicant to do whatever she wanted. She felt that it was a business plan that would affect the people who live on that road. Too many doors were left open. Mr. Cass said that he found the site plan to be good as is. He stated that the farm was the anchor to the plan and the activity. Mr. Cass added that it was very easy to see that the actual lot lines are a great distance from the barn.

Bill Wall thanked the Board for allowing him to speak on Ms. Salinger's behalf. He spoke of the importance of the senior lunch held at the barn.

Everett Cass made a motion to waive application requirement A3. Heidi Jaarsma seconded the motion, and Bill Lipfert called for a roll call vote. Voting in the affirmative were Everett Cass, Jonathan Glass, John Hammond, Heidi Jaarsma, Gail McKenzie, and Kellie Patterson Parry. With none voting in the negative, the motion carried, 6-0.

A4. The existing grades, drainage systems, structures and topographic contours at intervals not exceeding 2 feet with spot elevations where grade is less than 5 percent, otherwise not exceeding 5-foot contour intervals. Bill Lipfert noted that there is no proposed septic system, wetlands, streams, or water crossing within the proposed activity area. The topography around the site is rolling. Everett Cass stated that he had looked at the site and that no change has been made to the original topography of the ground for over one hundred years. He saw no need for any change in contours to be made. Heidi Jaarsma stated that the open space surrounding the area of use and the commitment to preserve the topography of the farm made the property unique. Everett Cass added that grass aids immensely in preventing runoff. Gail McKenzie made a motion to waive application requirement A4. Everett Cass seconded the motion, and Bill Lipfert called for a roll call vote. Voting in the affirmative were Everett Cass, Jonathan Glass, John Hammond, Heidi Jaarsma, Gail McKenzie, and Kellie Patterson Parry. With none voting in the negative, the motion carried, 6-0.

A7 Approximate location of structures located on abutting properties. The applicant requested a waiver of the requirement that the approximate location of abutting properties be shown. Ms. Salinger stated that structures on abutting properties are far from the area of use. Heidi Jaarsma stated that the area of use is surrounded by open space. Bill Lipfert noted that the many of the abutting properties are quite large and the structures thereon are not necessarily close to the boundary line. John Hammond made a motion to waive application requirement A7. Kellie Patterson Parry seconded the motion, and Bill Lipfert called for a roll call vote. Voting in the affirmative were Everett Cass, Jonathan Glass, John Hammond, Heidi Jaarsma, Gail McKenzie, and Kellie Patterson Parry. With none voting in the negative, the motion carried, 6-0.

A9. Vicinity sketch. The applicant requested a waiver of the application requirement A9. The Board had requested at the February 20, 2020, preliminary discussion that the zoning district be shown on the plan. Ms. Salinger noted that the omission of the zoning district had been an error and showed on the plan where the zoning district had been added. Ms. Jaarsma stated that the scale would not be practicable given the size of the property. Mr. Lipfert stated that there is no

concern about the 100-year flood elevation line. Heidi Jaarsma made a motion to waive application requirement A9. Everett Cass seconded the motion, and Bill Lipfert called for a roll call vote. Voting in the affirmative were Everett Cass, Jonathan Glass, John Hammond, Heidi Jaarsma, Gail McKenzie, and Kellie Patterson Parry. With none voting in the negative, the motion carried, 6-0.

B6. Storm drainage and snow removal plan. Heidi Jaarsma stated that there was no proposed alteration of terrain. Bill Lipfert stated that there were no wetlands issues on the site as shown. Mr. Lipfert asked if the area around the barn was plowed in the winter. Ms. Salinger reported that she does plow in front of the barn to provide off-road parking for people who would like to cross country ski and sled. Heidi Jaarsma questioned whether opening the property to sledding and skiing was part of the business use. Mr. Cass stated that no snow was being removed. Kellie Patterson asked if the plan would have to show where the snow would be pushed. Bill Lipfert gave several scenarios where space constraint, water, traveled way, abutters and boundary lines, would be the thresholds for necessitating a snow removal plan and indicated that none of those scenarios applied. Heidi Jaarsma stated that it would be an unnecessary hardship to provide a snow removal plan since the use was seasonal. Bill Lipfert concurred that the snow removal was not related to the event use of the property. Gail McKenzie made a motion to waive application requirement B6. Jon Glass seconded the motion, and Bill Lipfert called for a roll call vote. Voting in the affirmative were Everett Cass, Jonathan Glass, John Hammond, Heidi Jaarsma, Gail McKenzie, and Kellie Patterson Parry. With none voting in the negative, the motion carried, 6-0.

Gail McKenzie made motion to consider the Site Plan complete subject to the waivers and modifications granted. Everett Cass seconded the motion, and Bill Lipfert called for a roll call vote. Voting in the affirmative were Everett Cass, Jonathan Glass, John Hammond, Heidi Jaarsma, Gail McKenzie, and Kellie Patterson Parry. With none voting in the negative, the motion carried, 6-0.

Colleen Salinger requested a continuance of the Public Hearing for one month to allow her to retain and work with counsel. The Board discussed upcoming agenda. Heidi Jaarsma made a motion to continue the public hearing until September 17, 2020. Gail McKenzie seconded the motion, and Bill Lipfert called for a roll call vote. Voting in the affirmative were Everett Cass, Jonathan Glass, John Hammond, Heidi Jaarsma, Gail McKenzie, and Kellie Patterson Parry. With none voting in the negative, the motion carried, 6-0.

Barbara Cieslicki asked if Ms. Salinger would be able to continue her business operation. Bill Lipfert stated that the decision was up to the Zoning Administrator. John Hammond indicated that the operation could continue.

Other Business

Heidi Jaarsma reported that Eversource would re-mark the proposed scenic road tree removals. She had requested that the updated list be available one week before the continued September 3,

2020, public hearing.

Everett Cass asked if a decision had been made about two driveway permits. Bill Lipfert reported that the application for the old Sullivan Farm had been approved. An application on Harrington Road had been disapproved. The Road Agent had indicated to the Chair that a new application has been submitted, and Mr. Lipfert stated that he would be happy to meet the Road Agent and applicant on site. The driveway approval process was discussed. Mr. Lipfert will make a site visit for an application to use the Class VI portion of Root Hill Road on Tuesday.

Adjournment

Gail McKenzie made a motion to adjourn. Everett Cass seconded the motion, and Bill Lipfert called for a roll call vote. Voting in the affirmative were Everett Cass, Jonathan Glass, John Hammond, Heidi Jaarsma, Gail McKenzie, and Kellie Patterson Parry. With none voting in the negative, the motion carried, 6-0, and the meeting was adjourned.

Respectfully submitted,
Heidi M. Jaarsma