

**CORNISH PLANNING BOARD
MINUTES
SEPTEMBER 17, 2020**

The Cornish Planning Board met on Thursday, September 17, 2020, at 7:00 PM. Attendance was by roll call. Members present in the Town Offices were Bill Lipfert, Chair; Everett Cass, and Gail McKenzie; Linda Leone, Alternate; Heidi Jaarsma, Secretary; and Scott Baker, Selectman. Attending via Zoom was Jonathan Glass. In accordance with Governor Sununu's Executive Order 2020-04, the Chair waived the requirement that Board members be physically present at the meeting in light of the current Covid-19 situation.

Also present in-person were Colleen Salinger, Mauri Hodgeman, Stuart Hodgeman, Bill Wall, and Kathy Wall.

Attending via Zoom were Ellen Arnold, attorney representing Ms. Salinger; and Peter Burling

Bill Lipfert called the meeting to order at 7:05 pm. Mr. Lipfert authorized the meeting to be held electronically. Social distancing and mask requirements were discussed.

Approval of Minutes.

Jon Glass asked about the possibility of modifying the Planning Board's decision regarding the disposal of wood, given the requests by Messrs. Blumberg and Araújo and Ms. Platt. Heidi Jaarsma said that disposal of wood is by agreement reached between the landowner and Eversource and was not part of the Planning Board's decision. Should a landowner change their mind about disposal of wood, and a certain method of disposal had been part of the Planning Board decision, complications could arise. Jon Glass made a motion to approve the 9/3/2020 minutes. Scott Baker seconded the motion, and Bill Lipfert asked for a roll call vote. Voting in the affirmative were Scott Baker, Everett Cass, Jonathan Glass, Heidi Jaarsma, and Linda Leone. With none voting in the negative, the minutes were approved as presented.

Colleen Salinger – Public Hearing re: Site Plan Review, Langwood Farm

voting: Bill Lipfert, Chair, Scott Baker, Everett Cass, Jonathan Glass, Heidi Jaarsma, Gail McKenzie, and Linda Leone for Kellie Patterson Parry.

Ellen Arnold introduced herself as an attorney representing Colleen Salinger. Ms. Arnold gave a brief overview of the packet sent on Ms. Salinger's behalf to the Planning Board. Ms. Arnold noted that the Selectboard had issued a Certificate of Zoning Compliance to Ms. Salinger for events related to agritourism at her tree farm. She emphasized the support of the Police and Fire Chiefs, neither of whom had concerns about traffic and fire emergency issues. She noted the public comment which had been received by the Board. She added that there has been no expansion of use: Ms. Salinger had gone to the Selectboard to make sure that the activities at her farm were in compliance with zoning requirements. Ms. Salinger, Ms. Arnold added, is happy to work with the town. She has installed temporary signage as recommended and has voluntarily limited music at evening events to 10 p.m.

Mr. Lipfert asked Ms. Salinger or Ms. Arnold to provide an overview of the site plan. Ms. Salinger reviewed the site plan. She noted the location of the barn and the adjacent site where tents were erected, when used. She also indicated several areas on the property where wedding ceremonies have taken place. She noted areas of open field and the outhouse. Pedestrian and traffic flow on the site were both shown on the plan. Bill Lipfert asked if any features were proposed. Ms. Salinger noted that she may install an electric outlet and a statement stone on the side of the road opposite the barn. Bill Lipfert asked for the proposed activities specific to the application. Ms. Salinger stated that weddings are the typically larger-scale events occurring on the property. Ms. Salinger stated that right now she would like to consider four weddings a year. She would like the option to have more weddings, but would not want to do so every weekend.

Heidi Jaarsma stated that the Board had reviewed the submission items required by Article II of the Site Plan Review Regulations during the Completeness Review. She suggested the Board review the Design and Construction Requirements outlined in Article III of the regulations.

III.A. Site Characteristics and General Requirements.

Heidi Jaarsma noted that the tree farm's goals listed in the application submission item titled *Langwood Farm* included preservation of the landscape, which was in harmony with the site plan requirement that natural features be protected and that development should conform to the natural topography of the site.

Ms. Jaarsma asked Ms. Salinger which events typically involved amplified music, given Site Plan Review requirement III.A.b.(ii): *Noise at property boundaries shall not exceed ambient levels except for short periods of time.* Ms. Salinger said that weddings are typically the only events that go into the evening. She currently asks that music stop by 10 p.m.

III.B. Requirements for Trash Container Rooms or Enclosures

The Board asked Ms. Salinger about the current procedure for trash removal at events. Ms. Salinger stated that event sponsors are responsible for removing all trash from the site. There are no on-site trash containers. Ms. Salinger reported that she has not had any problems with trash from events on the property.

III.C. Requirement for Exterior Lighting

The Board asked Ms. Salinger to review the lighting shown on the plan. She noted the fairy lights on the back of the barn. Mr. Lipfert asked if there were any floodlights. Ms. Salinger answered that there were none. She added that tents, when used for evening events, often have interior lighting. Heidi Jaarsma asked if there was any lighting across the street in the parking area. Ms. Salinger said that there was not lighting across the road and that there has never been a problem with the lack of lighting.

Gail McKenzie asked Ms. Salinger to describe type of signage she used. Ms. Salinger stated that she has two temporary 'Slow – Event Ahead' signs. Per the recommendation of the Police

Chief, one is placed near the intersection of Hayward and Lang Roads and one is placed on Lang Road east of the barn during events.

III.D. Landscaping and Screening Requirements

It was noted that the Board had indicated at the Completeness Review that the existing, natural vegetation would suffice as the landscape plan.

Heidi Jaarsma stated that Article III.D.3-4 provided very specific landscape design requirements for the perimeter and interior of parking areas, including landscaped islands in the interior of parking areas and a ten-foot landscaped strip around the perimeter of the parking area. Ms. Jaarsma suggested requiring such landscaping in an existing hayfield would be counterintuitive to the preservation of open space and contrary to the spirit of the Site Plan Review Regulations, which encourage the protection natural features and topography. Ms. Jaarsma made a motion that, pursuant to Site Plan Review Regulations III.D.3.a(vi), the Board accept the alternative landscaping design of the parking area presented in the site plan and that the Board waive the requirements Article III.D.3.b *Landscaping Requirements for the Interior of Parking Areas*. Gail McKenzie seconded the motion, and Bill Lipfert asked for a roll call vote. Voting in the affirmative were Scott Baker, Everett Cass, Jonathan Glass, Heidi Jaarsma, Gail McKenzie, and Linda Leone. With none voting in the negative, the motion carried.

III.E. Coordination of Roads, Parking, Loading, and Safety.

The Board asked Ms. Salinger to review the pedestrian and traffic plan. Ms. Salinger stated that generally, someone from the wedding party directs parking. She pointed out the pedestrian crossing from the barn to the parking lot.

With regard to the 'Event Ahead' signs, Bill Lipfert stated that a large commercially printed sign was more likely to be effective than a smaller sign. Scott Baker added that the most dangerous time of any event is at night. He felt that a reflective sign would be safest. Ms. Salinger concurred that a reflective sign would be a good idea.

III.F. Water Drainage

No changes to the topography of the site were proposed. The application requirement that a storm drainage plan be submitted had been waived by the Board at the completeness review.

III.G. Groundwater Protection

No development of the site is proposed.

III.H. Upgrading Off-Site Facilities

No upgrading of off-site facilities was required.

III.I. Public Services

Ms. Salinger stated that the plan showed a proposed electrical outlet across the road from the barn; however, no new poles or utilities will be required by the site.

III.J. Flood Hazard Areas

No lands within the site are identified as Special Flood Hazard Areas.

Mr. Lipfert asked for any further comment from the Board

Everett Cass stated that he had read the RSA regarding agritourism many times in the past week and that the statute was very vague and could be interpreted however it wants to be interpreted. He noted that the definition of agritourism included the phrases ‘including but not limited to’ and ‘enjoyment of the farm environment.’ He continued that people who have not spent time in a rural environment get a sense of something that they’ve never had before while attending events at Langwood Farm. Mr. Cass supported the plan.

Linda Leone noted that the site plan approval followed the land and expressed concern that the town would have no recourse should a future owner change the use. Heidi Jaarsma stated that both new construction or an expansion of use would require the landowner to go through the site plan review process. Bill Lipfert noted that a change in the intensity would not necessarily be seen as a change in use. Ellen Arnold stated that New Hampshire law requires any expansion of what has been approved, specific to agricultural activities, to undergo site plan review. Ms. Arnold added that there is a mechanism for review and a recourse for violations of the town ordinance and for revocation of an approved site plan. Everett Cass asked if it would be possible to limit the number of events. Mr. Lipfert said that it could be a condition to approval. Jon Glass suggested a sunset provision for the Site Plan. Bill Lipfert felt that there was no provision within the Site Plan Review Regulations to approve with a time limit.

Mr. Lipfert opened the meeting to comment from the public. Mauri Hodgeman thanked Ms. Salinger for calling her about the application and spoke of her great respect for all that Ms. Salinger has done for Cornish. Ms. Hodgeman addressed their mutual care of the land. Many generations of her husband’s family have lived in the neighborhood of Lang Road. The Hodgemans, Ms. Hodgeman reported, had been to many social gatherings at Langwood Farm. Ms. Hodgeman supported gatherings of neighbors and friends, but she expressed an extreme concern about the weddings. A country wedding, Ms. Hodgeman posited, could easily turn into a disco nightclub. She stated that the number of weddings was really important and added that the impact of a wedding included the days leading up to the wedding. The noise from weddings could be heard at her residence. Ms. Hodgeman stated that she did not think that Ms. Salinger knew what was going on at these weddings and that Ms. Salinger was not able to control the situation. She asked for a limit to the number of weddings and stated that four was approaching too many. Ms. Hodgeman said that the increase in the number of young families living in her part of town was exciting. Children were walking, biking, and playing in the road. She hoped that traffic would not be directed onto Dodge Road. She added that the cumulative impact of traffic for weddings is significant: people who enjoy weddings tend to come back. Ms. Hodgeman emphasized that she was speaking out of love and care for Cornish. Bill Lipfert

asked if her main concern was the volume of music or the late hour of the music. Stuart and Mauri Hodgeman said that both the volume and the late hour of music were a concern.

Bill Wall stated that he supported everything that Ms. Salinger wanted to do with her property. Mr. Wall stated that the town could never repay Ms. Salinger for all the good she has done for the town.

Peter Burling said that his mother had taken him to the top of the hill, known as Top of the World, sixty-eight years ago. It was the first time he had a sense of what the top of the world was like. He stated that he and his wife, Jean Burling, love everything that Ms. Salinger has done with the farm, and he gave a 'thumbs up' from the Burlings. With regard to the safety issues, he too was concerned about the escalating speed of vehicles at the foot of Lang Road but emphasized that he felt the traffic had nothing to do with the activities at Langwood Farm. He spoke of an increasing number of trucks from Vermont and advocated reducing the speed limit to 20 mph. The speed problem, he added, was an enforcement issue.

Scott Baker stated that he had been to a wedding under a tent with a deejay: there had been a lot of loud music and good times. He added that he has had to listen to the helicopter, which is irritating enough, at the Cornish Fair every year in recent memory except this one. Mr. Baker stated that he grew up in the neighborhood of Langwood Farm and that even four times a year could be a lot of noise.

Bill Lipfert outlined his main concerns with the proposed site plan: the hours of music, the overall hours of operation, the safety of the crossing, an overall limit on event size, and septic disposal. He suggested a one chemical toilet per sixty guest rule, given his own experience with hosting weddings.

Heidi Jaarsma reported that seventeen letters in support of the activities at Langwood Farm had been received by the Planning Board. One letter against the activities at Langwood Farm had been received and discussed at the August 20, 2020, continued Completeness Review. Mauri Hodgeman said that she agreed with the letters of support but asserted that the comments were not related to the nighttime activities at Langwood Farm. Ms. Jaarsma stated that three abutters had each noted in their letters that noise from events was not an issue.

Bill Lipfert asked Colleen Salinger about the concerns which had been raised with particular regard to hours of operation and noise. Ms. Salinger stated that in the past she has not had stipulations about when all guests should be gone, but that music was required to cease at 10 p.m. Mr. Lipfert asked Ms. Salinger if she limited the number of guests at events. Ms. Salinger answered she has limited the number of guests to 150 or less. Mr. Lipfert asked if those limits were in a written contract. Ms. Salinger stated that they were not in a written contract but that they could be. Mr. Lipfert addressed septage and stated that the outhouse on the property could not service a large event. Ms. Salinger reported that event hosts generally hire chemical

toilets, but she does not stipulate a number required per guest. She added that there is no potable water or bathroom facility on the site.

Ms. Salinger said that she wanted to be a good neighbor and would be willing to limit the number of weddings to four per season. She had attempted to address the noise level with the 10:00 p.m. time limit. Heidi Jaarsma noted that these stipulations were for non-personal events. Bill Lipfert suggested limiting the number of non-personal nighttime events to four. Scott Baker asked if concerts would it fall under agritourism and suggested that 'event' was too broad a category. Mr. Lipfert felt that the limits on frequency and hours of operation would apply to all events. Bill Lipfert asked if someone would be interested in making a motion to approve the Site Plan of Langwood farm as presented subject to following conditions:

1. The number of non-personal evening events (occurring or continuing after 6 p.m.) shall be limited to four per year.
2. Orange, reflective 'Event Ahead' signage shall be required for the full duration of non-personal, organized events. Placement of signs shall be per recommendation of the Cornish Police Chief.
3. Hours of operation for non-personal events not to exceed past 12:00 a.m.
4. Hours of music for non-personal evening events to be limited to no later than 10:00 p.m.
5. Limit of no more than 150 guests for non-personal events.
6. In addition to the existing outhouse, one or more chemical toilets shall be provided at any non-personal event with 60-120 guests; two or more chemical toilets shall be provided at any non-personal event with 121-150 guests.
7. The requirements be combined in a legally binding contract between the property owner and the event sponsor.

Everett Cass made a motion to that effect. Heidi Jaarsma seconded the motion. Ellen Arnold stated that she saw an authority issue with regard to requiring a legally binding contract. She asserted that town has the ability to shut something down, but it cannot require a contract between two private parties. Bill Lipfert stated that Cornish is a small town with an already overworked administrative enforcement authority. He asked if Ms. Arnold would accept a requirement that applicant give notice to event sponsors of the conditions of approval. Ms. Arnold stated that such a condition would be satisfactory. Heidi Jaarsma stated that she would amend the motion as such if Everett Cass, who made the original motion agreed. Mr. Cass concurred, and the motion was amended to approve the Site Plan of Langwood Farm as presented subject to the following conditions:

- 1. The number of non-personal evening events (occurring or continuing after 6 p.m.) shall be limited to four per year.**
- 2. Orange, reflective ‘Event Ahead’ signage shall be required for the full duration of non-personal, organized events. Placement of signs shall be per recommendation of the Cornish Police Chief.**
- 3. Hours of operation for non-personal events not to exceed past 12:00 a.m.**
- 4. Hours of music for non-personal evening events to be limited to no later than 10:00 p.m.**
- 5. Limit of no more than 150 guests for non-personal events.**
- 6. In addition to the existing outhouse, one or more chemical toilets shall be provided at any non-personal event with 60-120 guests; two or more chemical toilets shall be provided at any non-personal event with 121-150 guests.**
- 7. The applicant will give written notice of conditions of this approval to event sponsors.**

Enforcement of the conditions to approval were discussed. Bill Lipfert noted that the Board of Selectmen were the enforcement entity in Cornish. Heidi Jaarsma stated that the town had the authority issue a cease and desist order in the case of a violation of conditions to approval. Ellen Arnold added that RSA 676:4-a provides for revocation of an approval in the case of a violation of conditions.

Bill Lipfert asked for a roll call vote on the motion to approve the site plan subject to conditions 1-7 as amended, above. Voting in the affirmative were Scott Baker, Everett Cass, Jonathan Glass, Heidi Jaarsma, Gail McKenzie, and Linda Leone. With none voting in the negative, the motion carried.

Gary Coutermarsh – Preliminary Discussion re: Subdivision of Rheaume property, Parsonage Road.

Mr. Coutermarsh did not attend the meeting. Scott Baker reported that the Selectboard had measured 1,000’ from the intersection of Town House and Parsonage Roads and had found that boundary of the Residential and Village Zones appeared to be at the culvert by the Highway Garage. An inspection of the tax map showed that the lot in question appeared to comprise land in all three zoning districts. The Board reviewed Article III.C.2. of the Cornish Zoning Ordinance, *Lots in More than one District*, and recommended that anyone interested in subdividing said property should hire a surveyor to map the exact boundaries of the zoning districts prior to proceeding.

Adjournment

Heidi Jaarsma made a motion to adjourn. Gail McKenzie seconded the motion, and Bill Lipfert asked for a roll call vote. Voting in the affirmative were Scott Baker, Everett Cass, Jonathan Glass, Heidi Jaarsma, Gail McKenzie, and Linda Leone. With none voting in the negative, the motion carried, and the meeting was adjourned.

Respectfully submitted,
Heidi M. Jaarsma

DRAFT