

**CORNISH PLANNING BOARD
MINUTES
OCTOBER 21, 2021**

The Cornish Planning Board met on Thursday, October 21, 2021, at 7:00 PM. Members present were Bill Lipfert, Chair, Everett Cass, Jonathan Glass (via zoom), Gail McKenzie, and Kellie Patterson Parry (via zoom); Linda Leone, Alternate; and Dillon Gallagher, Selectman.

Also in attendance were Mark Tyrrell Hooper (via zoom), applicant; Chris Rollins, surveyor; Mark Humpal, George O'Grady, Gerald Roy, Nancy Roy, and Richard Wood.

Bill Lipfert called the meeting to order at 7:02 PM. Board members introduced themselves.

Approval of 10/7/2021 Minutes.

Gail McKenzie made a motion to approve the 10/7/2021 minutes. Dillon Gallagher seconded the motion, and the vote of the Board, by roll call, was in the affirmative, 6-0.

Mark Tyrrell Hooper – Continued Completeness Review and Public Hearing re: Major Subdivision, Hildreth Lane & NH Route 12A.

voting: Bill Lipfert, Chair, Everett Cass, Dillon Gallagher, Jonathan Glass, Heidi Jaarsma, Gail McKenzie, and Kellie Patterson Parry.

Mr. Rollins, surveyor for the applicant, presented the plan to subdivide Tax Map 1, Lot 21, 60.85+/- acres before subdivision, into three lots of 12.02+/-, 28.01 +/-, and 20.82 +/- acres. Mr. Rollins described the geography of the property, which includes three plateaus, or outwash plains. Hildreth Lane, a portion of which is Class V, transects the property east/west. Mr. Rollins pointed out several water features: small brooks and water channels that run north/south. The Blow-Me-Down Brook is located on the south end of the property and lies within the 100-year floodplain. Percolation tests were done on each of the three lots, including the homestead lot, and each had exceptional drainage. Mr. Rollins reviewed the history of the parcels. The Shurcliff well, which is located on the Shurcliff property, was added to the plan. Water running from a spring and well on an adjacent lot, which is also owned by Mr. Tyrell, was shown on the plan. Mr. Rollins reviewed the history of the water rights from that well and spring. The line was replaced in the Cornish Colony days with two cast iron lines which served several houses below the property. The pipes are currently exposed, and there is no water going into the pipes. Mr. Rollins summarized the changes made since the September 16, 2021, completeness review: (1) 'See note 4' was added to the plan. (2) The location of the Shurcliff well was shown. (3) Dimensions were added to the well radii.

Mr. Rollins had submitted with the application written requests for the preliminary waivers which had been requested at the October 15, 2021, preliminary discussion.

1.(a) Final Plat. The final plat shall be furnished as a 105 millimeter Micro-Master negative with five (5) prints, 24" x 36" at a scale of not more than one hundred (100) feet per inch.

Mr. Rollins stated that the plan as presented was at 120-scale and explained that a 100-scale plan would require two sheets. would require two maps. Heidi Jaarsma felt that the plan showed all the required information at the scale presented. Bill Lipfert agreed. Everett Cass made a

motion to modify application requirement 1(a) to accept a 120-scal plan. Gail McKenzie seconded the motion, and the vote of the Board, by roll call, was in the affirmative, 6-0.

3. ***Subdivision Grading and Drainage Plan.*** *This plan shall be submitted on a separate sheet or sheets and shall provide the following information for the entire area of the proposed subdivision, unless there is a determination by the Board that a lesser area is sufficient.*

Mr. Rollins requested a waiver of the subdivision grading plan with the exception of subsection (c), the location of all surface water on and within (200) feet of the subdivision. He stated that there are no proposed grade changes or regrading of the ground. A drainage plan would not be required because there are no changes in the drainage. Bill Lipfert noted that the driveway on the northerly lot gains elevation of 40 feet in 280 feet. To be less than 10 percent it would have to be 40 feet in 400. Mr. Rollins stated that he was not off, but that cutting and filling on the driveway would bring the grade to 10% and referenced a submission in the electronic file. Bill Lipfert highlighted the importance for a driveway profile that showed that a fire truck or other emergency vehicle could safely reach the residence. The profile plan was located and Mr. Rollins pointed out that the that 10.3% was the steepest grade on the driveway. Mr. Rollins had sent the plan to NH DOT for approval of the entrance grade. Heidi Jaarsma asked if there would be any negative impact due to drainage or erosion on abutting properties. Mr. Rollins replied that there would be none. Bill Lipfert stated that the vertical driveway profile should be shown on the plan. Gail McKenzie made a motion to waive the requirements of application item #3 on the condition that the driveway profile be shown on the plan. Jonathon Glass seconded the motion, and the vote of the Board, by roll call, was in the affirmative, 6-0.

4. ***Subdivision Road and Utility Plan.***

Mr. Rollins requested a waiver of the Subdivision Road and Utility Plan. No interior roads are proposed. Bill Lipfert asked how power would serve the southerly lot. Mr. Rollins said that there would be no passage over any of the other lots to access the southerly lot. Heidi Jaarsma made a motion to waive since the requirements did not apply to the proposal. Dillon Gallagher seconded the motion, and the vote of the Board, by roll call, was in the affirmative, 6-0.

5. ***Subdivision As-Built Plans.***

Mr. Rollins requested a waiver of the Subdivision As-Built Plans since none of the requirements applied to the proposal before the Board.

6. ***Impact Assessment.*** *Applicants of all major subdivisions shall submit a written impact assessment of their proposed subdivision.*

Mr. Rollin requested a waiver of the Impact Assessment. Heidi Jaarsma noted that there were concerns about capacity of Hildreth Lane to serve two residences given its current condition. Two cars travelling in opposite directions would likely not be able to pass each other. Ms. Jaarsma suggested that an impact assessment of the road might be necessary to make that determination. Everett Cass stated that the road agent has the ability to determine what width is needed. He continued that the road would be the problem of the taxpayers of the Town if it were not addressed. . Bill Lipfert stated that a licensed engineer would need to prepare the impact

assessment. Heidi Jaarsma suggested the condition of the road be discussed at the public hearing.

Jonathan Glass made a motion to waive application requirements #5 and #6. Everett Cass seconded the motion. Bill Lipfert asked if there was any discussion. Heidi Jaarsma asked if the applicant was willing to acknowledge that a portion of Hildreth Lane requires upgrading to serve a second residence on the road. Ms. Jaarsma also asked if the applicant was willing to agree to assume the expense of the upgrade. Chris Rollins said that there was no question that Hildreth Lane was a narrow passway, and he felt it would not be overly cost prohibitive to widen the road. Bill Lipfert stated that the portion of Class V Road in question was from NH Route 12A to the first driveway shown on the plan. Chris Rollins stated that it looks like a one lane road but that he felt the roadbed itself was fairly wide. Mark Hooper asked if the Board was requesting that Hildreth Lane to the main driveway should be widened to a passable driveway grade at time of building. He added that the road agent had looked at the proposed driveway and had been fine with the driveway and the location. No mention of widening the road was made at the time. Mr. Lipfert asked if Mr. Hooper was in a position to commit to a reasonable timeframe. Mr. Hooper suggested two years would be a reasonable timeframe or upon the issuance of a building permit, whichever comes first. Heidi Jaarsma stated that the agreement of the landowner accomplished the same goal as an impact assessment and met the spirit of the regulations. Bill Lipfert called for a vote on the waivers. The motion was voted, by roll call, in the affirmative, 6-0.

Heidi Jaarsma noted that the well radius is shown as 75 feet, but the subdivision regulations require a 100 foot well radius. She asked Mr. Rollins if the plan could be modified to show the required well radius. Mr. Rollins indicated that it could.

The Board reviewed Article IV.N, *Regulatory Floodplain*, of the Subdivision Regulations. Mr. Rollings stated that no development is proposed in the floodplain shown on the map.

Bill Lipfert noted a typographical error in the signature block.

Gerald Roy asked if Hildreth Lane was a Class VI Road or private land. He also asked why the metes and bounds of the boundary line were shown along the centerline of the Class VI portion of Hildreth Lane. Chris Rollins, stated that the road was Class VI and that property owners generally own the soil under the road subject to the right of the town to use that easement. The Board confirmed that most Class V roads in Cornish are rights of way and not owned fee simple by the Town. Mr. Rollins added that when roads are discontinued and the boundary is shown as the edge of the right of way, the land generally reverts to the owners along the centerline of the road.

Mr. Roy asked if further subdivision of the property could be prohibited. Bill Lipfert stated that in rare circumstances, applicants have volunteered to have a no further subdivision restriction, but that the Board had no basis to require a subdivision restriction in this proposal. Mrs. Roy asked the minimum lot size. The Board informed her that the property was in the Rural Zone with a 5-acre minimum lot size.

Heidi Jaarsma made a motion to consider the plan complete, on the condition that (1) A vertical driveway profile as indicated be shown on the plan; (2) Correction of the well radii to 100 feet; and (3) Correction of the typographical error certification block. Everett Cass seconded the motion, and the vote of the Board, by roll call, was in the affirmative, 6-0.

Bill Lipfert opened the public hearing at 8:23 PM. Several members of the Board discussed the administrative difficulty of a two-year timeframe for improvement of the road. Heidi Jaarsma suggested that legal counsel be engaged to draft an agreement. Ms. Jaarsma added that a shorter timeframe would make a conditional approval more feasible. Everett Cass suggested July 1, 2022, as a deadline for improvements, with the specifications for upgrade to be determined by the Selectboard and the Road agent. Mr. Hooper agreed to the July 1, 2022, deadline. Gail McKenzie made motion to approve the subdivision as presented on the condition that the owner of Lot 21-2 upgrade the Class V portion of Hildreth Lane from the intersection with NH Route 12A to the intersection with the driveway to Lot 21-2 at his or her own expense to a specification determined by the Cornish Road Agent and Selectboard. Said improvements must be made upon the application for, but prior to the issuance of, a building permit to Lot 21-2 or by July 1, 2022, whichever comes first. Heidi Jaarsma seconded the motion, and the vote of the Board, by roll call, was in the affirmative, 6-0.

Mark Humpal and Briane Pinkson – Preliminary Discussion re: Subdivision, Nelson Road.

Mr. Rollins represented Mr. Humpal and Ms. Pinkson, who propose to subdivide 159.4 acres on Nelson Road into two lots for estate planning purposes. Mr. Rollins presented a preliminary plan showing three separate lots. The north lot would comprise the existing dwelling and the outbuildings, well, and garden across the street. The frontage on Nelson Road for the southerly lot would be 100'. Mr. Rollins noted that beyond the Class V portion, Nelson Road has been discontinued. Mr. Rollins pointed out another 12+/- acre landlocked lot which could be annexed to an abutter. Mr. Rollins stated that there are three lots prior to subdivision, and there would be three lots after subdivision. Heidi Jaarsma said the proposal sounded more like an annexation. Mr. Lipfert asked Mr. Rollins if his professional opinion was that the lots are separate lots of record. Mr. Rollins said that the property comprised three separate lots of record. Bill Lipfert asked if Mr. Rollins had discussed a driveway permit with the road agent. Mr. Rollins said that there is a gated entryway to the field in the 100' of frontage on Nelson Road. Mark Humpal added that the existing access is used for hay equipment. Mr. Rollins also pointed out a farm feature, a man-made pond and a pipe which runs from the pond to the road. The pipe is a drainage feature which would require a culvert. Mark Humpal said that the drainage from the pond goes behind the shed and through a culvert under Nelson Road. It is quite a distance from the Nelson Road frontage where there is an existing agricultural road. Mr. Rollins pointed out a substantial wetland in the discontinued section of Nelson Road. The power comes down Nelson Road to the shop. Kellie Parry asked if an annexation could require the upgrade of the road. Everett Cass stated that Nelson Road is currently wide enough to accommodate the grader. The Board reviewed the annexation requirements with Mr. Rollins and Mr. Humpal.

Revisions to Rules of Procedure.

The Board made a second review of the proposed amendments to the Rules of Procedure.

Adjournment

Gail McKenzie made a motion to adjourn. Heidi Jaarsma seconded the motion, and the vote of the Board, by roll call, was in the affirmative, 6-0. The meeting was adjourned at 9:10 PM.

Respectfully submitted,
Heidi M. Jaarsma