

**TOWN OF CORNISH, NEW HAMPSHIRE  
ZONING BOARD OF ADJUSTMENT  
AUGUST 15, 2022**

The Cornish Zoning Board of Adjustment met on Monday, August 15, 2022, at 6:30 PM in the Cornish Town Offices. Members present were Michael Fuerst, Chair, Bill Balch, Jason Bourne, and Kate Freeland; Caroline Storrs, Clerk; and, Karim Chichakly, Lyle Parry, and Troy Simino, Alternates. Karim Chichakly attended remotely due to the Covid-19 situation and in accordance with the provisions RSA 91-A:2.III.

Also in attendance were applicants Carolyn Cole and Gar Hier representing the Cole & Hier Company, and John Drye, abutter.

Michael Fuerst called the meeting to order at 6:30 PM. Michael Fuerst introduced new alternates, Troy Simino and Lyle Parry. Caroline Storrs, Clerk, collected the fees and read the notice. Mr. Fuerst made a note that the article cited in the notice should read Article IV, Section D(2)(b)(ii). He observed that what was being requested had not changed.

**CASE 22-02**

*Voting members: Michael Fuerst, Chair, Bill Balch, Jason Bourne, Kate Freeland, and Caroline Storrs.*

**Background**

The Cole & Hier Co., LLC, has requested a Special Exception for the construction of a boat house and dock pursuant to Article IV, Section D(2)(b)(ii) of the Zoning Ordinance for non-commercial, non-residential, water-dependent uses, such as docks and boathouses. The property is located on East Road, Tax Map 16, Lot 22B, Cornish, New Hampshire, in the Rural Zone.

Mr. Fuerst reviewed the rules of procedure concerning public hearings. Carolyn Cole apologized for the typo in the application and introduced herself and Gar Hier, managing partners of the Cole & Hier Company. Ms. Cole and Mr. Hier are the owners of the property which is the subject of the application. Ms. Cole read written remarks describing the Hier family's stewardship of abutting properties and relationship with the Sullivan family. Ms. Cole stated that recent land purchases around the Hier property had been made to specifically prevent any development of that land. In 2020 Kim Demond, then Sullivan, sold the upper acreage of the former Sullivan Farm. Property consists of a 20-acre field with a beautiful view, 45 acres of forest, and 1-acre pond. A monument to Shirley Sullivan is located on the property. Trees planted by Fred Sullivan and Fritz Hier years ago were recently harvested. Ms. Cole would like to use the property as a wildlife and recreation area. The property is open to the snowmobile club, hikers, horseback riders, and some hunters.

Fred Sullivan dug the pond on the property years ago. Ms. Cole stated that while it is a nice swimming pond, the bottom is mucky. The construction of a small dock and a small shed for gear is proposed. Ms. Cole stated that the dock would be 10 feet in length and would not

interfere with any waterway. The shed would house boats, skates, and would provide a changing area. There would be no electricity or running water in the structure. Ms. Cole added that the posts would sit on flat stone and that beyond the setting of the posts, there would be no disturbance of the water. Ms. Cole read the pertinent section of the ordinance and asserted that the proposal is in harmony with the general purpose and intent of the ordinance. Ms. Cole reviewed the criteria for a special exception, Article X.F.1.d(1-6):

1. *The capacity of existing or planned community facilities:* Ms. Cole stated that there were none.
2. *The character of the area affected.*
3. *Traffic on roads and highways in the immediate vicinity:* Ms. Cole stated that no more traffic would exist than there was today.
4. *Town services and facilities:* Ms. Cole stated that no town facilities were sought.
5. *Neighboring land uses present and prospective:* Ms. Cole stated that the property was surrounded by undeveloped land and that there were no residences in proximity to the proposed development.
6. *Significant wildlife habitat, trails, natural, scenic or historic features:* Ms. Cole stated that stewardship the property centered around this criterion.

Ms. Cole presented a copy of the 2009 approved subdivision plat which created the subject lot. Ms. Cole pointed out the right of way, the surrounding properties, the monument to Shirley Sullivan, a historic picnic spot, and the inflow and outflow of the pond. The property also contains two water silos. Ms. Cole marked the location of the proposed boathouse on the plat.

Kate Freeland asked the dimension of the water silos. Ms. Cole said that the Dryes have a right of way to the pond for watering cows and that the proposed construction would not interfere with the water silos. Kate Freeland asked if Ms. Cole and Mr. Hier had any further development plans for the property. Carolyn Cole said that while she currently has no plans to develop the property, she does not want to foreclose any possibilities down the road. Kate Freeland asked how the building materials would be brought to the site. Gar Hier said that there were several ways to access the site and that the current sugarbush access might not be used. Instead, a faster new wood road through the former Welch property may be used. Caroline Storrs suggested that no petroleum products be stored in the structure. Ms. Cole concurred. Bill Balch asked about the existing road. Ms. Cole pointed out the right of way used by the Sullivans and McNamaras as shown on the subdivision and two other access points. Karim Chichakly had no questions.

John Drye asked if the dock would come out of the pond in the winter. Gar Hier said that it would not. He stated that a permanent dock with piers in still waters would not present any problems.

John Drye said that he was happy with his new neighbors and their willingness to share. He added that he was glad that the property was more accessible.

Caroline Storrs read a communication from abutter Kim Sullivan and Brian Horvath, who lent their support to the applicants.

Michael Fuerst closed the hearing to public comment at 6:58 PM.

### **Deliberation**

Mr. Fuerst marked as an exhibit the subdivision plan on which the applicant had marked the location of the proposed boathouse. Mr. Fuerst stated that as he understood the facts, the proposal was for a simple dock with a 16' x 20' boathouse attached. No electricity or water was to be attached to the structure, and there appeared to be a minimal development to the area. The proposal was consistent to the property and the neighbor's uses and significantly far from any other property. Mr. Fuerst continued that there did not appear to have any significant impact on the community. Mr. Fuerst said that if that was a fair representation of the facts, there could be further discussion or a motion made. Caroline Storrs made a motion to accept the application as presented. Jason Bourne seconded the motion. Bill Balch said there was no reason to have any conditions. The vote, by roll call, was in the affirmative, 5-0.

Mr. Fuerst signed the decision.

### **Other Business**

Heidi Jaarsma asked about the retention of meeting recordings with regard to RSA 33-A, *Disposition of Municipal Records*. Michael Fuerst recommended the town retain recordings indefinitely.

Michael Fuerst said that there was no unfinished business and asked the Board to turn to approval of the 4/4/2022 minutes.

Caroline Storrs made a motion to approve the minutes of April 4, 2022. Jason Bourne seconded the motion, and the vote of the Board was in the affirmative.

The Board discussed recent changes to requirements for posting land use fee schedules and discussed changing the Zoning Board application fees. Since the fees are in the zoning ordinance, a zoning amendment would be required. Michael Fuerst made a motion to recommend that the planning board amend Article X.H to allow the Selectboard to set Zoning Board fees in the future, if possible. Jason Bourne seconded the motion, and the vote of the Board was in the affirmative.

Karim Chichakly mentioned that there is training available from NH Office of State Planning. Training has been enhanced and a test has been established that allows someone on a land use board to receive a certificate. Michael Fuerst recommended that members review the ZBA handbook.

Jason Bourne made a motion to adjourn. Kate Freeland seconded the motion, and the vote of the Board was in the affirmative. The meeting was adjourned at 7:30 PM.

Respectfully submitted,  
Heidi M. Jaarsma