

MINUTES
CORNISH PLANNING BOARD
OCTOBER 6, 2022

The Cornish Planning Board met on Thursday, October 6, 2022, at 7:00 PM in the Cornish Town Offices. Members present were Bill Lipfert, Chair, Jonathan Glass (via zoom), and Kellie Patterson Parry; Linda Leone, Alternate; and Heidi Jaarsma, Secretary.

Bill Lipfert called the meeting to order at 7:01 PM.

Zoning Ordinance

The Board discussed possible amendments to Articles IV, VII, and X. Article IV.D.1.b.iii does not allow for underground utility lines in the Wetlands Conservation Overlay District. Bill Lipfert stated that water lines cannot be above ground and the provision allowing for underground water lines in the wetlands was reasonable. Mr. Lipfert suggested that a buried utility line would create a disturbance to the wetland. Kellie Patterson Parry asked if underground utility technology had improved since the ordinance was written. Heidi Jaarsma said that she would like more information about the environmental impact of underground utility lines in wetlands. Bill Lipfert suggested further investigation.

Deletion of the language regarding Zoning Board Fees in the Zoning Ordinance, Article X, would have the effect of reverting the power to set zoning board fees to the Zoning Board. Bill Lipfert took an informal poll of the Board, and all were in agreement to propose an amendment deleting Article X.H.

The Board discussed whether Article VII.C.2 was too restrictive. Currently the ordinance allows for a nonconforming structure to be replaced with a structure that is the “same general size and character as the original structure”. Heidi Jaarsma noted an example where a non-conforming structure in the wetlands conservation overlay could not be replaced with a much larger structure even though that larger structure presented a smaller encroachment into the wetlands conservation overlay district. Dillon Gallagher suggested that a larger roof area or other increase in impervious surfaces could impact wetlands. Several members also felt that a larger structure could result in greater use. Bill Lipfert felt that the provision could be improved by amending it to “the same general character and the same or smaller size” Heidi Jaarsma said that “general” means more or less and felt that it restricting replacement structures to the same size or smaller could unreasonably limit a property owner’s right to a non-conforming use. Jonathan Glass spoke in favor of tightening the language. Heidi Jaarsma said that it was important to remember the provisions of non-conforming structures cover many different types of non-conformances beyond the example of the wetlands conservation overlay she had cited and added that non-conforming uses and structures are a matter of vested property rights. Bill Lipfert asked for an informal poll of the Board. Heidi Jaarsma, Kellie Patterson Parry, and Dillon Gallagher were in favor of leaving the language as is. Linda Leone, Jonathan Glass, and Bill Lipfert were in favor of tightening the language. Heidi Jaarsma suggested continuing the discussion with a full Board.

Other Business

Dillon Gallagher informed the Board that the ZBA had scheduled a hearing for a multiuse conversion which will include a daycare and an auto detailing business.

Dillon Gallagher submitted a letter from the Select Board to Mark Hooper informing Mr. Hooper that he had met the conditions of the subdivision approval.

Heidi Jaarsma made a motion to adjourn. Dillon Gallagher seconded the motion, and the vote of the Board was in the affirmative. The meeting was adjourned at 8:15 PM.

Respectfully submitted,

Heidi M. Jaarsma