

**MINUTES
CORNISH PLANNING BOARD
FEBRUARY 15, 2024**

The Cornish Planning Board met on Thursday, February 15, 2024, at 7:00 p.m. in the Cornish Town Offices. Members present were Bill Lipfert, Chair, Everett Cass, and Kellie Patterson Parry; Linda Rice, Alternate; Dillon Gallagher, Selectman; and Heidi Jaarsma, Secretary.

Bill Lipfert called the meeting to order at 7:00 pm.

Patrick Dombroski and Jim Liggett, Cory Keefe (NHEC) Bill Gallagher, also attended the meeting.

Approval of Minutes, 2/1/2024.

Linda Rice's name was removed from the minutes. Kelly Patterson Parry made a motion to approve the February 1, 2024, minutes with the removal of Linda Rice's name. Everett Cass seconded the motion, and the vote of the Board was in the affirmative.

New Hampshire Electric Coop – Public Hearing re: Proposed Scenic Road Tree Removals, Paget Road.

voting: Bill Lipfert, Chair, Everett Cass, Dillon Gallagher, Heidi Jaarsma, Kelly Patterson Parry, and Linda Rice for Gail McKenzie.

Cory Keefe represented the NH Electric Coop in its request pursuant to RSA 238:157-158 to remove eleven trees within the town right of way of Paget Road, a designated Scenic Road. The proposed removals had been marked with black and red checked tape. Mr. Keefe explained that several trees on the list are dead or dying ash trees. The three maples listed have suffered from either plow damage, woodpecker holes, or were leaning towards the pole. The apple tree listed was located on an embankment between two poles, was directly under lines and had suffered significant dieback. The removals will be performed by Lucas Tree, which has a bucket truck and a roadside skidder. In developed areas, wood will be chipped into a box truck. In undeveloped areas, chips will be dispersed into the woods. Wood will be left for property owners. Bill Lipfert asked how the work would dovetail with road postings. Mr. Keefe stated that the work would not be done if the road is posted and added that removals likely would be done after mud season.

Mike Belanger asked about the scenic road statute.

Everett Cass made a motion to allow the scenic road tree removals as listed on the *Cornish, NH Scenic Road Tree List (updated)* submitted by NHEC. Linda Rice seconded the motion, and the vote of the Board was in the affirmative, 5-0.

James Liggett and Diane Miller – Completeness Review and Public Hearing re: Site Plan Review of a proposed production building extension at J.R. Liggett's, 973 NH Rt. 12A.

voting: Bill Lipfert, Chair, Dillon Gallagher, Heidi Jaarsma, Kelly Patterson Parry, and Linda Rice for Gail McKenzie.

Everett Cass recused himself and left the Board table.

James Liggett and Diane Miller have applied for site plan review of a proposed production building extension at J.R. Liggett's, an approved expanded cottage industry, located at 973 NH Rt. 12A, Tax Map 3, Lot 35, in Cornish, NH. Mr. Liggett presented the plan and explained that the proposed production building would be part of his business, J.R. Liggett's. A Special Exception for the proposed construction had been granted by the Zoning Board of Adjustment and was submitted with the application. The proposed 60x70 foot production building was attached by a breezeway to the existing production building. Mr. Liggett indicated the designated loading area. There are currently six employees, one part time, not counting owners.

Mr. Liggett stated that the existing septic system had been built to be oversized. There will only be one sink in the proposed building which will tie into the existing septic system. Mr. Liggett said that no change is expected to the septic system load.

Mr. Liggett noted that utilities will be underground. Drainage on the site was shown on a separate sheet submitted with the plan. Parking for 15 cars was shown on the plan.

Mr. Liggett read aloud a letter from police chief, which advised that there should be no backing into the drive from NH Route 12A. The Police Chief had found sufficient turnaround space in the interior of the property. Bill Lipfert asked for assurance that McSwain drive would not be blocked by a parked truck. Mr. Liggett indicated the area where tractor trailers could park and showed that McSwain Drive would not be blocked. The proposed building will use the same loading space used by Building #3 (shown on the plan).

Construction is planned to be completed before the end of the year.

Mr. Liggett requested waivers and modifications of the following application requirements.

A2. Mr. Liggett requested that the Board waive the requirement that the map be prepared by a registered land surveyor, architect, landscape architect, or registered professions engineer.

A3. Mr. Liggett requested a waiver of the requirement to show the boundary lines of the area included in the site, including angles or bearings of the lines, dimensions and the lot area.

A4. Mr. Liggett stated that the site was flat and requested a waiver of the requirement that 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 be shown.

A5. Mr. Liggett requested a waiver of the requirement that the heights of buildings be shown. The plan indicated whether buildings were one or two stories tall.

B1. Mr. Liggett request a waiver of the requirement that the plan show the proposed 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 a 5-foot contour interval.

- B2. The shape, size, height, and location of the proposed structures including expansion of existing buildings, including typical elevations. Bill Lipfert asked if the plan was showing what fill would be needed. Everett Cass indicated the fill would be stone trucked in from Pike. The plan showed the areas where the elevation would be raised.
- A6. Mr. Liggett asked the Board to find that the requirement to show natural features such as streams, marshes, lakes or ponds and manmade features such as, but not limited to, existing roads and structures did not apply because no such features are shown on the property.
- B8. Mr. Liggett asked the Board to find that the requirement to submit construction drawing including but not limited to pavements, walks, steps, curbing and drainage structures did not apply because no such construction is part of the application.
- B9. Because a landscaping is not part of the application, Mr. Liggett asked that the Board find that the requirement to submit a proposed landscaping plan did not apply. Mr. Liggett stated that water from roof of the new building will shed into the parking lot, a pervious surface, and into the field. Snow will be plowed into adjacent fields.

Heidi Jaarsma made a motion to grant the application waivers and modifications as requested. She stated that the plan provided the Board the information required to determine the ability of the site to meet applicable site plan review requirements and that strict conformity would pose an unnecessary hardship to the applicant, and the waivers and modifications would not be contrary to the spirit and intent of the Site Plan Review Regulations. Kellie Patterson Parry seconded the motion, and the vote of the Board was in the affirmative, 4-0.

Linda Rice made a motion to find the plan complete subject to the approved waivers and modifications. Dillon Gallagher seconded the motion, and the vote of the Board was in the affirmative, 4-0.

Bill Lipfert opened the Public Hearing.

Mike Belanger, abutter, stated that he thought the business and the proposed expansion was a good thing for the community. As an abutter, he said that he was perfectly fine with the proposal.

Jim Liggett spoke to the historical value of the house and the fact that very few people knew the property contained a business.

Jonathan Gilday, abutter, asked if the business included retail space. Jim Liggett said that this plan did not include retail space, but that the ordinance did allow a portion of the area to be dedicated to retail space. Mr. Liggett stated that if he were to create a retail area, it would not be in the proposed production building. Mr. Lipfert added that the addition of retail space would likely trigger a zoning review.

Heidi Jaarsma made a motion to approve the site plan as presented. Linda Rice seconded the motion, and the vote of the Board was in the affirmative, 4-0.

Jim Liggett told the board that he felt the fees charged were high and could be onerous to some residents. Bill Lipfert said that Cornish fees are relatively low compared with surrounding towns.

Mark Tewksbury, Brenda Tewksbury, and Alan Tewksbury – Completeness review re: Major Subdivision, Tandy Brook Road.

voting: Bill Lipfert, Chair, Everett Cass, Dillon Gallagher, Heidi Jaarsma, Kelly Patterson Parry, and Linda Rice for Gail McKenzie.

Mark Tewksbury, Brenda Tewksbury, and Alan Tewksbury have applied to subdivide Tax Map 5, Lot 12, 102+/- acres before subdivision, into two lots of 52.23+/- acres and 49.77+/- acres. Patrick Dombroski, surveyor and agent for the applicants, presented the plan. Everett Cass noted that the house site was right off the road and that there was significant upgrade beyond the house.

Heidi Jaarsma asked if the proposed house site was shown to scale. Mr. Dombroski said that he would correct the house site.

Mr. Dombroski requested the following waivers and modifications to the major subdivision application requirements.

- 1a. Mr. Dombroski requested that the Board modify the scale requirements to accept a scale of not more than 150 feet per inch so that the entire boundary of the lot could be shown on one page.
- 2b-c. Mr. Dombroski presented a letter from Tom Dombroski, septic designer, which demonstrated the viability of the site to support a septic system.
- 3e. Mr. Dombroski asked for a waiver of the grading and drainage plan requirement. He stated that he felt these kinds of plans were meant for larger, multiple-lot subdivisions.
4. Mr. Dombroski requested a modification of the Subdivision Road and Utility Plan and proposed to include the location and details of all existing proposed utilities (4c) and the location of existing or proposed wells and the on-site sewage disposal system (4e).
5. Mr. Dombroski asked the Board to find that the Subdivision As-Built Plan did not apply to the proposal.
6. Mr. Dombroski requested a waiver of the Impact Assessment given that only one new lot would be created.

Heidi Jaarsma made a motion to grant the waivers and modifications described, above, based on the determination that the request arose out of the unique physical conditions which exist in the proposed subdivision of 102+/- acres into two lots; that literal compliance with the Subdivision Regulations would cause the subdivider an unnecessary hardship; that granting the waiver was not contrary to the purpose and objective of the regulations; and, that the public good would not be adversely affected. Everett Cass seconded the motion, and the vote of the Board was in the affirmative, 5-0.

Heidi Jaarsma made a motion to find the application complete on the following conditions:

1. The house site shown on the plan must be drawn to scale;
2. The well radius must be adjusted so that it does not cross the boundary line.
3. A driveway permit must be submitted.
4. Correct the spelling of “Zekos”.

Everett Cass seconded the motion, and the vote of the Board was in the affirmative, 5-0.

A motion to adjourn was made and seconded, and the vote of the Board was in the affirmative.

Respectfully submitted,

Heidi M. Jaarsma