

Town of Cornish, New Hampshire
Zoning Board of Adjustment
PUBLIC HEARING MINUTES Unapproved
January 20, 2026
Case 2026-01

The Zoning Board of Adjustment met on Tuesday, January 20, 2026 at 6:30pm at the Cornish Town Hall to hear Case 26-01, James Liggett for an Appeal from an Administrative Decision.

Present for the ZBA: Michael Fuerst, Kate Freeland, Merilynn Bourne, Kerry Osgood, Troy Simino

ZBA Alternates: David Haseman, Karim Chichakly, Lyle Parry

Present for the Applicant: Jamie Miller

Present for the BOS: Jason Bourne

Present for the Public: Rhonda and Frank Amadon, Rhoda Bunnell, Cory Stevens, John McSwain, Curt Wyman, Tamsin Orion

Michael Fuerst, ZBA Chair, called the meeting to order at 6:30pm. The Chair then explained the purpose of the hearing; an appeal from an Administrative Decision. The Chair then turned the meeting over to Merilynn Bourne, ZBA Clerk.

Ms. Bourne informed everyone that the hearing was being recorded to ensure an accurate record of the proceedings. The Board then introduced itself to the public. The Clerk provided the Chair with the invoice for the Hearing which was then provided to Ms. Miller. The fee being paid in full, the Clerk read the Notice of Hearing and announced the date of publishing in the Valley News, January 5, 2026, as well as the dates of public posting. January 12, 2026. The Clerk then reported on Certified Notices sent to all abutters as well as the fact that all receipts were returned. The Board Roll was called.

Mr. Fuerst noted that as the full board was present, the alternates will not be voting but they may ask questions. The Chair invited Jamie Miller, representing James Liggett, to speak first, and stated she would be followed by those in support, followed by those in opposition and then the hearing would be closed to allow the board to deliberate.

Jamie Miller introduced herself as the step-daughter of James Liggett. She does not live in Cornish but is here from time to time. Ms. Miller passed out hard copies of the appeal filed by Mr. Liggett. Ms. Miller went through the chronology of the addendums to the appeal, pointing out that addendum #6 was a permit for the porch addition dated June 30, 2017 and approved by the BOS. Ms. Miller stated that she was unsure “what we’re appealing here if we have an approved permit, approved unanimously by the selectmen where the permit specifically states that the permit would be void in the event of misrepresentation or failure to undertake construction within one year.” Ms. Miller stated that Charlie Woodman installed the piers in August 2017 which would mean the permit was valid since the work was started. She further stated that she saw nothing in the permit paper work

that said the work must be completed within one year. Ms. Miller then continued to the next addendums.

The Chair then stated he should probably identify what the issues are. The Appeal from Mr. Liggett is, 1., Whether the Selectmen properly denied the permit of 2025, and 2., Whether the work performed on the porch since the 2017 permit was issued was sufficient to vest rights in the 2017 building permit and therefore he did not need a new permit. An extension was made in 2019, another extension in 2024 but it is not clear who signed off on the 2024 extension. Mr. Fuerst explained that a building permit was valid for one year and unless you can show that work was underway, you are required to apply for a new permit. Did the work that was started in 2017 give you a vested right to finish the project? What work was done between 2024 and 2025? Mr. Fuerst read from the Zoning Ordinance, "The Administrators shall, at the expiration of 12 months during which no earnest or substantial effort has been made to complete or carry out the construction or alterations authorized in a zoning permit, declare and send notice to holder thereof that said permit has lapsed." Mr. Fuerst stated that the question becomes "was the work done in 2017 grandfathered until now?" What work had been done on the porch between 2024 and 2025? The porch is what is being reviewed. The special exception for the addition to the building that was approved in 2016 is not at issue. Ms. Miller stated that the intention was to get the porch completed in spite of the delays and she was not certain what caused the delays. She again stated that the permit was approved unanimously. She asked if Mr. Liggett may be required to go before the ZBA for the porch extension. Mr. Fuerst responded "yes" because our ordinance states the permit is good for a year and not sufficient work has been done on the porch. Piers were installed in 2017 but it appears nothing has been done since then and since 2019, no work on the porch has been done so the permit for the porch has expired. Ms. Miller stated that things do come up in construction to cause delays. Nothing is stated about "completion within a year". Ms. Miller believes that putting in piers is "substantial" work. The Chair pointed to Article 9, I, "Lapse of Zoning Permit" and read it again, pointing out that the Selectmen are the "Administrator". Mr. Fuerst said the issue is whether or not sufficient work has been done on the porch since 2017 to determine that a substantial effort has been made to allow for an extension in 2019 and again in 2024. Is it Grandfathered in or has the permit expired due to lack of progress? There are two components to the issue. One, have you been grandfathered in, and two, under the new building permit do you have the authority or right to get that permit because the permit is being denied by the Selectmen. Ms. Miller asked if the permit that had been approved was now being denied because "it took too long to build the porch?" The Chair responded that "that is the issue before us". Ms. Miller spoke more on the chronology of events stating that it was clear that the intention was to finish the project although delays had been an issue. She further stated that the language on the permit needs to be clear since "undertaken" and "completed" have different meanings. She feels the permit is a legal contract and that the porch extension, being further from the brook than the original 2016 plan, was not any more intrusive than the "uphill" extension granted in 2016.

Kate Freeland asked if anything was done for construction on the deck between 2019 and 2025. Ms. Miller stated she did not know. Ms. Freeland stated that according to the documentation there was not. Ms. Bourne pointed out that the pictures in the addendum

files show that no work was undertaken since the piers were installed. There is no lumber and no house. Ms. Bourne stated that she had reviewed the file from the original ZBA hearing in 2016, in which Mr. Liggett stated he would remove the request for the porch at that time and come back at a later date with a hydrological survey for the porch. He did not follow through with that commitment. He was also asked about “fill” for the site. Bruce Tracy, a ZBA member at that time, had raised the question. Mr. Liggett responded that there would be no fill. Mr. Tracy rejected that notion. It may be that “fill” has been brought in and Ms. Bourne wondered if that needed approval due to flood plain regulations. Ms. Miller stated that she understood the environmental issues related to brooks. She felt that the selectmen approved the porch permit in 2017 because it “mirrored” the ZBA approved addition in 2016. Mr. Chichakly pointed out that in 2016 the ZBA denied the porch because it would expand a use beyond what they were willing to approve. Ms. Freeland pointed out that in this situation, zoning regulations would not allow an expansion of more than 50 % of the original structure. The porch would make it 77.5% of the original structure. The Chair pointed out that a variance or special exception would be required for the addition because the property is located in a floodplain. We don’t know why the Selectmen in 2017 approved a permit but since then and between 2019 and 2025, there has been no additional work on the porch. The building permit for the porch has expired so the current Selectmen made their decision to deny. The question is, was the work done in 2017 significant enough to grandfather the porch? If the ZBA affirms the decision of the BOS, Mr. Liggett may still apply for a variance or special exception. Ms. Miller thought the piers were significant work.

Troy Simino brought up Zoning Article 7,B-3, pertaining to a non-conforming use having been abandoned for one year, may not be reestablished. Ms. Miller responded that landscape work on the property should prove the use was not abandoned. Mr. Chichakly stated that we were not reviewing the property; we were discussing the porch. Mr. Simino stated that “more work had been done in the last few weeks than in the last 9 years”.

The Chair reiterated that the Selectmen were only denying the building permit for the porch. Mr. Liggett has a valid permit to rebuild the house with the addition on the side. Mr. Simino thought the issue was a building permit for the entire house and asked Selectman Bourne if it was a permit for just the porch. Selectman Bourne affirmed that is correct. Mr. Liggett brought in a 2019 permit that was extended to 2024 at which point he returned in 2024 and was granted an extension to 2025 and then wanted a further extension to 2026. Mr. Bourne does not recall extending the permit to 2025 and added that all the permits brought in by Mr. Liggett had the wrong dimensions on them so the Selectmen instructed Mr. Liggett to correct and return along with a list of work done since 2016. Mr. Liggett did so but the list of work done had no dates for the work done. Mr. Liggett applied for a new permit for the porch, which was then denied and that is why we are here. Mr. Simino stated his understanding is that the Selectmen denied the permit because it was outside their purview to give permission for something that should go before the ZBA. Mr. Bourne stated that was correct and what should have happened back in 2017.

The issue is that the Selectmen have found that no work has been done on the porch since 2019 so the permit has lapsed. The appellant feels that since the piers were put in in 2017,

that was sufficient to continue and that the Selectmen were wrong in denying a permit now. Ms. Miller reiterated that the language on the building permit was lacking. The Chair added that the “sticky note” attached to the 2024 extension (which is part of the file) states that “only a one year extension is being granted”. No work was done in that 2024-2025 year so any grandfathered right has been lost so now he may need to come back to the ZBA for a special exception or variance for whatever it is he wants to do. The BOS is not denying his permit for what was approved in 2016 at the ZBA hearing.

The Chair opened up to the “floor” for comments in support of the application. John McSwain, contractor living in Cornish, stated that Jim reached out to him in July (2025) for concrete work to pour a new slab and to reinforce the foundation walls. Mr. McSwain did a site visit in early August to see about getting an excavator in to remove old concrete in preparation for a new slab but couldn’t find a contractor to come in on such a tight notice so no work was done. There was the intent but there were no contractors available. Mr. Fuerst asked if the concrete work was for the house and John said “yes”. He stated that the piers were already there.

Rhoda Bunnell asked what the setbacks are from the brook. She felt replacing the house that was there was ok but not anything beyond that. Mr. Fuerst said that the issue was that the structure is in the floodplain and the law allows only limited expansion of existing structures which is why you need to go to the ZBA for a special exception. Ms. Bourne pointed out that, for example, setback for septic would be 100 feet.

Frank Amadon asked if Mr. Liggett had a permit now so he could finish the house. Mr. Liggett has a permit to rebuild the house and to put an extension on the uphill side and BOS agrees he has done enough work to keep that use but not the porch. Mr. Amidon hopes that the “eyesore” that exists now will be fixed soon. “It’s been 9 years.” Rhonda Amadon asked that the Selectmen keep a close eye on the time frame and the project and she would like to see the work done in a reasonable time.

Selectman Bourne asked about the 2024 extension and the “sticky note” attached. He was shown the addendum provided by Mr. Liggett. Mr. Bourne stated that the handwriting was Mary’s and that there were no initials on it, nor on the 2024 extension of the 2019 application. He added that the amount of the expansion of the original building is dictated by the Zoning Ordinance, which speaks for itself.

Troy Simino asked for clarification on the issue. He asked if this hearing was regarding just the porch. The Chair replied, “yes”.

At 7:24pm, Mr. Fuerst closed the public portion of the meeting. He then identified the factual background and read it aloud:

Findings of Fact

James Liggett- 30 Leavitt Hill Road, Cornish

1. A Zoning board granted a special exception dated November 7, 2016 approving the construction of an addition on the existing structure in the Regulatory Flood Plain

district, but specifically excluded the approval of a 10' x 14' deck on the stream side of the structure. See minutes of ZBA dated November 7, 2016.

2. According to the minutes of the 11/7/2016 ZBA hearing, Mr. Liggett indicated that the Board could disregard the deck for the time being and indicated that he "would approach the Board with a hydrological survey for the deck at a later date"
3. On June 30, 2017 Mr. Liggett applied to the selectmen for a building permit # 552-19 for a new deck located on the westerly side of the structure measuring 8' x 31'. That building permit was approved. See Addendum 6.
4. According to Mr. Liggett, he installed footings for a porch in August 2017. See Addendum 9.1 & 9.2 to this appeal.
5. On July 12, 2019, a building permit for a 37' x 32' two story structure was approved by the selectmen. See Addendum 7 (only 1 page). The original expiration date of the permit is July 7, 2020.
6. Addendum 8 is identical to Addendum 7 but also includes the signature page and a plan. Plan attached shows the 8' x 31' porch. Expiration date of the permit is July 7, 2020. See Addendum 8.1-8.3 to this appeal
7. Addendum 8 also shows a cross out of the expiration date of July 7, 2020 and shows a new expiration date of November 21, 2025. No initials or new signatures of the selectmen on this application.
8. Addendum 8 also includes a handwritten note indicating "See ZBA Case 16-04, 11/17/2025" with initials of 2 selectmen dated 11/17/2025.
9. The November 17, 2025, Selectmen's minutes indicate that Mr. Liggett "...would need to submit a new building permit for a porch which would be denied and would then need to go to the ZBA for approval."
10. A new building permit for the 8' x 31' porch was filed and was denied by the Selectmen on December 8, 2025. See Selectboard minutes 12/8/2025 and undated Application for Certificate of Zoning Compliance "insufficient setback from ROW and waterway". Addendum 10.
11. An appeal was filed on December 22, 2025.
12. The subject premises is located in the Regulatory Flood Plain. See 2016 ZBA decision Case 16-04. Also FIRM Map.
13. There has been no significant work on the porch since 2017
14. Mr. Liggett stated at the 2016 ZBA hearing that he would need to come back for the porch extension.
15. In 2016, the ZBA specifically said that the porch would make the expansion too large.

The Chair then asked the board for input and offered that it appears no work has taken place on the porch since 2017. Jamie Miller stated she feels there was some work done last year and that the concrete work that needed to be done on the foundation couldn't take place if the porch was completed. Ms. Freeland mentioned that there were eight (8) previous years that no work was done and that had not been sufficiently explained. Ms. Bourne stated that her concern was that Mr. Liggett never returned to the ZBA for the porch as he stated he would do at the 2016 ZBA hearing. Lyle Parry and Troy Simino asked if there was a permit violation in existence at this time since the house was torn down and nothing else has been done. Selectmen Bourne stated he feels it's a grey area. They are not presently considering it a violation. The Board is giving him the benefit of the doubt. Mr. Liggett believed he had a good permit with a valid extension to work on the house

foundation and the approved extension to the foundation. Kate Freeland offered that there has been some work done since 2024 so if you were giving the benefit of the doubt that the 2024 permit extension was valid, you could agree that there has been work happening. Troy Simino agreed but stated that the permit still needed to be updated because it had expired in 2025. Mr. Bourne added that Mr. Liggett had no dates on when the insulated form work was done, when the steel work was done so that there was not a great time line but the Selectmen recognized there had been some ongoing work. Mr. Simino feels Mr. Liggett does not have a valid permit for anything so how do we act on the porch issue? He believes Mr. Liggett needs to file for a new permit for the entire project. Merilynn Bourne stated that our vote is only to decide if the ZBA feels the Selectmen were justified in denying the permit for the porch. Mr. Simino feels that the ZBA should never had approved the expansion in 2016. The structure is in a conservation district and too close to the brook. It was abandoned for more than a year and no significant work has been done. Mr. Simino feels he has no permit for anything at this time and stated that is his opinion.

The Chair stated that the facts were that there was no work on the porch since 2019, and that Mr. Liggett stated at the 2016 ZBA hearing that he would return to the ZBA which is in the minutes of the ZBA. Selectmen said in their minutes of November 2025 that Mr. Liggett was required to go before the ZBA for a porch extension because they would deny a permit for that purpose.

Troy Simino made the motion to find that the Selectmen were correct in their denial of the building permit for the porch on December 8, 2025. Kate Freeland seconded the motion. The Chair called for a vote. The vote was in the affirmative and unanimous.

The Chair informed Ms. Miller that she would receive a copy of the denial and then Mr. Liggett may apply to the ZBA for a special exception or variance and would go through the same application process as was done for this hearing.

Under other business, the Clerk called for a motion to approve the Antonioni Case minutes from 2024. The minutes were reviewed. Karim Chichakly moved to approve the minutes from June 27, 2024, Troy Simino seconded, the vote was in the affirmative and unanimous.

The hearing was adjourned at 7:50pm.

Respectfully submitted,

Merilynn Bourne
Clerk, Cornish Zoning Board of Adjustment