

Town of Cornish, New Hampshire  
Zoning Board of Adjustment  
PUBLIC HEARING MINUTES ( UNAPPROVED )  
MAY 20, 2026

The Zoning Board of Adjustment met on Wednesday, May 20, 2026 at 6:30pm at the Cornish Town Hall to hear Case 26-02, Lyle Parry for a Special Exception for a driveway in a wetlands buffer zone.

Present for the ZBA: Michael Fuerst, Kate Freeland, Merilynn Bourne  
ZBA Alternants Present: David Haseman and Karim Chichakly

Applicants Present: Troy Simino, ZBA Board member was representing Lyle Parry, ZBA Alternant.

Public Present: Kelly Paterson Parry, William Lipfert

Michael Fuerst, ZBA Chair, opened the meeting of the ZBA at 6:30pm.

The Chair pointed out that two alternates, David Haseman and Karim Chichakly would be sitting for this hearing.

Merilynn Bourne, ZBA Clerk announced that the Hearing was being recorded for the purpose of accurate minutes. Merilynn then presented the Parry Hearing Invoice for \$175.40. Troy Simino provided the check for the invoice. Merilynn read the Notice of Hearing and announced the date the Valley News published the notice (May 14, 2026) as well as the date the notice was posted at the Town Office and 12% Solution (May 15, 2026). The notice was also published on Connect Cornish on May 11 & May15, 2026. The Clerk then reported that certified mail was sent on May 11, 2026 to:

Troy Simino for Lyle Parry

Donald Picard

Guest Revocable Trust

Kyle Merrihew

P.K. Brown

Certified Mailing Receipts were received from Picard and Simino.

The Clerk then called the Roll:

Michael Fuerst, present

Kate Freeland, present

Kerry Osgood, absent

Merilynn Bourne, present

David Haseman, present

Karim Chichakly, present

Michael Fuerst, opened the Parry Hearing at 6:34 and invited applicant's representative Troy Simino to explain the case. Troy reported that the road application was approved by the Road Agent and the Fire Department but was not approved by the Planning Board inspector, Mr. Lipfert. The approved road is in a wetlands conservation district and the applicant would like to mitigate that situation and address the concern of the Planning Board by moving the driveway to the east, closer to the edge of the overlay but still within the overlay. There is a very steep bank to the east of the overlay which does not allow for moving the lower portion of the existing woods road completely out of the wetlands buffer zone. The new driveway will be 14' to 15' wide. It is the lower portion of the existing driveway that will be moved. The pink line on the "Parry Special Exception plan" is the portion of the existing road that will be moved. One culvert will be required for the new driveway. David Haseman asked about disturbed soil running down-hill. Troy responded that he didn't think there would be any soil leaching into the actual wetland but if a silt fence is erected it would usually be left up for a year. Karim Chichakly asked about ditching. Troy reported that there will be no ditching on the down-hill/wetlands side of the proposed change. Mike asked how Troy determined the size of the wetland. Troy responded that you measure from the break in the bank out 100'. David asked about a pond in the wetlands and Troy reported there is no pond, just a small stream creating wetland. The new driveway section is more level and an easier access to Jackson Road. Mike asked about the distance from the telephone pole. Troy reported that the distance from the existing telephone pole to the new driveway would be 177'.

Mike read the regulation for a Special Exception in a wetlands overlay district. David asked where the Class VI road was. Mike commented about access off the Class VI road. Troy pointed out that much of the Class VI road was in the wetlands buffer zone. Kate Freeland asked about an entrance off of North Parsonage Road and Troy stated that was at the other end of the property. The Class VI road is called Guest Hill Road. Planning Board chair, William Lipfert stated that he reviewed the driveway permit applications and there is an approved permit off of South Parsonage to the lot. Mike asked if this permit was for the purpose of a subdivision and Lyle stated not at this point but it does make it accessible for the future but that this permit was more about access from Jackson Road. The Chair asked if there were any other questions from the public and hearing none, closed the Public Session and opened the Deliberative Session.

The Chair provided an overview of the facts of the request:

There is an existing woods road giving access to the subject premises. The existing woods road runs through the wetlands buffer zone. The applicant proposes moving the first portion of the existing woods road easterly to move it further away from the wetlands, where it will connect with the existing woods road (see "Parry Driveway Special Exception plan). The westerly edge of the new driveway will be approximately 177 feet from the existing telephone pole #218. The driveway will be 14" - 15' in width. The applicant will grade a portion of an existing knoll in the buffer zone to accommodate the new driveway. The driveway is to accommodate only the existing lot. The Selectmen and the Planning

Board chair have reviewed the location and the width of the driveway, but the Planning Board would not approve the driveway without the grant of a Special Exception by the ZBA.

Bill Lipfert reported that the Planning Board declined to act on the application and suggested the applicant pursue other access on Jackson Road. The Parry plan map was not available at the time so he wasn't clear where the easterly limits of the property were so it wasn't approved or rejected by the Planning Board, it was simply not acted upon. Karim would like the steep slope issue in the record. Mike added that there was access of South Parsonage Road but there was apparently a wetlands area between South Parsonage and Jackson Road that would impede access to the lower portion of the lot.

Mike read Standards for Approval of a Special Exception under the Wetlands Conservation Overlay District, Article IV, D., section b.), Special Exceptions, iii. Karim asked about general provisions for Special Exceptions. The Chair went through the criteria for Special Exceptions, Article X, Section F.1(d) of the Zoning Ordinance. Kate asked wildlife habitat impact. Mike commented that moving the lower portion of the roadway further out of the buffer zone was probably beneficial for any wetlands habitat. Mike polled the board and all agreed that there was no impact on the six criteria listed. Mike reviewed Article X, Section F,1 (e), 1. 2., ZBA findings. Mike asked if the board agreed that this was an appropriate site for the road? Karim agreed, David agreed, Kate agreed, Mike agreed, Merilynn agreed. Mike asked the board if they agreed that the use would not be detrimental due to traffic, noise, smoke, fumes, glare or odor. Kate asked if logging was exempt from this criteria? The response was that this was a Special Exception dealing with wetlands. Logging is considered agricultural. Mike reported that the board was finding that the use does not have an adverse effect. Mike asked if there were any other conditions the board would like to impose. Kate would like silt fencing added as a condition. Karim added that a drainage ditch on the uphill side is another condition of approval. Troy offered that Best Management Practices cover those conditions. David moved, Karim second to approve a Special Exception with the two conditions. The board voted unanimously to approve. Mike will put the decision together and get it to the applicant, the Planning Board and the Road Agent. The hearing was ended at 6:59

Minutes from the January 20, 2026 Liggett Hearing were reviewed. Kate reported on a "typo" in item #15 of the minutes. The word "to" should be "too". Merilynn made the change. Karim moved to approve with the edit, seconded by, David Haseman. The vote to approve was unanimous.

Mike than discussed the need to address the definition of Abutter in the zoning ordinance and on the application. The language needs to reflect the state statute, Title LXIV, Planning and Zoning, Chapter 772, words and phrases defined, Section 672:3. Mike read the state statute:

**672:3 Abutter.** – "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. "Directly across the street or stream" shall be determined by lines drawn perpendicular from all pairs of corner boundaries along the street or

stream of the applicant to pairs of projected points on any property boundary across the street or stream that intersect these perpendicular lines. Any property that lies along the street or stream between each pair of projected points, or is within 50 feet of any projected point shall be considered an abutter. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

Karim moved to amend the existing language in our ordinance under "Rules of Procedure", Application/Decision, Paragraph 3, Public Notice, sub-paragraph c. , to include the language of RSA 672:3, as well as each of our applications to reflect the language in the state statute. Seconded by David Haseman. The Board approved the update unanimously. Mike commented that we should check the abutter lists to ensure the applicant has not overlooked someone which has happened in the past. Karim asked if we could return to a regular monthly hearing date as has been the practice in the past. The Board agreed to reserve the First Thursday of every month for ZBA Hearings.

Merilynn will ask Heidi Jaarsma to note on the Town Calendar that the meeting room is reserved the First (1<sup>st</sup>) Thursday of every month for the ZBA.

There being no further business, Merilynn moved to adjourn at 7:24pm, seconded by Mike Fuerst.

Respectfully submitted,

Merilynn Bourne, ZBA Clerk