

COÖS COUNTY PLANNING BOARD
Lancaster, NH
March 24, 2015

Present from the Board: John Scarinza – Chair; Fred King – Vice Chair; Jennifer Fish – Clerk; Ed Mellett, Scott Rineer, Mike Waddell, Rick Tillotson; alternate Mark Frank; and Board Secretary Suzanne Collins.

Also in Attendance: Tara Bamford, North Country Council; Ed Brisson, Burt Mills, Jeff Stevens, Dixville Capital, LLC; Steve LaFrance, Horizons Engineering; and Edith Tucker, *Coös County Democrat*.

John Scarinza, Chair, called the meeting to order at 6 PM. John stated that the Board of Commissioners had approved a contract for zoning ordinance review with North Country Council. He stated that in consideration of the Balsams Project, he had asked Tara Bamford to focus on the Planned Development District section of the current zoning ordinances.

John stated that he had recently spoken with Ed Brisson and Burt Mills of Dixville Capital and had added their presentation as a late agenda item.

APPROVAL OF MINUTES OF FEBRUARY 26, 2015:

Rick Tillotson made a motion to approve the minutes of February 26, 2015 as distributed. Scott Rineer seconded the motion. There was no discussion. All members voted in favor of approval.

BALSAMS RESORT REDEVELOPMENT UPDATE:

Burt Mills, a principal of Dixville Capital, LLC displayed an architect's design of The Balsams Lake Village. He stated that a 401 Water Quality request has been submitted to NH Department of Environmental Services (DES). The public comment period ends on April 4 and to date; no public comments have been received by the agency. DES has deemed the Wetlands Application as complete. The Balsams team is waiting for a response and expects to hear back in the next several days.

Mr. Mills explained that Senate Bill 30 (a bill to create a Tax Increment Financing TIF District for Dixville and allow for a \$28M Business Finance Authority bond guarantee) has been controversial. Legislators are focusing on how the bond will be repaid. Mr. Mills explained that the primary payment will be a liability of the Balsams developer. Any shortfall in taxes collected by the TIF is to be paid by the developer. Should the asset be sold, the proceeds of the sale will be used to satisfy the bond obligation first. Phase I is projected to cost \$143M. It is hard to believe that the first creditor in line will not be protected. The County taxpayer is highly unlikely to be responsible for any cost related to The Balsams.

Mr. Mills added that there are others in the ski industry in New Hampshire that are not in favor of The Balsams redevelopment and the competition it will create in the industry.

Meanwhile, he said, the development team continues to move ahead. Currently they are getting ready for vernal pool inspections in the spring.

Regarding The Balsams Lake Village, Mr. Mills explained that the concentration of development is along Lake Gloriette. The Hampshire House will have interior demo work, the exterior will be insulated and new stucco will recreate the current look. There will be demo work to the Dix House and associated dormitory areas. Historic areas of the Dix House – Ballot Room and spaces formerly used for large gatherings will be restored. The Great Lawn area adjacent to Lake Gloriette will be the outdoor gathering area. The new Wilderness Lake Lodge will have guest rooms, a conference center and other commercial services. There will be a ski area access lift over Route 26 as well as a ski back trail with a wooden trestle bridge over Route 26. The project plan also calls for a marketplace building for local vendors and locally made goods. This structure can also be used as an undercover space for kids' activities during inclement weather.

Mr. Mills described a high-end organic spa like Blue Mountain Spa in Toronto. There will be townhouses that will share the Lake Gloriette shore with the current Hale House (aka Beaver Lodge). An Adventure Center will be located in the vicinity of the current Tillotson house. The Old Pro Shop that served the former 9-hole executive golf course will be the center of motor power activities such as snowmobiles.

The property currently is home to approximately 60 miles of cross country ski trails.

Parking lots will be located in the vicinity of and on the former executive golf course. Some of the land lends itself to future expansion into a 2-tier parking facility. This parcel will also be used as a staging area during the construction phase.

Rick Tillotson inquired about the settling ponds. Mr. Mills replied that Horizons Engineering is working on upgrades to the ponds. Additionally, the potable water system will continue to be used. Mr. Mills stated that during the early years of ownership, he does not foresee full-time occupancy (expects all occupancy will be less than 6 months). The initial ownership offering in The Century Club includes rights to stay for a fixed period of time. He explained that this is known as fractional ownership. Rick commented that The Ballot Room will perhaps be a museum because there will not be any full time residents to vote. It was pointed out that there are still at least 2 full time residents of Dixville.

Ed Brisson presented a quick overview of the permitting process on the state and federal levels:

Lake Gloriette Area	Permits:
Drinking Water Wells	Drinking water and groundwater well approval; Horizons Engineering will prepare the test plan for the wells.
Drinking Water Supply to include all piping, tank size, etc.	Water Supply Engineering Permit Wetlands Review Shoreland Permit for Lake Gloriette 401 Water Quality Certification Permit AOT (Alteration of Terrain) Permit
Waste Water Disposal – existing plant	Groundwater Discharge Permit 401 Water Quality Remedial Repair Work of Existing System
Waste Water Collection	Wastewater Engineering Permit Wetlands Permit Shoreland Permit AOT (?) May or may not be needed
Grading, Parking, & Landscaping includes replacing docks and work in the current swimming pool area	AOT Permit Shoreland Permit Wetlands Permit 401 Water Quality
Roadways – State of NH owns Coldspring Road and Spur Road	AOT Permit Shoreland Permit Wetlands Permit 401 Water Quality
Ski Area	Permits:
Snowmaking Supply – Pipeline from Androscoggin River in Errol	DOT Trenching Permit DOT Use and Occupancy Permit Wetlands Permit AOT (may not be required for pipeline but may be required at the intake site on the river) Shoreland Permit at the Androscoggin River 401 Water Quality
Ski Trails, Snowmaking	Wetlands Permit AOT 401 Water Quality
Lifts	Department of Safety – NH Tramway & Amusement Permit Wetlands, AOT and 401
General Requirements	Storm Water Pollution Prevention Plan

Mr. Brisson explained that the development team has been working with NH Department of Environmental Services with associated reviews by NH Fish and Game, the Army Corp of Engineers, the US Fish & Wildlife Service, the Environmental Protection Agency, the NH Department of Historic Resources and the National Advisory Council on Historic Resources.

Burt Mills presented a ski area graphic. He explained that the primary areas that apply to the Wetlands Permit application are the ski resort and the old golf course area. He described to the Board the parcels of land that are part of a wetlands mitigation package including the 64 acre Tillotson Trust Sanguinary Ridge (developer has first option to buy) plus a 200' strip on both sides of the ridgeline. Additionally there is a 97 acre parcel adjacent to the NH State Park and some 619 acres along Route 26. The mitigation plan contains a total of some 920 acres and is considered a fair exchange.

Rick Tillotson asked if the developers are abandoning former plans for wind turbines on Sanguinary Ridge. Burt Mills stated that as part of the mitigation package, the ridgeline would not be used for wind power.

John Scarinza asked if some of the lands in the mitigation package are already under easement. Mr. Mills replied that they are not. He explained that one lift and a trail system are allowed on the NH Society for the Protection of NH Forest easement. The developers have asked for an additional lift. The ski back trail and gondola towers will be located on easement lands.

Mike Waddell inquired about a road system related to the enlarged ski area property. Mr. Mills replied that there is a woods road that enters the property from the vicinity of Log Haven. Mike asked about the future road system when the ski area project is at full build out. Mr. Mills replied that there will be some roads required to access the lifts for maintenance. There is the potential for additional development at the base of the Wilderness Ski Area and another base area that would require a road.

Rick Tillotson inquired about emergency vehicle access on this terrain. Mr. Mills replied that there are several options for emergencies including a road for ambulance access at the edge of the ski terrain, a landing zone for DHART helicopter, in addition to extrication by a snowmobile pulled toboggan to a First Aid Station. Mr. Mills cited the statistic that generally there is 1 accident per 1,500 skiers. In the early years of ski area development, emergency evacuation options are not likely to be as sophisticated.

Edith Tucker stated she had reviewed some of the materials the developers had submitted to NH DES and she noted that some maps showed partially developed trails on a lot of different slopes with lifts. She wondered why not all trails depicted were fully developed. Mr. Mills replied that the ski area will need to provide a variety of trails to accommodate different ability levels.

Ed Brisson noted that the permit applications filed with the State contain plans for the project at full development, not just for Phase I.

Mr. Brisson continued that in the County's existing zoning ordinance, there are several protected districts. He wanted to assure the Board that a lot of analysis has already been done in order to file for permit applications with the State. Going forward, the developers want to work with the Planning Board on the following:

1. Establishment of an approved resort subdivision in a planned development district; and
2. Subdivision and site plan rule changes.

He added that they will draft their recommendations and submit them in 3 to 4 weeks.

He stated that two subdivision applications will be submitted – one for the Wagner lands that will be used for the ski area and one for Sanguinary Ridge. There may also be a need for some lot line adjustments in the hotel area.

He stated that the building permit issued to Dan and Dan (Balsams View, LLC) will need to be changed. He also spoke of the road re-alignment. Sue Collins asked if the State of NH will take care of the road re-alignment. Ed Brisson responded that the State DOT will take care of the improvements, and then turn the road over to the County who in turn will give the road over to The Balsams.

Rick Tillotson wondered why the developer would want to take the road over where the State is currently responsible for maintaining it.

Tara Bamford questioned what the developer meant when he stated he wanted to change zoning. She asked if they plan to apply for a Planned Development District. Ed Brisson replied yes. Tara then asked if tonight's presentation was meant to be their conceptual plan. Ed Brisson replied that a conceptual plan will be presented in the next several weeks. He noted that there will be phases to this project. The final Master Plan will be phased in over the years. John Scarinza wondered if the application for a Planned Development District will include all phases. Ed Brisson responded that the conceptual plan will acknowledge all development envisioned in the future but not all details will be addressed in the concept plan.

Rick Tillotson asked if the developers realized that they are taking over a dam. Ed Brisson replied that there are actually 2 dams and they are aware.

Edith Tucker noted that some parcels are still in the name of Dan and Dan (Hebert and Dagesse). Ed Brisson replied that there are currently a variety of ownerships. Almost all the Dan and Dan ownerships will become part of the resort. Parcels owned by Susie Nash and Tom Tillotson will not be part of the resort. Rick Tillotson expressed concern about the ownership of the old dump sites and wondered if the Planning Board might have required the subdivided dump sites to go with the resort. Mr. Mills replied that Dan and Dan will remain as co-owners of the dump sites and will also have ownership in the resort. Rick wondered if the dump sites could eventually end up the responsibility of the County if taxes are not paid. Fred King replied that if the Unincorporated Place of Dixville ever had to take responsibility for any cleanup of those sites, the costs would become part of the Dixville budget and ultimately be paid by the resort through taxation.

Ed Brisson assured Board members he, Burt Mills and Jeff Stevens are not just hired help, they are owners too.

Mike Waddell asked about the proposed route for Northern Pass going across the property. Rick Tillotson replied that it would not cross the property as the Tillotson Trust had sold easement rights on the property that was being eyed by Northern Pass to the NH Forest Society.

Ed Mellett and Jennifer Fish noted that the proposed Northern Pass route is southeast of the resort and crosses Route 26 in Millsfield.

Ed Brisson stated that they planned to request to meet with the Board in 3 to 4 weeks. Fred King stated that when the Conceptual Plan is presented the meeting will be held in Colebrook.

Mark Frank asked what Colebrook has to do with it. Burt Mills replied that the championship golf course is located in Colebrook. The developers plan to rehab the golf course and restore it to the original Donald Ross design. They may also need a permit from Colebrook to do work on the Clubhouse.

Ed Brisson added that if the State gives Golf Links Road to Colebrook, the developers do not want it widened to 22'. He added that it is a spectacular country road.

John Scarinza said the next step is a pre-application conference. Ed Brisson stated that they will prepare an overview discussion and give the Board the opportunity to review the application and if the developers need to provide more information, they will get it to the Board. Next the Board would hold a Public Hearing on the Conceptual Plan.

Mike Waddell said what he wants from the professional planners is identification of areas where the Board will need to provide variances. He surmised that this is an excellent opportunity to see if the zoning ordinances are all practical. John Scarinza stated that in this instance, the developers are requesting a Planned Development District and have that district appear on the zoning maps. If the DD-P is approved, the developers will come forward with Phase I, Phase II, etc. as part of Site Plan Review.

Ed Brisson agreed stating that the developers are proposing a resort district so they don't have to apply for all sort of variances and waivers. The new district establishes what is appropriate for a resort.

Rick Tillotson asked if there are any issues with the Board hiring an engineer to help the Board. John Scarinza stated that at some point when development begins to take place, the State will conduct some of the inspections in areas such as fire and life safety; however, the Board will need a specialist in other areas such as mechanical, electrical and plumbing. The State has a list of recommended inspectors that they will share with the Board.

Burt Mills said that the Wilderness Lake Lodge will have 420 bedrooms. They will be hiring a third party inspectors to protect them long term from any future condominium lawsuits. The inspectors will also hold the general contractor responsible. The third

party inspection firm will have specialists for concrete pours, mechanical, life safety, etc. The third party inspection program will be rolled out to the Board as it develops to show that the inspectors are qualified. As this is a fast-track project with a very dynamic schedule, if the third party inspector is hired by the owner, response time will be as needed and cause no construction delays. They will be there when they need to be there. John Scarinza said he had a discussion with State Fire Marshal Bill Degnan and the County, the Planning Board and the State will need to be part of the process.

Ed Brisson closed by stating that the owners have more at stake than anyone and they are very risk averse. They will hire their own qualified inspectors. Burt Mills added that there will be multiple jobs going on at once – concrete, electrical, mechanical and inspections will need to be ongoing in multiple locations.

ZONING ORDINANCES AND PLANNED DEVELOPMENT DISTRICTS:

Chairman Scarinza recognized Tara Bamford and asked her for an overview of creating a planned development district. Ms. Bamford distributed copies of RSA 674:1 **Innovative Land Use Controls** which is referenced in the County's Zoning Ordinance. She stated that there is very little in the RSA that provides guidance beyond the County's ordinance. She stated that she had worked on an extensive project to write model ordinances for New Hampshire. The work resulted in the publication of "Innovative Land Use Planning Techniques – A Handbook for Sustainable Development". She stated that nothing in the handbook relates to the development being proposed for The Balsams. She also noted that the County has not hired her to work on that project.

Ms. Bamford stated that the Board should not vary from the process currently contained in its ordinance. The review procedure requires a pre-application conference and the submission of a concept plan. She stated that the concept plan is not the site plan and the Board should be careful to deal with site plan review and the zoning district concept plan separately. If an applicant wants site plan review regulations changed, the applicant needs to request the changes in writing. John Scarinza stated that the Planning Board can grant waivers.

On the subject of zoning ordinance review, Ms. Bamford stated that during discussions on updates to the Subdivision Regulations and the Site Plan Review Regulations, the Board had stated the following topics would be revisited when the zoning ordinances were updated: Roads, Density, Changing Land Use Patterns, and Seasonal Dwelling Definition.

Ms. Bamford asked for guidance from the Board relative to roads. She asked what the Board thinks is okay for roads, private roads, what is a driveway, what is a road? What kind of development requires a road? Mark Frank agreed that this is an area that needs clarification.

John Scarinza spoke of remote camps on private or timber company roads. He indicated that there is a desire to allow those traditional uses to continue. Formerly, a small woods

camp had no running water and an outhouse. Recently he encountered an owner who wants to build a \$70,000 structure on less than half an acre where there is inadequate space for a septic system. The NH Department of Environmental Services advises that a building permit can be issued with the conditions that there is no running water, a dry well for gray water, and a composting toilet. John added that his fear is that this will transition into a year round residence. Ed Mellett said that in most cases, the remote camps will remain primitive remote camps because of the distance a road would have to be plowed to access the camp. Mike Waddell said he has no concern with primitive camps.

Ms. Bamford advised that the Board should not differentiate between seasonal camps and regular dwellings. She stated, "A dwelling is a dwelling, and don't identify seasonal dwellings." However, if the Board wants to include seasonal dwelling, it should be defined as a dwelling used principally for recreational use by the owner who has another usual place of residence.

John Scarinza and Mike Waddell both agreed that their concern is with seasonal dwellings that become full-time residences with children and associated educational requirements.

John Scarinza wondered if the Board could create special districts for the "Little Berlins" that have pre-existing non-conforming lots with different setbacks than the County's regulations. (Note: Little Berlin refers to an area in Wentworth Location along the banks of the Magalloway River with postage stamp size lots and camps built in very close proximity.)

Ms. Bamford asked if she could obtain copies of the tax maps for the Unincorporated Places from Cartographics. Jennifer Fish will contact Cartographics to make those maps available. With these maps Tara will be able to determine those areas of dense development.

It was agreed that the current zoning districts must be more clearly defined on the zoning maps. Ms. Bamford agreed and suggested that the updated ordinances should allow the Board to approve zoning maps changes by granting conditional use permits rather than zoning maps changes that need to be approved by the Commissioners and County Delegation.

Ms. Bamford talked about density and asked if the Board is comfortable with soil based minimum lots sizes. She wondered if the soil based standard would work years down the road. The current ordinance contains no density limit.

Sue Collins suggested that the current Zoning Ordinances were modeled on the Maine Land Use Regulatory Commission (LURC) ordinances and perhaps the Board should refer to the LURC updates to see if they have addressed some of these issues. Ms. Bamford stated that she would look into LURC's current ordinances.

There was discussion about Definition 3.10 and 3.11 Campground and Campsite and it was agreed that these two should be combined. Mark Frank said there is no definition for camp but there is a definition for remote camp and this should be addressed.

LETTERS AND CORRESPONDENCE TO THE BOARD:

Jennifer Fish stated that there were none.

TIME AND DATE OF NEXT MEETING:

John Scarinza recommended that the Board begin meeting bi-weekly due to its two big projects – the Balsams and the revision of the Zoning Ordinances. The following dates were established for future meetings – April 22, April 30, May 13, May 27, June 10, and June 23.

ADJOURNMENT:

Rick Tillotson made a motion to adjourn. Ed Mellett seconded the motion and all voted yes.

Respectfully submitted,

Suzanne L. Collins
Secretary to the Planning Board