



COÖS COUNTY PLANNING BOARD
North Country Resource Center, Lancaster, NH
January 17, 2024

Chairman Rineer opened the meeting at 6:02 p.m. and followed with the Pledge of Allegiance.

ROLL CALL:

Scott Rineer Chair: Present	Commissioner Raymond Gorman: Present
Mike Waddell Vice Chair: Present	County Administrator Mark Brady: Present
Mike Ouellet Clerk: Present	Rep. James Tierney: Present
Ericka Canales: Present	Paul Grenier - Alternate: Present
Arnold Davis: Present	Leon Rideout - Alternate: Excused
Thomas McCue: Present	Marc Tremblay - Alternate: Present

ALSO IN ATTENDANCE: Tara Bamford, Planning Consultant (*via Zoom*); Bob Gargano; Tobey Reichert, Mt. Washington Summit Road; Kevin Evans, Julie Evans, Jacob DeBow, Fish & Game Regional Wildlife Biologist, Robert Théberge, Linda Harris, Administrative Assistant, and additional members of the public.

SEATING OF ALTERNATES: All members were present.

APPROVAL OF MINUTES:

A motion was made by Representative Jim Tierney, seconded by Thomas McCue to approve the minutes of the December 20, 2023, meeting. There was no further discussion. The motion was passed in the affirmative by voice vote.

PUBLIC COMMENT: Chairman Rineer inquired if there was any public comment not relating to the items on the agenda. There was no public comment.

APPLICATIONS: Chairman Rineer read the public notice:

Green's Grant / Mt. Washington Summit Road: Notice is hereby given in accordance with RSA 676:4 that the Coös County Planning Board will meet on January 17, 2024 at 6:00 p.m. at the North Country Resource Center, 629 Main Street (Route 3) in Lancaster, N.H. regarding an application for Site Plan Review and Conditional Use Permit for the Mt. Washington Summit Road Co. to construct a replacement Mt. Washington Auto Road toll house and replacement/relocate bridge over the Peabody River on Lot 1605-018.1 in Green's Grant. If the application is accepted as complete, a public hearing will immediately follow. Tara Bamford recommended the application as complete. A motion was made by Mike Waddell, seconded by Representative James Tierney to accept the application as complete. The motion was passed in the affirmative by voice vote.

Chairman Rineer opened the public hearing at 6:08 p.m.

Tobey Reichert of the Mt. Washington Summit Road explained that this application was for the relocation of the existing bridge over the Peabody River and to rebuild the Auto Road Toll house. The Chair inquired if there were any public comment. There was none. The Chair inquired if any of the Planning Board members had questions.

Mike Ouellet asked how many extra parking spaces would be available. Mr. Reichert did not have an exact number but replied three times the existing. Paul Grenier noted that this was a reasonable project to remove the traffic from Route 16.

Tara Bamford noted that the application did not include an answer regarding stormwater around the new tollbooth and reconfigured road. Per the site plan regulations, the Board will need documentation that the amount of runoff will not be increasing as a result. Mr. Reichert did not have a letter from the engineers. This would require to additional months of work at a cost between \$5,000-\$10,000 and would not be ready for the February meeting. Mr. Reichert asked if he could request a waiver. The bridge is being built in a dryer part of the field. Mr. Reichert provided a written request for a waiver regarding the water runoff for the proposed bridge at the Mt. Washington Auto Road. A motion was made by Mike Waddell, seconded by Representative James Tierney to waive the water runoff documentation per the following:

1. Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; and
2. Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

The motion was passed in the affirmative by voice vote.

Tara Bamford also had a question regarding the signage and exterior lighting. Mr. Reichert replied that the existing sign would be used with no additional signage. Regarding the lighting, the toll booth will have some underneath lighting for safety purposes.

Ericka Canales asked if any BMPs were required as a condition. Tara replied that there is standard erosion control protocol in the guidelines that must be adhered to.

Chairman Rineer asked there were any further Planning Board Members comments. There was none. The Chair closed the public hearing at 6:23 p.m. and opened the meeting for Planning Board comments.

A motion was made by Mike Waddell, seconded by Mike Ouellet to approve the site plan application as presented. The motion was passed in the affirmative by voice vote.

Mike Ouellet noted that Mr. Reichert had to fill out a zoning permit application for construction and mail it to the County Offices.

ZONING AMENDMENTS:

Notice is hereby given in accordance with RSA 675:7 that the Coös County Planning Board will hold a public hearing on January 17, 2024, at 6:30 p.m. at the North Country Resource Center 629 Main Street (on Route 3) in Lancaster, N.H. to receive input on proposed amendments to the Zoning Ordinance for the Unincorporated Places of Coös County, New Hampshire. The amendments would:

- (1) Make minor editorial corrections and updates throughout the Zoning Ordinance and define additional terms.
- (2) Replace the 100-foot shoreline setback and PD3 Critical Wildlife Habitat and PD4 Fish Spawning overlay districts with performance standards within the 100-foot PD5 Shoreline overlay district, including a 25-foot vegetated buffer, and pesticide and fertilizer restrictions.
- (3) Eliminate the PD8 Unusual Area overlay district.
- (4) Enable the Planning Board to grant Conditional Use Permits for reductions to setbacks in certain specific situations.

Chairman Rineer asked Tara Bamford to review the proposed changes described in the public notice. She also noted four additional changes to the draft that did not require another hearing. There were two typos and to "remove "public roadway" from definitions and replace the term with "street" in the sign section." Tara also thanked Ed Brisson for his review of the document and noted wording that should be included in the shoreland section:

The following definitions to be added to Article III:

Ground cover: Any herbaceous plant or any woody seedling or shrub generally less than 3 feet in height. Ground cover shall not include lawns, landscaped areas, gardens, invasive species as listed by the department of agriculture, markets, and food in accordance with RSA 430:53, III, exotic species as designated by rule of the department of environmental services in accordance with RSA 487:24, VII, imported organic or stone mulches, or other artificial materials.

Ordinary high-water mark: The line on the shore, running parallel to the main stem of the river, established by the fluctuations of water, and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Reference line: The water surface elevation established for the water body by NH Department of Environmental Services.

Stream order: Shall be determined using the New Hampshire hydrography dataset archived by the geographically referenced analysis and information transfer system (GRANIT) at the Complex Systems Research Center of the University of New Hampshire and developed by GRANIT in collaboration with the Department of Environmental Services.

Chairman Rineer asked if there were any public comment.

Jake DeBow, NH Fish & Game Regional Wildlife Biologist on behalf of NH Fish & Game opposed the proposed changes to PD3 and PD4 zones as well as all stricken wildlife related language from the zoning ordinances. NH Fish & Game does not feel the proposed performance standard set-in place by PD5 is inadequate for meeting the same level of protection to critical wildlife habitat as that provided by PD3. He said the proposed performance standards do not meet the recommended practices for water resources set forth by Good Forestry in the Granite State, a document comprised of recommended best

management practices for forestry in New Hampshire. The department requested more time to provide adequate input to the impacts of these proposed changes and that the Planning Board table any votes on these changes until further discussion has occurred.

Tara Bamford noted that enforcement concerns began the conversation on PD3 and PD4. There was extensive legal review in 2017/2018 whereby PD3 and PD4 needed to be mapped better or needed something better than maps. If the Board wants to keep PD3 & PD4, it will need to find a way to map them.

Mike Waddell stated that the Board's consensus was that it did not want unnecessary regulations. He noted that there had not been any problems, but the Board should meet with Fish & Game to alleviate its concern. Thomas McCue noted that the zoning ordinances are for the use of land. PD3 & PD4 comprise four pages of regulations and the Board is concerned who will enforce these regulations.

Tara Bamford noted that if the Board were to choose to table PD3 & PD4, it would not affect the other amendments.

Tara Bamford also added that deer yards are not part of PD3, and updated maps have not been provided to the Board.

Ericka Canales stated that consultation is key and asked if it would be possible to include consultation instead of enforcement in the regulations. Mike Waddell replied that the New Hampshire regulations must be followed, and Tara Bamford keeps the Board consistent with statute.

Kevin Evans, Dartmouth College Forester, also expressed his concern over the changes. He would have appreciated interaction with the planning board prior to this public hearing. He suggested getting rid of PD5 and keeping PD3 and PD 4 because PD3 is very important. The largest deer yard is in PD3, which is a historic deer yard that has not moved.

Mike Waddell stated that no matter where one purchases land, there are maps that tell one what one will be regulated on and where one will be regulated. The goal of the board is to set forth enforceable zoning regulations and Mr. Evans is referring to environmental standards. Mr. Evans continued that he has followed these maps for years and is now being told that the maps are no good. Tara Bamford replied that the maps produced by Mr. Evans are mapped for Second College Grant, Atkinson & Gilmanton, and Cambridge. She added for the board's information that the PD3 is a 400' setback from those mapped streams. She had a difficult time getting the board to agree to a 25' vegetative buffer. Tara Bamford said that while these areas may be mapped by NH Fish & Game, the Planning Board has not adopted them as zoning maps.

Bennett Lohmeyer, licensed forester, said these are critical areas that have been identified by NH Fish & Game. If the Planning Board makes any changes, this should be kept in mind.

Arnold Davis questioned if a decision had to be made after the public hearing. Chairman Rineer replied that more than likely a decision would not be made. The public hearing is part of the process.

Julie Evans encouraged maximum setbacks everywhere. She encouraged to find the best solutions and voiced her opposition to amending protective districts 4, 5 and 8.

Abby Evandow testified in favor of keeping environmental protections. Chairman Rineer closed the public hearing at 7:39 p.m. and opened the meeting for planning board members discussion.

Mike Ouellet made a motion to table/continue further discussion and review on PD3 and PD4 stating that that is in the best interest of the constituents; however, wanted to move forward with rest of the proposed changes to the zoning ordinances. There was no second at this time.

Mike Waddell reiterated that there is distinction between a zoning district and environmental protection. He asked Tara Bamford to communicate directly with Fish & Game and inform the Board of those discussions. Ms. Bamford stated that it would not be productive for her to communicate with Fish & Game yet. She advised that the Board read their information carefully, look at the maps that show/don't show PD3 and PD4 and look at the maps that Fish & Game would like included. Thomas McCue suggested that the Board invite Fish & Game and members of the public to offer for any amendments as the Board continues to work on the proposals. He noted that zoning ordinances are regulations on what property owners can and cannot do with their land. A lot of time has been spent on these changes.

Ericka Canales noted that Fish & Game should come to the Board with a proposal.

Thomas McCue continued that if the rest of the changes are passed at this meeting, there could be limbo. Where will PD 3, 4, 5 and 8 stand? Will the old ones still be in line? The reason for changes had to do with complaints related to enforcement, not just zoning. Zoning is the Board's responsibility. He is uncomfortable with this mish/mash.

Representative Tierney noted that concerns have been expressed for PD3, 4, 5, 6, 7. Tara Bamford noted that there were no proposed changes to PD6 or PD7.

Thomas McCue stated that all the work that has been done on the zoning ordinances has been noticed in the public meetings every month. He also noted that most people have said that PD3 & 4 is working fine without the regulation. Does the Coös County Planning Board have to exercise over this jurisdiction or is it needed? What the Board was looking at by and large was the enforcement standpoint. Mike Waddell suggested approving everything but the PD3 & PD4.

Paul Grenier noted that there has been conflict with people purchasing property and not following the ordinances. Enforcement is an issue. He suggested continuing with the review of PD3, 4 & 8 and pass the others.

County Administrator Mark Brady noted that a lot of time, energy and money has been spent on the review of the PDs. There are legitimate reasons and rationalization for the proposed changes and that while the Board may choose to pass some of the changes, it should work with Fish and Game to address their concerns on PD3 and PD4. He reiterated that enforcement is a real issue that impacts the County and Sheriff's Department budget and staffing.

A motion was made by Mike Ouellet, seconded by Arnold Davis to continue discussion and work on PD3 and PD4 and to accept the rest of the proposed changes to the zoning ordinances except for PD3 & PD4. Ericka Canales noted that changes will need to be in sync. Tara Bamford noted that it would work by leaving 3 & 4. The motion passed in the affirmative.

Mike Ouellet noted for members of the public that the Planning Board meets on the third Wednesday of each month at the North Country Resource Center at 6:00 p.m. He inquired from the administrative assistant as to where the agendas are posted, and she replied the Coös County website.

APPROVED ZONING PERMITS: There were no permits to discuss.

The next meeting is scheduled for February 21, 2024 @ 6:00 p.m.

A motion was made by Thomas McCue, seconded by Representative James Tierney to adjourn the meeting at 8:10 p.m. The motion was approved unanimously.

Respectfully submitted,

Linda Harris
Administrative Assistant