



COÖS COUNTY PLANNING BOARD
North Country Resource Center, Lancaster, NH
February 21, 2024

Chairman Rineer opened the meeting at 6:00 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: Present
Thomas McCue: Absent	Marc Tremblay - Alternate: Present

ALSO IN ATTENDANCE: Tara Bamford, Planning Consultant (*via Zoom*); Ed Brisson, Dixville Capital; Hannah Campbell, Dixville Capital (*via Zoom*); Don Bouchard, Horizons Engineering; Ted VanSant, Barrington Power; Bob Gargano; Kevin Evans, Julie Evans, Jacob DeBow & James Oehler, Fish & Game; Robert Théberge; Paula Sweatt, Millsfield Resident; Ray Berthiaume, County Forester; and Linda Harris, Administrative Assistant.

SEATING OF ALTERNATES: The Chair appointed alternate Paul Grenier to replace member Thomas McCue.

APPROVAL OF MINUTES:

A motion was made by Commissioner Raymond Gorman, seconded by Representative Jim Tierney to approve the minutes of the January 17, 2024, 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.

Paula Sweatt had questions about the proposed waterline for the ski area. The Chair replied that it was withing the existing DOT right of way.

APPLICATIONS: Chairman Rineer read the public notice:

- a. Public hearing on application to amend the Planning Board's March 15, 2023, approval of the site plan for Dixville Capital, LLC's expansion of the Balsams Ski Area on NH Route 26 in Dixville (Tax Map 1626, Lots 1, 2, 3.3, 3.4, 6.3, 6.4, and 6.4a) in order to extend the deadline for provision of the required drainage report.

Chairman Rineer recused himself from the meeting due to a conflict of interest. Vice Chair Mike Waddell asked Tara Bamford to update the Board.

Ms. Bamford stated that the Dixville Capital was requesting an extension per the conditions precedent of the March 14, 2023, meeting. *This approval shall be null and void if: Conditions Precedent #1 through #4, as well as completion of the required traffic study, have not been met within 12 months of this decision, unless an extension has been granted by the Planning Board at a duly noticed public hearing.* Condition #1 regarding payment of fees and Condition #4 regarding the traffic study have been met. Ms. Bamford recommended extending to January 18, 2025, the current PUD expiration date, or to March 15, 2025, if the PUD is extended.

Mr. Brisson reported that detailed engineering plans will be provided once funding has been obtained. The wetland permits and AoT will also be updated at that time.

Mike Ouellet inquired when will Dixville Capital be ready to move forward. Mr. Brisson replied that they are hopeful something will happen in the coming months.

A motion was made by Representative Jim Tierney, seconded by Paul Grenier to extend Conditions Precedent #2 and #3 in the March 14, 2023, approval of the Balsams Ski Area to January 18, 2025. If the PUD Permit is extended to March 15, 2025, this extension will continue to March 15, 2025. The motion was approved unanimously.

Chairman Rineer returned to the meeting.

b. Chairman Rineer read the second public notice:

Submission of application by The Glen House, LLC, Mt Washington Summit Road Co. and Barrington Power for site plan review and conditional use permit for ground mount solar array at 17 Mt Washington Auto Rd. in Green's Grant, Lots 18.1 and 18.2. If the application is accepted by the Planning Board as a complete submission, a public hearing will immediately follow.

Chairman Rineer asked Tara Bamford if the application was complete. Ms. Bamford recommended accepting the submission. She noted that revised waiver request was received on this day and recommended an additional condition precedent, that the survey when provided confirms that the proposed solar array will conform with the County's 25-foot setback. A motion was made by Mike Waddell, seconded by Arnold Davis to accept the application as complete. The motion was unanimously approved.

The Chair opened the public hearing at 6:20 p.m.

Don Bouchard, Horizons Engineering and Ted VanSant, Barrington Power presented to the Board. Mr. Bouchard provided the location of the panels. The survey included the road and wetlands boundaries of the highway. The 450-kilowatt array will tie into an existing transformer. There is a plan to seek conditional approval for the 100' setback along the Peabody River and wetlands. The general construction is a screwed in post. There is no excavation which will minimize impact.

Requested waivers from site plan requirements:

- 1) Article V(B)(1): Surveyed property lines
- 2) Article V(B)(9): Proposed landscaping and screening
- 3) Article V(B)(10): Proposed lighting and signs

Basis of Waivers 1-3:

1) Proposed property lines: After consultation with survey team members, the existing conditions plans Sheets C1.0 and C1.1 depict tax map boundaries, rather than the intended final results of our "limited boundary survey". A full boundary survey was not completed due to the scope of the project in relation to the sizable parcel. Deeds and plans of record have been referenced in the limited boundary survey in combination with field evidence recovered. Revised Sheets C1.0 and C1.1 will be provided as part of the Conditions of Approval.

2) Proposed landscaping and screening: The applicant requests a waiver from providing proposed landscaping and screening because the site has extensive wooded natural screening along White Mountain Road (NH Route 16). Drivers may briefly see the solar array from a distance only for a short period of time as they travel south to north, passing the Mount Washington Auto Road overflow parking area nearest to White Mountain Road.

3) Proposed lighting and signs: The applicant requests a waiver from providing proposed lighting and signs because the project does not require them. The solar array area will also be fenced along adjacent gravel drives as a visual barrier.

For these reasons, the applicant is requesting to waive the standards from plan requirements, as noted above.

It is anticipated that this project will supply the Glen House and offset the costs.

Ericka Canales inquired about the length of the projection. Mr. VanSant replied that they were waiting on Eversource but it is anticipated that the project will be completed by late fall.

The Chair closed the public hearing at 6:35 p.m.

Tara Bamford provided the following information:

The site plan application for the solar array for the Glen House requires a Conditional Use Permit from the Planning Board because a portion of the array and the conduit are within 100 ft of the Peabody River which means it is part of the PD5 Shoreline Protected Overlay District. In order to ensure that approval is not detrimental to the water quality or aquatic habitat, she recommend that any approval include the following conditions subsequent (conditions that apply for the life of the project):

1. Incorporation of best management practices to ensure that construction does not result in any sedimentation of the River. Construction activity includes not only work on the solar array itself, but also increased use of the gravel road during construction, and any improvements to or disturbance of the road within 100 feet of the River associated with the construction or operation of the project in the future.
2. Disturbance of vegetation within 25 feet of the River should be minimized.
3. Any pesticide application within 50 feet of the River must be conducted by a licensed applicator.

As noted in the application, any approval would also need to include the condition precedent (meaning the approval will not be final until this happens) that either the zoning amendments as proposed are adopted, or the applicant obtains a variance to the 100-foot setback contained in Section 6.06 (a)1. of the Ordinance. As a reminder, this has been proposed for removal from the Ordinance as part of the amendments b/c it is in conflict with the provisions of PD5 Shorelines and PD7 Wetlands and Tara feels not removing the 100 ft setback when those were redefined was an oversight.

A motion was made by Mike Waddell, seconded by Rep. James Tierney to approve the site plan application with the following conditions subsequent:

1. Incorporation of best management practices to ensure that construction does not result in any sedimentation of the River. Construction activity includes not only work on the solar array itself, but also increased use of the gravel road during construction, and any improvements to or disturbance of the road within 100 feet of the River associated with the construction or operation of the project in the future.
2. Disturbance of vegetation within 25 feet of the River should be minimized.
3. Any pesticide application within 50 feet of the River must be conducted by a licensed applicator.

And the additional condition precedent: that the survey when provided confirms that the proposed solar array will conform with the County's 25-foot setback.

The motion was approved in the affirmative.

ZONING AMENDMENTS:

Chairman Scott Rineer reported that he and Tara held a zoom meeting with Jake DeBow and James Oehler from NH Fish and Game. Fish and Game had requested the meeting to learn more about the Planning Board's goals regarding the PD3 and PD4 zoning districts.

First it was acknowledged that better communication all around could have prevented the difficult tone of the recent zoning amendment hearing.

Tara explained that there seems to be confusion in regard to the PD4 Fish Spawning Areas being "removed." In fact, the PD4 language was a placeholder and no PD4 has ever been mapped or defined. She pointed out that the proposed amendments increase protection for aquatic habitat by requiring a 25-foot vegetated buffer be maintained. The amended language also specifically requires all activities, including those that don't require a permit, to be "sited, designed and constructed in such a way as to...minimize detrimental impacts to riparian and aquatic ecosystems." The existing PD4 language doesn't contain any provisions that would actually protect aquatic habitat. She explained that the new stronger protections were incorporated into the PD5 to make the document more user-friendly by having all of the shoreland regulations in one place, and that the decision of the Board (most recently discussed on October 18, 2023) was to apply these requirements to second order streams and larger like the other PD5 requirements because many first order streams are intermittent.

Next, the group discussed the problems with the current PD3 Critical Wildlife Habitat, including inconsistent and unclear mapping; confusion about the PD3a, b and c; lack of County funds and staff expertise to administer and enforce requirements regarding the percentage of basal area that can be cut within a certain area over a certain time period. Although large land managers have been good about consulting with Fish and Game when planning cuts in these areas, the PD3 zoning is technically currently unenforceable. Tara explained that an important goal of the Planning Board with all zoning amendments is to make the Zoning Ordinance clear and enforceable. The Chair and Tara suggested that with more accurate maps that could be accessed using a GPS in the field and a formal agreement from NH Fish & Game to serve as the County Commissioner's designee for monitoring compliance, the PD3 might be able to be reworked to be clear and enforceable. We added that consultation with the Board's attorney would be needed to confirm the enforceability in the context of zoning statutes and case law.

The next step would be for the Planning Board to discuss its goals and next steps regarding the PD3 at the next meeting. Jake and James offered that NH Fish & Game would be able to assist with revised mapping and language to bring to the Board for discussion at a future meeting if desired.

Tara inquired if the Board would be willing to invite Fish and Game to its next meeting.

The County Administrator noted that the Zoning Ordinances will be presented to the Delegation for approval at the March 18 meeting. The Delegation will meet again in April. The County Administrator requested that the Fish and Game presentation/information be sent to the Planning Board members prior to the March 20 meeting.

Kevin Evans inquired about enforcement. The Chair noted that the Planning Board cannot issue timber permits. It must come from county government. He noted that loggers are working on an honor system. DES enforces water issues.

The Chair stated that he would reach out to Fish & Game to invite them to the March 20 meeting.

APPROVED ZONING PERMITS: There were no permits to discuss.

The next meeting is scheduled for March 20, 2024 @ 6:00 p.m.

A motion was made by Rep. James Tierney, seconded by Ericka Canales to adjourn the meeting at 7:02 p.m. The motion was approved unanimously.

Respectfully submitted,

Linda Harris
Administrative Assistant