

COÖS COUNTY PLANNING BOARD  
Lancaster, NH  
August 23, 2016

**Present from the Board:** John Scarinza – Chair; Fred King – Vice Chair; Jennifer Fish – Clerk; Ed Mellett, Mike Waddell, Commissioner Tom Brady, Rep. Leon Rideout, Rick Tillotson; alternates Tom McCue and Mark Frank; and Board Secretary Suzanne Collins.

**Also in Attendance:** Tara Bamford, Ron Anstey, NH Fire Marshal's Office; Ed Brisson, Dixville Capital, LLC; members of the public and press.

John Scarinza, Chair, called the meeting to order at 6 PM.

**APPROVAL OF MINUTES OF JULY 26, 2016:**

Mike Waddell made a motion to approve the minutes of July 26, 2016 as distributed. Commissioner Brady seconded the motion. There was no discussion and the minutes were unanimously approved by voice vote.

**PUBLIC COMMENTS NOT RELATED TO AGENDA ITEMS:** None.

**NEW BUSINESS:**

- a. **Rick Nadig – Sign Permit Application – Millsfield:** The submittal included the sign design for Rivers Edge Inn & RV Sites/Black Bear Tavern of Colebrook. The Chair noted the proposed flat faced sign is 4'x8'. The sign proposed is to be placed on the applicant's property on Route 26 in Millsfield – 18 miles away from the business advertised. John Scarinza noted that the Zoning Ordinance does not address off-premises signs.

Rep. Rideout inquired that if the Zoning Ordinance does not address it, is it allowed or not? Ed Mellett questioned whether the application would have to go to the ZBA. Tara Bamford stated that the ZBA does not have the authority since there is no ordinance specifically stated for off-premise signs. She added that the sign may need a state permit to be erected on Route 26. Rick Tillotson agreed that signs on Route 26 must be approved by the State. Ed Mellett added that if the sign location is close to Clear Stream the applicant may also need a Shoreland Permit.

Tom McCue stated that the use is not allowed if it is not addressed in the Zoning Ordinance. He added the best thing is to refer the applicant to the Department of Transportation (DOT). This Board has no authority to deal with it. Fred King stated that the Board might advise the applicant to erect the sign in Colebrook with DOT approval since the business is located in Colebrook.

Mark Frank stated that we need to determine if the Board has jurisdiction as the State may have the authority on Route 26. Ed Mellett stated he would hate to see signs along Route 26 – it would ruin the aesthetics in the unincorporated places.

John Scarinza stated if it is not addressed, then it is not permitted. The Board should perhaps add the topic to further revisions to the Zoning Ordinance. He suggested that he will deny the permit, call the applicant to explain and also check with DOT.

Mike Waddell made a motion to deny the application; motion seconded by Ed Mellett. There being no further discussion, the Chair declared that the ayes have it.

- b. AVRRDD (Androscoggin Valley Regional Refuse Disposal District) – Flare Application – Success:** The application submitted requested a permit to install a flare at the landfill on Cascade Alpine Brook Road. The parcel is 120 acres. The landfill pipe flare is 24' high, 4' diameter stack and costs \$210,000. Edith Tucker asked how it compares to the flare that was there. She suggested it might have regional impact. Mike Waddell surmised that the 24' stack might be similar to what was there. Rick Tillotson and Ed Mellett both agreed that the trees surrounding the property will hide it even though it is elevated.

Mike Waddell made a motion to approve the application. Commissioner Brady seconded the motion. John Scarinza stated that it is up to the Board to determine if it has regional impact. Mike Waddell explained that the flare that was there 3 years ago was substantial and this one will be no different. Mark Frank suggested that the motion be amended to include the condition that the flare meets all state and federal requirements. Waddell and Brady agreed to the amended motion and all voted in favor of approving the application with conditions. (Permit #466)

- c. Empire Telecom – Equipment Upgrade – Cell Tower – Dixville:** Board members asked why a permit was necessary for equipment upgrades on an existing cell tower since the new equipment will not increase or change the tower itself. Since Empire Telecom had filed an application, Ed Mellett made a motion to approve, Mike Waddell seconded and all voted in favor. (Permit #467)

#### **RATIFICATION OF BUILDING PERMITS:**

Mike Waddell made a motion to ratify two building permits issued by the Chairman:

464	S&L Dion Trust Steve Dion	Wentworth Location	Remove old camp and build new 36'x29'single story dwelling.
465	Roger Martineau	Millsfield	Remove old camp and build new 24'x32' dwelling on concrete slab.

The motion was seconded by Ed Mellett. John Scarinza stated that the Dion permit was issued with conditions – 3 season camp only with 3 bedrooms; new camp must be per plan submitted, demo old camp and completely clean up; required to meet NH Building Code and snowload requirements as well as PUC Energy Code for new structures. John added that the Martineau permit is for a 1 bedroom camp with loft area, old camp must be completely removed including cleanup, must meet NH Building Code and snowload requirements. Additionally, Martineau will need to sign a waiver of liability form. Jennifer Fish stated that Mr. Martineau called and has agreed to sign the waiver once it is sent to him. He informed her that he has a 2,000 Gallon holding tank for black water and will replace it with 1,000 Gallon tank. John Scarinza stated he will research the issue of the black water tank.

There being no further discussion, the motion to ratify the building permits was approved by unanimous vote of the Board.

**OLD BUSINESS:**

**a. Dixville: Review Subdivisions and Lot Line Adjustments Conditions of Approval Document:**

Ed Brisson explained the corrections made to the Conditions of Approval Document. Under Plan #1, he noted a reference to Lot 3 of 119.78 +/- acres. He noted that it is Lot 2, not Lot 3. The document further states that this lot includes three existing wind tower easements. That was corrected to state that two towers are physically located on the parcel. A portion of the easement area for a third wind tower is also located on the parcel, but not the tower itself. John stated that Attorney Waugh reviewed the Dixville corrections above and noted that these corrections are not something of a legal nature that he would be concerned about. Rick Tillotson noted that the changes are accurate to the actual conditions.

In the last paragraph under Plan #1, the sentence "Lot 2, by contrast, will not be covered by the conservation easement." is incorrect. Pursuant to the SPNHF easement requirements, Lot 2 will be automatically covered by the conservation easement when ownership transfers to Dixville Capital. As stated, Lot 1 will also become subject to the easement; however, additional easement conditions will be placed upon Lot 1 but not Lot 2. Ed Brisson explained that this is the long lot owned by the Tillotson Trust.

Tara commented that the corrections look fine. Ed Brisson stated that Dixville Capital's goal is to avoid confusion.

Regarding Plan #2, the language "200 feet south of" a ridge was added and the word "along" deleted.

Regarding Plan #3, in reference to transferring ownership of an 89.45 +/- acre area, Dixville Capital added another 2.44 acre area and corrected the total number of acres that will be transferred to the State of NH for the expansion of the state park. He noted that the total was incorrect on the subdivision map itself so the map was corrected.

John Scarinza asked if Board members had any questions on the corrections. John added that on Condition #3, the Planning Board received a Certificate by Owner from Commissioner Jeffrey Rose, NH Department of Resources and Economic Development relative to the proposed lot line adjustment between Bayroot, LLC and State of New Hampshire. The letter states "Let it be known that, as the owner of record, we are aware that the adjacent properties will be utilized in the development of a four season resort. Operations and maintenance of resort facilities adjacent to the State Park is an acceptable use."

Fred King made a motion to approve the corrected Subdivisions and Lot Line Adjustments Conditions of Approval Document. Rep. Rideout seconded the motion and all members voted in favor.

**b. Compendium (Item Q. in the P.U.D. Development Agreement) Dixville:** John noted that this 113 page document was distributed to board members at the last meeting and hoped that all had the opportunity to review it. He asked for any comments.

Tara noted the following:

1. The applicant was given the opportunity to review. Burt Mills had asked why the highlighted section “Additional Requirements for Subdivision and Site Plans” was included on Page 37 and again on Page 61. Tara asked Board members if they found it confusing. She noted that not all the highlighted language in the Compendium is from the Development Agreement, it contains additional language from the ordinances for the board’s use. The idea, she stated, is that board members don’t have to have all the documents in front of them since subdivision and site plan language is all together in the review guide.
2. Page 63 – the last paragraph before Section 5.02. Tara asked if anyone knew where that language came from. She stated it does not need to be included there and recommended deleting it. Tom McCue stated that he is comfortable deleting it. Tara once again reminded board members that shaded sections in the review guide are pieces of the conditions of approval to make review easier. Mike Waddell made a motion to delete the paragraph. Rick Tillotson seconded the motion and all approved.

Rick Tillotson inquired about the highlighted paragraph on page 59 regarding impact studies. Tara stated that the item Rick inquired about has been corrected.

Rick Tillotson suggested changing the word “altered” on page 2, paragraph 2 to “made”.

There being no further comments, Rep. Rideout made a motion to approve the corrected PUD Master Plan and Review Guide for The Balsams Resort. Mike Waddell seconded the motion. All Board members voted in favor of the motion.

Fred King asked Ed Brisson when they were going to move ahead with development. Ed replied that a project of this magnitude takes time. They still need ski area site plan approval and more information will be submitted in the next two weeks. They are securing financing. They have 200+ reservation holders and are hosting them on site to look at mock up units and put down additional deposits. He noted that there are a lot of parts to a project of this size and they hope to start construction late this year. Fred asked if the Board has fulfilled its obligation in relation to this project. John Scarinza replied that the ski area plan has missing items. The developers have the list which includes the AoT (Alteration of Terrain Permit) from the State. The Board does not need the AoT Permit but the developer asked the Board to accept the AoT to replace some of the County’s regulations. Tara added that if their application meets the County’s requirements, then the Board can just add the AoT as a condition of approval. The AoT application will be reviewed by the Planning Board to see if it also meets the County’s stormwater and other rules.

John Scarinza stated that he has received an invitation from the Balsams Development Team to view the model rooms. This informational tour is not being mingled with reservation holder visits. It is merely to keep the Board informed. After receipt of the invitation, John contacted Attorney Waugh for his opinion on the invitation. Attorney Waugh advised that the Planning Board decision making process is meant to be an open process. He recommended that the board members not attend presentations outside of the public notice procedure and asked that the Board not open the door to potential litigation. He suggested scheduling an actual meeting where the public would have the opportunity to attend and minutes taken. John asked if the Board thinks a noticed site visit is appropriate.

Ed Brisson stated he understands the quorum issue. The site visit invitation is to focus on the Village area and not the ski area and the invitation was meant to keep board members informed. The intent and scope involves nothing currently in front of the Board. Commissioner Brady asked Mr. Brisson if it would be a problem for the board to go as a board. Ed Brisson replied that

his team will have to talk about that. There is a safety issue – the building is certainly far from being fully operational. He would have to investigate this request with the Fire Marshal. John stated that if the Board is going to go on a site visit, it has to be a public meeting. Tom McCue agreed that because of RSA 91-A, it needs to be noticed. Mike Waddell concurred with Tom McCue even though a site visit would be beneficial. Tara suggested a site visit as part of the ski area site plan review process. Ed Brisson replied that when the ski area application is reviewed, the developer would favor a site visit and tour. Commissioner Brady asked if it would be possible to hold a meeting/site visit at the Panorama Country Club and leave from there for a tour. Fred added that it would also give the Board members an opportunity to see the road from the hotel to the Country Club that the State is intending to fix. Ed Brisson replied that they will take a look at that. Tara cautioned that the Board does not have a ski area site plan application to do a site visit yet.

Rick Tillotson stated that he wanted to disclose that he was invited and attended a viewing session and immediately after that sent a disclosure. Rick stated that his son has been hired to catalog some historical data on The Balsams and he gives presentations to the reservation holders. He also recommended that the Board see the 360-degree video of the proposed ski area.

**DATE AND TIME OF NEXT MEETING:** It was decided to wait until the ski area application is submitted and if the developers will host the meeting. Tara asked how long before Dixville Capital submits more information. Ed Brisson replied that he and Burt Mills will send more information to Tara and John in the next two weeks for initial review. John stated that there are 7 outstanding items to be submitted. Tara recommended not having the ski area site plan on the agenda for completeness review again until the AoT Permit application has been submitted. There are parts of the AoT that demonstrate compliance with the County's regulations. John agreed that no more meetings will be scheduled until all the items are in. Rick Tillotson stated that the Board set the AoT as a requirement – should we take action to accept portions of the AoT? Tara replied that the Board needs a Stormwater Plan to determine if it meets the County's requirements. John Scarinza added that if the developer wants to submit a Stormwater Plan that meets the County's requirements in lieu of the AoT, then the Board can address completeness.

**ADJOURNMENT:**

Rick Tillotson made a motion to adjourn. Commissioner Brady seconded the motion and all voted in favor.

Respectfully submitted,

Suzanne L. Collins  
Secretary to the Planning Board