

COÖS COUNTY PLANNING BOARD
Tillotson Center, Colebrook NH
July 5, 2016

Present from the Board: John Scarinza – Chair; Jennifer Fish – Clerk; Ed Mellett, Mike Waddell, Rick Tillotson, Representative Leon Rideout, Scott Rineer; alternates Tom McCue and Mark Frank.
Commissioner Tom Brady and Vice-Chair Fred King were excused.

Also in Attendance: Bernie Waugh, Esq.; Ron Antsy, NH Fire Marshal; Ed Brisson, Clay Smith and David Norden, Dixville Capital, LLC; Andy Nadeau, Horizon Engineers; Commissioner Rick Samson; members of the press and members of the public.

John Scarinza, Chair opened the meeting at 6:02 PM. Scott Rineer recused himself from the meeting due to a conflict of interest. Chairman Scarinza appointed alternate Tom McCue to sit in for Scott Rineer and appointed alternate Mark Frank to sit in for Commissioner Brady.

PUBLIC HEARING

The public hearing was opened for public comment on the following:

1. Two lot minor subdivision of Map 1626 Lot 3.1, south of NH Rte. 26, Dixville, owned by Tillotson Corporation.
2. Two lot minor subdivision of Map 1626 Lot 1, NH Rte. 26, Dixville, owned by Bayroot, LLC.
3. Lot line adjustment, NH Rte. 26, Dixville, Map 1626 Lot 2, owned by State of New Hampshire, and Map 1626 Lot 1, owned by Bayroot, LLC.
4. Lot line adjustment, north of NH Rte.. 26, Dixville, Map 1626 Lot 6.6, owned by Tillotson Corporation, and Map 1626 Lot 9, owned by Bayroot, LLC.

Ed Brisson of Dixville Capital explained that the subdivisions and lot line adjustments being presented tonight will not be recorded at the Coös Registrar of Deeds until the final financial closing for all the properties. Andy Nadeau gave a brief explanation for the lot subdivisions and the lot line adjustments.

1. Two lot minor subdivision of Map 1626 Lot 3.1, south of NH Rte. 26, Dixville, owned by Tillotson Corporation. Lot 3.1 will be separated into two parcels. Lot 1 will become 66.02 acres and Lot 2 will become 119.78 acres. Ed Brisson explained that the purpose of this subdivision is due to the conservation easement with Society for Protection of NH Forests (SPNHF).
2. Two lot minor subdivision of Map 1626 Lot 1, NH Rte. 26, Dixville, owned by Bayroot, LLC. The lot will become two parcels. Lot 1 will have 3,285.7 acres and Lot 2 will have 1,654.6 acres. Lot 1 will become the bulk of the overall ski mountain expansion.
3. Lot line adjustment, NH Rte. 26, Dixville, Map 1626 Lot 2, owned by State of New Hampshire, and Map 1626 Lot 1, owned by Bayroot, LLC. The purpose is to transfer 89.45 acres and 2.44 acres from the Bayroot parcel to the State of NH for Cascade Park. It is part of the overall mitigation agreement. Tom McCue questioned if there is documented approval from the State of NH for this adjustment. Ed Brisson stated that a written document had not yet been received at this time but the Department of Resources and Economic Development was fully aware of the request for adjustment. John Scarinza stated that it would need to be a conditional of approval that written approval documentation be received from the State in order for the lot line adjustment to be approved.

4. Lot line adjustment, north of NH Rte. 26, Dixville, Map 1626 Lot 6.6, owned by Tillotson Corporation, and Map 1626 Lot 9, owned by Bayroot, LLC. The purpose of this adjustment is to create a strip of land contiguous with and easterly of the existing Tillotson owned parcel. It is a 200-foot wide piece of land parallel with the Tillotson parcel. The easterly boundary of the Tillotson parcel will be moved further to the east to add 64.24 acres to be a total of 133.50 acres. Andy Nadeau explained that this is more mitigation land. Rick Tillotson said that the Coös Trail currently runs across a significant portion of this land. The 200-foot wide piece of land will also extend to the south until it abuts the State of NH owned lot. Ed Brisson explained that by creating this line adjustment it would preclude development from the east side of Sanguinary Ridge. This land will be conservation land with some recreational trails but no downhill skiing or lifts.

John Scarinza asked if there were any comments or questions from the public. Edith Tucker, The Berlin Daily Sun asked who would be monitoring the conservation easement lands. Rick Tillotson explained that SPNHF usually does once a year fly overs and every couple of years walks the property. There were no other questions from public. The public portion of the hearing was closed at 6:38 pm.

APPROVAL OF MINUTES OF June 6, 2016

A motion was made by Mike Waddell and seconded by Rep. Rideout to approve and accept the minutes as presented. All voted in favor.

PUBLIC COMMENTS NOT RELATED TO AGENDA ITEMS

None

BUILDING PERMIT RATIFICATION

Allan Pike-Success #462 Replacement of asphalt shingles on existing roof and replace three existing skylights with 10-foot dormer. A motion was made by Rick Tillotson with a second from Rep. Rideout to ratify the building permit as presented. All voted in favor.

NEW BUSINESS

To review the following:

- a. (1) Two lot minor subdivision of Map 1626 Lot 3.1, south of NH Rte. 26, Dixville, owned by Tillotson Corporation.
- b. (2) Two lot minor subdivision of Map 1626 Lot 1, NH Rte. 26, Dixville, owned by Bayroot, LLC.
- c. (3) Lot line adjustment, NH Rte. 26, Dixville, Map 1626 Lot 2, owned by State of New Hampshire, and Map 1626 Lot 1, owned by Bayroot, LLC.
- d. (4) Lot line adjustment, north of NH Rte. 26, Dixville, Map 1626 Lot 6.6, owned by Tillotson Corporation, and Map 1626 Lot 9, owned by Bayroot, LLC.

Bernie Waugh recommended that the board's approval reflect the fact that the subdivisions and lot line adjustments will not be recorded until all financial aspects of the overall project are complete. Mike Waddell asked about imposing a time limit on the approvals. The Board agreed given the nature of the size of the project that a 5-year limit would be included in the conditions of approval for the subdivisions and lot line adjustments. There will also be the option to for the applicant to renew the proposal if it has not been recorded within 5 years. The board asked Bernie Waugh to write the conditions of approval for the subdivisions and lot line adjustments. It was agreed that Bernie would include an explanation of what the conditions of approvals include and what it does not.

- a. (1) Two lot minor subdivision of Map 1626 Lot 3.1, south of NH Rte. 26, Dixville, owned by Tillotson Corporation. A motion was made by Rick and seconded by Rep. Rideout to approve the subdivision with the following conditions: a 5-year time limit for recording at the registry of deeds; and the purpose of creating lot 1 is for the SPNHF easement and lot 2 will keep its current

use. All subject to a written version of the motion prepared by Bernie Waugh and approved at the next meeting. All voted in favor of the motion.

- b. (2) *Two lot minor subdivision of Map 1626 Lot 1, NH Rte. 26, Dixville, owned by Bayroot, LLC.* A motion was made by Mike Waddell and seconded by Rick Tillotson to approve the subdivision with the following conditions: a 5-year time limit for recording at the registry of deeds; and the purpose of the subdivision is so Dixville Capital can acquire lands for the expansion of the ski area. All subject to a written version of the motion prepared by Bernie Waugh and approved at the next meeting. All voted in favor of the motion.
- c. (3) *Lot line adjustment, NH Rte. 26, Dixville, Map 1626 Lot 2, owned by State of New Hampshire, and Map 1626 Lot 1, owned by Bayroot, LLC.* A motion was made by Mike Waddell and seconded by Rep. Leon Rideout to approve the lot line adjustment with the following conditions: a 5-year time limit for recording at the registry of deeds; the purpose of the lot line adjustment in two locations is to add land to the State park as part of mitigation; and a letter from the State of NH stating its approval of the above mentioned lot line adjustment. All subject to a written version of the motion prepared by Bernie Waugh and approved at the next meeting. All voted in favor of the motion.
- d. (4) *Lot line adjustment, north of NH Rte. 26, Dixville, Map 1626 Lot 6.6, owned by Tillotson Corporation, and Map 1626 Lot 9, owned by Bayroot, LLC.* A motion was made by Mike Waddell and seconded by Rep. Leon Rideout to approve the lot line adjustment with the following conditions: a 5-year time limit for recording at the registry of deeds; and the purpose of the lot line adjustment is to add land to SPNHF easement as part of mitigation; and a letter from the Tillotson Corporation stating its approval of the above mentioned lot line adjustment. All subject to a written version of the motion prepared by Bernie Waugh and approved at the next meeting. All voted in favor of the motion.

OLD BUSINESS

The finalization of the conditions of approval for the Hampshire House and Dix House was added to the agenda. Bernie Waugh distributed a draft of the conditions of approval for the Dixville Capital LLC Site Plan and Subdivision Applications for Hampshire House & Dix House. Rick Tillotson stated that there was no time limit indicated as to when all the conditions had to be accomplished. Ed Brisson said that the site plan and subdivision applications will not be recorded until the financing is finalized. Rick Tillotson recommended that another condition be added to the document. Condition#6 – the approvals will expire subject to being renewed if approval is not finalized and recorded within 5 years.

Ed Brisson asked for clarification on Condition#5 –*Prior to the issuance of any building permit, the application shall satisfy all requirements of the State Fire Marshal's office with respect to fire protection and fire safety, and compliance with the State's Building Code and State Fire Code. In addition, the project shall be implemented in such a way that fire access and visibility shall not be blocked by landscaping, nor shall there be any snow storage within fire lanes or hydrant line.* The Board decided that the second sentence should be deleted from the condition and replaced with "*Fire lanes shall not be impeded by landscaping.*"

David Norden noted that on page 1 Finding#3- *It should be noted that the application materials contained the following listed exhibits, but nothing was attached to the cover sheet at this time:*

- *NH DES Alteration of Terrain Amendment*
- *NH DOT Driveway Permit Applications*
- *NH DES Shoreland Permit Application*
- *Wastewater Connection Permit*
- *Drinking Water Engineering Approval*

The five listed State applications were not attached to the Site Plan application because they had already been submitted to the County. Bernie will add, *“The records have been subsequently submitted to the County”*.

Bernie recommended that a sentence should be added to Finding #3 stating, *“The State applications’ approvals shall be provided to the County when final”*.

John Scarinza asked for any other discussion. Commissioner Samson asked for clarification on Condition#4 - *Prior to the separation in ownership of Parcel 2 from Parcel I, or the conveyance of any subordinate interest in the subdivided Parcel 2, the Board's attorney shall review the proposed easements, covenants and the articles of incorporation and bylaws for the owners' association, for purposes of assuring that the owners of interests in Parcel 2 will have enforceable rights - with respect to land or facilities on Parcel I and/or the Applicant's remaining properties - which are adequate to ensure the provision of water, sewer, access, parking, and the use of storm water and erosion control systems, for and by Parcel 2 - such provisions to be enforceable by the County, at its option.*

John explained the concern of the Board was that the parcel to be subdivided that contains the Hampshire House & Dix House, is not sustainable on its own. It will require services to it from other entities. The Board wants to make sure that those entities exist and are able to supply the new parcel with the needed services such as water, sewer, and utilities prior to the subdivision to be final. Commissioner Samson asked, “What does enforceable by the County mean?” Bernie explained he has reviewed several documents similar to this one and it usually contains a statement that it is enforceable by the governmental entity that is providing the approval. However, by adding *“at its option”* it does not obligate the County to do anything. Commissioner Samson asked if the enforceability falls on the County Commissioners, or the County Administration or the County Delegation. Rep. Rideout added that on a local level it always falls on the selectmen of the town they govern. Bernie agreed that it would fall on the Commissioners because they are “Selectmen for the Unincorporated Places”. Rick Tillotson made a motion to approve the findings and conditions as amended. Ed Mellet seconded the motion. All voted in favor of the motion.

The Board continued the review for completeness of the Ski Area site plan application. The applicant provided updated maps to the Board prior to the meeting and distributed a memo dated July 5, 2016. Dave Norden explained that the memo is in response to planning consultant, Tara Bamford’s ski area site plan review for completeness, dated April 25, 2016. In addition, Exhibit 6-Proposed Lift, Exhibit 7 – Manufacturer Specifications for Representative Ski Lift and Exhibit 8 – Manufacturer Specifications for Representative Night Light Configuration were distributed to the Board. John asked that the applicant send an electronic copy to Tara Bamford and Fire Marshal Antsy for their review.

Rick Tillotson made a motion to continue this meeting for July 26 at 6 pm at the Granite State Room in Lancaster, NH. Rep. Rideout seconded the motion. All voted yes. The meeting was adjourned at 8:05 pm.

Respectfully submitted,
Jennifer Fish, Clerk