

COÖS COUNTY PLANNING BOARD  
Colebrook, NH  
June 6, 2016

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

**Also in Attendance:** Bernie Waugh, Esq.; Tara Bamford, North Country Council; Ron Anstey, NH Fire Marshal's Office; Burt Mills, Ed Brisson, David Norden, Clay Smith, Dixville Capital, LLC; Lisa and Dan Hebert, Balsams View, LLC; Andy Nadeau and Steve LaFrance, Horizons Engineering; Chuck Henderson, Senator Shaheen's office; members of the public and press.

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

**APPROVAL OF MINUTES OF MAY 18, 2016:**

Fred King made a motion to approve the minutes of May 18, 2016 as distributed. Rep. Rideout 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. **Dixville: Review and approval of the site plan and subdivision applications of Dixville Capital LLC.** Site Plan is for interior and exterior renovations and reconstruction of the Dix House and Hampshire House at the Balsams Resort. Subdivision is a 2-lot subdivision Map 1626, Lot 6.4 at 136 Cold Spring Road.

Scott Rineer requested to be recused from the Board. Chairman Scarinza stated that alternate Tom McCue will fill Scott's seat as a full voting member.

The Chairman then opened the Public Hearing for the site plan and subdivision applications.

Ed Brisson, Dixville Capital, LLC presented the details of the project beginning with the site plan for the renovations to the Hampshire and Dix Houses, new connector building, and related infrastructure. He noted that this site plan application does not cover other projects envisioned in the Master Plan for the resort such as the Lake Gloriette House, the Spa, and the Marketplace. Those site plan applications will be submitted later in the summer.

This site plan deals with saving the Dix House, full renovation of the Hampshire House plus a new connector. He noted that a portion of the Hampshire House is located within the Shoreland Protection district. The existing parking lot adjacent to the hotel will be removed, the west wing of the Dix House and the Wind Whistle House will be demolished. Two existing parking lots will be used in part for parking during renovations. There will be an addition to the north side of the Dix House. The lobby will be located one floor higher than its current location which will become an indoor swimming pool. For the Hampshire House there will be new stucco siding, insulation, water, electric, fire suppression and roofing. The

connector and Dix House will be upgraded with all new façade that matches the current Dix House style.

The Alteration of Terrain (AoT) permit will be amended and the Wastewater connection permit will be the same as the permit that recently expired. The capacity of the wastewater lagoon system is 225,000 gallons per day.

Mr. Brisson continued that associated with the site plan is a subdivision plan for the Dix House-Hampshire House. He noted that the lot lines are close and it includes a tunnel to provide services to the Dix House. He noted that as requested at the last meeting, the application has been amended to include a map that shows the subdivision in the context of the entire lot.

There are 141 parking spaces – 5 on site, additional spaces in the horseshoe drive and new parking areas. He explained that even though Spur Road and Cold Springs Road are state-owned, in the future they may be private roads that are recognized as such in the easement documents. He noted that there may be applications in the future for additional parking.

Charlie Jordan, *Colebrook Chronicle*, asked what other uses are contemplated for the parking lots. Ed Brisson replied the future Lake Gloriette House and lots will be shared among all entities. Hampshire/Dix will be a condominium which will have rights to share parking spaces.

Edith Tucker, *Berlin Daily Sun*, asked how much the renovations will cost. Ed Brisson replied \$18 Million. Edith then asked when the developers anticipated this phase would be done. Ed replied one year after construction commences. Edith asked about the total number of residences and Ed replied that there will be 123 bedrooms in the hotel.

Terry Hurlburt asked if the original parking lot will remain to which Ed replied that the area will be landscaped. She then asked if any consideration had been given to covered or underground parking. Ed replied “not now, it is too costly”.

There were no further questions from the public. Chairman Scarinza closed the Public Hearing.

John Scarinza stated that it is his understanding that in the very near future 3 subdivision applications will be presented to the Board and he asked the developer to present those as it would help Board members further understand the big picture.

Burt Mills replied there will be 4 applications forthcoming:

1. Dixville Peak Subdivision. Currently there is a parcel containing 186 acres owned by the Tillotson Trust. A subdivision application will be filed to carve this parcel into two lots – a 120 acre lot and a 66 acre lot. No development is proposed for these parcels other than ski trails or ski lifts. One of the subdivided parcels will be set aside to satisfy mitigation with NH Department of Environmental Services. He noted there are 2 wind turbines located on one lot and one wind turbine partially located on the other lot.
2. Bayroot, LLC Subdivision. Land totaling 4,940 acres. 3,285 acres will be used as ski terrain and the balance for the future development of South Village as identified in the PUD. Site plan applications will be submitted when appropriate.

3. Ski area parcel lot line adjustment that will add 92 acres to the State Park. This will create a buffer to Cascade Brook.
4. Lot line adjustment that is 200' wide that will be annexed to the eastern edge of the Tillotson Trust piece that is currently 300' wide.

John Scarinza stated that during the completeness review of the site plan application and subdivision application at the last meeting the Board requested certain additional information that has been submitted by Dixville Capital:

- Compilation of the original application (dated April 2016) and the revised language (dated May 2016) including page numbers;
- Lighting Cut Sheet included as Exhibit 16;
- Emergency Service will-serve letters;
- Subdivision plan revised;
- Snow storage Plan and Fire Truck Access included as Exhibit 19 and provided to Fire Marshal's office;
- Plans for the Abeniki Dam intake structure were provided to Fire Marshal's office. An analysis of the penstock's capacity indicating ample capacity for fire suppression based on estimated fire flows was also provided. As typical for major structures, final flow requirements, design details, and control requirements all of which must be based on construction drawings, will be included with the building permit application plans. It should be noted that the existing Hampshire and Dix Houses are fully sprinklered with water from the existing Abeniki Dam intake and penstock. This system was approved by the Fire Marshal's office and installed approximately in 2009. Though modifications to the sprinkler system will be made which will require further Fire Marshal approval, the flow requirements are expected to remain about the same as existing.

Tara Bamford distributed copies of the Coös County Site Plan Review Regulations for the Balsams PUD. John Scarinza asked Board members to share any areas of concern.

Mike Waddell stated that the majority of his concerns have to do with how the subdivision is going to work within the confines of the site plan. Normally when you carve out one lot, the lot can stand on its own. For this subdivision, the water and sewer will be a public utility and the road access is a state road. The structure requires easements from others. So, he wondered, how does the Board write an approval. He would like to hear from legal counsel that the easements will maintain the integrity of the lot and he is concerned with water and sewer utilities if the condo goes bankrupt.

Ed Brisson replied that the PUD was set up specifically to accommodate high density lots. Water and wastewater will be a regulated utility – they most likely will be together. The PUC requires financial statements from the owners as well as their operating budgets for the proposed utility. Ed explained that the other option would be a Master Association; however, those are not regulated.

Steve LaFrance noted that Bretton Woods has a public utility for water – Rosebrook formed in 1972 and a public utility for waste water – Resort Waste Services. Both entities are regulated by the PUC. These utilities have provided service without interruption for decades.

Fred King reminded Board members that Dixville Capital proposes to develop a huge complex that they plan to operate. Knowing that, he has faith that when they build a hotel, it will have a reliable source of water.

Ed Brisson noted that the separate utility will initially be owned by the resort. If it is sold at a future time, the sellers will need PUC approval. He added that they do not expect to sell it.

John Scarinza asked if the regulated utility entity has been established. Ed Brisson replied that it has not.

Attorney Waugh stated that he has not reviewed the Declaration of Easements language because he has not been asked to. He stated the Board needs to decide which items need to go into a deed, covenant or easement and the language proposed by the developer will need to be reviewed by the Board's legal counsel.

John Scarinza noted that some legal language review will occur at the Attorney General's office. Ed Brisson replied that the Declaration of Easements (DOE) document was essentially prepared for the AG as that office does extensive review to protect the consumer. Access rights are provided and reviewed by the AG. Currently the water system is located on 4 or 5 different resort parcels.

Tom McCue noted that in the DOE the resort is giving to the hotel the right to construct whatever is necessary and vice-versa. To Mike Waddell's concern, there is nothing past that. If either entity has a problem, it will be a problem for the other entity.

Mike Waddell asked how Dixville Capital will handle land rights issues for water and sewer. Ed replied that there are a variety of legal ways of doing that that the PUC will require for review. Mike noted that it sounds like they have not made up their minds. Ed replied that they have decided to set up a regulated public utility which is common throughout the United States.

Tara wondered if the formation of that utility will be a condition of approval. She asked Attorney Waugh if it would be a condition precedent or written into the conditions of approval. Attorney Waugh stated that the formation of utilities, roads, etc. could be made a condition prior to any units being sold.

Tom McCue asked why it is necessary at this point to subdivide. Ed replied that the hotel will be a condominium and once a Certificate of Occupancy is issued, the developer must get AG approval so buyers know what they are getting. John Scarinza stated that the AG will require site plans and asked if those plans will show water, sewer and other utilities. Ed replied that the plans show locations.

Mike stated that a condo association that owns the land and units will be approved by the AG. Does that condo association hire the staff to run the hotel? Ed replied yes.

Tom McCue stated that the DOE contains more than water and sewer. This site plan is not carving out a parcel that cannot support itself and he doesn't have a problem with the "hotel" not being on a self-sufficient lot. Ed Brisson stated that all utilities have to be built prior to closing on any sales. Deposits are held in an escrow account. Construction will be funded with the equity and construction loans. Sales of units will pay down the construction loans and a sale cannot occur until a certificate of occupancy is issued. The subdivision needs to be in place so when someone buys, the developer cannot make the lot smaller later.

Discussion followed on Mike's question about tax bills going to individual owners and what if someone does not pay. Burt Mills stated that units will be owned by individuals (the square footage to the paint on the walls) and the Homeowners Association (HOA) is responsible for common areas. Attorney Waugh cautioned Board members that local regulators treat condo ownership differently than non-condo ownership. The Board has a requirement for water, sewer and other utilities so the Board has a condition that these will be reviewed. As for condo ownership, the common areas are not taxed separately. He added that the same remedies are afforded the municipality as when a single homeowner does not pay property taxes - a lien is placed on the property with 2 years to redeem or the unit is tax deeded to the unit of government. However, ownership of a condo unit has so many responsibilities that a town may not take it by deed.

John Scarinza stated that the Board will require legal review of the utility easements. He asked Ron Anstey from the Fire Marshal's Office if he had any observations or questions.

Ron noted that snow storage is indicated on Plan C.2.7. Where hydrants are placed, there will be no snow allowed. In regards to water flow, the hydrants are listed as 1,500 GPM. For the Hampshire House the hydrant flow will require 1,300 GPM for a 4-hour duration. He needs more information for the Dix House and the connector as the requirement may be higher due to stick built versus stucco built for the Hampshire House. He noted he will not know the sprinkler demand until later and noted that another hydrant might need to be added on site. This should be added as a condition.

Ron recommended separating the Hampshire House from all other structures by means of a fire wall. Additionally, he will want more detail on how the fire access lane will be constructed. He noted that the tunnel is a structure and will want to know what the overburden is on it. Will someone be able to walk through it? He will ask for the turning radii of the horseshoe driveway for the fire truck and recommended using a full size school bus to make the determination. He will ask for a landscaping plan - what will be planted and how much are the plants/trees expected to grow in the future. He thought deliveries should come in via Spur Road and fire apparatus should come in via Cold Springs Road.

John Scarinza asked Tara about stormwater concerns. Tara replied that there will be a smaller volume off the new parking but a larger amount off the hill. Regulations require that stormwater be treated. Steve LaFrance replied that they have submitted an amendment to NH DES for the AoT permit. Tara replied that is not consistent with the regulations. Steve stated that it is not a direct discharge to which Tara countered that it goes into a brook. Steve stated that when the Stormwater Plan is submitted, all drainage goes down to the old golf course. No structures are being added to the upper parking lot. All the BMPs (Best Management Practices) are based on flow rates and there will be a 19% decrease in impervious area. He stated that later development will likely require a new application and the site may require a retention pond. John asked about salt from the parking lot and Steve replied that salt is soluble so you don't get it out of the water.

Ed Brisson added that when plans come in for the Lake Gloriette House, much more impervious area will be created; therefore, more detail will be provided. Spur Road will be relocated. There is a plunge pool on the plans to slow the water.

Fred King stated that tonight's agenda is concerned with the application before us and not the future phases. What do we need to do to make this phase go forward?

Tom McCue stated that for a complete application the Board wants to be sure to have the Articles of Incorporation. He noted that on page 12 of the application, Dixville Capital requests permission to submit draft articles and bylaws at the next Planning Board meeting as the documents were in the editing process. John Scarinza asked Ed Brisson if those are in process and Ed replied yes. John stated that it will be made a condition of final approval.

John asked Ed if they have applied to DES for the connection permit. Ed replied they have. John asked if the renewal of the wastewater treatment plan is pending. He asked if the developers need a DOT permit and Ed replied they have not received an answer. Ed noted that the DES Shoreland Application amendment is pending also.

Mike Waddell revisited the Fire Marshal's concern about the turning radius. Ron Anstey reiterated that a school bus should be used. Fred asked if the Colebrook Fire Department should use its truck. Ron Anstey stated he anticipated a pumper would be going in there if toned out. Steve LaFrance stated he will prepare an exhibit that shows the turning radius. John stated it would be added as a condition of approval.

John Scarinza asked if the Board members want the tunnel specifications and landscaping plan. Tara replied that the County's regulations do not require landscaping plans. Mike Waddell said if the State is requiring it, then the Board should receive it. Ed Brisson stated that even though landscaping is not a site plan requirement, when the application for the Great Lawn is brought in, landscaping will be included and they will speak with the Fire Marshal's office in advance. The tunnel will have trucks traveling over it and design details will be provided.

Tara summarized her list of conditions precedent and conditions subsequent that will be drafted for Board review by Attorney Waugh and Tara:

Conditions precedent:

- Attorney Waugh review of covenant and easement documents to ensure adequacy of water, sewer, parking, access, stormwater, prior to sale.
- All required permits from DOT and DES including the amended AoT and shoreland, driveways, water and sewer.
- Fire marshal approval of fire access loading and turning radius for fire trucks.
- Attorney Waugh to ensure County can enforce inspection and maintenance manual for stormwater.
- PUD agreement recorded.
- Attorney Waugh to review articles of incorporation and bylaws.

Conditions subsequent:

- Fire Marshal approval of final hydrant plan.
- All state and county requirements including following the NH stormwater manual and state Fire Marshal review of compliance of buildings with state building codes and state fire code including tunnel.
- Landscaping not block visibility or fire access.
- No snow storage within hydrant line.

Tom McCue asked for more information about the tunnel and if it is integral to the hotel. Ed Brisson replied that it is an access tunnel for inside deliveries. It is designed for pedestrians, hand trucks and golf carts. He stated that there are still months of work on the construction drawings and tunnel details will be included in the building permit application.

Edith Tucker inquired about the length of the tunnel. Ed replied 200'. It will also connect into the Lake Gloriette House.

Rep. Rideout stated that the Board's attorney needs to review the Incorporation papers and bylaws. Attorney Waugh stated that the AG has to review the condo bylaws and his review will not duplicate what the AG does.

Steve LaFrance stated that the Board should approve this project contingent on final receipt of all State permits.

Ed Mellett made a motion to approve the Site Plan application and the Subdivision application of Dixville Capital, LLC subject to approval of the written conditions. Rep. Rideout seconded the motion. Board members discussed the next meeting date and decided on July 5, 2016 at 6 PM in Colebrook when they will review the document of conditions prepared by Attorney Waugh. There being no further discussion, the Chairman call for a vote. All members voted in favor of the motion.

John Scarinza noted that the Board once again must continue the meeting on the ski area site plan application. Rep. Rideout made this as a motion, seconded by Mike Waddell and all voted in favor.

Burt Mills stated that he neglected to mention that the subdivisions will not be recorded at the Registry until there is a transfer of land at a closing. John asked Burt to get the 4 subdivision/lot line adjustment applications to Tara in advance.

**RATIFICATION OF BUILDING PERMITS:**

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

455	Forest Home Sporting Club Alan Wheelock	Odell	1/27/2016	Replacement of 11'x 16' locker room and 11'x 7' porch
456	Michael/Christine Vigneault	Millsfield	2/03/2016	44'x 27'5" Modular Home

The motion was seconded by Rep. Rideout. There was no discussion and all members voted in favor.

Mike Waddell asked when the Compendium (Item Q. in the P.U.D. Development Agreement) will be available for review and approval. Tara Bamford stated hopefully at the next meeting.

**DATE AND TIME OF NEXT MEETING:** July 5, 2016, 6 PM, Tillotson Center, Colebrook.

**ADJOURNMENT:**

Ed Mellett made a motion to adjourn. Mike Waddell seconded the motion and all voted in favor.

Respectfully submitted,

Suzanne L. Collins  
Secretary to the Planning Board