

COÖS COUNTY PLANNING BOARD
Colebrook Elementary School, Colebrook, NH
December 2, 2015

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, Scott Rineer; alternates Tom McCue and Mark Frank; and Board Secretary Suzanne Collins.

Also in Attendance: Bernie Waugh, Esq.; Tara Bamford, North Country Council; Ron Anstey, NH Fire Marshal's Office; Representative Wayne Moynihan, County Commissioner Rick Samson, Burt Mills, Ed Brisson, David Norden, Jeff Stevens, Coralie Stephanian, Lindsey Smith, Clay Smith, Russ vanDeuren, Dixville Capital, LLC; Chuck Henderson, Senator Shaheen's Office; Beno Lamontagne, DRED; Scott Tranchemontagne, Montagne Communications; Ray Gorman, Becky Merrow, David Brooks, Sandra Riendeau, Town of Colebrook; Wayne Frizzell, North Country Chamber of Commerce; members of the press and public.

John Scarinza, Chair, called the meeting to order at 6:05 PM.

APPROVAL OF MINUTES OF NOVEMBER 11, 17, and 23, 2015:

Fred King made a motion to approve the minutes of November 11th, 17th and 23rd as distributed. Rick Tillotson 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:

Edith Tucker asked if Great Glen Trails will come in on December 9th with a conceptual of its site plan for the hotel project in Green's Grant. John Scarinza replied that it is expected that representatives from Great Glen will attend the 12/9 meeting and that they hope to return after January 1, 2016.

RATIFICATION OF BUILDING PERMITS:

Chairman Scarinza stated that Dixville, LLC wants to re-open the Hale House which is located on Lake Gloriette. The Fire Marshal will be responsible for granting the permit to occupy this facility. He noted that a Site Plan application for that general area has not been filed with the Board. Fire Investigator Ron Anstey stated that Dixville Capital has plans to do some slight renovations to the building and the sprinkler system will require a building permit. He will also look into what else the developer wants to do with that structure. He noted that the resort's water supply is currently not connected to that building as the water system lines need to be repaired. He stated that the Fire Marshal

has granted a one-year waiver relative to the sprinkler system even though the site plan has not been approved yet.

Fred King asked if the Hale House will serve as living space for the developers. David Norden replied that the Hale House is an existing building on the property and they want to hold Dixville's First in the Nation voting there in February 2016. He said that nothing will change on the property itself. Fred King stated he thought the Board ought to approve the request. Rick Tillotson asked if there is anything being built at this location that needs Board approval. Mr. Anstey replied that the sprinkler system variance for one year is related to the water system which will be a global project during the redevelopment of the hotel site and he needs the Board's permission prior to granting the waiver.

Fred King made a motion that the Board grants approval for the NH Fire Marshal to issue the building permit with a sprinkler system waiver required for the Hale House occupancy. Rick Tillotson seconded the motion.

At this point, Chairman Scarinza designated alternate Tom McCue to assume Scott Rineer's seat on the Board.

Ed Brisson explained that the developer had installed a dug well to provide water to the Hale House. Mr. Anstey stated that he was in agreement with that.

There being no further discussion, Chairman Scarinza called for a vote and all voted in favor of the motion.

OLD BUSINESS:

Discussion and Approval of the Planned Unit Development (PUD) Plan Application submitted by Dixville Capital, LLC for The Balsams Resort, Dixville, NH:

Chairman Scarinza explained that in preparation for this discussion Tara Bamford had prepared some documents for distribution:

1. North Country Council Technical Review Comments – Matrix updated with outcomes of the November 17 and November 23 Planning Board meetings which Attorney Waugh is using as a guide to write the Development Agreement;
2. Addendum provided by Dixville Capital, LLC titled Protective Districts which outlines the protected districts with associated map; and
3. Zoning Ordinance 4.7 Resort District (DD-Resort).

John explained to the public that since the meeting held in Colebrook on November 11th, the Planning Board has held two sessions to work on the developer's requests, Tara's recommendations based on her technical review of the PUD application, and what is legally acceptable as advised by Attorney Waugh. Attorney Waugh has drafted a fourth document which was distributed:

4. Proposed Findings. This is a list of conditions that will be attached to an approval of the Concept Plan.

Attorney Waugh apologized for the last minute submission of this document and intends to recommend that the Planning Board approve this project subject to a development agreement that will be worked on at the Board's meeting on December 9th.

Chairman Scarinza called for a 15 minute recess to allow time for Board members, the developers and others to read the Proposed Findings.

The Board was reconvened at 6:45 PM.

Tara Bamford stated that Attorney Waugh's Proposed Findings were consistent with discussions at prior meetings/work sessions with 3 exceptions:

1. Page 9, #28. *The statement concerning Golf Links and Valley Roads at the bottom of page 35 of the application is rejected as worded. However the Board will treat the currently state-maintained portions of the existing roads as being "grandfathered" from any requirements for improvements until such time as there is a change or significant intensification of the uses served by those roads, or unless a specific safety threat has been identified pursuant to Condition #1. The opening up of these roads to year-round use in accord with plans approved by the DOT shall not, in itself, trigger the end of such "grandfathered" treatment.*

Tara wanted to clarify her assumption that the Board means that the roads will be grandfathered year-round. Board members agreed.

2. Page 11, Item I. *The DA (Development Agreement) shall provide the following with respect to the list of permitted uses in the DD-Resort District, as set forth in Section 4.07 of the Zoning Ordinance:*
 - 1) *"Primitive recreation" will be interpreted to include bicycling.*
 - 2) *"Land management roads" will be interpreted to include construction and maintenance access roads.*
 - 3) *"Electrical Distribution and Telecom Lines"*

Tara stated that Primitive Recreation includes bicycling and Land management roads don't need a permit. That has been clear; however, she was not sure about electrical distribution and telecom lines. Normally these lines would be part of the site plan. John Scarinza wondered whether a building permit would be required for those structures. Tara stated she thought the lines would be part of site plan review. Burt Mills explained the reason the developer wants no requirement for a permit for these lines. Ski slopes need power lines – some will be above ground and some buried. In the ski area site plan application, they are looking for global approval for lifts, snowmaking equipment and lift power sources.

John asked Mr. Anstey for his advice. He replied, “Generally, permitting is from the meter in that it complies with the National Electrical Code. From the transformer and beyond, the lines don’t need a permit.” John concluded that electrical lines are therefore a use that requires a permit.

Burt Mills stated that the lines will primarily be underground.

Tara stated that she will add electrical lines to uses requiring a permit.

Burt Mills stated that underground power lines will be included in the Alteration of Terrain (AoT) Permit and that permit will be submitted to the Board.

John Scarinza stated that if the developer comes in with an AoT Permit that includes stamped electrical plans, the Board will not quibble with the applicant on this item.

3. Page 11. List of Attachments: Map of Protective Districts. The developer had submitted a new map and listing of Protective Districts. The Board members reviewed this handout and approved adding it to the PUD application.

Chairman Scarinza asked Board members for any other comments relative to the Proposed Findings document prepared by Attorney Waugh.

John noted that on Page 2 in the ***General “Safety Valve” Condition***, the phrase “in order to prevent or mitigate a public or private nuisance”, he wondered how to define nuisance and asked if the Board wants to take this reference to nuisance out. Rick Tillotson agreed that he was concerned about the use of an undefined private nuisance. Rep. Rideout stated that this language could end up putting the Board in the middle of a complaint between 2 parties.

John asked if the Board was ready to accept a motion to approve the Findings document with some minor wordsmithing.

Leon Rideout made a motion to strike “public or private nuisance” from the Safety Valve Condition. Fred King seconded the motion.

John asked for further comments. Fred King asked if the developers had any comments and noted that this document contains language approved by the Board at its last two meetings where the developer was in attendance.

Attorney Waugh advised the Board members not to vote until Board members are comfortable with the language that summarizes the last two meetings.

In reference to Item 13, Rick Tillotson asked if the snow produced by snowmaking is considered stormwater when it melts. Burt Mills stated that snow melt is covered in the “rate of melt” and impact on Clear Stream and the Mohawk River study conducted by

Horizons Engineering. All of this information is incorporated in the stormwater plan for the resort.

Ed Brisson stated that the developer has some outstanding concerns with the Conditions document and they will be in touch with Tara Bamford and Attorney Waugh during the next week.

The Chairman called for a vote on the Rideout/King motion relative to striking the nuisance phrase in the General Safety Valve Condition. All members voted in favor.

Fred King proposed the following motion: I move to approve the Planned Unit Development Application of Dixville Capital, LLC in accordance with the draft decision subject to the ability of the Board to adopt specific wording changes at the time of review of the Development Agreement. Ed Mellett seconded the motion. Chairman Scarinza called for discussion. No further discussion forthcoming, all members of the Board voted in favor of the motion. (*Public applause*).

DATE AND TIME OF NEXT MEETING:

Chairman Scarinza stated that the Board would meet at 6 PM on Wednesday, December 9, 2015 at the DRED/Fish & Game Building in Lancaster. The agenda would include a work session on the Development Agreement which is part of the decision made at this meeting.

Burt Mills stated that the developers are planning ahead for the types of permits that they will need to submit. He asked if the Board wants to see a list of these permits at the next meeting or at a subsequent meeting.

John Scarinza stated that the Great Glen Hotel would be on next week's agenda as would The Balsams PUD Development Agreement and he asked the developer if a meeting after 1/1/16 would work. Burt Mills replied that he will offer a written outline that he will speak to at a later meeting.

ADJOURNMENT:

Fred King thanked the Colebrook School District for use of the Elementary School for this meeting.

Rick Tillotson made a motion to adjourn. Rep. Rideout seconded the motion. All voted in favor.

Respectfully submitted,

Suzanne L. Collins
Secretary to the Planning Board