

COÖS COUNTY PLANNING BOARD  
The Tillotson Center, Colebrook NH  
November 11, 2015

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

**Also in Attendance:** Tara Bamford, North Country Council; Bernie Waugh Esq.; Representative Wayne Moynihan; Representative Larry Rappaport; Executive Councilor Joe Kenney; Commissioner Jeff Rose, Beno Lamontagne, DRED; Ron Antsy, NH Fire Marshal; Rene Pelletier, NH DES; Commissioner Rick Samson; David Norden, Ed Brisson, Burt Mills, Jeff Stevens, Lindsey Smith, Clay Smith, Andy Pearson, Scott Tranchmontagne, Dixville Capital, LLC; and members of the press and public.

John Scarinza, Chair, called the meeting to order at 6:05 PM. The Chairman asked Representative Rideout to lead everyone in the Pledge of Allegiance. John also recognized that today is Veteran's day. He asked that everyone take a moment of silence to recognize all veterans' service and sacrifices. As the first order of business, the Chairman appointed Tom McCue to sit in for Scott Rineer who has recused himself from the Balsam's project.

**APPROVAL OF MINUTES OF OCTOBER 21, 2015:**

Mike Waddell made a motion to approve the minutes of October 21, 2015 as distributed. Rick Tillotson seconded the motion. There was no discussion. All members voted in favor of approval.

**CORRESPONDENCE:**

Fred King distributed a letter dated October 30, 2015, that he had received from Rebecca Martin Environmental Manager, NH Department of Transportation. Ms. Martin stated that engineering studies have been initiated for the department's project to rehabilitate Golf Links Road in Dixville and Colebrook. She is requesting that the Coös County Planning Board provide comments relative to the project's potential impacts on environmental, social, economic, or cultural resources.

**PUBLIC COMMENTS NOT RELATED TO AGENDA ITEMS:** NONE

**NEW BUSINESS:**

Chairman Scarinza began by providing a brief overview of the need to amend the Coös County Zoning Ordinances to allow for increased flexibility and agility in the approval process by the planning board. The zoning ordinance was amended to allow for the creation of a Resort District for the Balsams project encompassing over 8,000 acres and to allow a Planned Unit Development Conditional Use permit to be issued for the future development of the Balsams Resort and surrounding lands. The Coös County Commissioners and Delegation held a joint meeting on November 5, 2015 to review and approve the proposed changes to the zoning ordinance and now that those amendments have been approved, the board can move forward with the current application by Dixville Capital, LLC for the Balsams Development.

The Chairman stated that the purpose of tonight's meeting is for the applicants, Dixville Capital, LLC to present to the public their application for a Planned Unit Development for the Balsams property. Chairman Scarinza stated that it is very important that the board hear from the public anything that the public feels is important for the members to consider as the board works through the approval process for this application.

Chairman Scarinza noted that this project is very important to the region and certainly to the economic vitality of the region. He went on to propose the next steps for the boards deliberation schedule after hearing tonight's public comments.

He recommended that the board go over the October 21, 2015 meeting's minutes to look at the additional documentation that has been received and hear from Tara Bamford as to what her thoughts are on the completeness of that additional information and the application as a whole.

John explained that the board tonight was to review for completeness an application for a subdivision from the Tillotson Corporation in Dixville, but that he understood that the applicant wished to withdraw that application at this time. Burt Mills confirmed this to be their wish to withdraw the application.

John suggested that the board really focus on a thorough review of the details of the application to be prepared for the scheduled meeting on December 2. This will ensure each member of the board is comfortable with what was presented in the application package, and the required information necessary for the approval of a PUD, which is contained in Section 9 letters A through K on the newly adopted zoning ordinance.

John went on to explain that concurrently Tara will do a substantive review of the application, and forward her comments to the board prior to the December 2<sup>nd</sup> meeting so her comments can be reviewed by the board also. Therefore at the December 2 meeting the board will be able to discuss in detail the application and deliberate as appropriate. At the December 2 meeting, the Board can propose any conditions for approval the board might like to consider before this application can be approved. Therefore, if there are any conditions proposed at the Dec 2 meeting that would potentially give Bernie and Tara a week until December 9 to draft the conditions that would be included in any motion of approval assuming the board is ready to do so at that time.

**PUBLIC HEARING ON PLANNED UNIT DEVELOPMENT APPLICATION:**

Chairman Scarinza opened the Public Hearing on the Planned Unit Development (PUD) application submitted by Dixville Capital, LLC.

David Norden began his PowerPoint presentation by introducing some of the members of the Dixville Capital team: Burt Mills, Ed Brisson, Lindsay Smith, Clayton Smith, Andy Pearson, and Jeff Stevens. David explained that the application presented tonight was submitted on October 6 and it had been modified from an original document that was submitted in July. It is a multi-phase project and this is the first time that a project of this scale has come before the Coös County Planning Board. The Board and the team had to learn the procedural methodology to go through for a project of this scale. David explained that a copy of the application is on the county's website.

David explained that they are asking the board to approve the concept, establish the regulations and guidelines for future applications, establish an allowable density cap and to establish vesting rights. After the PUD Conditional Use permit is approved, the team will still have to go through the site plan review and any other permitting processes that are necessary. The PUD will also provide a basis for the development agreement, which is a legal document that captures the small details, terms and conditions the planning board identifies as part of the PUD.

David provided a slide of many federal and state agencies that are currently providing required oversight over the Balsams project.

David identified a series of maps that are included in the application. He referred to Map K-1, Map K-3, and Map K-2 in the presentation. David pointed out that the golf course and clubhouse are located in Colebrook, therefore are not part of this application.

The last slide presented was a proposed development schedule for the next two years if critical approvals are received. The document identified the schedule for the ski area construction and the Lake Gloriette Village. The schedule is included on page eight in the supplemental information submitted to the planning board on October 29.

Chairman Scarinza opened the meeting for questions. Edith Tucker, *Coös County Democrat*, asked if the information presented was available to the public. David explained that the application and supplement information is available on the Coös County website.

Steve Ellis, Pittsburg Selectmen, asked why the golf course is not open now, what are the plans to open it and will there be any changes to the golf course. David responded that the golf course would be back with only minor modifications to bring it a little bit closer to the Donald Ross authentic design. David explained that they do not want to start on

anything until they know that they have everything in place. The renovation of the golf course and golf clubhouse is part of Phase 1. The current clubhouse building would not be knocked down, only renovated.

Donna Jordan, *Colebrook Chronicle*, asked about the expansion of the ski area. How will it compare to the current ski area. Both David and Burt Mills replied that the ski area will be 4 to 5 times larger than the current ski area. Burt Mills stated that it is currently about 138 acres and they are looking at about 1,200 acres of trail skiing with blades in addition to that.

Edith Tucker, *Coös County Democrat*, many people have asked her how many trails if any, can take advantage of the vertical drop? Burt Mills responded that there are ways that skiers will be able to ski the entire vertical in one run. He added that a majority of the trails do vary from 1800 feet to 1000 feet of vertical, which is about a mile long. Burt stated that in the world of skiing that it is a very nice run.

Donald Johnson, resident of Colebrook, asked because this project will be very aggressive, and there will be a lot going on, where will the workers come from to build this project? David Norden responded that they would retain several general contractors and the workers would come through the contractors. The hope is that many of the workers who have lost jobs in the past would be able to return to the area. Mr. Johnson also asked if the construction work would be obtained through a bid process. David responded that there would be a combination of bid projects and negotiated ones.

Edith Tucker asked if the plan proposes any new wind farms on the property. David Norden responded that it did not.

Becky Merrow, Colebrook Town Manager, stated that she was very appreciative of the time and effort the board has taken to go through roads and other infrastructure concepts. She stated that she felt secure that the planning board is looking after the best interest of the public. On the select board for the town of Colebrook, the town has a retired NH DOT District 1 Engineer, Greg Placy. He offers his assistance with any concerns the board may have with roads in the town of Colebrook and Dixville. She asked what the board had for concerns and what would prevent an unequivocal approval of the application tonight. Chairman Scarinza responded that the board has been gathering all the information on the application. The next step is that the board needs to review the details of the application and Tara Bamford will assist the board in doing that. John said that he did receive a call from Selectmen Placy and going forward the board will definitely utilize him as a resource. Becky stated that she had reviewed the application and could not find a reason why this project should not move forward.

Peter Weiner, resident of Colebrook, how will the wind farm and its close proximity to the ski area affect the ski area? In addition, are there other wind farms in the east or other parts of the country that has similar situations? Chairman Scarinza referred the question to the applicant. Burt Mills responded that the wind farm owner is Brookfield Renewable Power. Dixville Capital, LLC and Brookfield have had several meetings and discussions

regarding concerns of public safety and operational issues. Dixville Capital, LLC has also had discussions with several insurance carriers in the industry. The nationwide carriers have assured Dixville Capital that this is an insurable situation.

Fred King stated that he would like to ask a question of the members of the public in the audience. He wanted to know if anyone thought that the rehabilitation of the Balsams was a bad idea or a good idea. He stated that that is what the members of the board need to hear.

Edith Tucker asked if the developer could give an update on the wetlands permit that is pending at the NH Department of Environmental Services (DES). Burt Mills responded that there is a short list of informational items that is being worked on. There is a mitigation process that legal experts are working on to make sure that the land is protected. Burt stated that he felt like they were very close to the finish line. Edith Tucker asked if DES had any concerns with the plans for Lake Gloriette and the bridge that is going over Rte. 26. Burt Mills responded that for each phase of the project there will be several permits that they will seek from DES before any construction begins.

Donna Jordan asked if this project gets all the approvals it needs and begins in April/May, do they anticipate difficulties with trucking materials and supplies in due to Colebrook going through a major rebuild of its downtown area. Ed Brisson responded that Dixville Capital, LLC will be working with topnotch contractors that understand logistics and how to work through that. He said that if it does become an issue he is sure that they will be able to work through it with the Colebrook town officials.

Charlie Jordan, *Colebrook Chronicle*, asked about the concept of the tram that will go from the hotel to the ski area over Rt 26. Charlie asked if there were any special requirements concerning traveling over a state road. Burt Mills replied that he has had discussions with the NH Department of Safety's Amusement and Tramway representatives. He said that the department is experienced with this and that he did not foresee any issues with it.

Commissioner Jeff Rose, DRED, stated that he wanted to commend the planning board for the work that they are doing. His department has been involved in this project for almost 2 years. He was glad to see the County Delegation and County Commissions act swiftly and decisively to pass the zoning ordinance amendments. Jeff stated that at the state level they are committed to applying all its resources that it can to support this project. He encouraged the board to move forward with the approval of this application.

Sandra Riendeau, resident of Colebrook, asked about the when Dix House and Hampshire House renovations will start. Ed Brisson explained that there are 3 major permits that are needed to obtain the financing. As soon as those approvals are obtained, they will start on the Dix House and Hampshire House as quickly as possible.

Executive Councilor Joe Kenney thanked the board for their work and reiterated what Commissioner Jeff Rose said that everyone at the state is supportive of this project. He emphasized that he wished for a vote tonight.

Britni White, North Country Chamber of Commerce. Ms. White stated that the business community in the North Country is very eager for this project to move forward. There are many business decisions on hold while the businesses wait for the approval of this project. In addition, she hopes that with this project, many young people will return to the area because there will be jobs for them.

Tom Brady stated that he understands the comments regarding the sense of urgency. He agrees that the area needs the project and needs it now. This is a project that will bring folks back to the area and provide the needed economic boost. He stated that it was time for the board to act now. He did not want to see any more delays.

Rep. Rideout stated he is very concerned that this project is being dragged out. He stated that the board needs to vote on the concept and that it keeps being bogged down in minute details that will be heard during the site plan review process. He said that the applicant responded to the board's request for additional information so the board should vote to approve the application tonight.

Steve Ellis commented on the jobs that this project would provide. He stated that the area has many resources that the Balsams can take advantage of such as fishing guides. He is hopeful that this will create jobs and families will move into the area to create a much-needed boost to the school systems. In addition, Mr. Ellis is on the board of White Mountain Community College and he hopes that the culinary art students may be able to do some apprentice work at the Balsams.

There being no more questions from the public, Chairman Scarinza closed the public hearing.

#### **REVIEW OF PLANNED UNIT DEVELOPMENT APPLICATION:**

Fred King stated that the planning board was sued a few years ago about the closure of the Balsams. He stated that it is important that the planning board do everything right to prevent that from happening again. Fred recommended that the board take the time it needs to review the information and act on it in the next couple of weeks.

John Scarinza stated that he appreciates Fred's comments and wanted to make sure that everyone understood not only does the board have to approve the concept but also the applicant is asking for changes to the zoning regulations that will be very specific to the Balsams project. John stated that it is very important that the board review those specific requests before a decision is made. John explained that the board has meet about every 3 weeks in 2015 to allow for it to agile, flexible, and to amend the zoning ordinances to allow for a project of this size. John stated that under normal circumstances a project of this scope and scale would take a couple of years to permit.

Tom McCue stated that one of the planning board's responsibilities is that as we deal with our short term needs we have to be looking at long-term consequences.

Tom Brady stated that he is very concerned that if the Balsams does not get the approvals it needs very soon that interested investors will move onto other projects and the Balsams will be lost. Tom asked a representative from Dixville Capital to respond to his comment.

Burt Mills responded that there is no doubt; there are many details associated with the application. Dixville Capital has provided the information that has been requested and the basic concept has not changed since July. Burt Mills stated that the board has had the information long enough and wants the board to start asking questions. There is nothing that can be done that is going to prevent a lawsuit.

Mike Waddell asked that the board hear from the board's advisors and that he would like clarification as to the approval of a concept plan and the next step that follows it. Mike stated that he is confused because when you look in the PUD application there is information that would normally go in front of a zoning board of adjustment.

Attorney Waugh stated that the board does not have a draft of written conditions in front of them tonight. Attorney Waugh advised the board that if there was a vote taken tonight it should be a conditional one. In addition, he felt that the draft of conditions could be written before the December 2 meeting and then could be voted on.

John Scarinza identified a section of the application. He referred to page 15, last paragraph. The applicant is requesting the county to make required improvements for regional travel. John stated that he does not think that the planning board as the authority to approve such a request that would have a financial impact on the county.

Representative Rideout voiced his frustration again that he feels that planning board is creating a bureaucratic roadblock.

Attorney Waugh cautioned the board from voting on the application because there is no written development agreement, which is now required as part of the new zoning ordinances. He recommended that the board take a few more weeks to have the written conditions drafted before the board approves the application.

Tara Bamford stated that there is no conceptual approval in NH law. The board is voting on every detail written in the application. In addition, there is no new information in this application. The applicant has been asked several times to take items out of the application because it is not appropriate to be included but those items are still in the document. There are inconsistencies in this document with the zoning ordinances and the applicant has not applied for a waiver for those ordinances. Tara also added that the board needed to keep in mind that the applicant has included proposed development agreement language in the document for which Attorney Waugh has not commented. If the board were to approve the application it is approving the details as written by the

applicant. Tara stated that she had consistently made the comment that subdivision and site plan regulation procedures should not be included in the document.

Rick Tillotson stated that he understands that the document is not perfect but he moved to approve the PUD application subject to a development agreement to follow after the application is approved. Rep. Rideout seconded the motion.

Tom McCue, Mike Waddell , Fred King and John Scarinza stated that they were not comfortable with the current application and were not ready to vote.

David Norden made the request that the board call a recess for 5 – 10 minutes. The Chair granted the request.

Upon returning from the recess, the Chairman stated that Commissioner Brady, Attorney Waugh and himself met with the applicants to see if they could come up with a process that would meet everyone's needs. The Chairman stated that this meeting would be continued to next week so that the board, the applicant, Attorney Waugh and Tara Bamford could have a work session to resolve the issues.

Rick Tillotson withdrew his motion on the floor and Rep. Rideout withdrew his second. Rick Tillotson made a motion to continue this meeting on Tuesday, November 17, 2015 at 6 p.m. in Lancaster, NH. Mike Waddell seconded the motion and all voted yes.

Respectfully submitted,

Jennifer Fish  
Planning Board Clerk