

COÖS COUNTY PLANNING BOARD  
Lancaster, NH  
July 29, 2015

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

**Also in Attendance:** Bernie Waugh, Esq.; David Norden, Burt Mills, Jeff Stevens, Dixville Capital, LLC; Steve LaFrance, Horizons Engineering; Tara Bamford, North Country Council; Howie Wemyss, Mt. Washington Summit Road Company; Jay Poulin, HEB Engineering; Rolf Biggers and Richard Frazier, BMA Architects; Peter Middleton, Martini Northern Construction Managers; Becky Merrow, Colebrook Town Manager; and members of the press (Edith Tucker, Barbara Tetreault, John Koziol).

John Scarinza, Chair, called the meeting to order at 6:02 PM.

**APPROVAL OF MINUTES OF JULY 8, 2015 and JULY 15, 2015:**

Mike Waddell made a motion to approve the minutes of July 8<sup>th</sup> and July 15<sup>th</sup>, 2015 as distributed. Fred King seconded the motion. There was no discussion and minutes were approved by all in attendance with the exception of Rick Tillotson who abstained.

**NEW BUSINESS:**

**Green's Grant: Glen House Hotel – Conceptual Review of Proposed Glen House Hotel.**

Jay Poulin, HEB Engineering, began the presentation on behalf of the owners of the Mt. Washington Summit Road Co. He indicated that with this conceptual review he hoped to get some direction from the Board on life safety and fire codes. He stated that he hoped to present a full application in a month or two.

Mr. Poulin showed a map of the existing lot on the west side of Route 16. The hotel parcel would consist of 18+ acres and includes features that were part of the Great Glen Trails Ski Lodge which burned several years ago such as existing gravel parking areas and trails that remain a part of the cross country trail network. He noted that the Peabody River is just outside the site. The proposed plan calls for a 60-70 room hotel that will be built on the former lodge site with new pavement and landscaped areas. Parking would include 75-80 off-street paved spaces. The developers are contemplating relocating the current access from Route 16 as they are concerned about the ski trail culvert under Route 16.

Mark Frank asked if the wetlands are identified on the plan. Mr. Poulin replied that they are but in terms of where the building is proposed, there is no wetland impact.

Rich Frazier and Rolf Biggers from BMA Architectural Group of Amherst introduced themselves. Mr. Biggers stated that his firm specializes in hotel design and the design of the Glen House Hotel is just evolving in this conceptual stage. He stated that the design phase began by studying the history of the site and the number of Glen House Hotels that have existed during the last two centuries. Their design will incorporate a hint of the past in architectural character. He showed sketches of the preliminary design of a 67 room three story hotel with a simple form that picks up elements of previous Glen Houses. The exterior finish will be clapboard with shakes at the gable end. Balconies will be covered due to snow. A sketch of the hotel's back facing Mt. Washington revealed a lot of glass. He emphasized that it is an understated structure with signature chimneys that will house mechanical equipment and vent stacks.

Rick Tillotson asked if the hotel would be sprinkled. Mr. Biggers replied that it would be – wet system. John Scarinza asked if the hotel would be LEED certified. Mr. Biggers replied that although the design will contain advanced systems, they have not decided whether to pursue the LEED certification process. They are hoping to incorporate a geothermal heating system that uses power from the existing hydro on the property to run the geothermal pumps. It was his estimation that the design will go far beyond LEED as the plan is to build an environmentally friendly structure.

Rick Tillotson inquired about the surface of the parking lot. Mr. Poulin replied asphalt. Rick asked where the members of the staff will park. Mr. Biggers replied that there will probably be no more than 8-10 staff members on duty at a time. Mr. Biggers continued that currently they are anticipating a business class hotel which is lean on overhead. If it grows to be a full service hotel, they are aware that more parking will be needed. He reminded Board members that there is more than adequate parking across Route 16 in the Summit Road Company parking lot. He stated that they do not envision a building swimming in a sea of asphalt. Greater detail will follow when the application is submitted.

John Scarinza asked about snow storage. Mr. Poulin replied that there is plenty of room on the exterior of the parking lot. John recommended that the application contain details of a snow storage plan.

Tom McCue asked the development team to expand a little on re-locating the access. Mr. Poulin replied that he will work with the NH Department of Transportation (DOT) on access location depending on line of sight etc.

Commissioner Brady asked if the parking plan allocates more than one space per room as it is not unusual for members of the same party to arrive in different vehicles at different times. Mr. Biggers replied that it is their expectation that this will be more a car-pooling type of place. John Scarinza followed up by asking if there will be parking spaces allocated for busses. Mr. Biggers replied that large vehicles would be parked in the current lot across Route 16 after discharging its riders. He stated that the goal is to

minimize parking lot size. Jay Poulin added that large truck turning movements are incorporated (delivery trucks, fire trucks, etc.).

Mike Waddell inquired about building height at the peak. Mr. Frazier replied probably 51'. Mr. Biggers added that the height to the eaves is 30 feet which is under the zoning limit of 35'.

Mr. Biggers noted that when Planning Board members do a site visit, they will see the existing retaining walls of the previous Great Glen Trails Ski Center.

Mark Frank asked if a survey has been done to support the concept of a business class hotel. Mr. Biggers replied that Pinnacle Advisors, Boston, MA is currently doing a study of demand. He stated that while they are looking at business class level of service, the hotel will have more amenities. Business class is leaner on the service side.

Mark Frank noted that ATVers and snowmobilers will need more parking spaces for trailers. Mr. Biggers replied that large units will be provided with parking across Route 16.

John Scarinza inquired about the septic system rehab. All agreed that a DES permit will be required. As for the water source, Mr. Poulin stated that it exists on site and he expects to meet and coordinate fire suppression with Gorham and Jackson Fire Departments. Rick Tillotson asked about the water source for fire suppression. Mr. Poulin replied that the developers know they will need some level of water storage and the plan for it has not been developed yet.

John Scarinza stated that as far as building code compliance, the County relies on the State. As far as plan review the County does not have a building code officer on staff so the Board relies on the State Fire Marshal's Office. He added that in the design phase, he will ask the Board of Commissioners to request that the Fire Marshal's Office assist the Board. Mr. Poulin asked if the Board can do this soon after tonight's meeting. John replied yes. Mr. Poulin stated that the development team wants to be ready to build at the opening of next year's construction season.

Howie Wemyss noted that the Society for the Protection of NH Forests hold a conservation easement on some of the Summit Road property.

Rick Tillotson made a motion that the Board of Commissioners, on behalf of the Planning Board, ask the State Fire Marshal to conduct a plan review of the Glen House plan per RSA 155-A. The Chairman asked for discussion. Being none, all vote in favor of the motion.

Mr. Poulin stated that he will prepare a drainage design in response to Mark Frank's question about water run-off. John Scarinza indicated that they will not have Shoreland Protection statutes to deal with on this project.

## **OLD BUSINESS:**

### **Pre-Application Conference with Dixville Capital, LLC:**

Scott Rineer excused himself from any discussion on the Dixville Capital, LLC redevelopment project due to a potential conflict of interest.

David Norden distributed a list of meeting discussion items.

#### **1. Meeting Overview and Purpose:**

He warned the Board that some items will be repetitive of items discussed on July 15<sup>th</sup>. He stated that at that meeting some responses were clear but some were muddy. He stated that the discussion at the last meeting was at the 30,000' level and it was his intent to zoom in a bit more with tonight's discussion. He stated that the Dixville Capital objective is to submit an application on August 3<sup>rd</sup> and warn a public hearing.

#### **2. Procedures, Regulations, and Policies Required to Govern the DD-P Application**

- a. **Legal Process:** Mr. Norden affirmed the need for a legal process and asked that Attorney Waugh and Ms. Bamford rein them in if needed.
- b. **Vesting Rights:** He is hoping that there is the ability to vest a project based on site plan review. They want some type of process for the creation and adoption of the Balsams sub-district with specific land use and site plan review standards.
- c. **Site Plan Review vs Final Development Plan:** Mr. Norden asked if there is a distinction between Site Plan Review and the Final Development Plan. Are they different steps in the process? John Scarinza replied that the Concept Plan is the 30,000' view – the big picture of the development. The Final Development Plan is the 3,000' view. Site Plan Review is the list of regulations to follow. Ms. Bamford stated that the ordinance language makes it clear. “Within a maximum of 18 months following a Board’s decision to designate an area as a DD-P, the applicant shall file a Final Development Plan containing in detailed form the information required in the Board’s site plan review regulations.” John Scarinza stated that if the Concept Plan is approved, the developers need to come forward with a final plan within 18 months. Mr. Norden asked if the Final Development Plan was brought in within 18 months, then would the subdistrict and its regulations be vested. Ms. Bamford replied that is the way she reads it.

#### **3. Desired Outcomes of DD-P Application:**

Mr. Norden noted that they want a revision of land use standards for the sub-district. Ms. Bamford replied that the developers can make a case for waivers in their application. Mr. Norden asked if it would be possible to adopt Site Plan standards so that waivers do not need to be used. Under the Site Plan Review Standards, they would like to identify specific standards for the Balsams Development District. Burt Mills added that they do

not want a piecemeal development – they want a master planned district so that it looks the same in every phase in the future. John Scarinza stated that he will ask Attorney Waugh and Ms. Bamford to research the possibility of doing this. Mr. Norden continued that once the Concept Plan is approved, the first submittal will be the renovation of the Dix House and the Hampshire House under the “to-be-adopted standards and regulations”. Mr. Norden indicated his desire to get the ball rolling on the Public Hearing. Mr. Norden asked if a pre-application conference is necessary on each phase. Mike Waddell replied that it is not; pre-application conferences are not a requirement. Fred King advised the developers to bring in plans as soon as they are ready and the Board will meet as often as it has to.

Rick Tillotson stated that there are other landowners that exist within the proposed boundaries of the Balsams Sub-District. He gave the example of the Dixville Cemetery Corporation which was subdivided out a few years ago. Sue Collins stated that Tom Tillotson’s 5-acre property at the Wilderness Ski Area is another example.

#### 4. Application Update:

Mr. Norden noted that the application is in final draft form and consists of 3 parts: (1) Application for Concept Plan Approval and Formation of a Planned Development Subdistrict, (2) Land Use and Dimensional Standards, and (3) Site Plan Review.

Rick Tillotson asked if the plan covers the Panorama Golf Course which is located in Colebrook. Mr. Norden stated that the developers are not addressing the golf course, only the 8,175 acres in Dixville for the subdistrict.

Mr. Mills addressed the number of residential units in the overall plan. He stated that at build out there would be a maximum of 4,600 units in 4 development areas. Balsams Village 2,300 dwelling units around Lake Gloriette; 500 dwelling units at Wilderness base; 300 dwelling units at Cascade Basin; and 1,500 dwelling units at South Village on the Errol side of the ski area. He did note that the Balsams Village may not accommodate the density of 2,300 units as it is unclear if it is feasible with water and sewer capacity.

Mr. Norden stressed the importance of approving the ski area in the approval of the Concept Plan. He noted that ski areas are highly regulated and the developers will submit to the Board all state and federal permits required and obtained. They will provide a complete list of each review required and the agencies responsible. Mr. Mills stated that he has developed an organizational chart of each agency involved. He noted that the Wetlands Permit application to the NH Department of Environmental Services (DES) is a voluminous document. He added that NH Fish & Game cannot directly negotiate impact mitigation but they advise the wetlands division. Regarding the US Army Corps of Engineers PGP (Programmatic General Permit) Process, Mr. Mills noted that there are only 3 acres of wetlands on ski area lands. The Army Corps is advisory to the Wetlands Division. The US Fish & Wildlife Service is advisory to the Army Corps. He stated that the Department of Natural Resources identified a willow and another species along the

pipeline. A long eared bat is also mentioned. The Department of Historic Resources is advisory to the Army Corps. Historic properties include the Dix House and the Hampshire House as well as some older homesteads along the pipeline route that may require investigation.

Mr. Mills continued that the Alteration of Terrain Permit (AOT) deals with erosion control and construction management. The Shoreland Division is involved to some extent around Lake Gloriette. The Drinking Water Division is involved with system design and water wells. They are working with the Storm Water Division as well as the Dam Division as there are several dams on the property. Work with the Waste Water Division deals with the waste water treatment facility located on the property as well as septic design for individual homes.

Mr. Mills added that the 401 Water Quality Certification Permit is expected to be published by the weekend. It is subject to a 30-day comment period.

The developers are also working with the NH Attorney General's Office regarding real estate sales, covenants and other legal documents. The AG's office is also advisory to state agencies. As mentioned at previous meetings, they are working with the DOT as well as the NH Department of Safety that regulates trams and ski lifts and is home to the State Fire Marshal's office. In all, there are 18 state agencies involved and it is his hope that they will not have to duplicate any of these efforts at the county level.

John inquired about the request at the last meeting for Best Management Practices (BMP) for the development of ski areas. He asked if the developers were going to suggest one. Mr. Norden asked if the Chairman wanted them to provide it. Mr. Mills stated that the Board should look at the 401 Permit conditions; BMPs are not directly addressed but they will develop BMPs to satisfy state agencies. John continued, "Once the ski area project is approved, what are the Best Management Practices that you will adhere to?"

Mike Waddell referenced South Village with a planned build out at 1,500 dwelling units and probably 2,500 people. He asked if South Village is completely different than the ski area. He asked how emergency services will be handled. He stated that he is focused on how to handle a successful development of 10,000 people – the future location of the largest population center in Coös County.

Mr. Mills replied that he has been involved in ski area development for some 40 years. He is aware of having to provide emergency and municipal services. The Balsams is remote and service is the only reason that people will return. He has had meetings with Upper Connecticut Valley Hospital and they have agreed to a clinic at the Balsams Village. The developers plan to provide helicopter access to Dartmouth Hitchcock and they have backup strategies. Emergency services are fundamental to the services that they will offer at The Balsams Resort. Mike Waddell stated that he knows this all works at Sunday River in Maine and he can agree with the part of approving the ski area separately. He surmised that the developer will come forward with the ski area as built

out and the plan should include minimum standards for South Village as it may be built in the future.

Mr. Mills stated that it is their intention that all building will come to the Planning Board. He is not proposing that the developers avoid site plan review. His concern is that the processes that have already been reviewed by experts do not need another level of scrutiny at the Planning Board level.

Mr. Norden noted that with respect to parking, they will submit a parking plan as part of the application process. The Balsams is a destination and there is a need to house people. It will not be a day trip destination. As the ski terrain is expanded, there will be a need to expand the bed base.

Fred King reminded the developers that there is a local government structure for Dixville even though it is unincorporated. The Commissioners serve as Selectmen. The Planning Board has its functions but it is the function of the Commissioners to address police services, fire services and other municipal service functions. Municipal statutes that govern organized towns also govern unincorporated places.

Mr. Mills responded by relating his experiences with the Town of Newry, Maine. There were not many services for Sunday River Ski Area in this town of 350. He contracted with a private ambulance service to have their people at the ski area whenever there were 1,000 skiers or more. They policed their own region and they plan to be pro-active in providing these types of services and will work with abutting towns.

Commissioner Brady spoke to the duplication of effort concern. He stated that in much the same way as the County Commissioners will rely on the State Fire Marshal to oversee life safety and fire code compliance, and rely on the NH Department of Safety to inspect and license the ski lifts and gondola, he does not see why the County will get involved as long as the developers get all their required permits and provide copies to the County. He expects there will be a lot of oversight on behalf of the State of NH.

John Scarinza asked Attorney Waugh to prepare language that will memorialize that as services become necessary there is a process for providing those services.

Attorney Waugh stated that what he envisions is that once the Concept Plan is submitted, he will review it and provide the Board with a list of issues identified during this review. He will also state what the Board's options are on the approval of the ski area component. The Board might want to schedule an attorney conference as soon as possible after the application is submitted.

Mr. Mills stated that his understanding is that they will bring in the application and the board will review it for completeness. Attorney Waugh and Tara Bamford work as advisors to the Board. Mr. Mills wondered if issues were found during application review, could they bring those issues to the developers before 2 weeks go by. Is there a process for having a dialogue along the way? Rick Tillotson stated that issues noted in

the application should be brought to the developer only after the Board has a conference with Counsel. Attorney Waugh will need board approval before he gives feedback to the developers. Mr. Mills urged the Board to signal the developers as soon as possible on where they should be working to have a complete application. Tara Bamford stated that she too can review the application for completeness.

Mr. Norden summarized by stating the Concept Plan will include density and its dispersion. The ski area will be a separate part that will not require site plan review based on permit submissions. Is that acceptable, he asked. John Scarinza replied that he expected the submission of not only state and federal permits but also BMPs on building the ski area. Mr. Mills stated that they have submitted the Concept Plan for the ski area with the State. The ski area is a really large project and conceptual approval is needed so they can go to the investment community. The Planning Board will be provided with the same information that is provided to the State. Mr. Mills is fairly confident of the Year 1 ski area expansion with trail locations. This needs to be developed so he can go to the Army Corps with the Year 1 plans and the overall plan for the future that will have a declining balance of mitigation lands as they go through the phases of construction. Bottom line is that the developers need a zoning district. They have a Concept Plan of a development that they can build that spells out the regulatory issues that they can rely on in the future.

Rick Tillotson stated that members of the Board will see an application in 7 days. He stated that it will be apparent how much detail the developer provides and the Board can determine what else is needed. The Board will then speak with Counsel and see how much more we will need.

Attorney Waugh inquired about the legal framework for the developers' request for authorization to remove a particular use from the zoning laws. Mr. Mills replied that in the Balsams Development District, the Board will rely on experts from the state level permitting process and the Board will condition approval on permits from these agencies.

Attorney Waugh noted that it is clear what the developer wants. Tara Bamford added that "waiver" is the right word for what they want. Attorney Waugh informed the developers that they need a Site Plan Review application with a list of the items that they want the Board to waive. Rick Tillotson advised the team to do what they can do and then request waivers for those other items. Attorney Waugh continued that he will want to look at what they have got and the Board will waive what it can. Mike Waddell stated that he is not entirely sure that the developers' concerns about Site Plan Review are something they cannot acquire. In this Balsams Development District, you have the ski area use by right. Site Plan Review is not a lever to throw over a project.

Attorney Waugh stated he does not think the legal framework he is talking about requires more work on the part of the developer. The developer can submit requests for 1000 waivers and it is up to the Planning Board to decide which waivers they will grant. He told the developers they need a site plan for the ski area as a whole and request waivers for the details they want to omit.



John Scarinza added that Site Plan Review is not a wooly monster. He advised Mills and Norden that they may have enough in the application to get approval.

*5. Next Steps/Calendar:*

Ms. Bamford stated that submitting the application does not start the clock. Acceptance of the application as complete starts the clock.

John Scarinza stated that in order for the Board to notice August 18 as a Public Meeting, the developers must submit the application by August 3<sup>rd</sup>. At the August 18<sup>th</sup> meeting, the application will be reviewed for completeness and determination will be made if it is a project of regional impact. Then notification to communities and abutters will require a minimum of 15 days. The next meeting after the Concept Plan application is accepted as complete will be the meeting where the developers present their application to the public.

Mr. Mills stated that in fact this project will have regional impact. Does the Board have to extend the public hearing out to another meeting? John Scarinza replied that the public must have an opportunity to provide impact concerns to the Board. Regarding regional impact, Mr. Mills stated that he has already had a meeting with Errol officials and will be speaking with Colebrook.

It was agreed that Tara Bamford would review the application for completeness as soon as it is submitted. Arrangements will be made to get the application to her immediately. Commissioner Brady asked if the Planning Board should have a non-public session with legal counsel. Attorney Waugh replied that meeting with Counsel is a non-meeting under RSA 91. He suggested that he will meet with the Planning Board at 5 PM on August 18<sup>th</sup>. John reminded the developers that they will submit 20 hard copies. One will be available to the public at the County offices in West Stewartstown, one at the Courthouse in Lancaster and one to be digitally available on the County's website, [www.cooscountynh.us](http://www.cooscountynh.us) shortly after submission.

Edith Tucker spoke about parking concerns. She noted that people park at the AMC Highland Center. They are not necessarily guests of the facility but park there and wander around. Where will day trippers just looking around park at The Balsams Resort? She suggested it isn't just a straight ratio of beds to parking.

**RATIFICATION OF BUILDING PERMITS:**

Jennifer Fish stated that some building permits had just come in but had not been reviewed by the Chairman and would be brought to the next meeting.

**DATE AND TIME OF NEXT MEETING:**

August 18, 2015 at the Tillotson Center in Colebrook at 6 PM. Planning Board will meet with Attorney Waugh at 5 PM at the same location.

**ADJOURNMENT:**

Rick Tillotson made a motion to adjourn. Fred King seconded the motion and all voted yes.

Respectfully submitted,

Suzanne L. Collins  
Secretary to the Planning Board

Pending Approval