

COÖS COUNTY PLANNING BOARD
Colebrook, NH
September 13, 2017

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

Also in Attendance: County Commissioners Paul Grenier and Rick Samson; Art York, York Land Services; Edward and Bernie Carrier, Pond Brook Estates; Ed Brisson, Coralie Stepanian and Scott Tranchemontagne, Dixville Capital, LLC; Dan and Lisa Hebert, Balsams View, LLC; Steve LaFrance, Horizons Engineering; Ron Anstey, NH Fire Marshal's Office; Attorney Christine Filmore; Becky Merrow and Ray Gorman, Town of Colebrook; members of the press and public.

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

APPROVAL OF MINUTES OF AUGUST 23, 2017:

Rick Tillotson made a motion to approve the minutes of August 23, 2017 as distributed. Mike Waddell seconded the motion. There was no discussion and the minutes were approved by unanimous voice vote.

PUBLIC COMMENTS NOT RELATED TO AGENDA ITEMS: none

SEATING OF ALTERNATES:

Chairman Scarinza stated that Tom McCue would sit in for Scott Rineer who was absent from the meeting.

MILLSFIELD: Subdivision Application of Pond Brook Estates – continued review from 8/23:

Regarding an application for a nine lot subdivision submitted by Pond Brook Estates LLC/Bernard and Edward Carrier off Signal Mountain Road, MI Map 1623, Lot 009, Art York appeared on behalf of the applicants to address outstanding items from the August 23rd meeting. Mr. York stated that the engineer added Signal Mountain Road from its intersection with Route 26 to the subdivision road – Carrier Lane. He also added drainage for the development as well as the location of curb cuts, proposed driveways and house locations. John Scarinza explained to those in attendance that the Board is gathering information to determine the completeness of the application. Additionally, the engineer provided a certification statement that the road designs meet county requirements.

Rick Tillotson asked if all contours head towards Route 26. Mr. York replied yes to some and others head south.

John asked Board members if the current documents satisfy the requirements for a completed application. Rick Tillotson made a motion to accept the application as complete. Ed Mellett seconded the motion. With no further discussion the motion passed in the affirmative.

PUBLIC HEARING

John Scarinza opened the Public Hearing on the Pond Brooks Estates subdivision application at 6:10 PM. Edith Tucker said she recalled this road is also an ATV trail and wondered if it connects to other ATV trails. Ed Carrier replied that it is connected. The State of NH leases land from them on Signal Mountain Road as a recreational vehicle staging area by agreement. With no other questions forthcoming, John Scarinza closed the Public Hearing at 6:15 PM.

The Board returned to its agenda.

Mike Waddell asked about Note #5 on the subdivision plan. Signal Mountain Road and Carrier Lane are to remain private and Mike wondered if Carrier Lane is newly constructed. Art York replied that the road is there but all it needs is gravel to meet the county's specifications. Fred King added that the road needs to be graveled before any lots are sold.

John Scarinza suggested putting a condition of approval that an engineer assures the Board that the road is built to planning board standards before the final coat of gravel.

Tom McCue stated he had been concerned that the road was an ATV trail and that buyers should be aware of that prior to purchase. He stated he appreciates that it's on the subdivision sheet. He suggested that when the plat is recorded, the road design sheets should also be recorded and this should also be a condition of approval. Mr. York replied that normally road designs are not recorded.

In response to a concern about the need to send fire trucks and school buses onto this road, Sue Collins stated that each applicant for a building permit should be required to sign an Agreement and Release of Municipal Liability Form (RSA 674:41). Mike Waddell stated he is not sure this would apply to school buses.

Mike Waddell made a motion to approve the Pond Brook Estates subdivision conditional on road review by a licensed engineer hired by the County and paid for by the applicant who will verify that the road is constructed from Route 26 up to and including Carrier Lane in accordance with the Board's zoning regulations and as depicted on the plan. This will be certified to the Board prior to recording the plan at the Registry of Deeds. Rep. Moynihan seconded the motion.

Rick Tillotson asked how long this motion would be in effect. John Scarinza replied 5 years. John told the applicant that after the condition of the motion is met to bring in the Mylar for his signature and for recording.

Chairman Scarinza called for a vote and all supported the motion.

DIXVILLE: Dixville Capital LLC Subdivision Application for a 3.44-acre subdivision of Dixville Map 1626, Lot 6.4 for the Lake Gloriette House AND Site Plan Application for Lake Gloriette House on Map 1626, Lots 6.3, 6.4, 6.8 and 6.9 (continued review of application from previous meeting):

Ed Brisson stated that the items the Board requested at the last meeting were as follows:

1. The addition of the PD5 boundaries on site plans. On August 27th 10 sheets with PD5 boundaries were submitted to Tara Bamford, consultant to the board.
2. Ed presented 3 new full sets of plans to the Board.

3. Trip generation report was provided to Tara Bamford on August 28th. Copies of the Stephen G. Pernaw & Company memorandum – preliminary trip generation analysis - were distributed to board members.
4. Signature block was added to the cover page.
5. Architect stamps were added to the landscape pages.
6. Fire truck access route was added to Sheet C021. New tunnel will be constructed to handle the load of a fire truck.
7. Will-serve letter for the Lake Gloriette House was received from the 45th Parallel EMS.
8. Will-serve letter from Colebrook Fire Chief will be submitted as soon as Chief returns from vacation.
9. The snow storage plan was submitted.
10. Signage Guidelines – Ed Brisson explained that these will be submitted prior to construction.

Ed Brisson submitted the NH DES Ground Water Discharge Permit for Unlined Wastewater Lagoons and Rapid Infiltration Basins issued on August 15, 2017 to Daniel Hebert, Dan & Dan, LLC. Mr. Brisson stated that this item was also an outstanding item on the Dix/Hampshire House conditional approval.

Mr. Brisson summed up his submissions by stating that he believes the Dixville Capital, LLC application is complete. John Scarinza stated that Tara Bamford informed him that the application is complete.

Rick Tillotson made a motion to accept the site plan application for the Lake Gloriette House as complete. Mike Waddell seconded the motion. There being no comments or questions, the vote to approve the motion was unanimous.

PUBLIC HEARING

John Scarinza called the legally noticed Public Hearing to order at 6:45 PM. He asked Ed Brisson to present the project to the public.

Ed described the plans for the 5-story Lake Gloriette House including restaurants, lobby, conference center, hotel rooms, retail space, ski services, guest services, children's center, mechanical space, back of house offices, loading dock and underground tunnel. He described infrastructure including parking, stormwater plan with retention ponds, site for future biomass plant and cooling towers for air-conditioning. Different views of the hotel were shown. The building height is 68' which is within the 75' maximum in the PUD (Planned Unit Development). He spoke to the circulation plan with the relocation of existing Cold Spring Road. He stated that the new pool area is in generally the same location as the current pool. He described the Gondola Plaza.

Steve LaFrance, Horizons Engineering, showed plans for the relocation of Spur Road and highlighted the revised roadway and reconfigured intersection with Cold Spring Road. He explained that these roads are currently owned by NH Department of Transportation. DOT will be asked to abandon and the developer will improve the road. The roadway as designed meets County, DOT and AASHTO Standards for Road Design. The road is designed for 25 MPH traffic with a center line radius of 150'. The shoulder width is 6' versus the county standard of 8'. The maximum grade is 1% (so that the road can drain) and the maximum grade is 5% (standard maximum grade is 10%).

All buildings will be served by 8" gravity sewer lines – all new within the development – that will hook up with the wastewater treatment plant already on the property. He noted that the storm drain pipes are depicted. There is a new 6" water main to the 120,000 gallon water reservoir. The old penstock will be abandoned.

Rep. Moynihan noted that the Groundwater Discharge Permit is to Dan & Dan, LLC. Steve LaFrance noted that the permit is easily transferred from one entity to another when Dixville Capital buys that parcel. John Scarinza stated that it is in the conditions. John added that due to the size and scope of a project like this, in order to streamline the permitting process, the county will defer to a higher agency that requires a permit such as water supply, sewer systems, road standards and Alteration of Terrain Permits. This eliminates duplication of effort for the applicant. John explained to the public that the Board has asked the State of NH to issue the building permits. The Fire Marshal's office will coordinate all inspections with the developer's engineers.

Ed Brisson stated that approval of this application is a critical step; there is still hope that construction can begin this fall.

John Scarinza asked for public comment. Edith Tucker inquired when the developers will apply for the ski area permit and site plan approval. Ed Brisson replied he hopes it will be this fall; it was previously brought in but has been on hold. John Scarinza added that this where the AoT Permit is needed.

Fred King expressed appreciation to the developers for a comprehensive presentation.

Ron Anstey, Fire Marshal's office, asked for delineation between the Lake Gloriette House and the adjacent buildings.

Joan Dickson asked where the golf course comes into this picture. Ed Brisson stated that the development team will work on the design this coming winter and it will be brought before the Colebrook Planning Board as the Panorama Golf Course is located in Colebrook. Fred King emphasized the critical importance of the state's upgrade to the road between the golf course and the hotel. He noted that the contract for this work had been awarded but it has expired.

John Scarinza closed the Public Hearing at 7:30 P.M.

RETURN TO REGULAR MEETING

John Scarinza informed the Board that Tara Bamford did a review of the plans but also issued a disclaimer that she is not an engineer. When the Board approved the Hampshire/Dix House, it had conditions so those conditions should be added to this project. John read her memo regarding conditions:

"I looked over the plans before I left along with the PUD conditions and site plan regs. My thoughts for the 13th are: 1. Include those that Bernie (Attorney Waugh) wrote for the Hampshire-Dix House. Add AG condominium approval. 2. Incorporate the Fire Marshal's requirement for truck access between the buildings; and 3. Add a condition that the road relocation needs to be completed to County road standards."

Ron Anstey stated that the intent of The Balsams is to have walkways to support a fire truck. Ed Brisson replied that it is shown on Plan C021.

John Scarinza stated that the Board will need to consider the additional traffic that may affect Colebrook. Tara suggested working with NH DOT and the Town of Colebrook on this item. Ed Brisson stated that indications from the trip generation report show there may not be an increase from historic use when the hotel was open until the ski area is expanded. They will address increased traffic as part of the ski area submittals. There will be a scoping meeting with DOT that will include Errol, Colebrook and the County. Ed Brisson requested that the site plan approval for the Lake Gloriette House not be conditioned on that.

He stated that he has been talking with Becky Merrow, Colebrook Town Manager about the Route 26-Route 3 intersection in downtown Colebrook.

John Scarinza added that the Board will need the will-serve letter from the Colebrook Fire Department. The signage guidelines are to be presented in the future before construction and the shoulder widths would need a waiver request from the developer.

Tom McCue spoke about Tara's recommendation to add the AG condominium approval as a condition. He added that this applies to the Hampshire-Dix House also. Ed Brisson stated he will get those documents to Attorney Waugh for review when they are available.

Rick Tillotson asked if the applicant is amenable to attaching the same conditions as the Hampshire-Dix House. John read the conditions dated June 6, 2016.

1. The project shall be completed substantially in accordance with the plans, materials and testimony as summarized above, and any substantial or material change or deviation shall require further action by the Board.
2. The existing PUD Development Agreement and PUD approval shall be executed and recorded prior to the issuance of any building permit for this project. The implementation of the project shall be consistent with the provisions of those documents.
3. The applicant shall comply with all applicable State requirements and approvals issued thereunder including but not limited to the Shoreland Protection Permit, Alteration of Terrain Permit, DOT Driveway Permit, and State water, stormwater and sewer approvals. The granting of such approvals shall be a condition precedent to the finality of the within approval, and copies of all such approvals shall be provided to the County. Compliance with DES Stormwater Manual shall also be an enforceable condition of this approval.
4. Prior to the separation in ownership of Parcel 2 from Parcel 1, 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 1 and/or the Applicant's remaining properties – which are adequate to ensure the provision of water, sewer, access, parking, and the use of stormwater and erosion control systems, for and by Parcel 2 – such provisions to be enforceable by the County, at its option.
5. Prior to the issuance of any building permit, the Applicant shall satisfy all requirements of the State Fire Marshal's office with respect to fire protection and fire safety, and compliance with the State Building Code and State Fire Code. Fire lanes shall not be impeded by landscaping.
6. This approval will expire – subject to further action by the Board – if it does not become final and become recorded at the Registry of Deeds within 5 years of the date of this approval.

It was noted that the references in #4 above may need a little change – Parcel 1, Parcel 2 and Parcel X for the Lake Gloriette House.

Edith Tucker asked when the condo document is approved by the Attorney General, does a buyer have a right to the ski area? Ed Brisson replied that is not the case. The ski area is a fundamental entity to the resort but it does not give an owner a legal right to the ski area. What is guaranteed and what is not is included in the condo agreement.

Ed Brisson referenced the last sentence of #4 above. He stated it is not totally clear what is meant by “such provisions to be enforceable by the County, at its option”. He will send this inquiry to Attorney Waugh within the next couple of days.

Rick Tillotson made a motion, seconded by Mike Waddell, to approve the subdivision and site plan applications, subject to the following conditions:

1. This approval shall be subject to the same conditions that were included in the Board's approval of the subdivision and site plan for Hampshire House and Dix House (dated June 6, 2016), as modified to apply to Lake Gloriette subdivision and site plan applications.
2. The applicant will provide the Board with a "will serve" letter from the Colebrook Fire Department for this project before any building permits are issued.
3. The applicant will comply with the State requirement regarding approvals from the Attorney General's Office for condominium documents and sales, if applicable to this project, and the granting of that approval shall be a condition precedent to the finality of the approval, and copies of such approval shall be provided to the Board.
4. Prior to installing any permanent signage for this project, the Applicant will provide the Board with a plan for all permanent signs to be installed, in conformity with DD-Resort District signage guidelines.
5. Road relocation within the site plan area shall be designed and constructed to County road standards.

Ed Brisson stated that they will submit all approvals received from the Attorney General but he doesn't understand what the AG approval has to do with site plan approval.

Attorney Christine Filmore explained that the point of the Attorney General providing condo approval is Consumer Protection. Technically, a condo is a subdivision. The question is whether the AG will accept an approval with conditions. Ed Brisson questioned how ownership ties to site plan approval. Tom McCue replied that if a developer is doing condos, there are subdivisions for the units.

The developer will need a waiver for the 6' shoulder as the requirement for an 8' shoulder is triggered by instances of over 1500 visits.

Ed Brisson explained that the wastewater plant and the water system will either be a non-profit utility district OR a PUC regulated utility. The Home Owners Association (HOA) will definitely not own these utilities.

Ed Brisson stated that they may not have all the final approvals from the State by the time they start moving dirt and they may need to come back to the Board. The Board would need to hold another public hearing if there is a substantial amendment to the approval.

There being no further questions or comments, the Chairman called for a vote. All members voted in favor of the Tillotson-Waddell motion.

Rick Tillotson made a motion to waive the 8' shoulder requirement and approve a 6' shoulder. Commissioner Brady seconded the motion. There was no discussion. All members voted in favor of granting the waiver.

DIXVILLE: Review status of conditions of approval for the Dix Hampshire subdivision.

John Scarinza stated the Board had just reviewed these conditions during the discussion of the Lake Gloriette House conditions of approval.

DIXVILLE: Review status of conditions of approval for PUD Permit – Dixville Capital, LLC

John stated that the PUD Permit approval is outstanding and needs to be signed and recorded.

RATIFICATION OF BUILDING PERMITS:

Rick Tillotson made a motion, seconded by Commissioner Brady, to ratify the following building permits:

#480	Thad Goodwin	Wentworth Location	12'x 25' Shed
#481	AMC	Pinkham's Grant	Elevated Boardwalk
#482	Brian Mercier	Millsfield	Cement slab under camp/remove Existing shed.

John Scarinza explained that Permit #480 was issued with the conditions that the shed will be no closer than the current setback of the existing camp and that the shed will not be used for living space.

There being no questions, Board members voted unanimously to ratify the building permits.

TIME AND DATE OF NEXT MEETING:

It was agreed that the next meeting will be held on October 25th at 6 PM, location to be announced.

ADJOURNMENT:

Rick Tillotson made a motion to adjourn. Ed Mellett seconded the motion. All voted in favor.

Meeting adjourned at 8:25 PM.

Respectfully submitted,

Suzanne L. Collins
Secretary