

COÖS COUNTY PLANNING BOARD  
Lancaster, NH  
February 26, 2015

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

**Also in Attendance:** County Commissioners Paul Grenier and Rick Samson; Representatives Robert Th  berge. John Tholl, Herb Richardson, Yvonne Thomas, Larry Rappaport; Ed Brisson and Burt Mills, Dixville Capital, LLC; Dan Hebert and Lisa-Gravel Hebert, Balsams View, LLC; Commissioner Jeffrey Rose and Benoit Lamontagne, NH Department of Resources and Economic Development; NH Fire Investigator Ron Anstey; Tara Bamford and Christine Frost, North Country Council; County Forester Brendan Prusik; Chuck Henderson, Office of Senator Jeanne Shaheen; Town of Colebrook Selectmen Holt, Gorman and Kennett; Wayne Frizzell and Mike Daley, North Country Chamber of Commerce; David Brooks and Dana Bartlett, Colebrook Planning Board; and approximately 50+ other members of the public and the press.

John Scarinza, Chair, called the meeting to order at 6 PM. He stated that he was changing the order of the agenda in order to allow the presenters of The Balsams redevelopment project to go first. He clarified that the Balsams presentation is not a public hearing. At this point, the Planning Board has received no application. The information presented is the conceptual part of the process and not intended for a question-answer forum for the Balsams team. When an application is received, the Board will abide by specific regulatory and statutory timelines for advertising, review and public hearings. John assured everyone that there will be a public process.

Fred King noted that a local newspaper had reported that the Planning Board was in the process of revising its planning documents due to the Balsams redevelopment. He stated that this simply was not true. The Board had updated its Master Plan in 2006. Site Plan Review, Subdivision Regulations and the Zoning Ordinances have been on the Board's work plan since 2010.

**BALSAMS RESORT REDEVELOPMENT UPDATE:**

Burt Mills, a principal of Dixville Capital, LLC, stated that the team is grateful for the local interest in the project. He stated that he is working with Ed Brisson on the planning and permitting side of the project. He added that there is an assumption "out there" that they are further along in the process than they really are. He stated he has been working on the project for 1    years predominately on state and federal permitting. He then displayed a graphic of the proposed ski area that includes a large parcel of property currently under option to purchase. He stated that in order to be successful, this project

must be a large scale destination development. It needs to be unique, exemplary and different from other contenders in the field. The property is fantastic. The Balsams is currently in its 4<sup>th</sup> year of being closed and the buildings are in rough shape. When Les Otten first looked at the ski area property he discovered a unique piece of terrain with the attributes of a fantastic ski area.

Ed Brisson, Dixville Capital, LLC, stated he has worked for a year on Master Planning and has worked with some of the best resort developers in the nation. This development needs 2 critical permits from the State of NH. Applications for both have been submitted and are in the public record:

1. 401 Water Withdrawal Permit in order to bring water from the Androscoggin River in Errol to Dixville. This consists of a 9 mile water line; and
2. Wetlands Permit.

He noted that the next step is to meet with County and Town of Colebrook officials during the next month to begin the local permitting process.

The plan is to save the Hampshire House which is listed on the National Historic Register. It will be upgraded to today's standards. The Dix House will also be saved. However, the connector between the two buildings will have to come down and completely rebuilt. Another hotel will be added. Phase I of the Master Plan focuses on developing the hotel area with gondolas coming out of the Tillotson house site and a ski-back bridge over Lake Gloriette. He mentioned a hot springs spa on the grounds of this 4-season resort. In future phases there may be additional building projects in the hotel area. Also in future phases, there is the potential for development of residential units near the Wilderness Ski Lodge as well as on the perimeter of the Panorama Golf Course.

Burt Mills referred back to the plan for the ski area which will incorporate 20 ski lifts. He provided assurance that no development will affect the notch itself. He noted one area that was clear cut a short time ago that will need to be remediated. Most of the new ski resort has a great deal of wind shelter. Once again he emphasized that the plan calls for a phased build out with six new ski lifts in the first phase on 400 acres in addition to the current 140 acre Wilderness Ski Area. Ed Brisson stated that the new snowmaking waterline is included in Phase I. Both gentlemen stressed that all development will occur over time with future expansion depending on market conditions. This could be a 20-year process.

Ed Brisson stated that Phase I calls for a huge investment and noted that it would be difficult to build the current 7-story Hampshire House today in remote Dixville Notch. He stated that Dixville Capital will be proposing a Master Planned Development District for The Balsams Resort. He showed the County's current land use guidance map for Dixville where the current hotel and ski area are in so-called development districts. The remainder of the property lies in a management district. He highlighted the area that would be included in the Planned Development District that would have regulations

specifically designed for the resort. He stated that his team wants to work with the Planning Board to form regulations appropriate to the master planned resort. Fred King asked if the Canadian market is significant. Burt Mills replied that the potential market for resort visits includes Montreal, Sherbrooke, and Magog. However, the real estate market is more likely to come from the U.S. side of the border.

John Scarinza stated that his understanding is that the developers will be asking for a Planned Development District under provisions of Innovative Land Use Controls. He stated that they may also need subdivision approval for lands under option and advised that the sooner those applications get to the Board, the better. Public input will be a requirement due to the regional impact of this project. He asked if there is a sense of a timeline. Ed Brisson replied that he expects it will be soon. The team wants to be working on what is important to the Board (and required). He expected that in several weeks, some materials would be ready for submission to the Board. John Scarinza provided assurance that the Board is generally flexible in scheduling its meetings to accommodate applicants. He also clarified that the conditional Building Permit issued in 2013 to Balsams View, LLC, is no longer valid due to the change in project scope. He noted that Ron Antsey from the State Fire Marshal's Office is present at the meeting and that his office will help. Burt Mills noted that the Hampshire House would have the same look and feel as it has today.

John Scarinza stated that as the Board looks at the developer's request for a zoning map change for a Planned Development District in Dixville, it will be important to include discussions with Colebrook and its Fire Department.

Rick Tillotson expressed concern about a timeline for construction to begin as the Board must be prepared with its own engineer to review the plans on the Board's behalf. John Scarinza replied that the Fire Marshal's office will provide assistance relative to fire and life safety code compliance. For other considerations like site plan, plumbing, electrical, etc. the Board will need to hire a professional to be on site regularly.

John Scarinza asked if anyone attending from the public had any questions on the process to be followed by the developers and the Board. Millsfield resident Jackie Hines asked about the snowmaking water line. Burt Mills replied that it will be buried at a depth of 6 feet in the shoulder of the roadway.

Colebrook Selectman Jules Kennett asked if the Board can hold public hearings further north in Colebrook. Fred King replied that perhaps the next meeting on this project can be held at the Colebrook Elementary School with permission from the School Superintendent.

Edith Tucker, *Coos County Democrat*, stated she had attended a meeting earlier in the day where she learned that the developers were hoping for shovels in the ground by the first of June.

DRED Commissioner Jeff Rose stated that the State is working diligently every single day to advance this project. He noted that this is a transformational opportunity for all of New Hampshire. This will be a world-class year-round destination that we call all be proud of.

Burt Mills thanked the Board members for their time. He noted that the project team has met with a tremendous amount of support with the government. He noted that the cooperation he has experienced is unique and stated, "Hats off to New Hampshire".

Fred King shared a Berlin Daily Sun news article from July 31, 2007 where a national consultant Roger Brooks of Destination Development had called Coos County a world class destination and named The Balsams Grand Resort as its #1 tourist attraction.

John Scarinza called for a 5 minute break before opening the Public Hearing on the Site Plan Review and Subdivision Regulation document revisions.

### **PUBLIC HEARING SUBDIVISION REGULATIONS AND SITE PLAN REVIEW:**

Chairman Scarinza opened the Public Hearing at 6:50 P.M. He stated that the Board has been talking about updating its planning documents since 2010. Some document language has fallen behind as far as statutory language and best management practices. For example, the subdivision regulations gave reference to county road standards. There are no formal county road standards; therefore, the reference was changed to state road standards. He stated that based on a recommendation from the Planning Board, the County Commissioners had engaged the services of North Country Council to assist in the review and document updates/changes. Tara Bamford of North Country Council was assigned to the project. John Scarinza stated that the Board was now looking for further comments and suggestions from the public.

Paula Sweatt, resident of Millsfield, anticipated that there will be much development in the future for the Millsfield area if Les Otten is successful with the development of The Balsams resort. She stated that she has kept an eye out on the housing development in the Newry, Maine region which is close to the Sunday River resort. If developments come forth in the future, she asked, will the roads remain private and not become a responsibility of the county or the Unincorporated Place of Millsfield?

Tara Bamford read new section 6.01, 4, e. Page 23 of the draft of the revised Subdivision Regulations, "*Maintenance: The applicant shall demonstrate that an entity (e.g. developer, landowners, or homeowners association) will be in place having the responsibility and financial substance to ensure maintenance and repair of proposed roads in a manner which provides safe access for residents, visitors, delivery and emergency vehicles.*" John Scarinza added that these regulations do not say that the road must be a private road but the regulations do require that any road built must be built to state road standards. If someone wants to designate a road as a private road, the new regulation provides assurance that the developer will maintain it.

Fred King stated that the Board should take a look at the issue of the County ever having to take over a private road. Tara Bamford replied that because the County or its Unincorporated Places do not have county roads, the maintenance provision applies to all roads. Commissioner Brady stated that if someone ever wanted the County to take over a road, they would have to petition the Commissioners and follow the same procedure that is used in towns with Selectmen and town meeting.

David Brooks, Chairman, Colebrook Planning Board, stated that the Board can require a covenant in the deeds that the owners are responsible for proper maintenance of roads in a development. David Brooks continued with a question of why section 6.02 Drainage was removed from the previous language. Tara Bamford replied that the former drainage section only pertained to roads where the new stormwater management plan language on Page 20 covers the entire development.

David Brooks asked about the design standards for roads. Regarding the grade, is there anything regarding the length of the road? Tara Bamford stated that Section 7 begins with the requirement that each subdivision plat shall conform to the design standards herein as well as the NH DOT *Suggested Minimum Design Standards for Rural Subdivision Streets* and the standard in response to Mr. Brooks' question is 1,000 feet. The DOT minimum design standards are incorporated by reference.

David Brooks inquired about lot sizes. John Scarinza replied that the lot size standards are included in the Zoning Ordinances and the Board's next step is to update those ordinances.

Steve LaFrance, Horizons Engineering, suggested that the language in Section 6.02 Monuments needed to be changed to comply with state law, "*Bounds shall be set by a registered professional engineer or land surveyor*". Mr. LaFrance said that in New Hampshire only a land surveyor can set bounds. It was agreed to correct this item.

There being no further questions on the Subdivision Regulation changes, Chairman Scarinza proceeded to the Site Plan Review Regulations.

David Brooks inquired about "change of use" language. What is it? Is it residential to non-residential, is it residential to commercial? John Scarinza replied, "It is all of those." Tara clarified that it does apply to residential to non-residential but not from commercial to residential. David continued, "What if it is a different commercial use from a previously approved site plan?" Tara Bamford replied that these regulations do not define "change of use" because a use might have existed prior to the adoption of Site Plan Regulations. Mike Waddell related that in Gorham, change of use is a tough issue. For example, if someone buys a service station and wants to add more pumps, it's a change of use from the approved site plan but since most Planning Boards only meet once a month, these types of trivialities can get really get backed up in the system. He suggested that unless it's a significant change, the Board should take a more lenient view of change of use. David Brooks argued that abutters might take issue with whether a slight change of use is significant or not. John Scarinza suggested that when in doubt, the change should

be brought in for Planning Board consultation. Mike Waddell stated that he has not seen any language that satisfies him on the issue of change of use.

Tom McCue stated that the unincorporated places are unique and suggested that as we work through these regulations, they should be kept more general and flexible. This board is dealing with land areas that are very different. Rep. Rideout agreed that he likes the flexibility of the regulations since the North Country does not have a long construction season.

Rick Tillotson suggested that Site Plan Review have the same kind of application analysis by a staff member as the building permits do. John Scarinza suggested that the Board should add a designee to review these applications. Staff does the initial review and if a staff member says it's a change of use, then it's ultimately the Board that will review for approval. Tara Bamford stated that by notifying abutters you may get to hear about impacts that you had not thought of.

Colebrook Selectman Bob Holt stated that Colebrook has had problems with change of use. Changes have been implemented without going to the Planning Board. John Scarinza added that if he's the property owner who wants to change a use, if there is nothing clear in the regulations, then he might just go ahead with the change.

John Scarinza stated that he had received written comments (see underlined statements below) from Pittsburg resident David Enos:

1. Subdivision Regulations: One goal in the planning process should be that development should not increase the rate or amount of stormwater runoff post new development. Tara Bamford stated that the decision was made to incorporate the State's Stormwater Manual by reference.
2. Subdivision Regulations: It would be nice to see a goal for no net loss of wetlands.
3. Subdivision Regulations: In light of the proposed large scale development on the horizon, the Planning Board might consider looking at "mitigation banking" for unavoidable adverse impacts. Mr. Enos, in attendance, stated that this is a tool that the Board can use. John Scarinza replied that the mitigation process is covered in the state wetland permit process.
4. Subdivision Regulations: DES recognizes vernal pools as unique and necessary to the natural environment. It would be a proper thing to have an ordinance that reflected this recognition. John Scarinza informed Mr. Enos that the Zoning Ordinance contains a number of protection areas including wetlands.
5. Subdivision Regulations: The Innovative Land Use Controls (RSA 674:21) law allows the development standards which guide the planning board or its designee. This RSA empowers town planning boards to delegate responsibilities. Zoning ordinances, including Environmental Characteristics Zoning, can be adopted. John Scarinza replied that the documents do include references to Innovative Land Use Controls and the county does already have Zoning Ordinances for the Unincorporated Places. Tara Bamford added that RSA 674:21 enables floating districts like the county has now in its zoning ordinances.

6. Site Plan Review: Regarding the issue of posting notices in at least two public places, for consistency and clarity, can the words “public places” be replaced with “appropriate places” and include “one of which may be the County’s internet website” to be in tune with state law? Mr. Enos stated that the so-called public places cannot be obscure public places. John Scarinza replied that the Board should agree to the minor language change from public place to appropriate place. Fred King suggested that the language be “appropriate public places”. Board members were in agreement with this change.

There being no further comments, Chairman Scarinza closed the Public Hearing.

**BOARD ACTION ON REVISED REGULATIONS:**

Rick Tillotson made a motion to adopt the revised Subdivision Regulations and Site Plan Review Regulations as updated and with the 2 minor changes agreed to during the public hearing. Rep. Rideout seconded the motion. There was no further discussion and the vote of approval was unanimous.

**RATIFICATION OF BUILDING PERMITS:**

John Scarinza reported on the tabled building permit application received from Alan Pinkham for the reconstruction of a camp on Millsfield Pond. The old camp was completely removed last fall and Mr. Pinkham proposes to build a new camp. John stated that this constitutes new construction and looked into whether it required a septic permit. John stated that he had contacted the NH Department of Environmental Services (DES) and learned that DES will approve the project with the clear understanding that 3 stipulations are attached to the permit:

1. Permit is for a 3-season camp.
2. There is no running water or electricity into the camp.
3. Composting toilet only. Any gray water shall be drained into a 12 x 18 mini-dry well filled with crushed stone.

John added that Mr. Pinkham will have some \$70,000 invested in this 3-season camp located on less than 10,000 square feet. He added that composting toilets do not work so well in the winter months. Fred King suggested that the permit clarify the 3 seasons. Rick Tillotson suggested that John contact DES for their interpretation on what constitutes the 3 seasons. Rep. Rideout added that the concept of 3 seasons is spring, summer and fall. John did state that this camp will be very well insulated. Mike Waddell said that composting toilets are now available to handle winter use. He suggested that rather than struggle with what constitutes the 3 seasons, the Board should focus on what happens with his septage without affecting those around him. He suggested that Mr. Pinkham should be required to submit a septic solution that works in the winter time.

John Scarinza said that he will send the permit with stipulations to the landowner to get his reaction. Rick Tillotson suggested that the permit stipulation be “Composting toilet what works in the winter”.

Tom McCue stated that it is obvious that DES does not want this camp to become a full time residence.

Rick Tillotson made a motion to approve the Alan Pinkham permit with conditions. Fred King seconded the motion. All voted in favor.

**APPROVAL OF MINUTES OF JANUARY 29, 2015:**

Fred King made a motion to approve the minutes of January 29, 2015 as distributed. Rep. Rideout seconded the motion. There was no discussion. All members voted in favor of approval.

**HEARING OF THE PUBLIC:**

Edith Tucker, *Coos County Democrat*, said that at a meeting she attended earlier in the day, Les Otten, Balsams developer, had said he wanted to be sure there is no redundancy in the permits required by the different levels of government like the State of NH, EPA, Army Corp of Engineers, etc. Rep. Rideout said he expected that the Planning Board will only ask for verification that the applicant has obtained the permits. Fred King agreed that copies of the various permits will be required to be filed with the applications.

Colebrook Selectman Bob Holt asked if, with a big project like this, the Planning Board would require an area impact study as it will affect a lot of local towns. John Scarinza replied that The Balsams Resort is a regional impact project and notification to those affected will be sent out in accordance with state statute. Edith Tucker added that she understands that the developers have prepared an economic impact statement that will be released next week.

**TIME AND DATE OF NEXT MEETING:**

John Scarinza stated that the next meeting be held when the Board has specific business to conduct. Mike Waddell suggested that the Board start reviewing the zoning ordinances to get a framework up for zones we need to separate out.

John Scarinza asked if the Board needed a contract with North Country Council. Fred King stated that the County Commissioners will need to approve it. Jennifer Fish added that both the County and Unincorporated Places budgets will not receive approval until March 20<sup>th</sup>.

Rick Tillotson suggested that the Board request that the County Commissioners authorize obtaining a contract proposal from North Country Council for work on updating the Zoning Ordinances. John Scarinza asked Tara Bamford to draft a proposal for Commissioner consideration. Commissioner Brady requested that Commissioners receive the proposal prior to March 20<sup>th</sup>.



It was agreed to schedule the next meeting for March 24<sup>th</sup> to begin work on the Zoning Ordinances. Tara Bamford stated that if she is available, she will attend; however, her schedule for March is filling up.

David Brooks stated that in a town, zoning ordinances need to be voted on at town meeting. Commissioner Brady replied that in the case of the Unincorporated Places, the town meeting is actually the county delegation and it is that body that will vote on any changes to zoning.

**ADJOURNMENT:**

Rick Tillotson made a motion to adjourn. Scott Rineer seconded the motion and all voted yes.

Respectfully submitted,

Suzanne L. Collins  
Secretary to the Planning Board

Pending Approval