

COÖS COUNTY PLANNING BOARD
Lancaster, NH
April 8, 2014

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

Present from the Public: Wayne Presby and Charlie Kenison, Cog Railway; Tara Bamford, North Country Council; Andy Nadeau, Horizons Engineering; Edith Tucker, *Coos County Democrat*; and members of the public.

John Scarinza, Chair, opened the regular meeting of the Board at 6:02 PM. Chairman Scarinza stated that if there were no objections, he supported a suggestion made by Mark Frank that meetings commence with the Pledge of Allegiance. All stood for the Pledge.

MINUTES OF DECEMBER 12, 2013:

Mark Frank made a motion to approve the minutes of December 12, 2013 as distributed. Fred King seconded the motion. There was no discussion and all members voted in favor of approval.

RATIFICATION OF BUILDING PERMITS: *(additional item further in the minutes)*

Chairman Scarinza stated that if there were no objections from the Board that he would skip ahead on the agenda to **Item 4.a. Review of the Cog Railway Building Permit Application to replace a switch on the cog rail line.** He explained that during the past year and a half he has been reviewing building permit applications for projects in the unincorporated places. In this instance the project design has been prepared in-house and not by an independent engineer. For this reason, he considered it important for the Board members to review the application and have the opportunity to question the applicant. He recognized Wayne Presby, Cog Railway Owner and Charlie Kenison, General Manager. John Scarinza stated that he had spoken with John Robinson, NH Department of Transportation, Bureau of Rail and Transit, who regularly inspects the Cog Railway. Mr. Robinson stated that he is thrilled to have the proposed upgrade to the switches completed. He supports the project and the switch design and noted that it is specialized work with only one other similar mountain railroad in this country located at Pike's Peak.

Mr. Presby stated that he has owned and operated The Cog Railway for 32 years. This project is part of ongoing maintenance to the rail line. Most of the line, he explained, is supported by wood trusses. The goal of this project is to replace 300' of existing line and add a switch that will allow trains to pass each other at the summit. In the past, in order for trains to pass each other, switches had to be manually thrown 4 times. He credited the design work for the new switch to Chief Engineer Al LaPrade (retired from the Portsmouth Naval Shipyard). Mr. LaPrade designed the first switch which has been in

operation for 14 years. In response to a question about design from Mark Frank, Mr. Presby stated that the new switch has a very heavy duty design and weighs 100,000 lbs. compared to the old switches that weighed some 10,000 lbs.

John Scarinza stated that he has received a completed building permit application with required attachments, a check for the fee and a set of plans. Charlie Kenison showed the design plans for the 300' of rail line and summit switch. He stated that all the work will be completed on the Cog's Right of Way or Cog's private property. John Scarinza assured Board members that once the work is complete, it will be inspected by the State Bureau of Rail and Transit.

Fred King made a motion to approve the Cog Railway building permit application as submitted. Tom Brady seconded the motion. There being no further questions, all Board members voted in favor of the motion.

LETTERS/CORRESPONDENCE TO THE BOARD:

Chairman Scarinza stated that each Board member had received a copy of a Regional Impact Notice from the Town of Lincoln. The Lincoln Planning Board is considering an application for a communications tower and will hold a public hearing on April 9th. Edith Tucker asked who the carrier is and John replied Cellco Partnership. Rick Tillotson clarified that Cellco is a subsidiary of Verizon Communications.

NEW BUSINESS:

1. Initiate Review of Current Zoning, Subdivision, and Site Plan Review Regulations:

Chairman Scarinza introduced Tara Bamford, Planning Director, North Country Council. John explained that some areas in the County's planning documents are out of date regarding the state statutes and that he had contacted Tara for guidance, suggestions, and observations in order to formulate a plan of attack for updating the documents.

Tara stated that she had started by looking at the Master Plan which flows to the rest of the documents. She stated that she may have more questions than she has answers. Her first question was who administers zoning. John replied that the Planning Board does and that currently there is no Zoning Board of Adjustment. He added that the Board of Commissioners has enforcement authority.

Tara acknowledged that under state statute, the Coos County Planning Board has broad scope in the way it is able to function. Fred King explained that when all governmental functions for the unincorporated places were transferred from the State of NH to the county, the county was faced with implementing a Master Plan and associated planning documents. Sue Collins stated that the Office of State Planning acknowledged that it had no boiler plate documents that the County could use as a guide for developing planning

documents for these unique places. Since the State of Maine had large unincorporated areas, the Maine Land Use Regulatory Commission (LURC) provided the County with its planning and zoning documents which were used as a basis to developing the documents currently in place. Fred King added that is why these documents are unique to the Unincorporated Places.

John Scarinza noted that the first area to clean up will be Page 53 of the Zoning Ordinance that speaks to Administrative Official and authority.

Thomas McCue noted that in towns, Selectboards issue building permits where in the Unincorporated Places, the Planning Board issues them.

Tara Bamford asked how roads are handled as she sees no reference to Class VI roads. Fred King stated that all roads in the unincorporated places are either state owned or privately owned. The County owns no roads.

Tara asked if any zoning maps exist that designate the different districts. Sue replied that the maps do exist for each unincorporated place with management districts, protected districts and development districts noted on the maps. The maps were designed by Complex Systems at UNH during the early 1990's. It was agreed that Jennifer would scan the maps and send them to Tara. Rick Tillotson requested that Jennifer send the scanned maps to all board members.

Tara indicated that she did not have a copy of the Site Plan Review Regulations. She was provided with a copy.

Tara stated that the Master Plan had been updated just prior to the closing of the paper mill in Groveton. She noted that even though the Master Plan is only 8 years old, it is out of date. Rick Tillotson noted that the Master Plan is for the unincorporated places and not Groveton. Tara countered that the Master Plan speaks of supplying wood for the mills. Fred King added that the land in the unincorporated places continues to be harvested for wood that is sent to mills. Someone stated that perhaps a reference to the biomass plant should be added. Fred continued that the function of the unincorporated places has not changed. The land ownership patterns have changed but that is not something new; those ownership patterns have been changing for decades. John Scarinza stated that the lands in the unincorporated places support the economies of neighboring towns. Fred added that in the very near future a study will be released on the economic impact of federal ownership in this county. Perhaps some of the conclusions of that study will serve as a basis to make some modifications to the Master Plan.

John Scarinza stated that the Master Plan only needs some tweaks and the reference to the paper mills should be adjusted. Tara agreed that the Master Plan does not need to be rewritten. She stated that the North Country Council is in the process of updating its Master Plan. It is designed by region and she suggested that the demographic data for the region that includes the unincorporated places could be added to the Unincorporated Places Master Plan as an appendix.

Tara referred to the Zoning Ordinances. She stated that the county needs to adopt maps to accompany the ordinances. The language of the protected districts needs to be tweaked to reference the zoning maps.

Commissioner Brady requested to be excused as he had to attend a meeting of the Jefferson Planning Board. He left at 6:40 PM.

Tara stated her concerns with the lack of references to vegetative buffers in the ordinances. These should be incorporated. She noted that some of the buffers included in the ordinances are more restrictive than the State's. Mark Frank replied that local regulations can be more restrictive than the state's but not less restrictive. Tara added that the state's regulations are not restrictive enough on vegetative buffers to ensure water quality.

Tara expressed her reservations with the language relative to the steep slopes protected district. It appears that the degrees of slope on page 23 are mathematically incorrect. She would recommend adding performance standards to the regulations rather than what you can and cannot do.

Rick asked whether we should reference the NH Department of Environmental Services site specific regulations.

Tara continued to a sentence that concerned her on page 30 of the zoning ordinance, "A zone change will be recommended to the Board of County Commissioners when the Planning Board is persuaded by a preponderance of all the evidence available that the location of the site is the best reasonably available for the proposed use and that the goals and policies of the Master Plan are served." She added that this needs rethinking. Consider conditional uses or special exceptions instead. She referenced NH Statutes relative to Innovative Land Use Controls.

Fred King stated that the Board should have North Country Council update our documents to reflect current statutes. NCC should provide the necessary language changes to the Commissioners and Planning Board for consideration. Tom McCue added that this is a good time to update these documents as the Planning Board and Commissioners consider creating a ZBA.

Tara referred the Board members to pages 42 and 46, minimum lot sizes and noted that the soil tables have been updated since these ordinances were adopted so the board would want to incorporate the most recent tables.

On page 46, Section 7.07 Tara suggested once again that if the Commissioners want the Planning Board to have more authority, then use the Innovative Planning law. She added that Special Exceptions are clearly a Zoning Board power.

Tara stated that in terms of state law updates, references to the following are missing in the U.P. Ordinances:

- Regional impacts;
- Variance criteria;
- Reference to 155-E
- Renewable energy is in the Master Plan but not zoning.

Regarding renewable energy, Sue Collins asked Tara if she had been provided with the ordinances that had been adopted by the Commissioners and Delegation after the 1991 Ordinance printing. Sue noted that wind ordinances had been adopted for small and large wind projects as well as other tweaks to the printed ordinance. Tara stated she had not received these and Jennifer will provide them.

In reference to the Subdivision regulations, John Scarinza noted that the timing of the subdivision application process has changed by state law and these references need to be updated. Tara added that the storm water section is weak. Controlling run off is a substantive thing.

John stated that completely updating the documents could end up being a 3 year process; however some things need to be fixed right away to be in compliance with state law. He cautioned that we need to be sure that our process for waiving things is correct.

Edith Tucker stated that as far as map updates are concerned, Sam Stoddard, former Board member and County Forester, might be helpful.

John stated that the Board might need to meet on a monthly basis; however, Board members would need Tara's recommended language changes ahead of time.

John asked Tara if she had any ballpark estimates for the work involved. Tara replied that the estimate for the subdivision regulation update which would include references to timing, regional impacts, storm water, etc. would cost about \$1,700. She estimated that updates to site plan regulations would also cost about \$1,700. John Scarinza requested that Fred King bring forward a request to the Board of Commissioners at its meeting scheduled for April 9 that the Commissioners approve contracting with North Country Council to bring the documents up to date.

2. Planning Board Members Terms Expire June 2014.

John reported that the terms of Rick Tillotson and Ed Mellet expire in June. He asked if they are interested in continuing to serve. Both stated yes. Their reappointments will be discussed by the Board of Commissioners.

HEARING OF THE PUBLIC: *(additional item further in the minutes)*

Chairman John Scarinza recognized Andy Nadeau, Horizons Engineering. Andy asked if the public would be included in updating the Planning documents. He stated that he represents two large developers – CLP Bretton Woods LLC from Orlando, Florida and

Balsams View, LLC and wondered if they could be involved in these discussions. John replied that before any changes are enacted, a Public Hearing will be held to give landowners the opportunity to be heard. Andy asked if the Board could get their input first before revisions are made. John added that projects with regional impact are governed by state statute (RSA 36:54) and proper notification to neighboring towns and the regional planning commission would be provided. Edith Tucker suggested that Public Hearing ads in the news media include agenda items so that the public would know what is on the agenda. Jennifer stated that agendas are now available on the county's website and rather than include the agenda in the advertisement, reference could be made to the availability of the agenda on the website.

RATIFICATION OF BUILDING PERMITS: *(continued)*

Chairman Scarinza stated that he has received a complete building permit application from **The Mount Washington Observatory** for a project to recreate the museum located in the Mt. Washington State Park Visitor Center in Sargent's Purchase. No structural changes will be made and no walls will be moved. The new Extreme Mt. Washington museum will be completely renovated and re-imagined to accommodate a new high-tech interactive experience. Approvals have been received from the State for life safety and fire safety plans for the same space occupied by the former museum.

Rick Tillotson questioned why they need a building permit if there will be no change to the footprint, walls and floor space. John stated that by state building code, they need a permit. Rick added that since the Planning Board does not have its own building and electric code, then this permit is just a rubber stamp. John Scarinza agreed.

Mark Frank stated that in Lancaster a project of this type would not come before the Planning Board unless the project exceeded a certain monetary limit. John Scarinza noted that the museum is a public facility; therefore, it is good that we review it.

Rick Tillotson made a motion to approve the building permit for the Mt. Washington Observatory Museum redesign. Fred King seconded the motion. With no further questions or discussion, the vote to approve the motion was unanimous.

HEARING OF THE PUBLIC: *(continued)*

Dave Enos, Pittsburg, suggested that the Board consider using the UNH Storm Water Center Best Practices which are excellent regulations. Additionally, he suggested that the Board should beef up its wetlands regulations.

OLD BUSINESS:

1. Fred King stated that the economic impact of federal land ownership study is close to conclusion.
2. Jennifer Fish stated that Tom Claflin has a building permit in Millsfield that expires 4/30/2014. He has requested a 4 month extension. Rick Tillotson made a motion to issue a 4 month extension. Scott Rineer seconded the motion and all voted in favor.

TIME AND DATE OF NEXT MEETING:

Chairman Scarinza stated that he will get a timeline from Tara on the land use document update. When he has that information or when any other Board business necessitates a meeting, he will call one.

ADJOURNMENT:

Rick Tillotson made a motion to adjourn. Jennifer Fish seconded the motion and all voted yes.

Respectfully submitted,

Suzanne L. Collins,
Secretary to the Planning Board

Pending Approval