

COÖS COUNTY PLANNING BOARD  
Lancaster, NH  
August 27, 2013

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

Present from the Public: Representative Larry Enman, Millsfield residents Charles and Sonya Sheldon, and Edith Tucker, *Coös County Democrat*.

Prior to the arrival of Board Chairman John Scarinza, Vice-Chair Fred King reported that the Coös County Commissioners had recently authorized a contract with a private consulting firm, HDR Consulting Group for a study focused on the economic impact of federal land ownership in Coös County. The question the independent study will seek to answer is whether more and more federal ownership in the Unincorporated Places will enhance or serve as a detriment to the County's economy. The Request for Proposals resulted in 6 firms submitting offers to complete the study. Fred explained that HDR has done several studies in New Hampshire. The firm is independent with no pre-judgment of the issue. HDR will hold one public hearing to be announced at a later date.

Fred stated that he would be in touch with J.T. Horn, Trust for Public Land, who had indicated that TPL would participate in the cost of the study. Additionally, the U.S. Fish and Wildlife Service had indicated it would help with project funding. Based on the lean Congressional appropriations for revenue sharing payments to host communities, Fred surmised that there is a possibility that no money for the study will be forthcoming from the USFWS. Last year the Congressional Budget Office determined that the USFWS was only paying 20% of its obligation to communities for removing lands from the tax base. Fred added that President Obama's budget recommends zero funding for the USFWS revenue sharing program.

John Scarinza, Chair, opened the regular meeting of the Board at 6:25 PM. He reported that the Coös County Delegation had met earlier in the day to take action on the County Commissioners' recommended appointments to the Planning Board. Fred King was re-appointed to the Board and Scott Rineer, previously an alternate, was appointed as a regular voting member to fill the Jonathan Frizzell vacancy. Two new alternates, Mark Frank of Lancaster and Thomas McCue of Berlin were welcomed to the Board. Both new alternates have experience on planning boards and/or zoning boards of adjustment.

In the absence of Board member Rick Tillotson, Chairman Scarinza designated alternate Mark Frank to sit in for Mr. Tillotson.

### **MINUTES OF MARCH 26, 2013:**

Ed Mellett made a motion to approve the minutes of March 26, 2013 as distributed. Mike Waddell seconded the motion and all members voted in favor of approval.

### **LETTERS/CORRESPONDENCE TO THE BOARD:**

Jennifer Fish reported that no letters or correspondence had been received since the last meeting.

### **OLD BUSINESS:**

Chairman Scarinza stated that there was no old business to come before the Board.

### **NEW BUSINESS:**

- a. **Election of Officers:** Mike Waddell offered a motion to re-elect the current officers with John Scarinza, Chair; Fred King, Vice-Chair; and Jennifer Fish, Clerk. Commissioner Tom Brady seconded the motion. There being no further nominations, the Chair called for a vote on the motion and all members voted in favor.
- b. **Dix Grant – Wagner Forest Application for a Zoning Permit to harvest timber in a PD-6 High Elevation:** Scott Rineer, employee of Wagner Forest Management recused himself from the Board for this agenda item. Chairman Scarinza appointed Thomas McCue as a voting member. The high elevation timber harvest is in the Mt. Tucker area. Wagner's goal is capture mature, over-mature and at risk trees. Red spruce will be retained as habitat. Will Staats, NH Fish and Game, conducted a field visit of the proposed harvest area on June 25, 2013 and submitted a letter of recommendation to the Board. John Scarinza asked Scott Rineer to speak about the proposed harvest. Scott replied that the area to be harvested is a typical mixed wood stand and the harvest prescription is consistent with prior Wagner high elevation harvests. One hundred twenty (120) acres will be harvested and seventy-six (76) acres are located above 2700'. This will be a fall-winter harvest.

Fred King made a motion to approve a Zoning Permit to Wagner to harvest timber in a PD-6 in accordance with the recommendations outlined by Will Staats. Mike Waddell seconded the motion. The vote to approve was unanimous.

Scott Rineer resumed his seat on the Board.

- c. **Success – Building Permit Application from John and Dawn Guerin for a Deck.** The Guerin's application is for the addition of an L-shaped deck on their cottage located at Success Pond. John Scarinza explained that the Planning Board has a 100' setback requirement from a shoreline. He noted that the Guerins applied for a Shoreland Permit from NH Department of Environmental Services as the cottage is located 40' from the shoreline. This deck will further infringe on the setback. Sue

Collins stated that if the building existed prior to the County's adoption of zoning ordinances in 1988, the building is considered grandfathered. Similar applications for grandfathered structures have been approved in the past. Mike Waddell stated that this is a non-conforming use and normally would be forwarded to a zoning board of adjustment (ZBA). He added that he would like to look at changing some of the current setback requirement language for consideration by the Board. John Scarinza stated that he had recommended that the Board of Commissioners appoint a ZBA for issues like this.

Ed Mellett inquired about the size of the lot. John stated it is 60,000 square feet. He added that the application is for a deck addition that does not have a permanent foundation and the State of NH does not have a problem with it. Fred King stated that the Board should be consistent with its prior decisions for similar applications. Mike Waddell stated that if we had a dispute between two property owners and the Board had approved the permit, the Board vote would not carry any weight. Sue Collins stated that in the past if it was determined that abutting property owners might have a dispute with the permit, the owner was required to submit letters from abutters stating that they had no objection to the non-conforming use.

Mike Waddell made a motion to approve the Guerin building permit with the requirement that the owners obtain and submit letters of support from their abutters. Fred King seconded the motion.

Mark Frank asked if it has been established that this is an older building. John Scarinza replied that the cottage has been fully renovated on its original footprint.

There being no further discussion, Chairman Scarinza called for a vote and all members voted in favor of Mike Waddell's motion.

**d. Success – Building Permit Application from Richard Gagnon for a Woodshed.**

John Scarinza stated that the application submitted is for a 10'x 14' woodshed at Success Pond. John reviewed the Shoreland Protection Act requirements and stated he could not see anything to prevent the Board from approving this request. The woodshed would be 56' from the reference line and its 140 square foot size exempts it from the shoreland permit requirements.

Mike Waddell made a motion to approve the Gagnon building permit application for a woodshed in Success. Scott Rineer seconded the motion. With no questions from the Board members, all voted in favor of approving the permit.

**e. Wentworth Location – After the Fact Building Permit Application from Jacques and Alice Raymond.** It was noted that the County's assessors had found a newly constructed sugar house during their annual pick up work. The 23'x 20' structure and associated 12'x 20' lean to had been built without a permit. The owners had subsequently filed an after the fact permit application and \$100 permit fee. Chairman

Scarinza noted that the structure meets all the setback requirements for this new construction at 3209 Dam Road in Wentworth Location.

Mike Waddell made a motion to approve the After the Fact Building Permit application submitted by Jacques and Alice Raymond. Scott Rineer seconded the motion and all members voted in favor of approval.

### **RATIFICATION OF BUILDING PERMITS:**

Chairman Scarinza explained that since the last meeting, he had approved the following building permits as the applications met all of the Board's requirements. Additionally, he had given some advice to the applicants relative to New Hampshire's building codes.

Permit	Applicant	U.P.	Date	Description
405	Thomas Claflin	Millsfield	04/30/2013	New camp
406	Steven & Joan Sweeney	Millsfield	06/14/2013	12'x17'Utility shed
407	Cellco Partnership d/b/a Verizon Wireless	Pinkham's Grant	08/06/2013	Small cell wireless communication facility
408	Mary Stockman	W. Location	08/06/2013	Remodel existing camp

Mike Waddell asked about the location of the wireless facility and John Scarinza replied that it is located at Wildcat Mountain. It is an 8' antenna on the base lodge.

There being no further questions, Mike Waddell made a motion to ratify the building permits as issued. Ed Mellett seconded the motion and all members voted in favor of the motion.

### **HEARING OF THE PUBLIC:**

#### **Balsams View, LLC**

Edith Tucker, *Coös County Democrat*, inquired if the Balsams owners had submitted a timeline for construction and if the Board has issued its RFP for a Clerk of the Works. John Scarinza stated that there had been no further communication from Balsams View since the March meeting. He stated that he knows the owners are still working on plans and that they will submit foundation and site work plans 30 days prior to commencement of construction. He also clarified that the Board had discussed the need for a building inspector/coordinator to work on the Planning Board's behalf for those phases of the Balsams project which fall outside the scope of practice for the NH Fire Marshal's Office. He wanted to be clear that the Board is not hiring a clerk of the works.

#### **Northern Pass**

Mike Waddell stated that he would really like Northern Pass officials to make a presentation on the power line project to the Planning Board. The proposed line is going through Dixville and Millsfield. Mike stated that he realizes that the Planning Board has no permitting authority regarding this project as it falls under the scope of the NH Site Evaluation Committee (SEC). However, there is nothing that prevents the Board from participating in the SEC review. Mike stated that it is important to inquire how the NH

Department of Revenue Administration will deal with setting property values on the power lines and the impact these values will have on the unincorporated places where the lines will be located. Tax impacts should be known and settled before permits are issued.

Mike Waddell continued that after the educational presentation, the Board can draw up a letter and be ready to share its concerns with the SEC. Edith Tucker noted that the Board might want to file for intervenor status. Sue Collins stated that the Board of Commissioners had been designated as interveners in the wind park project. The intervenor designation ensured that all correspondence related to the project was shared with the Commissioners; thereby keeping them informed of the status of the approval process.

John Scarinza suggested that if Board members currently have concerns, they should be shared with him prior to the Northern Pass presentation so that NP officials can have the appropriate representatives on hand to respond to specific questions. Mike Waddell said, "Let's pretend that we are the regulators, what violations would there be and how would they mitigate those violations?"

Fred King suggested that Board members craft their questions and those questions should be submitted to the County Commissioners as they are the appropriate party to deal directly with Northern Pass officials.

Thomas McCue stated that he had served on the City of Berlin Planning Board for 6 years. During that time, officials for the Burgess Bio-Mass Project met with the city's planning board as a courtesy. He urged that someone from the Coös County Planning Board attend the SEC hearings on the Northern Pass Project.

Edith Tucker stated that federal Department of Energy officials will be holding hearings on the Presidential Permit in September. She stated that one of those hearings will be in Stewartstown although no hearing date has been announced. A Presidential Permit is required (as the power line will cross the US-Canada border at Pittsburg) before the application can go to the NH Site Evaluation Committee.

Fred King urged the Board of Commissioners to consider filing as interveners. Commissioner Brady replied that he supports the suggestion that Northern Pass officials be invited to meet with the Planning Board and hoped that the meeting would be structured so that Planning Board members could have their questions answered before members of the public are allowed the floor.

John Scarinza stated that it is the consensus of Board members to extend an invitation to Northern Pass to make a presentation to the Board relative to the power project as it relates to the Unincorporated Places that will be impacted. He stated that he will reach out to make this happen; hopefully in October. He requested that Jennifer Fish ask for the booklet that shows the tower locations in the Unincorporated Places and once obtained, share that information with Board members.

**By-Laws**

Commissioner Brady stated that the Coös County Delegation had requested that the Planning Board consider a change in its by-laws whereby the Delegation member serving on the Board can ask a designee to attend meetings when he/she is unable to attend. Commissioner Brady stated that by-laws can be amended at a regular Planning Board meeting as long as the new language is submitted to Board members with a 15 day advance notice. Jennifer Fish will work on the new language and submit it to Board members in advance of the next meeting.

**TIME AND DATE OF NEXT MEETING:**

Chairman Scarinza explained to the new alternates that Planning Board meetings are not regularly scheduled. The Board meets on an as-needed basis.

**ADJOURNMENT:**

Fred King made a motion to adjourn. Mike Waddell seconded the motion and all voted yes.

Respectfully submitted,

Suzanne L. Collins,  
Secretary to the Planning Board