

COOS COUNTY PLANNING BOARD
Lancaster, NH
July 9, 2012

Present from the Board: John Scarinza – Chair; Fred King – Vice Chair; Sue Collins – Clerk; Jonathan Frizzell, Commissioner Bing Judd, Ed Mellett, Mike Waddell; Alternate Scott Rineer..

Present from the Public: Art York, York Land Services; J.T. Horn, Trust for Public Land; Luke Muzzy and Chris Fife, Plum Creek Timberlands; Paul Casey, U.S. Fish and Wildlife Refuge at Umbagog; Plum Creek abutters; Mike Novello, Wagner Forest Management; Jake Mardin, *The News and Sentinel*; and Barbara Tetreault, *Berlin Daily Sun* and members of the public.

John Scarinza, Chair, opened meeting at 6:00 PM. Due to the absence of Representative Robert Théberge and Rick Tillotson, he appointed Scott Rineer to fill Representative Théberge's seat on the Board.

MINUTES OF MAY 24, 2012:

Bing Judd made a motion to approve the minutes of May 24, 2012 as distributed. Scott Rineer seconded the motion. With no comments forthcoming, the Chairman called for a vote to accept the minutes and all voted in favor of approval.

LETTERS & CORRESPONDENCE TO THE BOARD:

1. Sue Collins stated that she had received an e-mail communication from Shannon McManus, KJK Wireless, on July 5th informing the Board that AT&T had made minor revisions to its plan to install cell antennas and equipment on top of Mt. Washington (**Sargent's Purchase**). The Board had approved the plan on April 12, 2012. Ms. McManus assured the Board that these modifications would make the installation less evident than the prior plan. Sue read a letter from Paul M. Leary, Chief of Communications for the NH Division of Parks and Recreation stating that the state is in concurrence with the final documents presented and that the plan continues to represent the original intent to conform to the building contours of the Sherman Adams building.

Fred King made a motion to go on record that the Board supports the revised plan. Commissioner Judd seconded the motion. No discussion followed. The Chair called for a vote and the motion was approved.

NEW BUSINESS:

1. **Dixville:** Chairman Scarinza briefly discussed the lawsuit filed by Andy Martin in Merrimack County Superior Court. The petition for injunction and other relief was

filed against North Country Auctions, Dan Hebert, Dan Dagesse, Balsams View, LLC, the Coös County Planning Board, the Colebrook Planning Board, the Attorney General, Tillotson Corporation, and the Neil Tillotson Trust. Sue Collins indicated that the Commissioners had engaged Attorney Phil Waystack to file an appearance on behalf of the Planning Board after a determination had been made that there was no conflict for the Waystack Frizzell firm to represent the Coös County Planning Board. Fred King noted that Mr. Martin alleges that nothing will take place at The Balsams. That is simply not true as progress is currently taking place with the boiler plant being dismantled and a crew working inside the hotel. The plan to have the hotel remodeled and up and running is still in place.

2. **Cambridge:** The Chairman recognized Art York, York Land Services and requested that he provide a description of the proposed one lot subdivision filed by Plum Creek Maine Timberlands, LLC. The proposed lot contains 4,532 acres and is known as Phase II of the Androscoggin Headwaters Project. The tract will be conveyed by Plum Creek to the Trust for Public Land (TPL) and eventually the U.S. Fish and Wildlife Service will acquire the tract from TPL. Art York explained that we are dealing with an 18,000 acre tract in Cambridge owned by Plum Creek and bounded by the Town of Errol, Route 26, the State of Maine and the Androscoggin River. Mr. York stated that once the 4,532 acre tract is carved out, Plum Creek will retain ownership of 13,400 acres in Cambridge.

Fred King asked if the roads within the tract are also snowmobile trails. Mr. York replied that they are. He added that the Rights of Way benefiting Lot 1 and Rights of Way benefiting others are described on page 2 of the subdivision plan. Roads that serve as boundaries are not included in the subdivision; only internal roads are included.

John Scarinza inquired about leased camps and the effect on lessees. Luke Muzzy, Plum Creek Land Manager for the Northeast, stated that the leases will ultimately be conveyed to the U.S. Fish and Wildlife Service at Umbagog. Paul Casey, Refuge Manager, stated that the USFWS grants 50 year lease agreements that are renewed each year. After the close of 50 years, the camps are removed from the land. Fred King stated that at the June 23rd meeting in Errol sponsored by Executive Councilor Ray Burton and Senator John Gallus, this camp lease issue came up. In a follow up article about the meeting, *The News and Sentinel* quoted Mr. Casey as stating that the Wildlife Service's primary purpose is wildlife preservation; if camps don't help them meet that goal then they are removed. He was also credited with saying that the refuge purchases camps from willing sellers and tries to take them down rapidly.

Fred King stated that he had just researched a June purchase by the U.S. Fish & Wildlife Service in Wentworth Location. The USFWS purchased a moderate camp on a ¼ acre lot in Wentworth Location's "Little Berlin" for \$126,900 and the seller has been granted continued use of the camp for 6 years. Mr. Casey replied that the USFWS is flexible with what the willing seller wants.

Discussion returned to the Plum Creek Subdivision application. Mr. Muzzy stated that Plum Creek purchased the lands in Cambridge in 2003 with no intention of selling the land. Plum Creek land holdings in Maine, Vermont and New Hampshire total over 1 million acres. This parcel was identified as having conservation values that are pretty important to people.

John Scarinza asked how much of the 4,532 acres has been managed for timber production. Chris Fife, Resource Supervisor for Plum Creek replied that he would guess that this tract contains a lot of wet lands and that may be the reason that it was selected for conservation.

Fred King noted that the County's Master Plan for the Unincorporated Places is the document that should guide this Board in the decision making process. He read from the Master Plan's Goals and Policies section on Forest Resources and noted that it is the policy of Coös County to discourage development that will interfere unreasonably with continued timber and wood fiber production and that the County encourages present ownership patterns that maintain the traditional character of the forest and related natural resources. It also emphasizes that we must "recognize that standards must be responsive to the needs of private land management and the public need for adequate timber resources and resource production". Mr. King continued that we need to think about the economy in Coös County and we know that when the federal government takes over a parcel of land that timber cutting goes away – use of the wood fiber goes away. For this reason, he requested that the landowner commission a study to determine the economic impact of these sales and especially the sale being proposed at this meeting. He predicted that unless something is done, there will be tracts sold until there is no land available for timber production. He emphasized that the economic base of Coös County has been timber and he has watched changes in the ownership patterns from locally owned woodlands like the Brown Company to new landowners who have no ties to Coös County.

Mr. King requested an independent study that shows what these federal purchases are doing to Coös County's economy. The Planning Board has an obligation to consider the impacts as it considers these subdivision requests. He stated that he will vote against the subdivision application submitted by Plum Creek on principle because of what these federal acquisitions are doing to our economy.

Mr. King continued that "Little Berlin" in Wentworth Location has 62 camps on some 15 acres. Most of these are old camps. Assuming each of these camps/lots is purchased for \$126,900 (the price of the most recent camp purchase by the U.S. Fish & Wildlife Service) then the government will invest \$7,750,000 for 15 acres of land. "It makes no sense and it is time for those of us who live here to take a stand", he stated.

Tim McKenna, an abutter, inquired about the selling price of the Plum Creek parcel. J.T. Horn, TPL, stated it is \$3,626,000. Angela St. Cyr, an abutter, inquired if her lease is included within the subdivision. The response was no but she was informed

that her lease is included in Phase IV of the Androscoggin Headwaters project. She thanked the Board for being notified of the meeting.

Mike Waddell asked Mr. Muzzy how many land transfers has Plum Creek made to the federal government throughout the country. Mr. Muzzy stated that he does not have that information. In the northeast region that he manages, there has only been one and that was last year's sale of 2,920 acres also known as Phase I of the Androscoggin Headwaters project.

John Scarinza redirected the discussion to the subdivision application waiver requests submitted by York Land Services and noted that these waiver requests are similar to those the Board has considered in the past on large parcels.

- #16 – Topographic contour boundaries at 5' intervals (5.01)
- #25 - Seasonal high water (5.01);
- #26 – Test pits including profiles of each test pit (5.01); and
- #28 – Scale of 1' for 100' (5.01). Scale is to be 1' for 1,000'.

Fred King made a motion to table the application.

John Scarinza replied that if the application is considered complete, then the Board can rule on Fred's motion.

Jonathan Frizzell made a motion to approve the requested waivers. Commissioner Judd seconded the motion. With no further discussion on the motion, a majority voted in favor of granting the requested waivers.

Fred King inquired if the subdivision regulation on road standards applies to this subdivision. He wondered if we would expect new owners to meet those standards. John Scarinza replied that if this was a proposed subdivision for house lots, then the subdivision roads would have to meet the standards. This subdivision has existing logging roads which is entirely different.

John Scarinza inquired if it is the Board's thought that we need additional information from the applicant in order to decide if this is a suitable subdivision.

Mike Waddell reiterated Fred's concern regarding the long term economic and social consequences of this subdivision to the communities in the County. There are other alternatives to preserving open space than by surrendering sovereignty to the federal government. He added that this is not about 4,532 acres. He has watched the behavior of the U.S. Fish and Wildlife Service and has determined that these land acquisitions are more about building a massive tract of federal land. It is not unreasonable to ask for a study of economic and social impacts.

Jonathan Frizzell added that he agrees with Fred and Mike on this issue from a legislative and policy perspective. He added that every time the federal government

buys an acre of land, they should sell an acre. However, for purposes of what the Planning Board is tasked to do, the Board may not be exercising the powers granted to it by delaying action on this particular subdivision application. He added that as much as he does not want the feds to buy more land, the Board cannot tell Plum Creek that it cannot sell its private property.

Fred King replied that his request is for an economic impact study. He asked if it makes sense for those who have to eek out a living off this land to have the government buy more land. He cautioned the Board that it may be faced with considering approvals of Northern Pass transactions in the future and it is certain that someone will want some studies done. He stated that he understood that this deal has already been made.

Paul Casey stated that when the Umbagog CCP (Comprehensive Conservation Plan) was prepared an economic analysis was done and is included in the document. The study analyzed the impact of the refuge on jobs and taxes.

Commissioner Judd stated that he agreed with the concerns expressed by Fred King and Mike Waddell but he is doubtful that the Planning Board can stop this application and put it on hold. There is a willing seller (Plum Creek) and a willing buyer (Trust for Public Land). Commissioner Judd expressed concern about the possibility of legal action. J.T. Horn verified that there are 2 signed Purchase and Sales Agreements – one between Plum Creek and TPL and another between TPL and the U.S. Fish and Wildlife Service.

Mike Waddell spoke of the forest service and its policy to obtain local approval before it purchases a parcel of land to add to the national forest. It is a good practice as, we the citizens, are paying for the purchase. Mike agreed that Plum Creek has the right to sell the land but there ought to be some forum where the locals in New Hampshire have a say before Washington steps in and buys local land. Mike added that he supports an economic study done “in county” and added that although people support the USFWS open space concept, Plum Creek could sell an easement to a more local organization.

Fred King asked Commissioner Judd if he thought the Commissioners might approve funding for an intelligent, in-depth impact study. Sue Collins stated that the Board can require the seller to pay for this type of study. Fred asked J.T. Horn if his agency would fund an independent study that is not done by environmentalists to see what has happened to the Coös County economy since the initial US Fish & Wildlife Service land purchase for the Umbagog Refuge.

J.T. Horn stated that the Trust for Public Land has met with various local entities and communities about the Androscoggin Headwaters Project during the past few years. He emphasized that 73% of the Plum Creek lands will remain as working forest. He realizes that people who may have supported the Headwaters concept during the planning stages have the right to change their minds. He reminded Board members

that Plum Creek has options. It can develop the land, it can close it to public access, it can subdivide it and sell off the pieces. The underlying goal of the Headwaters project is to provide assurance that these lands can continue to be open to public access. Mr. Horn continued that since the planning process began, new issues have come forward and he stated that he is willing to work with the County to do a study. He stated that TPL does not agree to fund it completely. He added that TPL will attend the new Umbagog Round Table discussion being held at the White Mountains Community College on Thursday and added that a study might come out of that. J.T.Horn then stated, "Count us in; we'll help pay for it to the degree that my organization can. TPL wants to be part of the solution".

Fred King stated that the Refuge is large enough and he cannot believe there is any return on investment that makes the refuge even larger. He concedes that there have been benefits. However, there have also been costs and an independent study needs to be prepared that weighs the costs/benefits and provides guidance to the Board.

J.T. Horn assured Board members that if the community sentiment is no more conservation land, then TPL will not be part of future attempts to expand what exists in Coös County. His organization does not want to be a part of projects that do not have local support.

A member of the public who identified himself as Mr. Alimandi asked Mr. Horn if TPL or the USFWS ever asks camp owners if they support these land acquisitions. Mr. Horn stated that Plum Creek is a willing seller and conveys its leases to the buyers. The problem is the USFWS with their regulations about camp leases and that is out of the control of TPL.

Mr. Muzzy stated that he lives in Greenville, Maine and is a strong believer in property rights. Plum Creek is the owner of this land and could sell all or part of its holdings tomorrow as one block. As a property owner you get to sell your land. Plum Creek could sell it to someone who could gate it off and as seller, Plum Creek cannot speak to what a future owner can do with the leases. He added that this five-phase Androscoggin Headwaters Project has been in the news for the past few years and Plum Creek feels that it has met all the Planning Board's regulations. He understands that the Board has a much bigger policy question that needs to be addressed.

Barry Kelley, abutter, asked about access on existing roads. He noted that part of the subdivision boundary is along Lakeside Road and asked about the plan for access when the Fish & Wildlife Service owns that road. J.T. Horn replied that Plum Creek is retaining the rights to the road. Paul Casey added that in the Fish & Wildlife Plan it is designated as a multiple use road. Mr. Kelley asked Mr. Casey if the USFWS will gate it. Mr. Casey replied that it would only be closed during mud season for maintenance.

Jonathan Frizzell stated that it might make sense to ask the County Delegation to amend the Zoning Ordinance creating “large tract zones” with certain requirements like environmental impact statements or economic impact studies. He suggested that the Board may need more zoning regulations specifically addressing large tracts.

John Scarinza stated that three years ago he gave TPL a heads up that we were heading towards today when public sentiment about the timber industry and its impact on the economy will become a major issue. Jobs in the tourism sector will not contribute to whether someone can raise a family up here. Tourism jobs are good second jobs. As more lands are added to the Refuge people are understandably getting upset. John suggested that the model needs to be changed; instead of adding 4,500 acres to the Refuge, add it to a town forest or a county forest where there is local decision-making. We need to look at changing the way it’s done. This Board is not saying that Plum Creek cannot sell its land. The local citizens are saying that the Refuge is not the place to add more land. John reported that he had attended the June 23rd meeting in Errol. Attendance was approximately 125. Twenty-five people spoke and 24 clearly stated that no more lands should be added to the Refuge. John stated that he has tried to separate Planning Board authority and responsibilities from public sentiment. He stated that he too re-read the Master Plan prior to attending tonight’s meeting and agrees with the same citations noted by Fred King earlier.

John continued that he agreed that the Town of Errol Selectmen supported the Androscoggin Headwaters Project in 2010. It was presented as the better of two evils – Plum Creek could sell it for development and it might be closed to public access OR open public access could be assured by selling it to the federal government. The Selectmen were not presented with all the options. The Headwaters project, from this point going forward, needs further study and the will of the people living here – what they think and believe the future of the timber base should be – is a critical factor in making future decisions. Once this information is gathered, the Planning Board needs to address the land use patterns and associated regulations that need to be developed to support updated goals and policies. Local public input would give teeth to the Master Plan.

John added that the Refuge is not listening to the local folks. Regarding the CCP, comments from Coös residents say, “You didn’t listen to us”. Locals were not properly engaged by the USFWS. The Trust for Public Land and the Refuge need to understand that folks are frustrated and their frustration is justified.

John said that for the subdivision application before us, we have a duty to review it but the Planning Board will not entertain any new subdivision proposals until it has obtained studies. He suggested that the Board needs a moratorium with no more applications accepted until these studies have been completed. People are having to move from the County and we have a responsibility to try to turn this around.

Fred King requested to move the question. Bing Judd made a motion to accept the Plum Creek Maine Timberlands, LLC application as complete. Ed Mellett seconded the motion. With no further discussion, all members voted in the affirmative.

John Scarinza noted that we had gotten into the public discussion before he had opened the Public Hearing on the application. He asked for any further comments from the public. There were none and the Chairman closed the Public Hearing.

John Scarinza proceeded to the next agenda item – action on the Plum Creek subdivision application. Sue Collins stated that the Board has a review period allowed by statute if it wishes to take additional time and request more information.

Bing Judd made a motion to approve the subdivision application of Plum Creek Maine Timberlands. Jonathan Frizzell seconded the motion. Fred King inquired if we can request a special report. John Scarinza doubted that we can accomplish a special report of this magnitude in the 60 days available to the Board. Fred insisted that as a Board member he wants to know what the Refuge and its expansion have done to the economy of Coös County. Commissioner Judd stated that he would bring the request for a study up at the Commissioners' next meeting and noted that TPL has stated that they can help fund such a study. Fred's last comment prior to the vote was that he wants to assure Plum Creek and the public that he believes in private enterprise.

Chairman Scarinza called for a vote on the motion. Five members voted in favor and 2 voted in opposition. The subdivision was therefore approved by majority vote.

3. **Cambridge:** Sue Collins presented an application received from Yankee Forest, LLC for a temporary meteorological assessment tower that will be 197' tall. Yankee Forest states that this tower is not intended to be a permanent structure. The tower location will be accessed primarily via skid trails, logging roads and other previously impacted areas. Yankee Forest provided assurance that the tower will not impact any land over 2,700 feet (high elevation zone). The Board recognized Mike Novello, Wagner Forest Management on behalf of Yankee Forest LLC. Mr. Novello explained the height of the tower and that no FAA lighting is required. He distributed a topo map designating the proposed tower site.

John Scarinza asked if Fish & Game was involved in a site assessment. Ed Mellett replied that because the site is below 2,700' it was not necessary to involve Fish & Game. Mr. Novello stated that the tower will be erected on the west side of Black Mountain which is below 2,700 feet. The areas over 2,700 feet are on the east side of Black Mountain.

Fred King made a motion to approve the building permit application of Yankee Forest, LLC for a 197' temporary meteorological assessment tower in Cambridge. Bing Judd seconded the motion. There being no further questions or discussion, the Chairman called for a vote. All voted in the affirmative.

BUILDING PERMIT RATIFICATION:

Sue Collins described the following building permits that she had issued since the last meeting:

- #378: Forest Home Sporting Club –**Odell:** Replace boat dock on existing footprint
- #381: Ronald Couture –**Success:** 22'x16' post & beam storage building
- #382: Tom Bushey –**Odell:** 6'x25' wood dock repairs
- #383: Maurice Cyr –**Success:** 12'x12' storage shed.

Sue explained that each application complied with any necessary requirements of the Shoreland Protection Program, NH Department of Environmental Services.

Bing Judd made a motion to ratify the 4 building permits. Scott Rineer seconded the motion. No questions or discussion followed and all members voted in favor of the motion.

HEARING OF THE PUBLIC:

Barbara Tetreault, *Berlin Daily Sun*, requested that the Clerk e-mail the agenda to her in advance of the meeting or post it on the website. Sue Collins explained that the County does not have a website manager who is available to post agendas on a timely basis. Board members oftentimes receive backup information with their agendas so they continue to prefer a regular mailing. Sue Collins stated that each local paper is notified of the meetings when ads are placed giving the time, date and place of the meeting. The County will e-mail the agenda upon request.

OTHER BUSINESS:

John Scarinza referred back to the earlier discussion about large tract subdivisions. He stated that the Board may need professional planners to help develop recommendations for Master Plan changes relative to how those lands are managed.

John reported that he is waiting for a response on a grant application submitted that will be used to fund the expenses of hosting public input sessions in the fall. He added that the economic study that Fred King and Mike Waddell are requesting is also important. Fred suggested that before the public sessions are held, it would be beneficial for the Board to have the facts and conclusions from an independent economic study. He stated that he would meet with the Commissioners next week and look into finding an objective organization that could conduct the study. It was stated that perhaps North Country Council could make a recommendation.

Mike Waddell stated that it is very important to have the Planning Board come out strongly in favor of other alternatives to federal land ownership in the County's unincorporated places.

Jonathan Frizzell stated that it would be important to know about the land transfers that have occurred since the last Master Plan was adopted (in 2006). John Scarinza added that the proposed boundary of the Refuge has changed since the Master Plan was adopted.

ADJOURNMENT:

Commissioner Judd made a motion to adjourn. Fred King seconded the motion. All voted in favor of the motion.

Respectfully submitted,

A handwritten signature in cursive script, reading "Sue Collins". The signature is written in black ink and is positioned above the printed name of the signatory.

Suzanne L. Collins, Clerk