

COOS COUNTY PLANNING BOARD
Lancaster, NH
May 24, 2012

Present from the Board: John Scarinza – Chair; Fred King – Vice Chair; Sue Collins – Clerk; Jonathan Frizzell, Commissioner Bing Judd, Representative Robert Th  berge, Rick Tillotson; Alternates Scott Rineer, Lindsey Gray, James Brady. *Excused: Mike Waddell, Ed Mellett.*

Present from the Public: Andrew Nadeau, Jon Warzocha and Ron Guerin of Horizons Engineering on behalf of Balsams View, LLC; David Brooks and Bob Holt, Colebrook Planning Board; Michael McCluskey, P.E., NH DES Brownfields Program; Michael Guilfooy, P.E., NH DES Waste Management Division; Lise Gelin  s, Wentworth Location; Jennifer Fish, Co  s County Director of Finance; Jake Mardin, *The News and Sentinel*; and Chris Jensen, NH Public Radio.

John Scarinza, Chair, opened meeting at 6:00 PM. Due to the excused absences of Mike Waddell and Ed Mellett, he appointed Scott Rineer to fill Mike Waddell’s chair and Lindsey Gray to fill Ed Mellett’s chair.

MINUTES OF APRIL 12, 2012:

Bing Judd made a motion to approve the minutes of April 12, 2012 as distributed. Fred King 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 a letter dated May 22, 2012 from the Society for the Protection of NH Forests relative to the Balsams View, LLC subdivision applications. Chairman Scarinza stated that he would read the letter into the record when the subdivision applications are discussed.

NEW BUSINESS:

1. **Dixville:** Chairman Scarinza stated that tonight the Board will review the 4 subdivision applications submitted by Balsams View, LLC. Jonathan Frizzell requested to be recused during this discussion and Chairman Scarinza appointed James Brady to his seat.

Chairman Scarinza read the timeline relative to the applications:

Date	Activity
05/07/12	Four (4) subdivision applications received from Balsams View, LLC at 1:30 PM
05/08/12	Work session on applications to determine if additional information needed; a list of waivers needed was prepared. Chairman Scarinza noted that no septic systems will be built on these sites.
05/09/12	Abutter, owner, engineer, regional impact required notices mailed Certified-Return Receipt Requested. All receipts have been returned by post office.
05/11/12	Clerk notified owner and engineer of requirement to submit waiver requests for certain subdivision requirements. Additionally, the need to include on plan for Map 1626, Parcel 6.2 and Map 1626, Parcel 6.3 Assurance that new Lot #2 will not be used for residential occupancy nor for any use which would tend to increase the danger to health, life or property until, in the opinion of the Board, appropriate measures have been taken by the owner to eliminate such hazards or reduce them to reasonable risk per County Subdivision Regulation 7.05.
05/11/12	Notice of Public Hearing published in Colebrook Chronicle and Berlin Daily Sun.
05/16/12	Notice of Public Hearing published in Coös County Democrat and News & Sentinel.
05/18/12	Waiver requests needed as determined by Chairman on 5/8 received from Horizons Engineering. The waiver requests addressed each item.

Bing Judd made a motion to accept the 4 subdivisions labeled **Tax Map 1626 – Lot 3, Tax Map 1626 – Lot 6.1, Tax Map 1626 – Lot 6.2 and Tax Map 1626 – Lot 6.3** as complete. Fred King seconded the motion. All voted in favor.

Chairman Scarinza then opened the Public Hearing on the applications at 6:08 PM on the subdivision applications of Balsams View, LLC.

Andrew Nadeau, Surveyor for Horizons Engineering stated that the primary purpose for submitting these plans was to delineate the conservation easements granted by the Tillotson Corporation to The Society for the Protection of NH Forests. In order to Master Plan the Balsams redevelopment project, the owners need new lot lines that designate the easement lands. The owners are also asking for a subdivision of the old stump/rubber dump sites and the lagoons.

Tax Map 1626-Lot 3: Mr. Nadeau stated that this is the Wilderness Ski Area parcel that consists of 1,000+ acres on the southerly side of Route 26. The subdivision application calls for a 3 lot subdivision which will

- (a) Carve out the conservation easement lands into 2 lots on each side of the ski area to be known as Lots 1 and 3. In order to prepare this plan, the Route 26 sidelines were surveyed. The Society for the Protection of NH Forests is satisfied with the survey boundaries that comply with the language in the deed from the Tillotson Corporation to Balsams View, LLC regarding the conservation easement; and
- (b) Include the Wilderness Ski Area as Lot 2 which could be conveyed or developed separately.

John Scarinza asked for any public comment. Being none, he read a letter dated May 22, 2012 from the Society for the Protection of NH Forests prepared by Ryan Young, Director of Conservation Easement Stewardship. The letter stated that the Forest Society has reviewed the proposed subdivisions and staff members have determined that they are in compliance with the conservation restrictions held by the Forest Society as recorded at Book 1339, Page 915 (Coös County Registry of Deeds).

Tax Map 1626-Lot 6.1: This parcel includes the land behind the hotel going out to the Stewartstown town line and also bounded by Bayroot, LLC. It consists of 2,700+ acres presented as a 2-lot subdivision that includes

- (a) The land behind the hotel included in the conservation easement; and
- (b) The parcel that is not part of the conservation easement consisting of 86.3 acres associated with the hotel project and the Lake Abeniki water supply.

Mr. Nadeau stated that when this plan was presented in the pre-conceptual phase, it had included a third lot known as the state garage lot at 138 Cold Spring Road. However, further research of a deed recorded on April 8, 1948 from Alvan Kallman to the State of New Hampshire for a small parcel on Route 26 to be used for a state garage clearly noted that if the Highway Department of the State of New Hampshire did not reasonably comply with the condition that the land is limited solely to highway use and that a building is constructed by January 1, 1949, then the deed is null and void and reverts to the grantor. The state garage was never constructed on the 1948 parcel on Route 26 (Book 361, Page 203); therefore, there is no need for a 3-lot subdivision. Further the state garage that was constructed on Cold Spring Road was on property of the owner of the Balsams property as no deed was found conveying the property on which the state garage was built.

Mr. Nadeau also noted that there is a 700' right of way through easement lands from the Rosaire Marquis land through to the Bayroot lands.

With no questions forthcoming on the above subdivision, Mr. Nadeau proceeded to the next one.

Tax Map 1626-Lot 6.2: Mr. Nadeau explained that is 3-lot subdivision is located on a narrow parcel between Valley Road and the Colebrook/Dixville town line. The owners want to divide out the old stump dump and rubber dump sites into a 10.8 acre parcel to be designated as Lot 2, with Lot 1 at 12 acres situated on the west side of Lot 2 and Lot 3 to be situated on the easterly side of Lot 2. Mr. Nadeau stated that Lot 3 includes an access right of way from Valley Road to the maintenance building which is located on the Dixville/Colebrook town line, to some mobile homes located in Colebrook and to a solid waste site located in Colebrook. Mr. Nadeau added that he will ask the Board to sign the Town of Colebrook subdivision plan approved by Colebrook's Planning Board conditionally on May 22, 2012.

Fred King asked if Valley Road is a state road. Mr. Nadeau replied that Valley Road is a state road that possibly pre-dated Route 26. Valley Road is designated as a 4 rod road by default. There is no official record that it is a 4 rod road but that was the standard before state roads existed. There are records indicating that in 1960 the portion of Valley Road from the yellow house back out to Route 26 was discontinued as a state road. Fred added that the decision of the Colebrook Planning Board on May 22 was that Colebrook needs assurance that Dixville will allow access to the

Balsams View lands located in Colebrook. Commissioner Judd stated that the County Commissioners are all in favor of allowing access to Colebrook and it will be formalized at the next Commissioners' meeting. He added that if necessary, the Commissioners could lay out a Class 6 highway which is an unmaintained road.

With no further questions, the Chair asked Mr. Nadeau to proceed to the next plan.

Tax Map 1626-Lot 6.3: Mr. Nadeau explained that this subdivision is for 2 lots that would result in separating out 8.3 acres around the lagoon situated on the south side of Valley Road. This 8.3 acres would be Lot 2 with Lot 1 at 156.9 acres. The lagoons serve the hotel. Lot 1 is bounded on the easterly side by Spur Road which will be relocated 200' to the west. This subdivision application does not ask the Planning Board to approve the re-location of Spur Road.

Mr. Nadeau stated that Note 10 on the plan is the Planning Board's requirement that Lot 2 will not be used for residential occupancy nor for any use which would tend to increase the danger to health, life or property until, in the opinion of the Coös County Planning Board, appropriate measures have been taken by the subdivider to eliminate such hazards or reduce them to reasonable risks (Coös County Subdivision Regulation 7.05).

Jon Warzocha, Horizons Engineering, explained that Balsams View, LLC has been issued a DES permit for the lagoon aeration and infiltration system. It is a standard waste water facility. He added that there is no flow going through the system now as the hotel is closed and the water is shut off. Fred King stated that it is his understanding that there are septic tanks in proximity to the hotel and the overflow discharges into the lagoons. Rick Tillotson inquired if the owners will run aerators this summer to draw the lagoons down as it has been some time since the lagoons were cleaned. Mr. Warzocha indicated that he has contacted Mitch Locker at DES regarding the lagoons. John Scarinza stated that he had reviewed the DES Groundwater Discharge Permit issued to Balsams View, LLC for the discharge of up to 225,000 gallons per day of treated wastewater via unlined wastewater lagoons and rapid infiltration basins – Site #198401040/Project #15301/Activity #178. John added that a condition of the permit requires a certified operator for the system.

Rep. Théberge inquired about precautions related to an overflow of the lagoons due to flooding. John Warzocha explained that there is no storm water drainage going into the lagoons. The operator controls the levels of the lagoons. The facility is designed as a lagoon and not a storm water pond. He added that there is only a remote possibility that it would ever overflow. Additionally, a groundwater discharge permit acknowledges that the permittee is discharging water into the ground. It requires monitoring twice a year.

Rep. Théberge asked if there is a foul odor problem associated with the lagoons. Jon Warzocha replied that there is some odor as these lagoons were designed using an older technology. This type of treatment facility is the best bang for the buck and he

reminded the Board that there is pre-treatment with the septic tanks that take are of most of the solid waste.

David Brooks, Chairman of the Colebrook Planning Board inquired about the wood ash dump. Jon Warzocha replied that the wood ash dump is indeed on this parcel. It is the receiving facility for wood ash from the boiler house. There was a question about whether there is a separate permit from DES for this site. Jon replied that the wood ash site is exempted from the need for a permit as it is only temporary storage. When asked if the new owners will continue to use the site as temporary wood ash storage, Jon replied that the owners' current plans are to continue its use for that purpose.

Michael McCluskey, DES, stated that wood ash is beneficially reused. There is a market for it as an additive to soils. It is temporarily stored at this site.

Jon Warzocha explained that by obtaining these subdivisions as well as the Colebrook subdivision for the solid waste site often referred to as the liquid waste dump the owners can better obtain financing for their proposed improvements to the resort. He stated that there is nothing really bad in any of the 3 landfills – two in Dixville and one in Colebrook. Much work was done by DES for the stump dump in Dixville and Colebrook's solid waste dump in 1985-1989 where monitoring wells were drilled to determine if there were any real hazards. The rubber dump was pre-1981 and therefore exempt from capping under New Hampshire's solid waste laws. It was primarily used from scrap rubber from the Tillotson Rubber factory and there is no groundwater permit required for this site.

Mr. Warzocha continued that the stump dump in Dixville comprises .68 acre right next to the old rubber dump. The stump dump was used for stumps, building debris, waste wood and there is only 10'-12' of waste. There is active groundwater monitoring since it was still being used post 1981. There is no significant groundwater issue at this site. Some manganese has been detected. There is a requirement that the site will be capped and the owners plan to proceed with the installation of a low permeable soil cap (like clay), grade it, loam and seed it and perform long term monitoring annually. This is a benign little landfill.

Mr. Warzocha then spoke about the 1.8 acre solid waste site in Colebrook situated on the Dixville/Colebrook line. He stated that the site contains hotel related waste as determined by analyzing test pit materials excavated a few weeks ago. There is also waste from the Tillotson Rubber factory such as waste latex, corn starch and calcium carbonate. There is a minor groundwater problem at the Colebrook site with vinyl chloride detected slightly above groundwater standards. Vinyl chloride is the final stage of decomposition of degreaser type products.

Rep. Th  berge asked if a licensed facility does the analysis of test pit material. Mr. Warzocha explained that the most recent test pits were for Horizon's use in preparing

a cap design in order to determine the required thickness of the capping material. A licensed lab runs the samples and DES reviews the results.

Rick Tillotson stated that the Colebrook landfill will be owned by a separate LLC from Balsams View, LLC. He asked if the same LLC will own the rubber dump/stump dump parcel and lagoon parcel. Jon Warzocha replied that as far as he knows, that is the plan.

Fred King noted that according to all reports in the period of time from the 1980's to the present, the groundwater testing indicates improvement and the vinyl chloride that is left will be gone. Jon Warzocha agreed that the degradation process is ongoing but he cannot predict how long it will take.

Chris Jenkins, NH Public Radio, asked if the new LLC's that will hold these sites have any assets. Will they post a bond? Jon Warzocha replied that the chain of title will be with the same owners as Balsams View, LLC.

Michael Guilfooy, Administrator of the NH DES Waste Management Division verified for the Board and public that the statements made by Jon Warzocha regarding the solid waste sites accurately characterize these sites. He stated that the previous owners stopped using the rubber dump in 1973 (prior to the State of NH enacting solid waste laws). As with any pre-1981 landfills, the owner was required to register them and then they are done. The stump dump owners will need to put up financial assurance with NH DES and the post closure care will be simple. Financial assurance can be in the form of a bond, letter of credit or insurance. John Scarinza asked if there is a timeline for capping. Mr. Guilfooy replied that the timeline will be a condition of the permit. John followed up with the question that in the event that this owner for a future owner cannot mitigate a groundwater problem in the future, who is responsible? Mr. McCluskey replied that liability remains with the owner. If the owner is bankrupt, the state will oversee the site and it may include EPA resources and involvement. He added that the Board must remember that there are no users of groundwater in the area of these sites. Fred King stated that at the Colebrook Planning Board meeting, the same representatives of DES present at this meeting stated that if you currently own the property or formerly owned the property, you have potential liability. If none of these, then the town has no liability. Mr. McCluskey replied that based on DES records, nothing indicates that the Town of Colebrook ever owned the property or deposited any waste there. The bottom line is that Dixville will not get the bill. Bob Holt, Colebrook Selectman, stated that one of the concerns in Colebrook was that the liquid waste dump had been referred to as a municipal dump and that was not the case. Mr. Holt continued that at the Colebrook Planning Board meeting he had asked for a timeframe for capping the site in Colebrook and information provided was 1-5 years. Jon Warzocha stated that the schedule for capping the sites will be part of the application and he understands that a condition of the permits will be that it is done within 5 years. He stated that the current owners want to do it much sooner than that. The permits allow owners some flexibility by allowing up to 5 years.

Fred King made a motion to approve Balsams View LLC's 4 subdivisions plans for Map 1626, Lot 3; Map 1626, Lot 6.1; Map 1626, Lot 6.2; and Map 1626, Lot 6.3. Scott Rineer seconded the motion.

John Scarinza stated that if there were no further questions, he would close the public hearing prior to taking up Mr. King's motion. There were no further questions from the public and the public hearing was closed.

In returning to Mr. King's motion, John Scarinza added that on Map 1626, Lot 6.2 there is the access issue and there needs to be a condition for that public access.

Fred King then made a motion that the Planning Board recommend to the Coös County Commissioners that the required right of way requested by Colebrook will be granted and the Commissioners will take appropriate action to keep it open. Scott Rineer seconded the motion. There being no further discussion, the Board members voted unanimously to approve the motion.

Prior to voting on Mr. King's first motion, Rick Tillotson disclosed that he is an abutter and wanted assurance that no one on the Board or public had an issue with him voting on the motion. There were no objections and the Chair called for a vote on the motion to approve the 4 subdivision plans of Balsams View, LLC. All Board members voted in favor of approval.

Chairman Scarinza stated that he would sign the mylars (including the Colebrook Mylar) at the conclusion of the meeting.

Jonathan Frizzell rejoined the Board.

2. **Wentworth Location:** Lise Gelinas was present to answer any questions about a merger application for her two lots at Map 217, Lot 9 and Map 217, Lot 8. Sue reminded Board members that Art York, York Land Services met with the Board on September 15, 2011 for a preliminary consultation on this request as well as Ms. Gelinas' request for a building permit. Sue read the excerpt from the minutes of the 9/15/11 meeting. It was unclear if a Mylar was required for this purpose. Rick Tillotson made a motion to approve the 2 lot merger with the condition that if a Mylar is required, it will be produced prior to recording the merger with the Coös County Registry of Deeds. Bing Judd seconded the motion. All voted in favor of the 2 lot merger.

BUILDING PERMITS:

1. **Wentworth Location:** The Board considered Lise Gelinas' application for a building permit to construct a 40' x 28' 2 bedroom seasonal camp on Chapel Hill Road. Sue reported that Ms. Gelinas' application was complete and included septic system approval and a Shoreland Impact Permit with conditions. Rick Tillotson made a motion to approve the Lise Gelinas building permit for a 40'x28' seasonal

camp. Bing Judd seconded the motion. With no questions forthcoming, the Chairman called for a vote and all members voted in favor of granting the permit.

2. **Dixville:** The Board considered the application submitted by New Cingular Wireless on behalf of AT&T Mobility for a building permit for a 12'x20' shelter with an 11'x4' generator. AT&T will co-locate antennas on the existing Verizon Wireless tower. Sue reported that the applicant had secured authorization from the prior property owner Tillotson Corporation last year. Sue contacted Dan Hebert of Balsams View, LLC to obtain his written authorization which was received on 05/21/2012.

Bing Judd made a motion to approve the application as submitted. Jonathan Frizzell seconded the motion. All board members voted in the favor of the motion to grant the permit.

3. **Odell:** Sue read a letter dated April 30, 2012 from Mark and Gail Yourison requesting an extension on Building Permit 361 issued on June 2, 2011. The Yourisons were not able to complete a new pitched roof on their 17'x7' shed at 204 Nash Stream Road last year. Bing Judd made the motion to approve a one year extension. Fred King seconded the motion. There was no discussion and all voted in favor of granting the extension.

HEARING OF THE PUBLIC:

No questions or comments were made by the public.

TIME AND DATE OF NEXT MEETING:

It was agreed that the next meeting of the Board will be held when needed.

ADJOURNMENT:

Commissioner Judd made a motion to adjourn. Scott Rineer seconded the motion. All voted in favor of the motion.

Respectfully submitted,



Suzanne L. Collins, Clerk