

COOS COUNTY PLANNING BOARD
Berlin, NH
April 12, 2012

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

Present from the Public: Shannon McManus, KJK Wireless on behalf of AT&T; Andrew Nadeau, Horizons Engineering on behalf of CNL Properties and Balsams View, LLC; Daniel Hebert, Jr. and Lisa Gravel, Balsams View, LLC; David Brooks and Bob Holt, Colebrook Planning Board; Edith Tucker, *Coös County Democrat*; Barbara Tetreault, *The Berlin Daily Sun* and members of the public.

John Scarinza, Chair, opened meeting and public hearing of the Board at 6:00 PM. Due to the excused absences of Mike Waddell and Rick Tillotson, he appointed Scott Rineer to fill Mike Waddell's chair and Lindsey Gray to fill Rick Tillotson's chair.

MINUTES OF NOVEMBER 10, 2011:

Bing Judd made a motion to approve the minutes of November 10, 2011 as distributed. Jonathan Frizzell 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 from the North Country Council seeking Planning Board appointments to NCC. The Chair asked if anyone on the Planning Board was interested in volunteering to serve. Any nominations would then move on to the Board of Commissioners for approval. Fred King indicated that he would volunteer. No one else volunteered. Chairman Scarinza stated that if any member of the Planning Board decides that he is interested, please notify Sue Collins.
2. Sue Collins reported that Sarah Cate from A&D Klumb Environmental, LLC (Webster, NH) had sent an e-mail on 3/16/12 stating that her company had been hired by AT&T to do the Environmental Site Assessment (ESA) for an antenna collocation onto the Verizon Tower in Dixville. She had asked about any environmental issues within ¼ mile from the tower and Sue had reported that there were none within ¼ miles. She was already aware of the DES monitored sites on the Balsams property and indicated she was only interested in the tower site.

NEW BUSINESS:

1. **Sargent's Purchase:** The Board recognized Shannon McMannus who spoke to the building permit application filed for AT&T's proposal to install cell antennas and

equipment on top of Mt. Washington. AT&T proposes to install 4 panel antennas on an existing 45' guyed tower with a corrugated steel shell with fiberglass shroud and cover. AT&T antennas will use a 10' section of the tower. Two antennas will be mounted on the observatory building behind a sheath enclosure made of stone looking fiberglass to blend with the building. Equipment cabinets will be installed inside the existing Yankee building in rented space. Shannon explained that AT&T needs service up in the North Country and its current agreement with Verizon is only valid until the end of this year. The AT&T service proposed will not be "roaming" service. It will include data and apps and serve as a major connecting tower to Gorham. The proposed modifications will not change what it looks like on top of the mountain as the antennas will be camouflaged as much as possible by the shrouds. The shrouds will also protect the antennas from snow, ice and wind. If any equipment breaks, the Auto Road will provide access to repair crews.

Sue Collins read a letter from DRED Commissioner George Bald authorizing AT&T Mobility to lease space with the State of NH at the Mt. Washington State Park for purposes of installing and maintaining a wireless communications facility that includes cell antennas, cables, utilities, and associated equipment.

Fred King asked if the company was in compliance with all federal regulations. Shannon replied that AT&T needs federal licensing and licensing information is included with the application.

John Scarinza inquired if the Mt. Washington Commission has weighed in on the proposal. Shannon replied that her contact has primarily been with Paul Leary, the Chief of Communications for the Department of Resources and Economic Development.

Commissioner Judd made a motion to approve the permit. Jonathan Frizzell seconded the motion. There being no further questions or comments, the application was approved and permit will be issued.

2. **Crawford's Purchase:** Andrew Nadeau, P.E., Horizons Engineering attended in order to discuss a proposed subdivision and minor lot line adjustment on behalf of CNL Income Bretton Woods LLC. Plans for a major subdivision of Map 1604, Lot 10.2 and lot line adjustment on Map 1604, Lot 13 were presented to the Board. Mr. Nadeau reminded Board members that he had submitted similar plans to the Board two years ago; however, there have been many changes in ownership. The prior owner, Bretton Woods, LLC went through bankruptcy and CNL picked up various land parcels throughout 3 towns – Bethlehem (Grafton County), Carroll and Crawford's Purchase (Coös County). Mr. Nadeau explained that CNL is not in the business of developing property, it is an investment company.

CNL seeks the subdivision so that usage is concurrent with boundary lines; the goal is to get golf courses in the right subdivisions, to get parking lots in the right

subdivision. This is a Master Planning exercise to ready the parcels for future development.

Mr. Nadeau also spoke of a proposed lot line adjustment on Lot 1604-Parcel 13. Moving a boundary line would make the golf course one parcel. This request does not create a new lot; it will add 4 acres to the existing 14 acres.

John Scarinza asked if any of this activity would create a land locked parcel. Mr. Nadeau replied that Parcel 10.2 by deed has always been a land locked parcel.

Sue Collins informed the Board about a deed issue that she had discussed with Mr. Nadeau that precludes the Board from considering either plan. The designated owner on the County's records remains Bretton Woods Land Co., LLC. A search at the Registry of Deeds yielded no transfer activity in Crawford's Purchase since last August – the date when CNL Lifestyle Properties acquired the land. The foreclosure deed only refers to the Towns of Carroll and Bethlehem with no mention of Crawford's Purchase, an unincorporated place. Sue stated that a corrected deed must be filed in order to change the owner of record on the County's tax data base. She added that anyone who files a subdivision application must file proof of ownership. Mr. Nadeau indicated that he has contacted the owner's law firm to address this issue.

John Scarinza stated that the Board will schedule a Public Hearing and Meeting on the requests after all necessary applications and documentation have been received.

3. **Dixville:** Andrew Nadeau, P.E., Horizons Engineering had requested a preliminary consultation on several subdivisions on behalf of his client, Balsams View, LLC. Jonathan Frizzell requested to be recused during this discussion and Chairman Scarinza appointed James Brady to his seat. Mr. Nadeau presented 4 preliminary subdivisions labeled:
 - a. **Tax Map 1626** – Lot 3
 - b. **Tax Map 1626** – Lot 6.1
 - c. **Tax Map 1626** – Lot 6.2
 - d. **Tax Map 1626** – Lot 6.3.

Mr. Nadeau explained that these subdivisions are part of The Balsams re-development project. He spoke of the Society for the Protection of NH Forest conservation easement which was indicated in a cross hatching pattern on the preliminary subdivision plans explaining that the easement lines do not necessarily follow the property lines. Mr. Nadeau explained that some parcels are contaminated. Those parcels are under review by both Horizons Engineering and the NH Department of Environmental Services.

The owners are requesting to divide the parcels subject to conservation easement boundaries and contaminated areas. Creating these boundaries is part of the Master Plan for the properties and their future use.

Plan 1. Tax Map 1626-Lot 6.1: This parcel includes the land behind the hotel and would be presented as a 3-lot subdivision. It includes:

- The land behind the hotel in land in conservation easement;
- A parcel that is not part of the conservation easement and would consist of 82.6 acres; and
- A small 2 acre +/- lot next to the State garage. This lot is unbuildable and is less than 5 acres. It is a sand lot with ledge underneath it. John Scarinza inquired why the owner wants to subdivide it. Owner Dan Hebert explained that it is simply a housekeeping detail.

Plan 2. Tax Map 1626-Lot 6.2: This parcel is located on the Colebrook town line. This parcel includes the stump dump. NH DES has an active case on this parcel and the owners want to separate it from the resort land. Mr. Nadeau explained that by separating the 11 acre stump dump, they are effectively creating 3 lots because the stump dump is in the middle of the original parcel. Lot 1 would be 12.3 +/- acres, Lot 2 would be the 11 acre stump dump and Lot 3 would be 17.55 acres on the northeast side of the stump dump. Mr. Nadeau continued that the liquid waste dump is in Colebrook. John Scarinza indicated that the Planning Board would need the mitigation details for this abutting parcel. Mr. Nadeau stated that the owners have submitted an application to the NH Brownfields Program. He indicated that if the Planning Board wants further detail, his associate John Warzocha will attend the next Board meeting. John Scarinza indicated that the Board has been through this process before with the prior company that planned to purchase The Balsams property. The Board needs assurance that the stump dump parcel does not become a county liability in the future.

Dan Hebert indicated that once the Brownfields permit application is approved, he believed that the State assumes any future liability. John Scarinza sought verification of this. Dan Hebert stated that the owners would not be selling the land.

Fred King reminded the Board members that today's issue is different than when the Board considered it before when Tillotson Corporation was going to retain ownership of the contaminated parcels. The Board was concerned about ownership when the Tillotson Corporation dissolved and who would own the site after that. In this case, the new owners purchased the entire property including the contaminated sites.

Fred added that Colebrook is going through this same exercise and it might be beneficial to hold a joint meeting. John Scarinza endorsed the idea and hoped that John Warzocha could speak to the Brownfields application and program. Dan Hebert added that this is not an abutter issue as Balsams View, LLC owns all the land around the contaminated parcels. Colebrook Planning Board Chairman David Brooks stated that Colebrook has already scheduled a Public Hearing for May 1st at 7 PM.

Plan 3. Tax Map 1626-Lot 6.3: Mr. Nadeau explained that this subdivision is for 2 lots separating out 9.1 acres around the lagoons. John Scarinza asked if these are waste water lagoons and Mr. Nadeau stated they are. He indicated that included on

this plan is a state road relocation requiring a lot line adjustment. The owners propose to relocate the existing access road between the current factory and the hotel. The roads on the property are state highways (Valley Road is too). He is working with NH Department of Transportation to relocate the road.

Plan 4. Tax Map 1626-Lot 3: The proposal on this Wilderness Ski Area tract is for a 3 lot subdivision:

- Carving out the conservation easement lands into 2 lots on each side of the ski area to be known as Lots 1 and 3; and
- The Wilderness Ski Area to be known as Lot 2.

One boundary of the conservation easement area will be the center line of Hodge Valley Road and Mr. Nadeau still needs to do GPS work for this road. By next month he could have a few minor changes to the metes and bounds.

Mr. Nadeau stated that his plan is to file 4 mylars. Sue Collins stated that she will send the subdivision applications which must be completed to Mr. Nadeau. He stated that most of this subdivision work is to memorialize the conservation easement land.

John Scarinza indicated that Mr. Nadeau should obtain a sign off letter from the Society for the Protection of NH Forests and submit it with the applications.

There being no further discussion on the preliminary plans, Jonathan Frizzell rejoined the Board.

4. **Dixville:** Daniel Hebert attended the meeting to present a quick overview of plans for the Balsams Resort Hotel. Jonathan Frizzell recused himself from the Board once again. Dan Hebert indicated that the site plan he was showing Board members is preliminary. He asked if he needs to obtain any demolition permits from the County. Sue Collins replied that the County's regulations do not address major demolition projects. Dan Hebert added that he is currently working with NH DES on the abatement of hazardous materials and the plan is to begin demolition on May 1. John Scarinza stated that as long as the owners are working with the State on this, it will be fine with the Board. Dan Hebert stated that environmental engineers will monitor the abatement of hazardous materials. Demolition is expected to take 2 months.

Speaking about the site plan, Mr. Hebert stated there will be a stair tower addition to the Hampshire house that will include enclosed stairs and 14 rooms. The Dix House will be retained.

The current plan is to demolish 400,000 square feet including the factory, boiler house and wind whistle house and then 80,000 square feet of new construction will be added. The time schedule is to begin construction on July 1, 2012 and the goal is to finish by July 1, 2013. There will be all new parking and a relocated state road as shown on the site plan. John Scarinza stated that under Site Plan Review, the Board would look at lighting, parking, compliance with fire safety codes, the 2009 IBC

Code and the electrical and plumbing code. Dan Hebert replied that he will have full architectural and engineering plans for Board review. Horizons Engineering is expected to do the site plan.

John Scarinza stated that with the prior proposal that was submitted to the Board (Ocean Properties Plan), the Board had decided that if the Board is provided with architectural drawings and sign off from the Fire Marshal then the County will not need a separate building inspector. Dan Hebert replied that he will hire his own fire engineer to review the drawings due to the back log of plans in the State Fire Marshal's office. John Scarinza suggested that Dan coordinate these plans with Colebrook Fire Chief Brett Brooks since it is his department that provides fire services to Dixville. Dan replied that on April 13th he is meeting with a representative of the Fire Marshal's office as well as Chief Brooks.

It was suggested that the County Commissioners send a letter to Executive Councilor Ray Burton urging state agency cooperation in not delaying this project.

Sue Collins will send the building permit application to Dan Hebert. Fred King noted that we are fortunate to have local owners and that the County will try to help with the State agencies if the need arises.

Jonathan Frizzell rejoined the Board.

BUILDING PERMITS:

Sue Collins stated that she had approved two building permits – one in December and one in February:

- #373 – David Pike, Success, 12'x24' addition to existing camp; and
- #375 – Alan Pike, Success, 24'x24' garage.

Fred King made a motion to ratify the two building permits. Scott Rineer seconded the motion. There was no discussion and all members voted for ratification.

Wentworth Location: John Scarinza took up the building permit application of Alan McLain who proposed a new building at 71 Chapel Hill Road. The existing lot is .11 acre in size. John noted that the proposed building is 40' x 27' and larger than the footprint of the current building. Commissioner Judd stated that he had recently visited the site and noted that the old camp is on skids ready to be moved out. He stated that it looks like the new cottage will be right where the old camp was located. Sue Collins indicated that this is a grandfathered lot in an area known as "Little Berlin". The lot dimensions do not meet any of the County's setback requirements. She distributed copies of the current property card.

John Scarinza added that if the proposed building would be on the same footprint, it would not be an issue. This is the type of application that would be sent to a Zoning

Board of Adjustment if the county had one. Sue Collins stated that for the Unincorporated Places the Planning Board can waive its requirements. John Scarinza noted that Mr. McLain has septic approval for a 2 bedroom structure. He noted that the Shoreland Permit approved on December 8, 2011 has conditions. He was concerned about the 5' setback to the abutters' property line. Jonathan Frizzell inquired about the abutters and how this would impact any neighbors. Sue indicated all abutters appear to be lots owned by the United States of America (U.S. Fish & Wildlife Refuge).

Fred King made a motion to approve the building permit application and waive the setback requirements on this grandfathered lot. Commissioner Judd seconded the motion. There being no further questions, the Chair asked for a vote and declared that "the ayes have it".

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 completed subdivision applications are received from Balsams View, LLC and/or CNL Income Properties.

ADJOURNMENT:

Commissioner Judd made a motion to adjourn. Ed Mellett seconded the motion. All voted in favor of the motion.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sue Collins".

Suzanne L. Collins, Clerk