

COOS COUNTY PLANNING BOARD
Lancaster, NH
November 10, 2011

Present from the Board: John Scarinza – Chair; Fred King – Vice Chair; Sue Collins – Clerk; Jonathan Frizzell, Ed Mellett, Rick Tillotson. *Excused: Mike Waddell, Rep. Robert Th  berge.*

Present from the Public: Art York, York Land Services; J.T. Horn, Trust for Public Land; Luke Muzzy, Chris Fife and Mark Doty, Plum Creek Timberlands; Ian Drew, U.S. Fish & Wildlife Refuge at Umbagog; Will Staats and Diane Timmons, NH Fish and Game; Plum Creek abutters Donald Couture, Elmer Lang (*North Country Outdoor Club*) and Jake Raymond; John Lanier, Steven Lessard, Pete Blanchette, Dan Tucker; and Jake Mardin, *News & Sentinel*, Edith Tucker, *Co  s County Democrat*.

John Scarinza, Chair, opened meeting and public hearing of the Board at 6:00 PM.

MINUTES OF SEPTEMBER 15, 2011:

Fred King made a motion to approve the minutes of September 15, 2011 as distributed. Ed Mellett seconded the motion. Jonathan Frizzell noted a typo on page 4. He stated the word “exits” should be replaced with the word “exists”. With no further comments, the Chairman called for a vote to accept the minutes with the correction and all voted in favor of approval.

LETTERS & CORRESPONDENCE TO THE BOARD:

Chairman John Scarinza stated that NH Fish & Game Executive Director Glenn Normandeau had submitted a letter addressing questions that had come up at the September 15th meeting relative to Fish and Game’s future ownership and management of the Greenough Ponds tract. He proceeded to review each of the questions.

How will existing camp leases be handled on the acreage that NH Fish and Game will acquire? Fred King noted that the camps on the two existing leases are nice camps and asked if the leases would continue into perpetuity. NH Fish and Game Biologist Will Staats replied he did not know how that would work out long term. He surmised these leases would be handled the same as the leases on the Connecticut Lakes Natural Area. J.T. Horn, Trust for Public Land, added that the U.S. Fish & Wildlife Service adds sunset clauses to its leases but N.H. Fish and Game goes year to year with its leases and has no intention of adding sunset clauses to its leases. Fred King stated for clarification purposes, his understanding of J.T.Horn’s response is that there is no intent on the part of NH Fish and Game to make changes to the existing leases. J.T. Horn replied, “correct”.

Fred King then inquired about the NH Department of Resources and Economic Development’s (DRED) leases on Umbagog. Mr. Staats said he did not have the

information to comment on the DRED leases. Abutter and leaseholder Donald Couture asked if he could obtain a sample copy of a typical Fish and Game lease document.

How will public access to the Greenough Ponds be ensured? Abutter Donald Couture asked if he could gate the road from his camp to the pond when there are mud holes. He stated his concern with having to pull out vehicles when they get stuck. He would like to be able to install a chain fence for gating at certain times. Mr. Staats replied that Fish and Game will evaluate each request for gating on a case by case basis. He noted that Fish and Game currently has some leases that allow gates. He added that Fish and Game has a state lands management team to evaluate this type of request. Elmer Lang stated that the North Country Outdoor Club has a gate to prevent theft.

Steven Lessard asked if there will be more of a boat launch for access to the pond. Mr. Staats replied that the boat launch and access road will be discussed during the preparation of the management plan for the tract. Diane Timmons added that once Fish and Game receives a request to review, they act on it. J.T. Horn stated that currently access to the pond is either hand carry or car top. Donald Couture added that now boats are coming in from points all over the pond. Mr. Staats stated that he knows that boats are chained to trees and sometimes left there for years and it is an issue that will need to be addressed. He certainly does not want to see a boat chained to each tree around the pond.

Fred King advised that N.H. Fish and Game representatives solicit public opinion on proposed management plans prior to issuing a final plan. He added that historically, a plan is prepared and it is presented to the public without their input. Ms. Timmons agreed that that has been the process.

John Scarinza advised Mr. Couture to provide his information and request directly to NH Fish and Game personnel.

Can you describe forest management under NH Fish and Game Department ownership? Mr. Staats stated that Fish and Game does recognize that timber harvesting is important. Fish and Game's harvests are related to the improvement of habitat for wildlife.

NEW BUSINESS:

1. John Scarinza recognized Art York and asked that he provide the overview of the Plum Creek major subdivision in Wentworth Location. This tract includes the Greenough Ponds and is part of the Androscoggin Headwaters Project – Phase V. Additionally, he noted that Mr. York had requested waivers of specific subdivision regulations.

Mr. York stated that the plan is to subdivide 839 acres in Wentworth Location and 95 acres in Errol around the Greenough Ponds. Plum Creek Timberlands will transfer the parcel to the Trust for Public Land with subsequent transfer to the NH Fish and

Game Department. Mr. York explained that the Town of Errol approved the subdivision of the 95 acres in Errol at its October meeting. Mr. York explained that access is on Greenough Pond Road off of Route 16. He described the subdivision as protecting the watershed around the ponds.

John Scarinza asked what rights will exist on Greenough Pond Road. J.T. Horn distributed a copy of a Quit Claim Deed (Book 1317, Page 668) recorded on 12/15/10 in the Coös County Registry of Deeds. He had highlighted the language from the Phase I Plum Creek parcel that was granted to TPL, *"The Property is conveyed subject to an easement in the public for any public roads heretofore laid out or established and now existing over, along or across any portion of the Property....and further subject to...A Reciprocal Easement Agreement by and between the Grantor and Grantee of even or nearly even date hereto and recorded herewith in said Registry.* Also included in his handout was a copy of the Reciprocal Easement Agreement that stated, *"Plum Creek hereby grants to TPL, and its successors and assigns, and TPL hereby grants to Plum Creek, and its successors and assigns, a permanent, non-exclusive easement and right of way, sixty-six (66) feet in width...the parties intend that TPL, and its successors and assigns, may, in its sole discretions, allow public recreational use of the Access Easement Areas to access the TPL Lands as hereinafter described...*

J.T. Horn explained that Plum Creek retained a general purpose right of way; specifically, public access. The Plum Creek 66' right of way references the ability to bring the public in. Part of what Fish and Game will get is the deed to the land plus the right of way to the ponds over U.S. Fish & Wildlife property.

John Scarinza asked if there might be gates that restrict public access from time to time. J.T. Horn replied that the owner can have gates.

Fred King asked who will maintain the road. J.T. Horn replied that whoever is using the road should maintain it so Fish and Game has to maintain it, Dartmouth goes over the road, U.S. Fish and Wildlife goes over the road.

Jonathan Frizzell asked if the current transaction is Plum Creek Timberlands to TPL or Plum Creek Timberlands to NH Fish and Game. J.T. Horn replied that the intention is to convey directly from Plum Creek Timberlands to NH Fish and Game. J.T. added that the new deed has not been prepared but he expected that the language would be similar to the Phase I Quit Claim Deed referenced above.

John Scarinza noted that through non-maintenance of the road, you can effectively shut it down. J.T. Horn replied that anyone can maintain it at their expense regardless of the owner. Plum Creek can maintain it, Fish and Game can maintain it and U.S. Fish and Wildlife can too. J.T. added that when they did the Phase I deed language, they insisted on the public interest language. Part of the public purpose for purchasing these lands is to afford public use.

Jonathan Frizzell stated that his concern is that a layman sees “public right of way” and who enforces the language. It appears that this will fall under the Attorney General’s office on behalf of NH Fish and Game. John Scarinza asked Jonathan Frizzell if the Board should obtain a legal review of the deed language to which Jonathan replied, “no”.

Fred King asked that the record of this meeting shows that there will be public access to the Greenough Ponds for recreational purposes into perpetuity. He is hearing that that is Plum Creek’s intent, it is TPL’s intent and it is NH Fish and Game’s intent. Ian Drew, representing the U.S. Fish and Wildlife Refuge at Umbagog, stated that the designated routes of travel are included in the long term plan for the Refuge and he read directly from the Plan on page 4.5. He stated that there is no issue with access.

Donald Couture asked if the amount of his lease will be based on what Pittsburg leases cost or will it be an average charge per acre. Mr. Staats replied that the lease will be consistent with Fish and Game’s other leases and since he is not the one charged with setting the leases, he could provide no further information.

Chairman Scarinza asked for any further questions or concerns relative to the subdivision application and plan. There were none and the public hearing was closed.

John Scarinza addressed the Plum Creek Maine Timberland’s waiver requests:

- a. #16 – topographic contour boundaries at 5 ft. intervals (5.01);
- b. #25 – seasonal high water (5.01);
- c. #26 – test pits including profiles of each test pit (5.01); and
- d. #27 – scale of 1” for 100’ (5.01). Scale is to be 1” for 2,000’.

Fred King made a motion to approve the requested waivers of the subdivision regulations. Rick Tillotson seconded the motion. There were no comments or questions and all members voted to approve the motion.

Jonathan Frizzell noted that all questions addressed at this meeting were the result of the language on the Plum Creek Quit Claim Deed recorded in the Coös County Registry of Deeds, Book 1317, Page 668.

Rick Tillotson made a motion to approve the major subdivision application of Plum Creek Maine Timberlands LLC, Wentworth Location Tax Map 1624, Lot 3 prepared by York Land Services, LLC. Fred King seconded the motion. All members of the Board voted in the affirmative.

Edith Tucker asked when one might expect the sale to go forward. J.T. Horn replied that there is no set time line as Fish and Game is still trying to secure funding.

2. Sue Collins explained that as a result of the annual property appraisal “pick-ups”, the County’s assessors found two properties with improvements where no building permits or Shoreland permits had been obtained:
 - a. Cambridge – F. D’Alfonso added a 31’ x 38’ wood deck; and
 - b. Wentworth Location – S. Lessard added a 6’ x 14’ wood shed.

Sue stated that S. Lessard had submitted the after the fact building permit application with \$100 fee and a communication from the NH Department of Environmental Services that a Shoreland permit was not necessary for the wood shed. Permit #372 was issued to S. Lessard. F. D’Alfonso has submitted the after the fact building permit application with \$100 fee and is waiting a determination from NH DES on the Shoreland permit application.

OTHER BUSINESS:

1. Sue Collins noted that Will Staats provides valuable guidance to the Board on the various zoning permit applications that are filed for timber harvests in high elevations. She thanked him for his work on behalf of the Planning Board.
2. Fred King reported that he and Jonathan Frizzell had accepted the Brookfield Power invitation to the Planning Board to tour the nearly completed wind park. He provided copies of a map depicting the 33 turbines and reported that the project is on schedule. He noted that the original owner Noble Environmental had conveyed the project to Brookfield Power and was amazed that the original design was hardly changed. Engineering services provided by Horizons Engineering of Littleton was good work and the wind park will be up and running shortly. He stated that they had observed quality construction and that the Board members should congratulate themselves for helping this project happen. It will serve as a good model for future projects.

Rick Tillotson noted that he has the closest window to a tower and currently only one tower has no blades. He did mention a concern that the re-location of the snowmobile corridor may not be ready to open through the project area for this winter. He explained that the corridor is from south of Dixville to Dixville Peak and snowmobilers would not be able to get to Colebrook from Dixville. He understood that a contractor has been selected to build the new diverted snowmobile route but contractor (A.B. Logging) may not be given access to the site until January when turbine contractor RMT has finished the wind park. Rick had asked if snowmobiles could use the beautiful new road to the turbines until the corridor is ready and understood that due to safety concerns with the potential for ice falling from the blades, it was unlikely. Rick added that he has contacted DRED to ask what can be done to establish the corridor before winter. Edith Tucker noted that RMT is already pulling out construction equipment.

Jonathan Frizzell described an alternate snowmobile route from Log Haven in Millsfield over Kelsea Notch that leads into Columbia.

TIME AND DATE OF NEXT MEETING:

The next meeting of the Board will be held when other business requires a meeting of the Board.

ADJOURNMENT:

Rick Tillotson 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 that reads "Sue Collins". The signature is written in black ink and is positioned above the printed name of the signatory.

Suzanne L. Collins, Clerk