

COOS COUNTY PLANNING BOARD
Dixville, NH
August 2, 2011

Present from the Board: John Scarinza – Chair; Fred King – Vice Chair; Sue Collins – Clerk; Commissioner Burnham “Bing” Judd, Rep. Robert Théberge, Jonathan Frizzell, Mike Waddell, Ed Mellett, alternates Scott Rineer and Lindsey Gray.

Present from the Public: David Douglass, Thaddeus Thorne Surveys, Inc.; Attorney Tom Keane, Keane & MacDonald Law Firm; Barry Kimball, Senior Project Manager Ocean Properties; Edith Tucker, *Coös County Democrat* and members of the public.

John Scarinza, Chair, opened the regular meeting of the Board at 6:30 PM. John noted that alternate Lindsey Gray would be a voting member of the Board for this meeting filling Rick Tillotson’s seat.

MINUTES OF JULY 5, 2011:

Bing Judd made a motion to approve the minutes of July 5th as distributed. Jonathan Frizzell seconded the motion. With no comments, the Chairman called for a vote to accept the minutes and all voted in favor of approval.

PUBLIC HEARING:

Chairman Scarinza opened the Public Hearing on three subdivision applications in Dixville submitted by Tillotson Corporation:

1. A two-lot subdivision consisting of a 69.26 acre parcel known as Sanguinary Ridge that is a future wind generation site;
2. A three-lot subdivision consisting of a 5 acre residential parcel and a 187.6 acre parcel that is currently a wind generation site; and
3. A subdivision/merger of Map 1626, Lot 6.4 and Map 1626, Lot 6.5 and Map 1626, Lot 7.

Jonathan Frizzell recused himself from the Board at this time and Chairman Scarinza appointed Scott Rineer to be a voting member of the Board on the Tillotson subdivision applications.

David Douglass proceeded with the plan for the two-lot subdivision known as Sanguinary Ridge. He stated that nothing on the plan has changed since the July meeting when the Board had reviewed the plat and voted that the application for this two lot subdivision was complete. Fred King agreed that this application had been discussed in detail at the last meeting and he had no questions. Sue Collins stated that notices of the Public Hearing had been published, abutters notified and all receipts of notification had been received.

John Scarinza asked if there were any questions from the Board members or the public on this application.

Edith Tucker, *Coös County Democrat*, stated that when the Board had discussed two previous subdivision applications for the dump sites in Dixville, concern was expressed about who would eventually own those sites if the Tillotson Corporation was dissolved. She asked who would own the wind generation sites when the Tillotson Corporation is eventually dissolved. Fred King replied that the landfills posed a potential future liability for Dixville/Coös County. David Douglass stated that the Tillotson Trustees will sell all the assets and they will sell these sites in the future.

A member of the public, Richard Jackson who has property in Colebrook that abuts the Tillotson land holdings in Dixville asked how this subdivision would affect him as his well is located on Tillotson property “down by the garage”. David Douglass replied that this project does not even touch his parcel. The water rights are on another Tillotson parcel which will be conveyed to the new owners.

David Douglass proceeded with the plan for the three-lot subdivision consisting of the 5-acre Tom/Debra Tillotson residential parcel and the 187.6 acre Dixville Peak Ridge parcel that currently is being developed for the wind park. John Scarinza noted that this application was reviewed at the Board’s last meeting and asked if there had been any changes made to the plan. David Douglass replied that no changes were made. John Scarinza asked for questions from Board members or the public. Richard Jackson reiterated his concern that this subdivision would not change his water rights. David Douglass explained that this parcel is not part of the Tillotson parcel that borders Mr. Jackson’s property in Colebrook. There were no further questions forthcoming on this subdivision application.

David Douglass presented a plan for the subdivision/merger of 3 Tillotson lots on Map 1626. The proposal is to merge lots 6.4, 6.5 and 7. Sue Collins stated that this application was received after the last meeting but on time to publish the requisite notices in the newspapers and to notify the single abutter – Tillotson Corporation. Sue distributed copies of Dixville property tax map 1626 to members of the Board as well as the property card for lot 6.4. David Douglass explained that Lot 7 which abuts Lake Gloriette and is the culinary building parcel was previously owned by someone other than the Tillotson Corporation or family which explains why it is a separate taxable parcel. Sue stated that the County’s contracted property appraiser thinks that the merger makes sense.

Attorney Tom Keane, representing Ocean Properties, explained the purpose of the requested application to merge lots for tax assessment and land use purposes. One of the conditions of his company’s plan to remodel the hotel is obtaining New Market Tax Credits (NMTC) and golf courses do not qualify for these credits (referring to the 9-hole golf course located near the hotel). The NMTC will be used on buildings within the resort and the plan is to carve out a parcel for the permitted uses of NMTC. The

proposed subdivision is bounded by existing roadways as shown on the plan. After merging the 3 parcels, a new subdivision will be created that will be a separate legal lot for title insurance. Attorney Keane also asked that as it considers this application the Board conditions the approval upon the successful closing on the property. If there is no closing, then Tillotson Corporation wants all the properties to remain as they currently exist.

When questioned by Mike Waddell about the merger and subdivision, Attorney Keane stated the need for recording a clear parcel at the Registry of Deeds. Originally there were 13 tracts and 22 deeds associated with the Tillotson holdings. Some of the tract descriptions included birch tree boundaries and other natural features. John Scarinza said he thought these were 3 separately deeded lots. Tom explained that Lots 6.4, 6.5 and lot 7 are 3 separate tax parcels. Sue stated that Lot 7 is a separately deeded parcel having been owned by L.N. Purrington and sold to Tillotson in 1993. Tom added that he is asking the Board to recognize these three parcels as 1 tract surrounded by existing roads.

Attorney Keane stated that he did not know that this agenda item would be more than a discussion tonight as he had not been advised that the application had been duly noticed. David Douglass had not completed the naming of the plat and had not supplied paper copies or a mylar. Sue indicated that she had been working with David Douglass' associate Wes Smith on this application and that she had informed Wes Smith that she was able to meet the publication and abutter notice deadlines.

John Scarinza closed the public hearing.

NEW BUSINESS:

1. Fred King made a motion to approve all three subdivisions. Rep. Théberge stated that the third application for the new parcel with conditions should be taken up separately. Fred King agreed and withdrew his motion.

Rep. Théberge made a motion to approve the two-lot Sanguinary Ridge and three-lot Dixville Peak Ridge/residential parcel subdivisions. Fred King seconded the motion. There being no further discussion, the Chairman called for a vote and all voted to approve the two subdivisions.

2. Fred King made a motion to approve the subdivision/lot merger application conditioned upon an affiliate of Ocean Properties taking title to the subdivided lot. The mylar for this plan will not be recorded until after the closing. Commissioner Judd seconded the motion.

Rep. Théberge asked when the mylar of the plan will be signed. Attorney Keane stated that it can be signed and held not to be recorded until after the closing with Tillotson Corporation. David Douglass asked if it can be recorded on the day of closing and John Scarinza agreed that the applicant will record it on the day of

closing. The Chairman called for a vote and all voted to approve the motion as presented.

3. The Board then proceeded to the building permit application filed by Balville, LLC (affiliate of Ocean Properties). Included with the copy of the building permit application provided in advance of the meeting to Board members were colored photos of the existing site aerial conditions and the Site Aerial Demo versus Proposed Conditions.

Mr. Barry Kimball, Senior Project Manager, Ocean Properties distributed a site plan for the Balsams hotel property as it is currently envisioned. The site plan was prepared by Appledore Engineering and Woodbury & Company, Landscape Architects. He explained that the work on the concept plan for the future hotel respects its historical value while making it an attractive resort. The site plan is not final but the working drawings support compatibility with the environment.

The existing factory, most of the biomass plant, except for the emergency generator room) and the “back of the house of the main hotel” will be demolished. The biomass plant is not compatible with a resort of this type. The Dixville House and the Hampshire House will remain and a new wing will be added as well as 8,000 square feet of meeting space. The plans call for new loading docks, new parking, a new grand entrance coming in at the dining room level and a new lobby area. The lower level will be a teen recreation area and tavern. The lake frontage will be preserved. There will be an outdoor pool at the end of the Hampshire House and a new indoor pool. The improvements will include a new heating and air conditioning system (exploring the possibility of geo-thermal heat), a new roof, new plumbing and electrical as well as insulating the entire building. Total room capacity will be 180. He explained that currently some rooms are not used because they do not meet life safety code requirements.

Rep. Th  berge asked about the enlarged parking lot and any drainage issues. Mr. Kimball explained that the existing parking lot is paved and the parking lot expansion will be in the factory area. He assured the Board that appropriate drainage plans will be developed.

Fred King asked, “When can you get started?” to which Mr. Kimball replied, “We need to buy the property first”. He continued that thus far the architectural and engineering studies have been ahead of the legal stuff including deeds, subdivisions, etc. In order to proceed quickly after closing the hotel for the season, the first priority will be to empty the factory and the hotel. The schedule is to start in September and have it done for next summer season; planning includes accomplishing all the work with no power plant and only temporary heat.

John Scarinza explained that Dixville is an unincorporated place and unlike some towns it does not have a building inspector. As a requirement of the permit, all life safety codes will have to be met and state regulations will have to be adhered to.

Demolition of the factory he surmised could have to involve the Department of Environmental Services (DES) for hazardous waste and the hotel remodel will need the State Fire Marshal's stamp of approval. Mr. Kimball added that he is also working with DES in addressing the shoreline protection zone along the lake. He has also spoken with DES about waste water and hazardous waste including asbestos.

John Scarinza suggested that the Fire Chief in Colebrook have some input.

Mike Waddell stated that this is a huge project and it would be prudent for the Board to engage someone from an engineering firm to be sure the project complies with all state standards and regulations.

Attorney Keane stated that the Board should understand that they have been very proactive with the involvement of state agencies. They have already held two meetings with their staff members. His concern was that it is a big project and it could get very costly to add another engineer. Mr. Kimball added that the NH State Fire Marshal's office will be heavily involved.

John Scarinza stated that an inspector for the Board does not need to be involved on a day to day basis.

Commissioner Judd stated that it is not necessary for the Planning Board to require an engineer as DES and the Fire Marshal will have someone involved with the project. Fred King stated that he agreed with Commissioner Judd. He suggested that the County Commissioners contact Governor Lynch and request that appropriate agency heads provide oversight to this project as it is a state function to assure that the hotel is a safe building and that we do not want local bureaucracy to impede on a timely re-opening of the resort. Mike Waddell agreed that he does not want to slow the project down one second. Representative Th  berge stated that he appreciates the fact that there will be a cost involved in hiring a third party but he does support it.

Mr. Kimball assured the Board that he will work with the Board in any way we require. He stated there will be a lot of site work and did not think the County had adopted site plan review and zoning. Sue Collins assured him that the Planning Board has adopted both zoning ordinances and site plan review.

Fred King emphasized that The Balsams Hotel is one building out in a rural area and the site work, demolition and construction will not interfere with or displace any other businesses or residences.

Mr. Kimball requested that if the Board decides to require third party inspections that a budget is established and a scope of work is developed.

Lindsey Gray emphasized that the State adopts the laws and develops the regulations, and the Board should let them enforce their laws and regulations. John Scarinza replied that we are issuing the permit and as such we have a certain responsibility.

Mr. Kimball stated that life safety is paramount to his company. If the air conditioning or plumbing do not work or if the roof leaks, it is the owner's problem. It all comes down to life safety and environmental issues and currently the hotel has many life safety issues that will be thoroughly addressed in the reconstruction. He stated that he currently has 64 sheets of drawings that he is working on. He stated that most of the reviews with the State Fire Marshal will be in 4 or 5 weeks. John Scarinza stated that as Mr. Kimball meets with the State Fire Marshal and the Colebrook Fire Chief he should get an indication of what they will commit to.

John Scarinza advised Attorney Keane and Mr. Kimball that they can request that site plan review be waived. The use is not changing except for eliminating the factory.

Mr. Kimball replied that the hotel resort will be a much less intensive use of the property without a factory and biomass plant.

John Scarinza asked that Ocean Properties let the Board know when they are ready to meet again and provide the Board with a two week notice.

After the lengthy discussion about whether or not an inspector should represent the Planning Board during construction, no decision was made and no vote was taken.

Fred King asked how many hotels are in Ocean Properties' portfolio. Attorney Keane stated that they have 120 hotels throughout North America including Wentworth by the Sea and Chateau Champlain in Montreal.

Edith Tucker inquired if the ballot room would remain intact. Mr. Kimball replied that the ballot room will definitely be incorporated into the new construction although it may be a replica of the current room which is not large enough.

With the discussion on the building permit item concluded, Jonathan Frizzell resumed his seat on the Board.

BUILDING PERMITS:

Commissioner Judd made a motion to ratify the following permits issued by the Clerk since the last meeting. Ed Mellett seconded the motion.

#367: **Success:** Daniel Albert – Reconstruct roof & relocate existing shed;

#368: **Odell:** Forest Home Sporting Club – Replace 8'x16' woodshed;

Sue Collins stated that the two permit applications were submitted with all required components and met the building permit requirements.

The Chairman called for a vote and all voted in favor of Commissioner Judd's motion.

HEARING OF THE PUBLIC:

No further comments were forthcoming from the public.

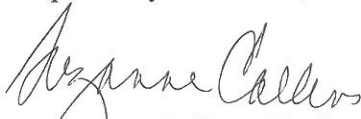
TIME AND DATE OF NEXT MEETING:

The next meeting of the Board will be held when there is business to come before the Board.

ADJOURNMENT:

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

Respectfully submitted,



Suzanne L. Collins, Clerk