

COOS COUNTY PLANNING BOARD
W. Stewartstown, NH
May 26, 2011

Present from the Board: John Scarinza – Chair; Fred King – Vice Chair; Sue Collins – Clerk; Rick Tillotson, Commissioner Burnham “Bing” Judd, Rep. Robert Théberge; alternate Lindsey Gray.

Present from the Public: Kevin McKinnon, David Brooks, and Sandra Riendeau – Colebrook Planning Board (*invited*); David Douglass, Thaddeus Thorne Surveys, Inc.; Karen Ladd, *News & Sentinel*; Edith Tucker, *Coös County Democrat/Berlin Reporter* and members of the public.

John Scarinza, Chair, opened the regular meeting of the Board at 6:00 PM. Sue Collins stated that Mike Waddell, Jonathan Frizzell and Ed Mellet had contacted her and informed her that due to other commitments they would be unable to attend the meeting. John noted that alternate Lindsey Gray would be a voting member of the Board for this meeting.

MINUTES OF APRIL 13, 2011:

Bing Judd made a motion to approve the minutes of April 13 as distributed. Fred King seconded the motion. There was no discussion. The Chairman called for a vote to accept the minutes and all voted in favor of approval.

LETTERS/CORRESPONDENCE TO THE BOARD:

Sue Collins reported that on May 16th she had received a letter from the Colebrook Planning Board requesting a joint meeting with the Coös County Planning Board regarding a subdivision application for a two-lot subdivision on property located on Barn Road in Colebrook. The entire property, consisting of 911.25 acres is located in the Town of Colebrook and the Unincorporated Place of Dixville and is owned by Tillotson Corporation. Sue stated that she had extended an invitation to the Colebrook Planning Board to attend tonight’s meeting to hear and partake in the preliminary consultation on 4 subdivision applications filed by surveyor David Douglass, representing the Tillotson Corporation.

OLD BUSINESS:

- A. Chairman John Scarinza spoke about the Community Forest Presentation at the Board’s last meeting on April 13th. John stated that he would like to continue talking about a county forest. The next step would be to prepare an ownership map of who owns what for large parcels in the unincorporated places. If those parcels were to come on the market, then the County might consider those parcels as county forests. Fred King mentioned that recently another parcel of land was conveyed to the US

Fish & Wildlife Refuge at Umbagog funded with a federal appropriation. He urged the Board to ask the Commissioners to write to New Hampshire's congressional delegation members urging them to be sure that when the federal government has money to buy land in Coös County, it needs to be available for its historical uses especially timber harvesting.

John Scarinza stated he would attend the next Commissioners' meeting to obtain their support in conveying this message to Washington. John stated that he attended the Northern Forest Summit (for Maine, NH and VT) two weeks earlier and participated in the community forest working group. He stated that Senator Shaheen's representative, Chuck Henderson was there for two days and he got a good understanding of the community forest model – local ownership, local control. John stated that he shared the County's position on any future federal ownership of lands in Coös County.

Rep. Robert Théberge asked if any of the findings from the Summit will be published. John replied that the organizers may publish some of the findings needed for future work. Internally they are keeping track of Summit findings and conclusions but that information may not be disseminated. John noted that the local press was not invited to the Summit. Two of the presenters at last month's Planning Board meeting were part of organizing this Summit - Julie Evans and Marcy Lyman.

John stated that Forest Supervisor Tom Wagner would also like to meet with the Board of Commissioners at its next meeting. His concern is that the County and its Commissioners do not say no to every proposal to purchase lands within Coös County with federal funds for federal ownership.

NEW BUSINESS:

Preliminary Consultation: Dixville – Tillotson Corporation Subdivision Applications:

Application #1:

- 5.96 acre parcel that is the existing ash dump for the biomass plant that is not planned to be conveyed in the sale of The Balsams;

Application #2:

- 7.02 acre parcel is a closed disposal area with a ground water management zone and is not being conveyed with the sale of The Balsams; and
- Another 16.08 acre parcel is created by the existing Barn Road that serves as access to land in Colebrook and the parcel presently serves as a garage and maintenance depot.

Application #3:

- 69.26 acre parcel is being separated out and being retained as a future wind generation site and is not to be conveyed with the sale of The Balsams; and

Application #4:

- 5 acre parcel is the home of Thomas and Debra Tillotson and is not part of the parcel being conveyed with the sale of The Balsams;
- A 187.6 acre parcel includes the wind generation sites currently under construction and is not part of the parcel being conveyed with the sale of The Balsams.

Rick Tillotson requested to be recused from Board deliberations during discussion of this item of business. The request was granted by Chairman Scarinza.

David Douglass, Licensed Land Surveyor, Thaddeus Thorne Surveys, Inc. presented a plan that depicted the overall picture of the entire Tillotson property and the parcels that Tillotson Corporation is proposing to carve out. The four parcels that the buyers (Ocean Properties) are not interested in owning are disposal areas, an ash dump, a stump dump, a rubber dump and a liquid waste landfill. The liquid waste landfill is located in Colebrook on a parcel that abuts the Dixville/Colebrook town line. Mr. Douglass stated that title for these four dumps will remain with the Tillotson Trustees. Mr. Douglass stated that he had previously met with the Colebrook Planning Board and learned that the question of dumps is key to subdivision approval. When asked who would own the dumps and what would ultimately happen to them, Mr. Douglass stated that the Trustees don't know where the dumps are going but they are not going to the buyers. The Trustees have indicated that they will continue required monitoring until 2014. He added that the liquid waste dump in Colebrook is inactive for further testing. On April 18, 2011, the NH Department of Environmental Services (DES) asked for a plan and it has been submitted. He noted that that does not get rid of a potential liability. Mr. Douglass stated that Tillotson Corporation is willing to put "x" amount of money in a Colebrook bank for monitoring and closeout or a post a bond.

Mr. Douglass stated that Tillotson is withdrawing Application #2 noted above and will instead retain ownership of the 44.55 acre map parcel. John Scarinza wondered if the stump dump is really a separate lot and stated it would have to be described in a deed with separate metes and bounds.

Fred King suggested that the County obtain legal advice. If the current Tillotson Corporation is dissolved, could the County inherit a problem with these sites in the future?

Mr. Douglass thought maybe having a bond and cash in place to cover taxes and monitoring would be the solution. Fred King stated that the potential for future problems also exists because no one knows what new regulations relating to dumps will be implemented in Concord and Washington; it seems that each year more and more laws and regulations are implemented that apply to solid waste disposal and facilities. How does one determine the amount of cash or bond to set aside today to cover future costs when the impact of future regulations are unknown?

John Scarinza stated that the Board needs data on potential future liabilities. He stated that he appreciates the fact that Tillotson Corporation is withdrawing so-called

application #2 but that the retention of the 44.55 acre parcel might, in itself, be a subdivision that would require approval.

Mr. Douglass proceeded to speak about **Application #1**, a 5.96 acre parcel that is the existing ash dump for the biomass plant. He stated that the subdivision plan has been revised from 5.96 acres to 5.11 acres off Route 26/Valley Road. Fred King stated that he had visited the site and it looks like an old gravel pit where there is a hole in the ground where ashes are dumped. John Scarinza asked if this lot has a separate metes and bounds description. Mr. Douglass did not know.

Mr. Douglass moved on to **Application #4** which includes the 5 acre surveyed parcel that includes the home of Thomas and Debra Tillotson and a 187.6 acre parcel that includes the wind generation sites currently under construction by Brookfield Power. The wind farm sites were never subdivided out and the ridgeline goes all the way to the Columbia Town line. Mr. Douglass explained that two turbines will be entirely on Tillotson property and one turbine will be co-located on Tillotson and Bayroot lands. Sue Collins asked who will own the ridgeline parcel when the Tillotson Corporation is dissolved. Mr. Douglass stated it will go to some other entity.

John Scarinza asked if the Tom/Debra Tillotson house lot is adequate to replace a septic system. Mr. Douglass stated there is no approved plan for septic as the current system is pre-1960 and grandfathered. Mr. Douglass added that as of April 1, 2011 a new law has established that all new systems must be concrete and old systems cannot be repaired. John asked again if the 5 acre lot is adequate for a new system. Mr. Douglass replied that increasing the acreage of the lot will not make a difference due to the soils on the parcel. A new system might have to be raised or a Presby system.

Discussion moved forward to **Application #3**, a 69.26 acre parcel that is being separated out and being retained as a future wind generation site. Mr. Douglass stated that this parcel is known as the Sanguinary Ridge Wind Farm site. Wind velocity testing has been going on for 3 or 4 years although the test tower blew down this last winter. Mr. Douglass stated that he knows the Board is concerned with roads and access for emergency services. He stated that a right of way will exist over the existing road for access to the site. The ridgeline is 300'.

In reference to Application #1 for the ash dump site, Mr. Douglass stated that he had called DES Commissioner Tom Burack to inquire about any applicability of the Shoreland Protection Act to this subdivision since Lake Gloriette and the Mohawk River are on Tillotson lands and in the Shoreland Protection Zone. Mr. Douglass stated that he has sent all applicable Shoreland Protection applications to DES but expected no problems since the requested subdivision lot is or exceeds 5 acres. It was noted by John Scarinza that the DES Shoreland Protection approval is required as a portion of the Coös County Planning Board's prerequisites for approval.

Mr. Douglass noted that he is working towards no land locked parcels. On the subdivision filed in Colebrook he indicated the soils and slopes on the parcel to be

subdivided but not on the entire Tillotson parcel as it is too large for that amount of detail. He requested that the Coös County Planning Board waives the soils and slopes data requirement for the larger parcel and allows him to prepare the plat as he has in Colebrook. John Scarinza agreed that Mr. Douglass does not need soils and slopes for the entire Tillotson property. Mr. Douglass stated that they do have this data and John asked him to provide the data to the Board. John Scarinza concluded that **Applications #3 and 4** would not be difficult to work through.

John did indicate that for Applications #1 and #2, the Board would need legal counsel on what constitutes a lot and professional consultation is also needed on the dump sites.

Kevin McKinnon stated that Colebrook will need advice from an environmental engineer on the liquid waste dump. John Scarinza asked Kevin if Colebrook had engaged any engineers and Kevin replied that Colebrook has not.

Sue Collins reminded Mr. Douglass that expenses incurred for professional services required by the Planning Board must be reimbursed by the owner. She asked Mr. Douglass to let his clients know that.

Rep. Théberge stated that DES must have all the information about these dumps and perhaps we should inquire at DES rather than engage outside engineers. Mr. Douglass added that testing on the old rubber dump was dropped long ago because there were no problems. He added that Tillotson Corporation has engaged legitimate environmental engineers who will provide the Board with all the data requested. Fred King agreed with Rep. Théberge that if DES has been requiring tests and reviewing test data, that agency should be able to answer the Board's questions. Sue Collins stated that DES and/or environmental engineers can submit to the Board all the data they have in their files, but we are not qualified to analyze it for potential future threats and problems without expert advice.

Mr. Douglass referred back to Fred King's comments about future regulations. He stated that in 2008 Tillotson submitted a required report to DES and nothing was done with it until inquiries were made by an interested buyer last year; then on April 15, 2011, DES suddenly asked Tillotson Corporation to do more testing.

Rep. Théberge agreed to ask DES to supply the Planning Board with a letter summarizing all their findings relating to solid waste sites on the Tillotson Corporation property in Dixville/Colebrook. John Scarinza added that the Board will have to see what DES is willing to put their stamp on. John also stated that the Board will need advice on determining how large a bond will be required and for how long. Mr. Douglass stated that he had received a letter earlier in the day that his clients have not seen yet. That letter contained a total figure representing closure and monitoring costs.

Fred King stated that the sale of The Balsams is a very important transaction to the future of the North Country and this Planning Board needs to move expeditiously on these subdivision applications. If DES states that the Planning Board should engage an outside

engineer to obtain the assurances needed, then we will. Mr. Douglass agreed that he also needs expert help to clarify the many issues brought up by both the Colebrook and Coös County Planning Boards.

Lindsey Gray summed up the discussion by stating that we are all concerned about the subdivisions and any future liabilities to the County, Dixville and Colebrook. Fred King added that The Balsams for decades has had a responsible steward but the new owner does not want these sites so we need to proceed cautiously. Rep. Théberge stated that both Planning Boards need to let Mr. Douglass know what we want from him. The list was summarized as follows:

- a. Lot of record clarification;
- b. Assurances relative to the liability of the disposal areas within the Tillotson Corporation properties in Dixville and Colebrook;
- c. Financial considerations including bonding and cash and the ability to maintain a bond going forward; and
- d. An indication from DES on what sites they will sign off on.

Lindsey Gray asked why there was a concern if the same corporation that owns the land now is going to own the residual parcels in the future. John Scarinza added the question about the ability of a smaller corporation to maintain these sites in the future.

Upon request from the Board, Rick Tillotson stated that Tillotson Corporation is being liquidated in order for its owner, the Neil Tillotson Trust, to distribute all of its assets to charity. All of the assets are being sold for cash. Some money could be reserved for a special purpose. John Scarinza was concerned about who will monitor the dumps going forward. Rick replied that no non-profit will accept an asset that has a significant liability associated with it.

Sue Collins expressed her concern about the dissolution of the Tillotson Corporation and Coös County sending Dixville tax bills and having them returned as “owner unknown”. David Douglass did add that he understands that bonds expire but cash also needs to be available.

Fred King stated that it is beyond the responsibility of the Planning Board to determine the amount of a bond and the length of bond coverage. That responsibility rests with the County Commissioners. Hiring an environmental engineer or legal counsel will also require Board of Commissioner approval.

Mr. Douglass asked if the Board could schedule a follow up meeting in 3 weeks. John Scarinza asked Mr. Douglass to let Sue know when he is ready to meet with the Board again and a meeting will be scheduled.

Karen Ladd, *The News and Sentinel*, asked about each of the dumps and their monikers. Mr. Douglass replied that the ash dump (ash from the biomass plant) is in Dixville, the

rubber dump is in Dixville, the stump dump (a demolition landfill) is in Dixville and the liquid waste dump is in Colebrook.

Sue Collins stated that before the Commissioners agree to hire legal counsel or an environmental engineer, they will need a letter from Tillotson Corporation that they will reimburse legal fees and engineering fees associated with the subdivision applications.

Discussion ended and Rick Tillotson rejoined the Board.

BUILDING PERMITS:

A motion was made by Bing Judd to ratify the building permit issued to Roland Picard Jr. for a 12'x20' camp addition in Wentworth Location on a grandfathered lot. Sue explained that the permit was issued with the condition that all work to be done is in accordance with the provisions of the Shoreland Impact Permit issued by NH DES. The motion was seconded by Fred King. There were no questions or comments. The Board voted to ratify the building permit unanimously.

HEARING OF THE PUBLIC:

No comments were forthcoming from the public.

TIME AND DATE OF NEXT MEETING:

The Board did not schedule another meeting. A meeting will be convened when Tillotson Corporation or its agents are ready to resume discussions on the subdivision applications.

ADJOURNMENT:

Bing Judd made a motion to adjourn. Rick Tillotson seconded the motion. All voted in favor of the motion.

Respectfully submitted,

Suzanne L. Collins, Clerk