

COÖS COUNTY PLANNING BOARD
Lancaster, NH
June 28, 2017

Present from the Board: John Scarinza – Chair; Fred King – Vice Chair; Jennifer Fish – Clerk; Ed Mellett, Rep. Wayne Moynihan, Mike Waddell and Scott Rineer; alternates Tom McCue, Mark Frank and Leon Rideout; and Board Secretary Suzanne Collins.

Also in Attendance: Tara Bamford, North Country Council (*arrived at 6:30*); Art York, York Land Services; , Ed Brisson, Dixville Capital, LLC; Paula and David Sweatt and members of the press.

John Scarinza, Chair, called the meeting to order at 6:00 PM. The Chairman appointed alternate Mark Frank to sit in for Rick Tillotson and alternate Tom McCue to sit in for Commissioner Brady.

APPROVAL OF MINUTES OF MAY 24, 2017:

Fred King made a motion to approve the minutes of May 24, 2017 as distributed. Leon Rideout seconded the motion. There was no discussion and the minutes were approved by unanimous voice vote.

PUBLIC COMMENTS NOT RELATED TO AGENDA ITEMS: None.

NEW BUSINESS:

Millsfield: Major Subdivision Application of Lori Bach: Chairman Scarinza read the checklist items on the application. Art York distributed copies of the 2-lot subdivision plan with updates requested by the Board at the May 24th meeting. The proposed major subdivision is entitled “**Lori Bach, Tax Map 1623, Parcel 35**”.

Tom McCue made a motion to accept the application as complete. Scott Rineer seconded the motion. With no questions forthcoming from the Board, the vote to approve the application as complete was unanimous.

John Scarinza reported that the Public Hearing on this major subdivision had been published and all abutters notified. Jennifer Fish stated that return receipts were in hand from all but one abutter.

John read the text of the subdivision notification: “*Notice is hereby given in accordance with RSA 676:4 and 675:7 that an application for subdivision approval from Lori Bach (a two lot subdivision of Map 1623, Lot 35 located on Route 26) will be submitted to the Coös County Planning Board on June 28, 2017 at 6:00 PM at the North Country Resource Center, 629 Main Street, Lancaster, NH, during a regular meeting of the Board*”.

PUBLIC HEARING

Chairman Scarinza opened the Public Hearing and requested that Art York present the plan.

Art York showed the survey plan that depicted two building lots on an open field and riverbank. He stated that he has added topography (land is mostly flat) and test pit data. He added that Ms. Bach owns about 400 acres and that this parcel fronts on Route 26 and the back is on Clear Stream. She proposes to split 13 acres into two parcels – a 6 acre parcel and a 7.3 acre parcel.

Member of the public and Millsfield resident Paula Sweatt looked at the plan and had no questions. No other comments forthcoming, John Scarinza closed the Public Hearing.

Returning to the regular meeting, John asked if the Board had any questions. Rep. Moynihan asked if the Board needs to have proof of a driveway permit for this subdivision. Art York replied that he does not have it yet. The application was submitted to the State 6 weeks ago and DOT (Department of Transportation) informed him they have no idea when it will be given formal approval although the DOT representative stated that all required information has been submitted. Fred King suggested that the Board could approve it with the condition that a State of NH driveway permit is received.

Tom McCue noted that the existing log road provides access to the back land. Art York stated that he has spoken with abutter Jackie Hines relative to the boundary line and that he has placed stakes on the line. Ms. Hines has no problem with that.

Fred King made a motion to approve the Bach subdivision in Millsfield with the condition that the County receives the NH DOT driveway permit. Scott Rineer seconded the motion. There were no further questions or comments and the Board members voted unanimously to approve the motion.

RATIFICATION OF BUILDING PERMITS:

#476 – **Dix Grant** – Richard Fournier – 12'x 16' addition.

John Scarinza explained that setback requirements are met. When approving the application he conditioned the approval that no bedrooms will be added. If bedroom capacity is added, then the owner must get septic approval from NH DES.

Mike Waddell made a motion to ratify the building permit. Ed Mellett seconded the motion and all members voted in favor of the motion.

OTHER BUSINESS:

1. Chairman Scarinza introduced Jennifer Barnhart, Androscoggin District Ranger for the White Mountain National Forest. Jennifer stated she works out of the Gorham office and shared information about her background and goals for the WMNF. Rep. Moynihan stated it was a good time for Jennifer to participate in the Planning Board Meeting as during the review of the Zoning Ordinance, the Board has had much discussion about Management Districts and Non-Jurisdictional Districts.
2. Chairman Scarinza recognized Ed Brisson from Dixville Capital, LLC. Ed informed the Board that he anticipates multiple submittals for the July meeting including information pertaining to some of the conditions on the Dix-Hampshire House approvals.

Ed Brisson referenced the Board to the approved subdivision for the Dix-Hampshire House and stated that the subdivision plan has not been recorded. Dixville Capital would like to relocate a lot line on that plan by 70'. Ed added that they are currently working on the plans for the Lake Gloriette House and the Spur Road relocation.

OLD BUSINESS:

Zoning Ordinance Review: Tara Bamford distributed copies of pages in the Zoning Ordinance that still have outstanding issues that must be resolved before the Zoning Ordinance amendments can be presented at a Public Hearing.

1. **Zoning Permits versus Building Permits.** Tara stated that she updated all *Building Permit* references in the Ordinance to read *Zoning Permits*.
2. **New Section 9.07.** Tara stated she added this section for Board review and comment.
“Private Land Uses on Public Lands: Private land uses lawfully existing on public lands in the Management District as of (fill in with date these amendments are adopted), but not specifically identified as Uses Allowed without a permit or as Uses requiring a permit, shall not be considered Nonconforming Uses, but rather shall be considered to have a Conditional Use Permit.”
3. **Sections 2.07 and 10.03.** Considerable discussion followed on these two sections and the need for both. Mike Waddell suggested eliminating Section 2.07 which reads, *“Zoning Permits Issued Prior to Adoption of this Ordinance: Where construction has begun pursuant to a Zoning Permit validly issued prior to the effective date of this Ordinance, it may be completed. Construction will be deemed to have begun when all necessary excavations and piers and/or footings shall have been completed.”* John Scarinza stated that he also leans to eliminate Section 2.07. Tom McCue responded that Section 2.07 says you got your permit; you’ve broken ground, no worries. Section 10.03 states you have to start within 60 days of the new ordinance and he questioned why someone has to start in 60 days.

Mike Waddell stated that a permit is good for one year and the Board will consider a one-year extension, so get rid of the 60 day requirement in Section 10.03. Tom McCue agreed with getting rid of Section 2.07.

Leon Rideout suggested getting rid of Section 2.07 and changing Section 10.03 to eliminate the 60-day rule. Include the fact that a permit is issued for one year with a one-year extension.

4. **Section 4.02 (II).** Tara suggested adding language to the definition of **Management Districts** as follows:

Management Districts: Areas which are appropriate for forest management or agricultural uses and for which there are not approved plans for additional development at the time of adoption of this ordinance. *Includes in addition to certain privately owned lands, all lands under the jurisdiction of the White Mountain National Forest, NH Fish & Game, NH Division of Forests and Lands, and NH Division of Parks and Recreation.*

Scott Rineer noted that the U.S. Fish and Wildlife Service owns a significant amount of land in the unincorporated places. Perhaps the language should read “all lands under the jurisdiction of the United States or the state government.”

Mike Waddell stated that the Management District should be the Management District based on what's on the ground whether the lands is owned by the government or owned privately. If the government wants to build on it for its own purposes, then they are exempt. If they lease the land for building or development, they need to come to the Planning Board.

John Scarinza noted that the Ordinance needs to state that all areas shown as ND (Non-Jurisdictional) on the maps are now considered MD (Management Districts) until new maps are developed and approved. He cautioned that we need to make sure this assumption is correct. He agreed with Mike that any private project on federal lands needs Planning Board approval.

Tara referred the Board to **Section 4.04 on Page 26** and the language she had added to Management Districts: *"Management Districts also provide for uses typically associated with management of the White Mountain National Forest, and those managed by the State of New Hampshire for natural resource protection and resource-based recreation."*

Sue Collins suggested that the reference to White Mountain National Forest be changed to lands owned by the United States of America. That will encompass the lands owned by the U.S. Fish & Wildlife Service as well as the WMNF. Property records for these lands are listed as United States of America ownership.

It was agreed that the new language suggested by Tara for Section 4.04 would be eliminated and that "natural resource protection and resource-based recreation" would be added to the current language of Section 4.04.

The Board resumed its discussion of the new proposed **Section 9.07**. District Ranger Jennifer Barnhart gave the example of Camp Dodge where a major upgrade is on the drawing board. Camp Dodge is owned by the federal government and operated by a non-profit. Tara asked if the building serves a governmental purpose. After some discussion, Mike Waddell suggested that the question of whether a zoning permit is required for a federal building on federal land operated by a non-profit to fulfill a government purpose should be referred to Board counsel, Bernie Waugh.

John Scarinza stated he will try to explain to Bernie the example of Camp Dodge on federal land where the AMC (Appalachian Mountain Club) uses the building for housing. Does the Planning Board have jurisdiction? The AMC is managing Camp Dodge for the USA to fulfill its recreation goal.

Tara stated there is no zoning that does not apply to non-profits.

John Scarinza asked Jennifer Barnhart who is providing the money for the renovations. Jennifer replied that the AMC is providing the funds.

Tara asked if the Planning Board is ready to go to a Public Hearing with these last changes. John agreed with some reservations. He asked Tara to prepare a clean copy with the final version for a Public Hearing. This draft should be posted on the County's website, hard copy available at the Register of Deeds office in Lancaster, at the County facility in West Stewartstown and at the Nursing Home in Berlin.

Tara reminded Board members that it is the **amendments** that will be presented at Public Hearing and eventually voted on by the Commissioners and Delegation. It was agreed that a red-lined version would also be available.

Mike Waddell made a motion to present the amendments to the Coös County Zoning Ordinance for the Unincorporated Places at a Public Hearing to be held on July 26. Leon Rideout seconded the motion. All members voted in favor of the motion.

TIME AND DATE OF NEXT MEETING:

Meetings are being regularly scheduled on the 4th Wednesday of the month at 6 PM; therefore, the next meeting will be held on July 26. Location will be the North Country Resource Center in Lancaster unless it has been previously booked for another function.

ADJOURNMENT:

Mike Waddell made a motion to adjourn. Fred King seconded the motion and all voted in favor.

Meeting adjourned at 8:00 PM.

Respectfully submitted,

Suzanne L. Collins
Secretary to the Planning Board