

COÖS COUNTY PLANNING BOARD
North Country Resource Center
Lancaster, NH
January 18, 2023

The regular meeting was opened at 6:03 pm by Chairman Scarinza.

Roll Call:

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| John Scarinza – Chair: Present | Scott Rineer- Vice Chair: Present |
| Jennifer Fish – Clerk: Present | Tom McCue: Present |
| Ed Mellet: Present | Rick Tillotson: Absent |
| Mike Waddell: Absent | Rep. Troy Merner: Present |
| Commissioner Ray Gorman: Present | Mike Ouellet - Alternate: Present |
| Leon Rideout - Alternate: Absent | |

Also in Attendance: Tara Bamford, Planning Consultant (via phone); Ed Brisson, Hannah Campbell, Rich McGarry, and Les Otten-Dixville Capital LLC.

PUBLIC COMMENTS NOT RELATED TO AGENDA ITEMS

None

APPOINTMENT OF ALTERNATES

Chairman Scarinza appointed Mike Ouellet for member Rick Tillotson.

APPROVAL OF MINUTES

Chairman Scarinza stated that the minutes should be corrected under New Business a). Thompson & Meserve's Purchase. The minutes should state that only the first steps of the Mt. Washington Railway Company's projects – paving, the arch and the rail replacement would not require a site plan application. A site plan review will be needed for the building addition and employee housing. Tom McCue made a motion to approve the minutes of December 21, 2022, as amended. Troy Merner seconded the motion. There was no further discussion. The motion passed 7-0-1 (Gorman Abstain).

NEW BUSINESS

None

OLD BUSINESS

- a. *Dixville: to continue review of the site plan application by Dixville Capital, LLC for expansion of the Balsams Ski Area on NH Route 26 in Dixville (Tax Map 1626, Lots 1,2,3,3,3,4,6,3,6,4 and 6.4a). Once the application has been accepted as a complete submission for site plan review, a public hearing will be scheduled for a future meeting.*

Scott Rineer recused himself from the meeting. Chairman Scarinza explained that this was a continued review of the site plan application. A written review of the site plan application

prepared by Tara Bamford was distributed to the board members prior to the meeting. The board proceeded to discuss the review with the applicant. The following is Ms. Bamford's written review in italics:

Compliance with Site Plan Review Regulations VI. General Standards

I've organized the following comments by the item contained in the Site Plan Review General Standards as modified by the PUD approval (The Balsams PUD Master Plan and Review Guide, approved by the Coos County Planning Board August 23, 2016), attached to these comments.

A.1. Parking

The conditionally approved site plan for Lake Gloriette House brought the approved parking on the north side of NH 26 to 1,332 spaces and a calculation of 410 spaces required for Lake Gloriette House and Hampshire-Dix. The application contained the language, "The proposed parking which exceeds the 410 space required for both LGH and Hampshire-Dix, will be constructed in phases as required to satisfy needs of future site plan approvals." At this time, I recommend that the Applicant be required to provide parking calculations for each anticipated phase of the ski area development and a marked up copy of the approved parking plan showing which portions of the proposed parking area will serve the hotels and which will be constructed with each phase of ski area development. This will enable the associated parking lot construction to be incorporated into any approval of the ski area site plan. As a reminder, the County's requirement is for 1 space per 9 persons/hour uphill capacity, however, the PUD approval did allow for application of alternative parking standards if submitted with supporting documentation.

Ed Brisson stated that a written response to address parking will be provided in a couple of weeks.

A.2. Off-street loading facilities

There doesn't seem to be any mention of an area for unloading equipment and supplies in conjunction with the ski area development, or a staging area for construction. I recommend that the Applicant be asked to explain where these activities will take place, e.g., will it be the existing parking area that served the former ski area?

Ed Brisson referred to Map j in the application. The main staging construction area will be at the existing ski area base. There will also be other staging areas in the proposed parking lot. Normal operational loading will be done near the maintenance shop at the base of the existing ski area and in a few other areas. Chairman Scarinza asked that the applicant provide a map to show those areas.

A.3. Public Highway System

As part of the Lake Gloriette House site plan application, NHDOT driveway permit applications and a traffic generation report were provided. The trip generation report estimated that the traffic associated with the hotels would be slightly less than the previous uses of the site on weekdays, and a bit higher on Saturdays and peak hours of Saturday and Sunday.

Ed Brisson stated that the traffic generation report that was provided was prepared by the Balsam's traffic engineer and not by NHDOT. It was prepared for the hotel area

only and the ski area will be added to this report. Ed stated that he expects that the ski area traffic information will be sent to NHDOT in the next week.

DOT Assistant District Engineer Jim McMahon explained that the driveway permits were not granted and that review was suspended, in part due to the discontinuance of portions of the Class II roads within the development area. NHDOT will begin scoping a review of the impacts of the proposed development when updated traffic generation figures are provided. NHDOT has invited Coos County Planning Board participation in this scoping process and I have asked that I and Chairman Scarinza be included as contacts.

My recommendation is that the Board coordinate with this scoping process to ensure that, at a minimum, the study includes consideration of the impacts of peak traffic on through-traffic on NH 26, the safety of the Cold Spring Rd/NH 26 intersection and the Spur Rd/NH 26 intersection, and adequate Level of Service maintained at NH 26/US 3 intersection in Colebrook and NH 26/NH 16 intersections in Errol. An approval if any could then be written to require any mitigation of impacts recommended in the resulting study and supported by NHDOT.

Chairman Scarinza asked board members if they wanted to participate and monitor the process with NHDOT taking the lead or were there other specific items that the board wanted to cover. Commissioner Gorman stated that he would like to attend the meetings. The consensus from members was that the board would allow NHDOT take the lead on the traffic studies. Board members agreed that they would not need to see a completed study before deciding that just the scope of the study would be sufficient.

B. Landscaping and screening

The application states that there will be no landscaping or screening and the Applicant has stated that disturbed areas won't be visible from NH 26 due to the slopes. I recommend that the Board require some additional assurance that any disturbed areas within 200 feet and visible from NH 26 be restored and landscaped in a visually appealing manner.

Ed Brisson stated that disturbances of land will be described in the AOT application. Chairman Scarinza asked that a brief description be provided to the board in addition to what is provided in the AOT application.

C. Stormwater

An Alteration of Terrain (AOT) permit was submitted to NHDES for the hotel and parking area on the north side of NH 26 on 10/21/22 and comments were provided to the Applicant by NHDES on 12/27/22 requesting corrections, clarifications and additional information. No AOT application has been submitted for the ski area yet. When this application is submitted and has been accepted by NHDES, e.g., any comments from NHDES have been deemed by NHDES to be adequately addressed, we can then utilize the information contained in that application to determine compliance with the County's stormwater management and erosion control requirements.

It should be noted that the regulations also require Planning Board approval of the Inspection and Maintenance Plan that will be included in the AOT application, as well as a mechanism for ensuring ongoing maintenance of the stormwater facilities (VI.C.9.). Incorporating this in the

Board's approval if any will provide the County with enforcement authority rather than relying on NHDES.

Chairman Scarinza explained that the County has its own stormwater requirements but previously agreed that a separate application wouldn't need to be filed. The County would rely on the information provided in the AOT application. Ed Brisson stated that the AOT application is expected to be submitted sometime in the next 2 weeks.

D. Floodplains

None mapped.

E. Snow Storage

NA

F. Utilities

An updated will-serve letter should be required as a conditions of approval if any.

G. Lighting

Minimal information has been provided regarding lighting; however, this can be managed in conditions of approval if any.

Ed Brisson stated that he agreed that it can be addressed in the conditions of approval.

H. Protection of Natural Features

See I. below.

I. Compliance with Zoning and Subdivision Regulations

The PUD approval accepted the siting of the ski area relative to Protection Districts but required Best Management Practices (BMPs) to minimize potential impacts. In addition to PD6, areas of steep slopes and high elevation, the proposed ski area development also impacts two shoreline areas (PD5) and a PD8 Unusual Area on either side of a portion of Cascade Brook. It can reasonably be expected that receipt of an AOT permit will demonstrate that proposed BMPs are adequate for the prevention of erosion and protection of stream water quality (PD 5 & 6). However, the cascades designated as PD8 will require a finding of the Board apart from the AOT permit as the basis for PD8 designation is related to the value of the resource itself.

The board discussed an area that is designated as PD8 on map-b however, there is no documentation for the reason why that area was designated as an unusual area. Chairman Scarinza stated that between now and the next meeting he would do some research with aerial photographs. Tara Bamford asked if the area would be accessible to the public. Ed Brisson stated that it would but the location of the trail may be slightly moved. Ed Brisson stated that they will draft a comment that addresses the area.

J. Construction Specifications

NA

(K. Allowance for more stringent requirements)

L. Safety

It has been discussed that the July 15, 2009 SEC approval of the Granite Reliable Power wind farm included the condition that the wind tower owner “...implement a detailed safety and access plan providing, among other things, gate access protocols and methods to discourage persons from coming within 1,300 feet from any turbine location.” The Applicant has explained that 1. the former wind tower owner failed to secure a lease area adequate for controlling a 1,300-foot radius and 2. the current wind tower owner has been unwilling to work collaboratively with the Balsams team to ensure the safety of recreationists.

In response, the Applicant has provided a safety plan which involves shutting down certain ski terrain when icing may be present. More information is needed regarding this ice throw safety plan, for example:

- 1. Why isn't turbine #4 included as it is also within 837 feet of proposed ski trail?*

Ed Brisson explained that this was a typo, and a corrected plan will be submitted.

- 2. What does “affected trail” mean? The plan is not clear regarding closure of lifts vs trails.*

Ed Brisson said an affected trail is any portion that goes within the 837-foot setback. In this case the trail will be closed, and an alternate trail will be available for guests to get back to the bottom.

- 3. The engineers' report said that the 837 was generic and that site specific modeling was needed. Is the plan to conduct site specific modeling? Or use 1,000 feet in order to have a buffer?*

- 4. Who will provide the training to those conducting the inspections?*

The developer will hire an expert to provide the initial training for key senior staff of the ski area. The staff will be trained to train other staff of the ski area.

- 5. Are the weather parameters adequate for addressing remaining ice from earlier weather events? For addressing all types of icing, including that formed from wet snow as well as all types of “fog frost,” i.e. rime ice, hoard frost and glaze?*

- 6. Who was involved in preparing the plan and what are their backgrounds?*

Rich stated that Brookfield was involved and the current operator for NextEra and incorporated their recommendations.

It's my understanding that the Vestas V90s are designed to shut themselves down in the event of icing. In my opinion it would be reasonable to incorporate language in the safety plan that addresses various contingencies, e.g., icing and turbines shut down vs. icing and turbines operating, as well as what happens if the ski trail is opened when the turbines are shut down but then start back up while icing is still observed or is not observable.

As discussed at the previous Planning Board meeting, I recommend that the Applicant be required to obtain review of the safety plan by an outside expert who was not involved in developing it. Expertise should be adequately documented, e.g., publications, prior experience with similar projects, expert witness testimony.

Ed Brisson distributed a written review of the Operating Plan for Wind Turbine Icing performed by Mr. Daniel W. Bernadett, P.E. There was also biographical information for Dr. Bruce Bailey.

Attorney Christine Johnston agrees with my reasoning that the conditions of the SEC approval are not the purview of the Board, i.e., that the language in the SEC approval regarding the 1,300 feet is not relevant to this site plan review application. However, because the safety of the public is of course something the Board needs to consider, I reviewed the SEC hearing record to find out what the basis was for the 1,300-foot recommendation. It turned out to be from the manufacturer's manual for the Vestas V90 3MW wind turbines (Mechanical Operating and Maintenance Manual, Safety Regulations for Operators and Technicians, 9/11/2006). The following line appears with no further explanation: "Do not stay within a radius of 400m (1300ft) from the turbine unless it is necessary." I believe we have all erroneously assumed that the 1,300-foot radius contained in the SEC decision was specifically related to ice throw and therefore we have focused our attention on the two studies provided by the Applicant regarding ice throw likelihood within various distances.

Since Vestas is still operating in the US, I advised the Applicant to attempt to obtain a statement from the manufacturer explaining the reason behind the recommendation and whether they have any information that may lead them to recommend a reduction. If that is not forthcoming or Vestas stands behind the recommendation, I recommend the Board require the Applicant to provide the testimony of an outside expert regarding a safe distance from which the public should be kept from the turbines at all times (vs icing conditions).

A plan for keeping other recreationists attracted by the ski area development out of both the general safety zone and the icing conditions zone should also be required. This might include those attempting to skin up the slope when the lift is closed or off-season hikers on the ski slopes.

Tara Bamford stated that she would attempt to contact Vestas to explain the 1,300 ft radius. Chairman Scarinza said that it would be very helpful to the board and the public if Mr. Bernadett attend the next meeting.

Also, an update on the provision of Fire, Police and EMT services is required by the PUD permit.

M. Open space

NA

N. State Building and Fire Code

To be included in any approval.

Contingencies

Any approval of the ski area site plan application is going to need to be linked to several other conditional approvals that haven't been finalized. For example, as discussed above, parking is part of the conditionally approved Lake Gloriette House application. There were several other

related subdivisions and lot line adjustments. Most of that information should be in the spreadsheet I developed for the Board for tracking the various Balsams PUD applications. Some updating will be required when the time comes.

Mike Ouellet made a motion to schedule a public hearing for February 15, 2023, at 6 pm in Lancaster, NH. Troy Merner seconded the motion. There was no further discussion. The motion was approved (7-0).

Scott Rineer rejoined the meeting.

RATIFICATION OF ZONING PERMITS

None

TIME AND DATE OF NEXT MEETING

The next meeting is February 15, 2023, at 6 pm in Lancaster.

ADJOURNMENT

A motion was made by Mike Ouellet seconded by Troy Merner to adjourn at 8:24 pm. All approved, 8-0.

Respectfully submitted,
Jennifer Fish, Clerk