

COÖS COUNTY PLANNING BOARD  
Coos County Nursing Home, Berlin NH  
May 8, 2019

**Present from the Board:** John Scarinza – Chair; Jennifer Fish – Clerk; Mike Waddell, Rep. Troy Merner, and alternate Tom McCue and alternate Mark Frank.

**Also in Attendance:** Tara Bamford, Planning Consultant; Earl Duval, Duval, Klaskick & Thompson LLC; Wayne Presby, Mount Washington Railway Company; William Gregsak, Gregsak Engineering, Inc ; members of the public and press.

John Scarinza, Chair opened the meeting at 6:07 pm. Chairman Scarinza appointed alternate Tom McCue for Ed Mellet and Mark Frank for Fred King.

**APPROVAL OF MINUTES OF June 27, 2018**

Mike Waddell made a motion to approve the minutes of June 27, 2018 as distributed. Tom McCue seconded the motion. There was no discussion. All approved.

**NEW BUSINESS**

*a. Notice is hereby given in accordance with RSA 676:4 that the Coös County Planning Board will meet on May 8, 2019 at 6:00 p.m. at the Coos County Nursing Home at 364 Cates Hill Road, Berlin, N.H. to review the application for Site Plan Review submitted by Mount Washington Railway Company for the construction of track and trestle and platform on the Mount Washington Summit in Sargent's Purchase.*

*Upon a finding by the Board that the application meets the submission requirements of the Coös County Site Plan Review Regulations, the Board will vote to accept the application as complete and schedule a public hearing for a future date.*

Earl Duval, Esq. representing the applicant gave an overview of the site plan application to restore the track and trestle that was previously removed in 2014. Chairman Scarinza asked what the reason was for restoring the track. Attorney Duval responded that one of the main purposes was to reduce congestion at the summit and so that passengers can load and unload from the train safely. Also, the train cars can be securely fastened at the Summit if needed.

A brief discussion was had about the railway's right-of-way at the Summit. Attorney Duval mentioned that there was a NH Attorney General Opinion issued regarding the ownership of the Summit. Chairman Scarinza stated that it would be important that the board receive a copy of that opinion. Attorney Duval replied that he would provide a copy to the board. Chairman Scarinza requested from the applicant that a letter be provided from the State of NH stated that they have reviewed the application and are good with the applicant's proposed restoration of the track and trestle.

Chairman Scarinza asked Tara Bamford, Planning Board Consultant to review the site plan application against the application requirements prior to the meeting. Ms. Bamford replied that she had a couple of questions regarding if there was to be lighting proposed for the platform and if the proposed track is all on bedrock such that no impervious surface is created. She also asked

for a Letter of Authorization from the applicant authorizing Attorney Duval to act as the applicant's agent. Tara informed the board that the applicant confirmed that no impervious surface would be created and that there would be no lighting on the platform. The applicant also provided a letter of authorization. Therefore, Ms. Bamford concluded that she is in agreement with the items that the applicant has identified not applicable.

Mike Waddell questioned the property line that runs through the Stage Office. Mr. Presby provided a brief history of property line. Attorney Duval added that the AG's opinion letter addresses the issue of the property line.

Mike Waddell made a motion to accept the application as complete and Mark Frank seconded the motion. All voted in favor.

Tara Bamford provided information regarding the next steps for the application. She stated that because the track has been gone for more than 2 years it is not grandfathered. She recommended 2 options that the board could consider. The first option could be that the board talk about a conditional use permit in the PD 8 and send the 25 foot setback variance issue to the Zoning Board. Another alternative would be to have a hearing in conjunction with the public hearing on Zoning Ordinance Section 8.06 –Expansion of Nonconforming Use: The Planning Board may, after weighing the potential impacts on existing and possible future adjacent land uses, along with proposed mitigation, grant a Conditional Use Permit for expansion of a legally existing nonconforming use.

Chairman Scarinza discussed an issue that had been brought to his attention regarding warming huts that were constructed last fall about 4,000 feet along the railroad. Chairman Scarinza is concerned that it needed site plan review and a zoning permit. He stated that he discussed this Mr. Presby prior to the meeting and that Mr. Presby's interpretation of the zoning ordinance is different. Chairman Scarinza requested that before the next meeting that Mr. Presby provide a memorandum to the board explaining his interpretation of the zoning ordinance or submit a site plan application.

#### **RATIFICATION OF ZONING PERMITS**

Mike Waddell made a motion and Tom McCue seconded the motion to ratify the following zoning permits. All voted in favor.

- 491 David Martin –Success: Build a 26'x32' garage
- 492 The Glen House - Green's Grant: Construction of a 174.33 sq ft commercial sign
- 493 Lynn Morin/David Lorrey- Dix Grant: 8'x20' front porch
- 494 Mt. Washington Summit Road Co. -Green's Grant: 38' x 40' sand shed

#### **OLD BUSINESS**

- a. Balsam's Application Status T. Bamford

Chairman Scarinza asked Ms. Bamford to review some of the open items related to Balsam's project. Ms. Bamford briefly summarized some of the items. She is working on a comprehensive list that she will have for the next meeting. The following are some of the items mentioned:

- PUD Agreement never signed by Balsams and returned
- Governor and Council approval on State Park Lot line adjustment
- Lake Gloriette House development agreement plan name and dates
- Ski Area Site Plan application open items needed for completeness

**TIME AND DATE OF NEXT MEETING**

June 19, 2019 at 6 pm, Coos County Nursing Home Berlin NH

**ADJOURNMENT**

A motion was made by Mike Waddell and seconded by Mark Frank to adjourn at 6:43 pm. All approved.

Respectfully submitted,  
Jennifer Fish, Clerk

Pending Approval