

Coos County Planning Board

NOTICE OF DECISION

Application for Site Plan Approval:

Balsams Ski Area
NH Route 26, Dixville
Map 1626 Lots 1, 3, 3.1, 3.3, 3.4, 6.3, and 6.4

Applicant:

Dixville Capital, LLC
P.O. Box 547
Bethel, ME 04217

Proposed Development:

Phase I expansion of the existing Balsams Wilderness Ski Area, including ski trails, ski lifts, snowmaking pump station buildings and service roads, all on the south side of NH 26, with all public access to the ski area to be via a gondola and ski back bridge over NH 26 terminating at the Lake Gloriette House where all skier services will be located (Lake Gloriette House site plan conditionally approved by the Coos County Planning Board 9/13/17 and amended 9/21/22).

EXHIBITS

Application Material

The application consists of the following materials, which are hereby incorporated by reference:

1. Site Plan Review Application, dated 9/28/22
2. Application Narrative, dated 9/28/22, R11-9
3. Supplemental Information Submittal, dated 12/12/22
4. Abutter's List, dated 9/28/22
5. Extension NHDES Wetlands Permit 2015-00425, dated 12/11/20
6. Waiver Requests, dated 9/28/22
7. Map A – Location Map, Horizons Engineering, dated 9/22
8. Map B – Protection Districts, Horizons Engineering, revision date 11/22
9. Map C – Property Ownership Map, Horizons Engineering, dated 9/22

10. Map F – Conservation and Mitigation Areas, Horizons Engineering, revision date 12/9/22
11. Map G – Habitat Map, Horizons Engineering, dated 9/22
12. Map H – Ski Area Site Plan, Sheets 1 through 4, Horizons Engineering, revision date 12/22
13. Map J – Ski Area Site Plan (overview), Horizons Engineering, revision date 12/22
14. Map K – Route 26 Crossing Plan, Sheets 1 through 3, Horizons Engineering, dated 11/30/22
15. Map L – Alta/NSPS Land Title Survey, Sheets 1 and 2, Horizons Engineering, revision date 12/9/22
16. Map M – Route 26 Pump Station Site Plan, Horizons Engineering, dated 11/22
17. Plan N - Main Pumphouse and Compressor Buildings, Sno-Matic, dated 7/12/22
18. Map O – Conceptual Ski Area Circulation and Parking, Horizons Engineering, dated 9/22
19. Appendix A part a. – Wind Tower Setbacks and Icing Conditions, with narrative, Operating Plan for Wind Turbine Icing dated 12/6/22 and Wind Tower Setback Zones map, Horizons Engineering, dated 11/22
20. Appendix A part b. – correspondence from Bruce Bailey to The Balsams Resort, dated 12/7/22
21. Appendix A part c. – AWS Truepower, Ice Throw Risk Assessment for Dixville Peak, dated 5/29/15
22. Appendix A part d. – DNV-GL, Wind Turbine Ice Throw Modeling and Operating Protocol Review for Balsams Ski Development, dated 10/7/14
23. Appendix B part a. – Typical Terminal and Op Enclosures, Leitner Poma, 3 Sheets, dated 1/22/15
24. Appendix B part b.- Gondola cabins (photo, typical)
25. Appendix B part c. – Typical Galvanized Lift Tower (photo)
26. Appendix C. part a. – Route 26 Crossing Exhibit, Horizons Engineering, dated 11/22
27. Appendix C. part b. – Gondola & Ski Back Bridge - Artist's Rendering
28. Appendix C. part c. – Photo 1 route 26 eastward
29. Appendix C. part d. – Photo 2 route 26 eastward
30. Appendix C. – 4 simulations showing bridge and gondola
31. Appendix D. – Ski Back Bridge Preliminary Design, Jim Sysko PE
32. Appendix E. – Correspondence from Tillotson Corp to Dixville Capital, LLC, dated 10/11/22
33. Appendix E. – Correspondence from Wagner Forest Management to Dixville Capital, LLC, dated 10/11/22
34. Drainage Report for Dixville Capital. LLC. The Balsams – Ski Lift and Trails Expansion, Dixville, NH, February 2023
35. Supplemental Information provided by Applicant for 2/15/23 meeting including 1. responses to questions, 2. PD BMP narrative, 3. parking information, 4. correspondence from Matthew Graber, PE, to Planning Board, 5. stormwater maintenance manual, and 6. operating plan packet

Other Materials

1. Testimony of Applicant at Planning Board meetings of 10/19/22, 11/16/22, 12/21/22, 1/18/23 and 2/15/23
2. Lake Gloriette House Site Plan, multiple sheets, dated 8/17
3. NHDES Wetlands and Non-Site Specific Permit 2015-00425
4. 401 Water Quality Certification, dated 7/28/15

5. Balsams Resort Snowmelt Analysis, 7/14/15
6. Testimony of Daniel W. Bernadett, P.E., Global Director of Wind Engineering for ArcVera Renewables regarding his evaluation of the risk to skiers associated with rotor fragments in the event of damage or failure. Mr. Bernadett testified that he conducted his evaluation for the closest ski trail which is approximately 575 feet from the nearest wind turbine.
7. Email from Dan Bernadett to Hannah Campbell, dated 2/23/23, reporting that he based his risk assessment on the following documents:
 - J.D. Sorenson; "Probabilistic design of wind turbine blades", 2010
 - "Numerical Modeling of Wind Turbine Blade Throw"; 2007, Lynne Jones, Richard Cotton; Health and Safety Laboratory (www.hsl.gov.uk) (Table 2)
 - Rademakers L, and Braam H. Analysis of risk-involved incident of wind turbines. In Guide for Risk-Based Zoning of Wind Turbines. Energy Research Centre of Netherlands, 2005
8. NHDES Alteration of Terrain Permit Application, dated 2/2, Horizons Engineering, including report, plan set, Pre-development Hydrologic Soils Map, and Pre-development Analysis Plan Overview – 2 sheets
9. Correspondence from Mary Ann Tilton, NHDES Wetlands Bureau, to Dixville Capital, LLC., dated 2/15/23
10. Ski Area Site Plan, Horizons Engineering, revised 2/23 for presentation at 2/15/23 public hearing
11. Wind Turbine Risk Analysis, presentation by Dan Bernadett, Global Director of Wind Engineering, ArcVera Renewables, 2/15/23
12. Email from Ed Brisson to Tara Bamford, dated 2/23/23, regarding work at existing ski area
13. Email from Ed Brisson to Tara Bamford, dated 2/23/23, regarding locations to be used for staging areas
14. Emails from Rich McGarry to Tara Bamford, dated 2/14/23, stating that no salt, bacteria, or other activities will be used in snowmaking or on the ski slopes

FINDINGS OF FACT

Project Description

1. The site plan application includes ski trails, lifts, a ski back bridge, gondola, snow-making facilities and access roads.
2. The proposal includes approximately 350 acres of new trails and 480 acres of glade skiing.

3. Ski trails will be up to 200 ft wide. Clearing for ski trails will be limited to 5 ft from the edge of the trail or required grading for trails.
4. Clearing for lifts will be limited to 50 ft.
5. All ski lifts will be at least 1,000 feet from the existing wind turbines.
6. The closest ski trail will be approximately 575 feet from the closest wind turbine.
7. The application does not propose any reuse of the existing base lodge.
8. No potable water or wastewater facilities are proposed with this application.
9. Snowmaking water will be drawn from the Androscoggin River in accordance with provisions of the July 28, 2015, 401 Water Quality Certification.
10. The project will include a Main Snowmaking Pump Station and smaller booster pump station(s) as needed.
11. No snow-making additives will be utilized.
12. No salt or other chemical agents will be used to treat the snow on the ski slopes.
13. Lift tower heights will range from 20 ft to 90 ft.
14. The number of towers and spacing will be determined as part of final engineering.
15. Each lift terminal will have one operator enclosure.
16. The snowmaking pump stations will have wall mounted exterior lighting at entry doors which will be dark sky compliant.
17. The lift terminals and operator enclosures will include dark sky compliant lighting as required for circulations and safety at the terminal.
18. The ski back bridge will have dark sky compliant low wattage lighting as needed for skier safety.
19. No signage is proposed.
20. This application does not include any night skiing.
21. Improvements at the existing ski area will include the following:
 - a. Stormwater maintenance including culvert repair and replacement as needed, re-establishment and repair of water bars, and detention area maintenance;
 - b. Vegetation clearing to re-establish trails;

- c. Snowmaking system refurbishment including repair, replacement and additions to distribution piping;
 - d. Triple lift replacement or refurbishment; and
 - e. Parking and driveway maintenance.
22. Construction staging will primarily take place at the base of the existing ski area including the base area garage at 79 Wilderness Rd. and the Wilderness base lodge at 116 Wilderness Rd., both Map 1626 Lot 3. Additional staging to serve specific construction needs will be located in the following areas:
- a. Future and existing parking areas identified on the Lake Gloriette House site plans;
 - b. The utility corridor located adjacent to the main snowmaking pump house off of NH 26;
 - c. Areas adjacent to the bottom terminals of lifts 11 and 13; and
 - d. Portions of the wind tower access road and clearings.
23. Associated loading, storage and maintenance activities during normal business operations will take place at the base of the existing ski area and also at the Valley Rd. garage at 16 Barn Rd., Map 1626 Lot 6.2.
24. It is understood that future applications may include redevelopment of the existing base lodge, new mountain top day lodge(s), provision of potable water and wastewater to serve the ski area, and a signage plan. Future applications may also include further expansion and uses as permitted under the PUD approval and DD-Resort District zoning.
25. Pedestrian traffic on NH 26 will be discouraged through the provision of a ski-back bridge and gondola to connect the ski terrain on the south side of NH 26 with skier services and parking on the north side of NH 26.
26. The ski area may open prior to completion of the ski-back bridge by providing two-way use of the gondola and shuttle buses to connect the ski terrain with the skier services and parking.

Zoning Districts

27. The property is within the Resort Development Subdistrict DD-Resort Zoning District. Ski facilities are a permitted use in this district.
28. The proposed development includes extensive areas of PD 6 - Steep Slope and High Elevation. Protection of the steep slope and high elevation areas and downstream water quality will be accomplished by strict adherence to conditions of approval contained in NHDES Alteration of Terrain and Wetland Permits.
29. The proposed development contains two areas of PD 8 – Unusual Areas. One PD 8 brackets the cascades on Cascade Brook (identified in some sources as Huntington Falls or Huntington Cascades). The public currently accesses this area from the state park via the Three Brothers Trail. The second PD 8 contains Table Rock and associated trails. The Three Brothers Trail is part of the Cohos Trail network and travels north and west to connect with the two Table Rock trails which are also accessed from NH 26.

30. At the time of approval of the PUD, the PD5 Shoreline District was defined as follows:

Areas within 200 feet of the normal high water mark along those water bodies delineated as PD5 areas on the Zoning Maps.

In 2017, subsequent to the PUD approval, the PD5 Shoreline District was redefined to read as follows:

Areas within one hundred (100) feet of the normal high water mark along i) second (2nd) order and higher streams, ii) lakes and ponds ten (10) acres and larger, and iii) ponds of any size that contain the channel of a second order or higher stream or are part of a wetland 10 acres or larger in size.

Although they were both previously identified as PD5 in the PUD approval, both Cascade Brook and Dixville Peak Stream (shown as unnamed stream on site plan application Map B Zoning Protection Districts to the south passing by the bottom of proposed lifts 11 and 13) are shown as 1st order streams on the NH hydrography layer which is customarily used by the Planning Board to identify PD5. Therefore, the PD5 requirements no longer apply.

ACTION OF THE BOARD

The Site Plan Application was accepted by the Planning Board on December 21, 2022. A duly noticed public hearing was held on February 15, 2023 and continued to March 8, 2023 in order to provide the public with an opportunity to review and provide comment on additional material that was provided shortly before and at the February 15 hearing. The hearing was then continued to March 15, 2023, for Planning Board consideration of conditions of approval.

On March 15, 2023, at a properly noticed meeting of the Planning Board, it was voted to approve the Site Plan Application as summarized above, subject to the following conditions:

CONDITIONS PRECEDENT

The following items will be required before final approval is granted:

1. All fees associated with the site plan application must be paid including application fees, fees for public notices, reimbursement for planning consultant and legal counsel, and recording fees.
2. Updated Ski Area Site Plan Maps J and H 1 – 4 with ski terrain and lift lines matching those shown on the plans provided to NHDES as part of the February 2023 Alteration of Terrain (AOT) Permit Application.

The AOT application states that, "In order to avoid impacts to wildlife, the Project's trail design team has coordinated closely with Normandeau's wetland scientist to limit the impacts to high-elevation forest, wetlands and vernal pools" (Normandeau Associates, The Balsams Ski Area Wildlife Impact Assessment, p.49). Changes described to reduce impacts included constriction of ski trail and lift corridor width in high-elevation areas, elimination of two trails to limit impacts to high-elevation habitat and water resources, and shortening of one lift line (Normandeau, p. 50).

It was noted during review of the application that one ski trail shown on Site Plan Map H Sheet 2 was not shown on AOT application Sheets C-105 and C-106. This trail is shown on the site plan application as being within the PD 6 Steep Slope and High Elevation Zoning District. Another trail shown on Site Plan Map H Sheet 1, but not shown on AOT application sheet C-108, would pass largely through wetland.

If the AOT permit is to be relied upon for the compliance with PD 6 and stormwater BMPs, the ski trails and lift lines shown on the approved site plans must match those included in the AOT application.

3. Acceptance by the Planning Board of a drainage report developed by a civil engineer licensed in the state of N.H. demonstrating that the post-development 10-year, 24-hour and 50-year, 24-hour peak flow rates for surface waters at the PUD boundary will not exceed pre-development peak flow rates, pursuant to the NH Stormwater Manual criteria incorporated in the Coos County Site Plan Review Regulations by reference.

The drainage analysis provided with both the site plan application and the AOT application states that it was only performed for clearing, grubbing, stump removal and grading, and did not include examination of other activities also shown in the site plan, such as gravel roadways, ski lift roofs and canopies, etc. These excluded activities are the ones that are most likely to be associated with increases in impervious surface. Therefore, the calculations were able to show that post-development flows would be equal to pre-development flows. Consequently, the associated AOT application proposes only temporary treatment devices and erosion control measures.

The drainage analysis and stormwater management plan must include construction and operation of all of the site plan elements for which the Applicant seeks approval, not just the initial site preparation. Calculations must also reflect the additional volume of stormwater that will result from snowmaking using water to be piped from the Androscoggin River (the portion of the 3362 million gallons per season provided for in the 401 Certification (#D-30) that will be associated with the ski terrain acreage shown in this site plan application). The plan shall also include language to be included in the Stormwater Inspection and Maintenance Plans for each

phase that provides for Inspection Forms and Inspection and Maintenance Logs to be provided to the Planning Board.

The PUD approval allows for documentation of flows at the PUD boundary rather than the parcel or site. However, the drainage analysis shall include evaluation of the adequacy of any culverts that can be expected to be receiving increased flows post-development, and recommendations for any improvements required. The location and condition of inlets, outlets and pipes can be found on the Statewide Asset Data Exchange System (SADES).

4. Approval by the Planning Board and NHDOT of a detailed scope of work for an analysis of the potential impacts of traffic generated by Hampshire-Dix House/Lake Gloriette House complex and the ski area with expansion proposed in this site plan application. The study shall at a minimum include consideration of the impacts of peak employee and peak visitor 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 Level of Service at the NH 26/US 3 intersection in Colebrook and the NH 26/NH 16 intersections in Errol. Recommended mitigation activities/improvements shall be included with the traffic study. The Planning Board will provide North Country Council and the Towns of Colebrook and Errol an opportunity to review and comment on a draft scope prior to approval. The Applicant will be copied on any communications with the towns and North Country Council and may participate in any meetings with them regarding their input.
5. Approval by the Planning Board of an estimate for removal of the ski-back bridge in the event of abandonment or disrepair. Must include removal and site restoration within the required setbacks of NH 26 and Spur Road, including traffic control and proper disposal.
6. Previously approved subdivisions, lot line adjustments and lot mergers affecting parcels included in this application must be recorded.

Until final approval is granted, only hand cutting the minimum vegetation needed to facilitate the next steps of planning and design may be conducted, provided NHDES approval has also been obtained for these initial activities if required. The ground surface shall not be disturbed except as may be necessary for temporary access to the site. Clearing of an area greater than required for these planning and design activities shall not be permitted until Conditions 1 through 6 above have been met to the satisfaction of the Planning Board.

CONDITIONS SUBSEQUENT

1. The following items must be provided before clearing, grubbing, stump removal and grading of ski trails and lift lines may begin and before any building permits will be issued:

- a. Updated will-serve letter from New Hampshire Electric Cooperative.
- b. Updated will-serve letters for emergency medical services, police and fire.
- c. NHDES Alteration of Terrain permit as required for the relevant project element.
- d. Documentation from NHDOT that state laws, rules and regulations do not prohibit privately-owned bridges, ski lifts, or gondolas crossing over a state highway providing they meet NHDOT requirements, including design approval and related NHDOT agreements and permits.
- e. NHDES approval of final plans for this activity as required by Wetlands and Non-Site Specific Permit 2015-00425.
- f. Fulfillment of NHDES conditions of approval regarding land transfers and conservation easements for mitigation as required by Wetlands and Non-Site Specific Permit 2015-00425.

2. Prior to commencing site work for the construction of the ski back bridge and supporting structure, the following must be provided to the Planning Board:

- a. Final NHDOT approval of the location of the ski back bridge and bridge abutments on each side of NH 26 and Spur Road. The proposed bridge will cross the NHDOT rights-of-way, and therefore, the required 75-foot setback from NH 26 and 20-foot setback from Spur Road are not applicable.
- b. Documentation of approval of the final engineering by NHDOT.
- c. Updated estimate and performance guarantee for removal in an amount acceptable to the Planning Board and NHDOT, in a form acceptable to the Planning Board's legal counsel. May be in the form of a cash escrow, letter of credit or performance bond. The performance guarantee shall not duplicate work and costs included in any performance guarantee required by NHDOT. To the extent this requirement is duplicated by a performance guarantee issued to NHDOT, documentation of compliance with the same, continuing as long as required by NHDOT, shall constitute evidence of compliance with this requirement.
- d. NHDES Alteration of Terrain permit applicable to the ski back bridge and supporting structure.

- e. NHDES approval of final plans for this activity as required by Wetlands and Non-Site Specific Permit 2015-00425.

3. Prior to commencing site work for the construction of the gondola and supporting structure, the following must be provided to the Planning Board:

- a. Final NHDOT approval of the location of the gondola crossing and supporting structures relative to NH 26 and Spur Road. The proposed gondola will cross the NHDOT rights-of-way, and therefore, the required 75-foot setback from NH 26 and 20-foot setback from Spur Road are not applicable.
- b. Approval of plans by NH Department of Safety Passenger Tramway Safety Board.
- c. NHDES Alteration of Terrain permit applicable to the gondola and supporting structure.
- d. NHDES approval of final plans for this activity as required by Wetlands and Non-Site Specific Permit 2015-00425.

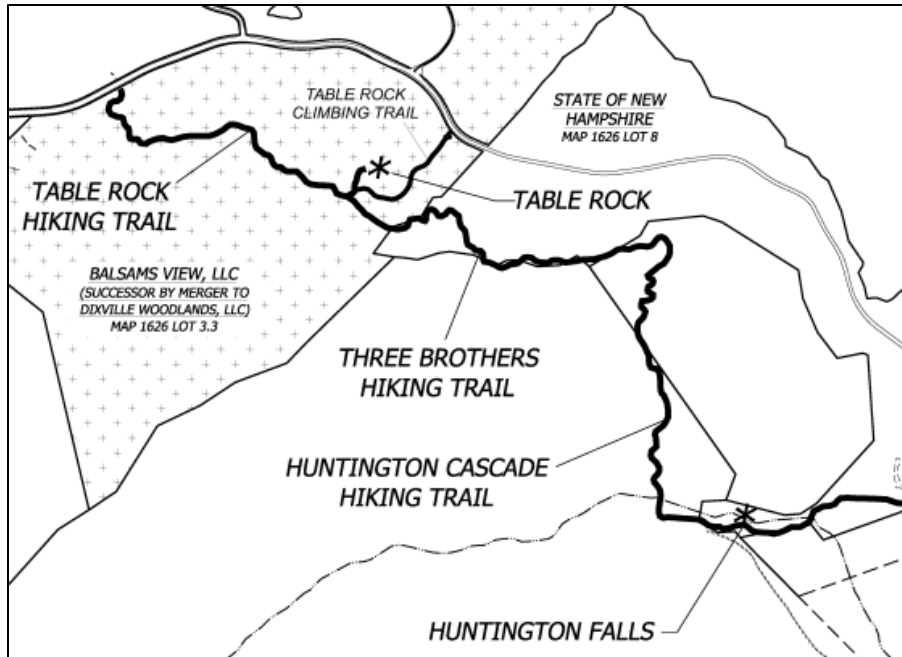
4. Prior to operation of the ski area, documentation of the following actions must be provided to the Planning Board:

- a. Implementation of mitigation of traffic impacts related to the ski area and hotel operations as required by the Planning Board in consultation with NHDOT based on the results of the traffic study described as Condition Precedent #4.
- b. Parking spaces previously approved as part of the Lake Gloriette House site plan have been constructed in compliance with County requirements, phased as described in the table entitled "Required Skier Parking" provided by the applicant as part of "Supplemental Information for 2/15/2023 Meeting."
- c. The ski-back bridge has been inspected and certified by a civil engineer licensed in the state of N.H. prior to usage.
- d. The gondola has been inspected and certified as required by NH Department of Safety Passenger Tramway Safety Board.
- e. All ski lifts to be operated have been inspected and certified as required by NH Department of Safety Passenger Tramway Safety Board.
- f. NHDOT driveway permit has been issued for Lake Gloriette House and associated parking areas to be utilized for the ski area.
- g. Necessary skier services have been completed, including restroom facilities at Lake Gloriette House.

- h. A shuttle service and two-way operation of the gondola will be provided until the ski back bridge is operational.

5. Throughout construction and operation of the ski area:

- a. The project shall be completed substantially in accordance with the plans, materials and testimony as summarized above, and any substantial or material change or deviation shall require further action by the Board. A shift in the location of any site plan element of less than 50 feet shall not be considered to be a substantial or material change provided such change is consistent with NHDES approvals.
- b. The implementation of the project shall be consistent with the PUD Development Agreement and PUD approval, and applicable requirements of the Coos County Zoning Ordinance, Site Plan Regulations and Subdivision Regulations. Accordingly, no structures may be constructed within 100 feet of wetlands or other surface waters without a variance from the Coos County Zoning Board of Adjustment (Zoning Ordinance Section 6.06).
- c. The Applicant shall comply with all applicable State requirements and approvals issued thereunder including but not limited to NHDES Alteration of Terrain and Wetland Permits and NHDOT Driveway Permits. Compliance with the NHDES Stormwater Manual shall also be an enforceable condition of this approval.
- d. If footings or foundations of the ski-back bridge or gondola are visible from NH 26, the Applicant shall install appropriate screening in consultation with the Board. Disturbed areas shall be revegetated with noninvasive species in a visually pleasing manner.
- e. No clearing or grading will be done within 25 ft. of the state park boundary except as required to maintain forest health or safety or to maintain hiking trails, or with documentation of approval from the NH Division of Parks and Recreation.
- f. The Applicant shall continue to allow public access to Cascade Brook and Table Rock via foot paths. The general location of the trails subject to this requirement is shown on the next page; however, the Applicant may require portions of these trails to be relocated.



This condition shall remain in effect unless the Planning Board determines that there has been an amendment to or repeal of RSA 508:14 Landowner Liability Limited, without State adoption of substantially similar landowner liability protection as exists as of the date of this approval, that would significantly reduce liability protection for the Applicant. The current language is as follows:

An owner, occupant, or lessee of land, including the state or any political subdivision, who without charge permits any person to use land for recreational purposes or as a spectator of recreational activity, shall not be liable for personal injury or property damage in the absence of intentionally caused injury or damage. (RSA 508:14,1).

The Applicant shall not be responsible for trail maintenance or signage. The Applicant may impose reasonable rules and restrictions for public access including requirements to remain on trails, restricting inappropriate behavior damaging to the environment or inconsistent with the use of the trails and related areas for recreational purposes, prohibition of commercial activities, and prohibition of activities other than hiking. The applicant may also temporarily restrict access to trails during periods of construction and maintenance in the vicinity of trails or for resort events utilizing the trails.

- g. All elements of ski lifts including operator enclosures must be a minimum of 1,000 feet from the closest point of wind turbines unless a smaller separation distance has been approved by the Planning Board. Approval will be predicated on an updated evaluation by a qualified professional with expertise in the area of wind turbine safety and risk assessment.

- h. No portion of ski terrain shall be closer than 575 feet to any wind turbine without approval of the Planning Board. Approval will be predicated on an updated evaluation by a qualified professional with expertise in the area of wind turbine safety and risk assessment.
- i. Clearing and construction shall be in compliance with applicable NHDES Alteration of Terrain and Wetlands permit conditions at all times.
- j. The approved Stormwater Operation & Maintenance Plans for the ski area and for the ski area parking at Lake Gloriette House must be adhered to and documentation of performance provided to the Planning Board through the filing of copies of Inspection Forms and Inspection and Maintenance Logs with the Planning Board. Any changes to the O & M plans must be recommended by a civil engineer licensed in the state of N.H., approved by NHDES, and filed with the Planning Board.
- k. Operations shall be consistent with the Operating Plan for Wind Turbine Icing (Revision 1). Any subsequent revisions to this ice throw safety plan which result in lessened precautions must be approved by the Board. Any subsequent revisions to the ice throw safety plan which result in increased or equal level of precautions shall be filed with the Board.
- l. All outdoor lighting used will be in compliance with the Balsams PUD Master Plan and Review Guide approved by the Planning Board on August 23, 2016 . Lighting will not cause any glare to be experienced by drivers on NH 26, Spur Road or other roads utilized by the public.
- m. Prior to installing any permanent signage for this project, the Applicant shall file with the Planning Board for its review and approval resort signage design guidelines as required by the PUD Conditional Use Permit approved by the Board on December 2, 2015. Thereafter, all signs shall comply with the approved design guidelines. Only those signs within 200 feet of NH 26 will require a permit as described in the Balsams PUD Master Plan and Review Guide approved by the Planning Board on August 23, 2016.
- n. Winter maintenance of the ski-back bridge shall be conducted in a manner that will prevent hazards to vehicles on NH 26 by icing or blowing/falling snow.
- o. No clearing or other site work may begin for on-mountain lodges without an approved amendment to this site plan approval. It is understood that these site plan elements are shown for informational purposes only.
- p. No use of the existing ski lodge at the base of the existing ski area by the public, including hotel guests, may occur without an amendment to this site plan approval that has been approved by the Planning Board.
- q. No changes to the footprint of the existing ski terrain, or to the existing parking area and entrance at the existing ski terrain, may be made without an amendment to this site plan approval that has been approved by the Planning Board.

- r. Construction and operation of the gondola and all ski lifts must be in compliance with the requirements of the NH Department of Safety Passenger Tramway Safety Board at all times.
- s. The ski-back bridge shall be inspected for potential safety or maintenance concerns by a civil engineer licensed in the state of N.H. annually and the report filed with the Planning Board. This inspection shall follow as closely as possible the inspection criteria contained in the National Bridge Inspection Standards for highway bridges (23 CFR Part 650, Subpart C). The inspection shall be led by a qualified Bridge Inspection Team Leader meeting the criteria set forth in 23 CFR 650.309 (b). Any recommended improvements related to the safety of users of the bridge and/or of the traveling public on NH 26 shall be promptly carried out. Failure to file the inspection report within thirteen months (one year plus 30 days) of the prior report, or failure to execute recommended safety improvements within 60 days of receipt of the report or pursuant to a timetable recommended in the inspection report, whichever is longer, shall result in notification by the Planning Board that the bridge must be closed within 30 days of such notice and remain closed until such time as compliance occurs, provided, however, that any problem noted in a report as presenting an immediate significant threat to the public safety and requiring immediate undelayed action and/or closure shall be complied with immediately. The Planning Board may extend this deadline if it determines that an extension will not create an unreasonable safety concern or risk to the public, or if earlier compliance is not reasonably practicable.
- t. The performance guarantee provided for removal and proper disposal of the ski-back bridge must remain in effect. An updated estimate must be provided for the Planning Board's approval every five years and the amount revised as indicated.

TIME LIMITS

This approval shall be null and void if:

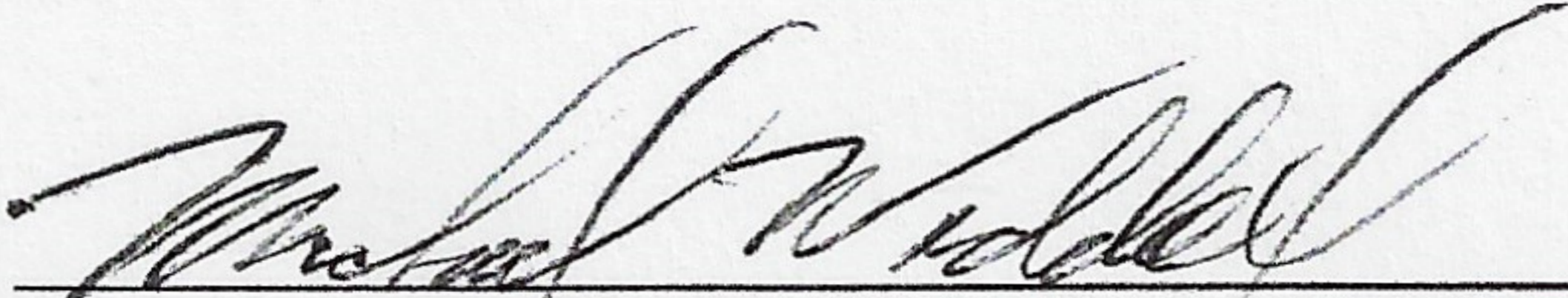
- 1. Conditions Precedent #1 through #4, as well as completion of the required traffic study, have not been met within 12 months of this decision, unless an extension has been granted by the Planning Board at a duly noticed public hearing.
- 2. Construction has not begun and Conditions Precedent #5 & #6 have not been met within 24 months, unless an extension has been granted by the Planning Board at a duly noticed public hearing.

APPEALS AND ENFORCEMENT

- 1. Any person aggrieved by this decision has the right to appeal within 30 days from the date of the decision by the Planning Board (RSA 677:15).
- 2. The Planning Board may revoke this approval pursuant to RSA 676:4-a for failure to conform to the statements, plans or specifications upon which this approval was based, or material violation of any requirement or condition of approval; failure to perform any condition of approval within the

required timeframe, or if no timeframe is specified herein, within the time periods specified in RSA 674:39; when the time periods specified in RSA 674:39 have elapsed without any vesting of rights as set forth therein, and the plan no longer conforms to applicable ordinances or regulations; or if required security is no longer provided.

3. This decision shall be subject to enforcement as provided in RSA 676:15 et seq.



Michael Waddell, Chair pro tem

Coos County Planning Board

Duly authorized in accord with vote taken on March 15, 2023

3/16/2023
Date