

Duval, Klasnick & Thompson LLC
Counselors at Law

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Earl W. Duval
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April 11, 2019

John Scarinza, Chairman
Coos County Planning Board
PO Box 10
West Stewartstown, NH 03597

RECEIVED

APR 11 2019

**RE: Mount Washington Railway Company
Site Plan Review Application**

BY: 

Dear Chairman Scarinza and members of the Planning Board:

Attached herewith is a Site Plan Review Application for the Mount Washington Railway Company (“Railway”) to complete the restoration of the track and trestle that was removed from the Summit of Mt. Washington (“Summit”) in 2014. As you may recall, the old wooden track and trestle was removed when the Railway received approval to install the switch and siding on the Summit. Completing this project is just one of many very exciting improvements that the Railway is making to ensure continued safe operation.

The track and trestle will remain completely within the Railway’s right of way and will extend out to the same location as it was prior to being removed. For several safety reasons, the Railway will construct the track and trestle from steel rather than wood. Utilizing steel will provide for longevity as it is better equipped to survive the harsh elements. Utilizing steel will also allow the Railway to incorporate an anchoring system that can be used to secure a train and car to the tracks in the event of an equipment malfunction or a weather event. If necessary, being able to anchor a train and car to the tracks will keep visitors, buildings and equipment safe on the Summit.

The platform that once surrounded the tracks and trestle will also be restored. Access to the platform will connect to the existing platform on-grade. Emergency stairs will be located at the end of the trestle and the platform will include a safety railing. The floor of the car will be level with the platform to allow for safe unloading and loading of passengers, including

passengers in wheelchairs. The restoration of the track and platform will also significantly reduce congestion immediately in front of the Sherman Adams building and will facilitate the safe and orderly unloading and loading of passengers at the Summit.

The track and trestle will be manufactured in advance at the Railway's workshop in Berlin, New Hampshire. The Railway will transport the parts to the Summit and will assemble them using its new work car and a mini excavator. By manufacturing the track and trestle off-site in advance, the Railway estimates that it will take no more than 5 days to assemble the track and trestle on the Summit.

We look forward to discussing the project with you and the Planning Board. Please let me know if you need any additional information. Thank you.

Very truly yours,
Duval, Klasnick & Thompson LLC

/s/ Earl W. Duval

By: Earl W. Duval
Attorney at Law

EWD/tbm

cc: Sarah Stewart, Commissioner, Department of Natural and Cultural Resources
Wayne W. Presby, President, Mount Washington Railway Company
Enclosures

COÖS COUNTY, NEW HAMPSHIRE
UNINCORPORATED PLACES

SITE PLAN REVIEW APPLICATION

INSTRUCTIONS:

- Step 1: Carefully read Zoning Ordinance and Site Plan Review Regulations.
- Step 2: Complete this application (Sections I through VIII).
- Step 3: Obtain required exhibits (A through E).
- Step 4: Compile abutters list containing the names and addresses of all abutters as indicated in County records not more than five (5) days before the day you will file this application; names and addresses of all holders of conservation, preservation, or agricultural preservation restrictions; and names and business addresses of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any exhibit.
- Step 5: Application Fee: Include check or money order for application fee and cost of notices payable to the *Treasurer, Coös County*.
- Step 6: Mail your completed application with abutters list, fees and all required exhibits, to:
Coös County Planning Board PO Box 10, W. Stewartstown, NH 03597
Or hand deliver to:
County Administrator, 136 County Farm Rd., West Stewartstown

If you have any questions, please call 603-246-3321.

The Planning Board may require, in certain cases, additional information not included in this application.

I. APPLICATION TYPE:

_____ Preliminary X Final

II. PROPOSED USE:

Existing use of the property/# of dwelling units N/A

Proposed use of the property/# of dwelling units N/A

III. OWNERSHIP INFORMATION:

Applicant's Name: Mount Washington Railway Company

Mailing Address: 3168 Base Station Road
 Mount Washington, NH 03589

E-mail: wayne@thecog.com

Telephone # 603-991-8795

Exhibit A. Title, Right or Interest

Submit as Exhibit A proof that you have title, right or interest to the land where you are seeking to develop. For this exhibit you must submit one of the following:

- A complete copy of your deed or the volume/page of the recorded deed;
- A complete copy of your lease; or
- A copy of the binding option to purchase all the necessary interest in the property or a similar contractual document.

IV. AGENT (if applicable)

Name Earl W. Duval, Esq., Duval, Klasnick & Thompson LLC
Mailing address: 210 Broadway, Suite 204,
Lynnfield, MA 01940
E-mail: eduval@dkt-legal.com
Telephone # 781-873-0023

V. LOCATION INFORMATION:

Where is the parcel you are seeking site plan approval for?

Name of the Unincorporated Place: Sargents Purchase

Property address: Summit of Mount Washington

Street that will provide access: Cog Railroad

Tax map and lot # _____

Lot size +/- 2 acres acres or 82,500 sq ft

Right of Way to Mount Washington Railway Company and owned by New Hampshire Department of Natural and Cultural Resources (FKA DRED)

Exhibit B. Location Map:

Attach to this application as Exhibit B a copy of a USGS topographical or similar base map which is marked the location of your property. Please mark the location of your property clearly with an "x" and then draw a larger circle around the "x".

VI. ZONING

What is the present zoning classification for the property you are proposing to develop?

<input type="checkbox"/> Management District (MD)	Protected Overlay District(s):
<input checked="" type="checkbox"/> General Development (DD-G)	<u>PD8</u>
<input type="checkbox"/> Resort District (DD-Resort)	_____
<input type="checkbox"/> Residential (DD-R)	_____

VII. SITE PLAN

General Requirements:

- a. Maximum plan size: 22" x 34"
- b. Suggested scale: 1" = 40'
- c. Submit three (3) copies of blue or black line prints
- d. Date, title, north point, scale
- e. Name and address of developer, owner, and applicant if not the owner
- f. Name, address and stamp of the Registered Professional Engineer and/or Registered Land Surveyor who prepared the plan.

Exhibit(s) C:

1. Surveyed property lines showing bearings, distances, monuments, the lot area and names of all abutters.
2. Existing and proposed grades, drainage systems and structures, with topographic contours at intervals not exceeding 2 feet with spot elevations where grade is less than 5% (percent), otherwise not exceeding 5 foot contour intervals.
3. The location of all buildings within 50 feet of sight lines of existing abutting streets, and the location of all intersecting roads or driveways within 200 feet, together with an identification of the use of abutting properties.
4. Natural features such as streams, marshes, lakes or ponds, types of vegetation, and ledge outcrops. Man-made features such as, but not limited to, existing roads, structures and landscaping. Such map shall indicate which of such features are to be retained and which are to be removed or altered.
5. A vicinity sketch (suggested scale 1" equals 400') showing the location of the site in relation to the surrounding public street system. The zoning districts and boundaries for the site and up to 1,000 feet from the site shall be shown. One hundred year flood elevation line shall be included where applicable.
6. The size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities, and all distances from existing water and sewage facilities on the site and on abutting properties to a distance of 200 feet.
N/A
7. The size and location of existing and proposed public and private utilities and utility connections, with all necessary engineering data. Include provisions for fire protection.
N/A
8. The shape, size, height and location of the proposed structures, including expansion of existing buildings.
9. The location, type and size of all proposed landscaping and screening.
N/A

- 10. Exterior lighting plan and proposed signs (advertising and instructional) to be located on the site.
N/A
- 11. A storm drainage plan, including plans for retention and slow release/recharge of storm water where necessary, including the location, elevation and site of all catch basins, dry wells, drainage ditches, swales, culverts, retention basins and storm sewers. Indicate direction of flow through the use of arrows. Show the engineering calculations used to determine drainage requirements. A plan for long-term maintenance of the stormwater facilities must be included. Indicate plan for snow removal and storage.
N/A
- 12. A circulation plan of the interior of the lot showing provisions for both auto and pedestrian circulation. An access plan showing means of accesses and egress, and proposed changes to existing streets, sidewalks or curbs, including any traffic control devices or signs necessary in conjunction with the site development plan.
N/A
- 13. Proposed streets with street names, driveways, parking spaces, sidewalks, with indication of direction of travel for one way streets and drives, and inside radii of all curves. The width of streets, driveways, sidewalks and the total number of parking spaces shall be shown. In addition, loading spaces and facilities associated with the structures on the site shall be done.
N/A
- 14. Construction drawings including, but not limited to, pavements, walks, steps, curbing and drainage structures.
- 15. The location of all buildings setbacks required by the Zoning Ordinances.
N/A
- 16. Location of zoning district boundaries.
- 17. The lot area and street frontage.
- 18. The location of all existing and proposed deed restrictions, easements, covenants, etc.
- 19. A soils classification map, together with descriptive information for each type of soil (required for onsite sewage disposal only).
N/A
- 20. Copies of all applicable state approvals and permits and associated application material.
N/A
- 21. Visual and noise reduction barriers to adjacent properties, if applicable.
N/A

Exhibit D. Any required state or federal permits, or application material if permit not yet obtained

- NHDOT Driveway
- NHDES Alteration of Terrain
- NHDES Dredge and Fill
- NHDES Shoreland
- Other _____
- _____
- _____

Exhibit E. List of any waivers requested with explanation of how the request is consistent with the requirements of Section VIII of the Coos County Site Plan Review Regulations.

PLEASE NOTE: The Planning Board may require such additional other information as it deems necessary in order to apply the regulations contained herein. The cost of all such additional information will be paid by the applicant.

VIII. SIGNATURES

I hereby declare that I have examined this application, including the accompanying exhibits and to the best of my knowledge and belief, it is true and complete. By signing this application I am providing permission for the Planning Board to enter the property for the purpose of conducting a publicly-noticed site visit.

NOTE: If there are multiple owners, a valid application requires the signature of each owner. If this is a leased lot, the application requires the signature of both the owner(s) and the leaseholder(s).

Signature(s): Earl W. Duml, Counsel on behalf of
The Applicant

Date: 4/11/19

FOR COUNTY USE:

For Preliminary Plans:

4/11/19 Date application received *gaf*
_____ Date of Notice of Planning Board Meeting
_____ Date of Meeting

For Final Applications:

_____ Date application received
_____ Date of public notice for submission of final application to Planning Board
_____ Date of submission of application to Planning Board
_____ Date of acceptance of submission as complete
_____ Date of public notice for public hearing
_____ Date of public hearing
_____ Date of decision by Planning Board
_____ Approved _____ Denied _____ Approved with Conditions

Planning Board Clerk

Date

**1. New Hampshire, State of
DRED**

172 Pembroke Road
Concord, NH 03301

Tax Map 201, Lot 2
Tax Map 201, Lot 3
Tax Map 201, Lot 3.1
Tax Map 201, Lot 4
Tax Map 201, Lot 7

2. US Department of Agriculture – Forest Service

271 Mast Road
Durham, NH 03824

Tax Map 201, Lot 8

3. Mount Washington Railway Company (applicant)

3168 Base Station Road
Mt. Washington, NH 03589

Tax Map 201, Lot 5
Tax Map 201, Lot 6

4. Gregsak Engineering, Inc.

ATTN: William Gregsak
PO Box 271
Chester, NH 03036

5. Kellogg Surveying & Mapping, Inc.

ATTN: Gardner Kellogg
254 Mann's Hill Road
Littleton, NH 03561

Reserving to the grantor, its agents and servants, a right of way for travel by motor vehicle or on foot over and across the within described tracts of land for access to the grantor's premises at the Summit of Mount Washington. Said right of way is to run with the land of the grantor at the Summit of Mount Washington, which land is more particularly described in deed of Mount Washington Summit House, Inc., to the grantor dated November 16, 1962 and to be recorded herewith.

IN WITNESS WHEREOF, the said Trustees of Dartmouth College has caused this deed to be signed by its duly authorized officer and to be sealed with its corporate seal, this 20th day of November, 1962.

In the presence of:

Paul F. Young

STATE OF NEW HAMPSHIRE, COOS, SS.

TRUSTEES OF DARTMOUTH COLLEGE
By John F. Meek
Treasurer (College Seal)

November 20, 1962

Before me, the undersigned officer, personally appeared John F. Meek, who acknowledged himself to be the Treasurer of the Trustees of Dartmouth College, and that he, as such Treasurer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation.

Paul F. Young
Justice of the Peace.

Received Nov. 27, 11-07 AM 1962

Examined, ATTEST:-

Alvin A. Dettl Register.

(U.S. Stamps \$5.50) RIGHT OF WAY

Right of Way
Trustees of Dartmouth College

The Trustees of Dartmouth College, a corporation duly existing under the laws of the State of New Hampshire and having its principal place of business in Hanover, County of Grafton, State of New Hampshire, for consideration paid, grants to Marshfield, Inc., a New Hampshire corporation having its principal place of business on the summit of Mount Washington in Sargent's Purchase, County of Coos, State of New Hampshire, its successors and assigns, the perpetual right and easement to operate a railroad on the following premises of the grantor near the summit of Mount Washington, in Sargent's Purchase, County of Coos, State of New Hampshire:

Marshfield, Inc.

(1) A strip of land ninety-nine (99) feet in width, the external boundaries of which are forty-nine and one-half (49.5) feet from the center cog of the Mount Washington Cog Railroad as now located and constructed, which strip extends from the northerly line of the parcel described as Tract III in deed from Mount Washington Summit House, Inc., to the Trustees of Dartmouth College, in a southerly and westerly direction across said tract and Tract II in said deed to the southerly line of the within described premises, which line is formed by a line drawn parallel to and fifty (50) feet easterly of the easterly side of the Mount Washington Summit House, which line is extended southerly on the same bearing to form the southerly line of the within described premises.

(2) Also a strip of land fifty (50) feet in width, the external boundaries of which are twenty-five (25) feet from the center cog of the Mount Washington Cog Railroad as now located and constructed, extending from the southerly line of the parcel described above as Tract I to the terminus of said Cog Railroad as now constructed on the summit of Mount Washington.

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Together with the right to maintain pipe lines and water tanks as now located on the premises of the grantor at the summit of Mount Washington, and the right to enter upon the premises of the grantor for the purpose of maintaining or repairing said water tanks and pipe lines.

The rights and interests herein conveyed are subject to termination upon default in a certain note and mortgage both of even date between the within grantee and grantor.

IN WITNESS WHEREOF, the said Trustees of Dartmouth College has caused this instrument to be signed by its duly authorized officer and to be sealed with its corporate seal, this 20th day of November, 1962.

In the presence of:

Kenneth F. Graf

TRUSTEES OF DARTMOUTH COLLEGE (College seal)
By John F. Meek
Treasurer

November 20, 1962

STATE OF NEW HAMPSHIRE COOS, SS.

Before me, the undersigned officer, personally appeared John F. Meek who acknowledged himself to be the Treasurer of the Trustees of Dartmouth College, and that he, as such Treasurer, being authorized to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation.

Kenneth F. Graf
Justice of the Peace.

Received Nov. 27, 11-08 AM 1962
Examined, ATTEST:-

[Signature]

Register.

Lease

Trustees of Dartmouth College
to
Marshfield, Inc.

LEASE

THIS INDENTURE made this 20th day of November, 1962, by and between the Trustees of Dartmouth College, a corporation duly organized and existing under the laws of the State of New Hampshire and having its principal place of business at Hanover, County of Grafton, State of New Hampshire (hereinafter called the "Lessor") and Marshfield, Inc., a corporation duly organized and existing under the laws of the State of New Hampshire and having its principal place of business at the summit of Mount Washington, County of Coos, and State of New Hampshire (hereinafter called the "Lessee").

WITNESSETH:

That in consideration of the sum of One dollar (\$1.00) by each paid to the other, the receipt whereof is acknowledged by each, and other considerations set forth in a certain Lease Indenture pertaining to the premises hereinafter described, of even date, and executed simultaneously herewith, the Lessor has agreed to demise and let, and does hereby demise and let to the Lessee and the Lessee has agreed to lease and take and hereby does lease and take in accordance with the terms of said Lease Indenture and subject to the agreements, covenants, limitations and restrictions therein contained, the premises described as follows:

A certain tract or parcel of land situated on the summit of Mount Washington in Sargent's Purchase in the County of Coos, bounded and described as follows:

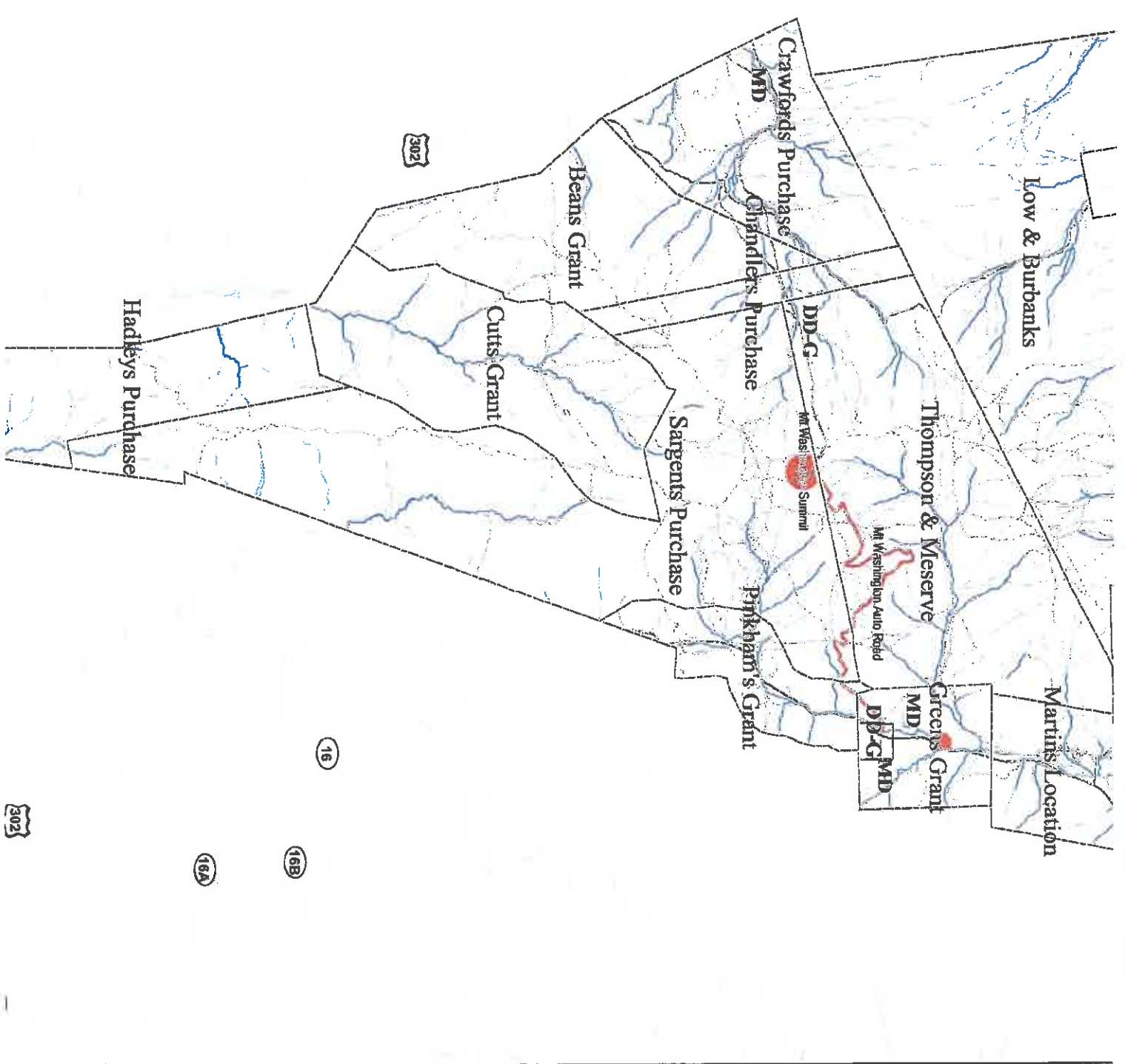
The Summit House and Tip Top House located on the said summit of Mount Washington and a strip of land twenty (20) feet in width along the northerly and easterly sides of said Summit House, all of the land on the southerly side of the Summit House between the Summit House and the railroad right of way and a strip of land ten (10) feet in width along the westerly side of the Summit House and along the sides of the Tip Top House. Also the water tanks, pipe lines and small out buildings now used in connection

This map is intended for zoning
 Unless otherwise indicated, the
 Places displayed are Non-jurisd

Zoning Districts	
	PD8 (unusual areas)
	Town boundary
	State or Local Road
	Class 5/6 Road or Trail
<div style="width: 5px; height: 5px; border: 1px solid black; margin-right: 2px;"></div>	Railroad
	Stream or Shoreline
	MD Management District
	DD-G Development District

- PD1 - Aquifer and drinking water source data available (Not shown)
- PD2 - Flood prone areas: FEMA 100- data available (Not shown)
- PD3 - Critical wildlife habitat digitized f 100,000-scale Coos County land use
- PD4 - Fish spawning areas: not visible 100,000-scale Coos County land use
- PD5 - Shorelines of rivers, streams, lal (as shown on 1990 maps)
- PD6 - Steep slopes and high-elevation derived from 30-meter USGS elevation PD7 - Wetlands (as shown on 1990 ma PD8 - Unusual areas digitized from 19 100,000-scale Coos County land use

Most data presented on this map represent stock de from NH GRANIT, at Complex Systems Research C CSRRC, under contract to the NH Office of Energy a and in consultation with cooperating agencies, main program to identify and correct errors in these data, and the cooperating agencies make no claim as to i or to any implied uses of these data.



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TOPOGRAPHICAL MAP

