



November 16, 2017

Coos County Commissioners
Thomas Brady, Chair
P.O. Box 10
West Stewartstown, NH 03597

Re: Construction of an Unpermitted Snowcat Road

Dear Chairman Brady:

I represent Keep the Whites Wild, a non-profit organization whose members are residential landowners, long-time outdoor professionals, and local and regional recreationalists intent on protecting Mount Washington, the most iconic feature in New Hampshire and arguably the most treasured mountain in New England, from harmful development.

It has come to our attention that the Mount Washington Railway Company ("Company") has constructed a road ("Snowcat Road") for the purpose of operating passenger-carrying snowcats. At the October 13, 2017 meeting of the Mount Washington Commission, Wayne Presby reported the recent completion of the Snowcat Road, as reported in the Berlin Daily Sun:

[Mr. Presby] added that the Cog has just opened up trail to the summit on its ROW that he believes will be able to accommodate passenger-carrying "snowcats" up the three-mile route in winter, a concept that, he said, would soon be tested.

(The article is enclosed.) I was on and around the summit on August 21, 2017, and witnessed an excavator working alongside the tracks and traversing a considerable distance.

For purposes of the Coos County Zoning Ordinance for Unincorporated Places, the new Snowcat Road is a private "roadway" rather than a "trail." These are the relevant definitions:

(1) A "roadway" is defined as "[a] public or private road including any land management road." (Section 3.73.)

(2) A "land management road" is "[a] route or track consisting of a bed of exposed mineral soil, gravel or other surfacing material constructed for, or created by, the repeated passage of motorized vehicles and primarily for agricultural or forest management practices." (Section 3.39.)



(3) A “trail” is defined as a “route or path other than a roadway, and related facilities used primarily for recreational activities, which passes through or occurs in a natural environment and may involve the disturbance of the land’s surface in its construction or use.” (Section 3.89.)

As discussed below, the Snowcat Road would most accurately be categorized as a private roadway that is not a land management road.

The Company’s property is in the Steep Slopes and High Elevations Protected Overlay District. (Section 4.03F.) In the Steep Slopes District, land use and alteration opportunities are quite limited in order to further the purpose of the District, which is

to regulate certain land use activities in mountain areas in order to preserve the natural equilibrium of vegetation, geology, slope, soil and climate in order to reduce danger to public health and safety proposed by unstable mountain areas, to protect water quality and to preserve mountain areas for their scenic values and recreational opportunities.” (Section 4.03F.1.)

The Ordinance lists the uses that are allowed without a permit. (Section 4.03F.3.) The Snowcat Road does not fit into any of those listed uses. Among the uses allowed without a permit are walking trails, snowmobile trails, and ATV trails. The Snowcat Road is unlike any such trails. The Snowcat Road is a business venture rather than recreational. Further, the trails that are allowed without a permit do not require an excavator for their construction, as they do not need to accommodate anything nearly as large as a snowcat, which is larger than any personal vehicle you would find on a town road. The construction impacts of creating a road that can accommodate a snowcat are obviously greater than the impacts associated with the construction of a trail. In order to accommodate a snowcat, the Snowcat Road must be wider than many local vehicular roads.

Although a land management road is allowed in the Steep Slopes District if an applicant obtains a permit, the purpose of the Snowcat Road, as described by Mr. Presby, is to drive passenger-carrying snowcats as far as the summit of Mount Washington. The Snowcat Road is not for agricultural or forestry purposes, and is not a land management road. Even if the Commissioners were to consider the Snowcat Road to be a land management road, the Company built the road without a permit.

As stated above, the Snowcat Road is most accurately described as a private roadway. A private roadway is not listed as a use allowable by permit. (Section 4.03F.3(b).)

Per Section 10.01, the County Commissioners “shall” enforce the Zoning Ordinance. We respectfully request that the County Commissioners issue a Notice of Violation and Order to the Company under Section 10.07 for the Company’s construction of a private





roadway in the Steep Slopes District without obtaining a permit from the Planning Board. We further request that the Commissioners take any additional appropriate enforcement action provided by Article X of the Ordinance.

Thank you for your anticipated action on this matter. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Reimers", with a long horizontal stroke extending to the right.

Jason Reimers

Enc.

Cc: Coos County Planning Board
Mount Washington Commission





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FRANCONIA NOTCH — Members of the Mount Washington Commission were briefed Friday on the recently awarded contract to assess and then make recommendations for improvements to the communications facilities, primarily the 1941-era Yankee Building, on the summit of Mt. Washington. Architect Tom Mansfield and Parks and Recreation Director Phil Bryce, both of the state Department of Natural and Cultural

Resources, outlined the key elements of the \$187,636 contract with H.L. Turner Group, Inc. The Executive Council voted unanimously on Wednesday to award the contract to the Concord company.

Bryce thanked Commission member Mark Ericson of Townsquare Media for sharing his expertise as well as Rep. Karen Umberger of Kearsage, a member of the House Finance Committee, and Senate Majority Leader Jeb Bradley of Wolfeboro, for successfully shepherding this much-needed project through the Legislature's capital budget process. Although the contract's completion date is Sept. 5, 2018, Mansfield said he expects that a general idea of the contractor's findings would be known earlier so that a placeholder dollar amount could be put into the state's draft capital budget in April 2018.

The lessees who rent space in and around the Yankee Building not only provide the state a vital revenue stream but also fulfill the agency's vital public safety function, Bryce explained. Close coordination allowed the contractor to begin its work immediately, and its experts were on the summit on Friday, beginning the yearlong assessment process. Work had already begun on nighttime thermal imaging at the Yankee Building, and a consultant had started on the structural analysis of the tallest steel tower-antenna. Layout, tenant needs, and fire suppression and alarms will all also be examined.

"I'm really excited that we've begun this next step in gathering detailed data needed for the master planning process," Bryce said.

Mansfield described three other capital projects underway: monitoring and taking samples from the sewage treatment plant on the summit to see if making further modifications could increase its capacity; assessing the summit's water system, including evaluating the efficacy of installing new water tanks; and examining various subsurface systems.

Wayne Presby, president of the Mt. Washington Cog Railway, and Howie Wemyss, general manager of the Mt. Washington Auto Road, described some contentious issues that have

recently arisen in the operation of these two competing businesses.



Presby said that Auto Road vans are now crossing over a deeded Cog Rights-of-Way, interfering with passengers getting on and off the Cog passenger cars. Wemyss maintained that this issue has only come up because of the Cog's track and siding expansion project on the summit, which has resulted in three lines passengers waiting to get on three trains almost at the same time, blocking the entrance to the Sherman Adams Summit Building. Presby said that the Cog is about to embark on "a thorough investigation and complete survey of its deeded property" on the summit.

He added that the Cog has just opened up trail to the summit on its ROW that he believes will be able to accommodate passenger-carrying "snowcats" up the three-mile route in winter a concept that, he said, would soon be tested.

The trail was just completed, he said, pointing out to Appalachian Mountain Club senior vice president and Commission chairman Walter Graff that it is therefore not listed in the just-released 30th edition of the AMC "White Mountain Guide."

Graff noted that having the commission meet regularly promotes having its members work together on "the wide range of issues" they all face.

Those on hand, including Graff, attorney Jack Middleton of the Mt. Washington Observatory, public member Martha McLeod of Franconia, WMNF Forest Supervisor Clare Mendelsohn, Obs president Sharon Schilling, discussed how often the commission should meet, consensus was reached that the state should secure the services of a skilled third-party facilitator to continue to actively work on completing a master plan update. Bryce noted that the work that the commission had done with the help of facilitator Racheal Stuart done two or three years ago had resulted in developing a greater understanding of the need to assess the Yankee Building that helped secure the capital funds to move the project forward.

