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July 10, 2022

Jennifer Fish, County Administrator
Coos County Zoning Board of Adjustment
PO Box 310
34 County Farm Road
West Stewartstown, NH 03597

RE: Mount Washington Railway Company

Variance Application – Train Platform at Waumbek Station

Dear Ms. Fish and members of the Zoning Board of Adjustment:

Enclosed herewith is an Application for a Variance (“Application”) for the Mount Washington Railway Company (“Railway”) for a train platform at Waumbek Station.

Included with the Application please find the following:

1. Application for a Variance;
2. List of Abutters;
3. Site Plan;
4. Determination that a Variance is required;
5. Minutes from Coos County Planning Board Meeting – September 15, 2021;
6. A check payable to Treasurer: Coos County for filing fees and notice fees;
7. Exhibit 1 (Deed and Property Map 1605 – Coos County Unincorporated Places)
8. Exhibit 2 (Location Maps); and
9. Exhibit 3 Photographs of Waumbek Station).

For your convenience, I have included _____ copies of the Application for easy distribution to the members of the Zoning Board of Adjustment.

Please let me know when the hearing is scheduled. Thank you.

Very truly yours,
Duval & Associates LLC

By: Earl W. Duval
Attorney at Law

EWD/tbm

Enclosures

cc: Wayne W. Presby, President
Mount Washington Railway Company

APPLICATION FOR A VARIANCE

To: Board of Adjustment, Unincorporated Places of Coös County

Name of Applicant Mount Washington Railway Company

Address 3168 Base Station Road, Bretton Woods, NH 03575

Owner Same

Location of Property 3168 Base Station Road, Thompson & Meserve Purchase, Map 1605, Lot 11(26 Acres)
(if same as applicant, write "same")
(street, number, sub-division and lot number)

NOTE: This application is not acceptable unless all required statements have been made.
Additional information may be supplied on separate pages if the space provided is inadequate.

Do not write in this space.
Case No. _____
Date Filed _____

(signed - ZBA)

APPLICATION FOR A VARIANCE

A variance is requested from article VI section 6.06 (a)(3) of the zoning ordinance to permit the construction of a 28' x 120' train platform where 10' 4" would be within the 25' setback to the White Mountain National Forest, Map 1605, Lot 5 (10,655 Acres).

Facts in support of granting the variance: **Please see attached narrative. Thank you.**

1. Granting the variance would not be contrary to the public **interest** because:

2. If the variance were granted, the **spirit** of the ordinance would be observed because:

3. Granting the variance would do substantial **justice** because:

4. If the variance were granted, the **values** of the surrounding properties would not be diminished because:

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary **hardship** because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

and:

ii. The proposed use is a reasonable one because:

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Applicant _____ Date _____
(signature)

ABUTTERS LIST

1. **US Forest Service – US Department of Agriculture**
Tax Map 1605 Lot 5
Tax Map 1605 Lot 12

271 Mast Road
Durham, NH 03824

2. **Mount Washington Railway Company (applicant)**
Tax Map 201, Lot 5
Tax Map 201, Lot 6
Tax Map 1605, Lot 010
Tax Map 1605, Lot 011

3168 Base Station Road
Mt. Washington, NH 03589

3. **Presby Construction, Inc.**
244 Main Street
Franconia, NH 03580

4. **Wayne Presby**
Mount Washington Railway Company
3168 Base Station Road
Mt. Washington, NH 03589

5. **Attorney Earl W. Duval (Counsel for applicant)**
Duval & Associates LLC
92 Bumfagon Road
Loudon, NH 03307

COÖS COUNTY PLANNING BOARD
North Country Resource Center - Granite State Room
629 Main Street - US 3, Lancaster, NH
September 15, 2021

The meeting was opened at 6:07 p.m.

Present from the Board: John Scarinza - Chair, Scott Rineer – Vice Chair, Ed Mellett, Tom McCue, and Rep. Troy Merner.

Also in Attendance: Tara Bamford, Planning Consultant (via telephone); Carol Chase; Ronald Chase; Kevin Evans, Dartmouth College; Wayne Presby

PUBLIC COMMENTS NOT RELATED TO AGENDA ITEMS

None

APPOINTMENT OF ALTERNATES

None

APPROVAL OF MINUTES

Ed Mellett made a motion to approve the minutes of July 21, 2021. Tom McCue seconded the motion. There was no further discussion. The motion passed 5-0.

NEW BUSINESS

a. Design review application of David and Carol Chase for a minor subdivision of Parcel WL 0220-013 at 3433 Dam Rd - NH 16 and Dead Diamond Road in Wentworth Location

Carol and Ron Chase presented their preliminary plan for a two-lot subdivision. The new lot would have frontage on both Dead Diamond Rd. and NH 16. The remaining lot already has a building and driveway on NH 16. Tara Bamford reviewed her understanding of the questions for the Board based on her conversations with Carol and Ron, including whether or not access/frontage for the new lot on Dead Diamond Rd. would comply with the Zoning Ordinance frontage requirements, and whether or not the application will need to provide soils/perc test information or might they be able to obtain an approval from the Board conditioned on state subdivision approval. The applicants mentioned earlier accesses including a logging road off of NH 16 and an old driveway on Dead Diamond Rd. Ed Mellett noted that they will need the soils information and perc test for their state subdivision approval.

Kevin Evans, Director of Woodland Operations for Dartmouth College, reported that he reviewed the deeds for Dead Diamond Rd. back to 1807 and did not find any rights given to any others to use the road. It was agreed that this makes the question of access on Dead Diamond Rd. moot.

Chairman Scarinza went through the list of application requirements with the Chases and advised them on what the Board would expect to see added for a final plan, including:

- perc test, test pit, seasonal high water info and location on map
- soil types
- wetlands if any
- contours
- proposed driveway location

He advised the applicant to consult with NHDOT about the proposed driveway location before submitting a plan showing it.

Chairman Scarinza advised the Chases that the approval can happen in one meeting if the plan is complete, and that several other required items can be considered as conditions of approval rather than needed prior to consideration by the Board:

- documentation of permit from NHDOT or grandfathering for existing driveway on NH 16
- driveway permit from NHDOT on NH16 for new lot
- state subdivision approval from NHDES

The need for a building permit and septic design later prior to any construction on the new lot was confirmed. The applicants were advised to check with Tara Bamford if they have questions and informed that she will be reviewing the plan for the Board. Also advised to check with Linda Harris to make sure the abutters list is still current when they submit their final application.

b. Mount Washington Railway Company- Waumbek Station Conceptual Consultations

1. Waumbek Station lean-tos - proposed increase in length of platform

Wayne Presby explained that the Board had granted him site plan approval for a 20' x 90' platform with 3 lean-tos. He would like to revise the size of the platform to be 18' x 120'. This would comply with the zoning and not need a variance. The consensus of the Board was that this change will not require an amendment to the site plan approval.

2. Waumbek Station lean-tos - proposed increase in width of platform

Mr. Presby explained that in the future he may want to apply to the ZBA for a variance to the setback to widen the platforms to 28'. They would then be 15' from the lot line rather than the required 25'. He explained that this would leave sufficient space for rescue vehicles to pass. The consensus of the Board was that this change will not require an amendment to the site plan approval, but that updated plans should be provided for the file.

3. Winter season Snowcat tours/Snowcat Skiing

Mr. Presby is interested in seeing if there is a market for Snowcat tours and Snowcat skiing and is seeking input on what the Board would be looking for in a site plan application. The Snowcat will also be used for assisting with rescues and in case the train breaks down. He said it would be going up to about Skyline at about 5,100'. He explained that the Snowcat holds ten passengers and his plan this winter would be to offer a daily fee for as many trips as they can get in, meaning there will not be more than 10 people per day. Other activities will continue such as the train to Waumbek, snowshoeing, back country skiing, and some people skiing down from the train. He said the trail next to the track is easy and rolling.

Chairman Scarinza advised Mr. Presby to provide:

- a narrative with trips per day and number of skiers
- parking plan to show there is adequate room for the additional use
- any other infrastructure involved

Mr. Presby will have Earl Duval work with Tara Bamford to prepare the application.

OLD BUSINESS

None

RATIFICATION OF ZONING PERMITS

517	Beske/Green	W. Location	26'x30' cabin; 11'x4' pump house; 8' x8' side deck
518	Thomas Bushey	Odell	Replacement of existing 12' x 6' 1/2" porch

Chairman Scarinza explained that the first one is a 50 ft wide lot where they can't fit a septic system and NHDES approved a 2,000 gallon holding tank for seasonal use.

A motion was made by Scott Rineer, seconded by Tom McCue to ratify both zoning permits. The motion was approved 5-0.

There was discussion of looking at sections 8.04 and 8.05 in the Zoning Ordinance in the future to see if an amendment should be recommended to address further limiting the expansion of some buildings on nonconforming lots, so camps remain camps for example. Ms. Bamford was asked to look at the Ordinance and think about language for addressing more intensive use of a lot.

TIME AND DATE OF NEXT MEETING

The next scheduled meeting was scheduled for October 6 to review the site plan application received by AVRRDD for new flares and a mechanical building at the Mt Carberry landfill. Ms. Bamford was asked to coordinate with Linda Harris on a location and notice. .

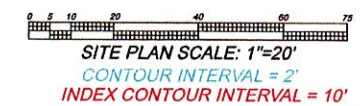
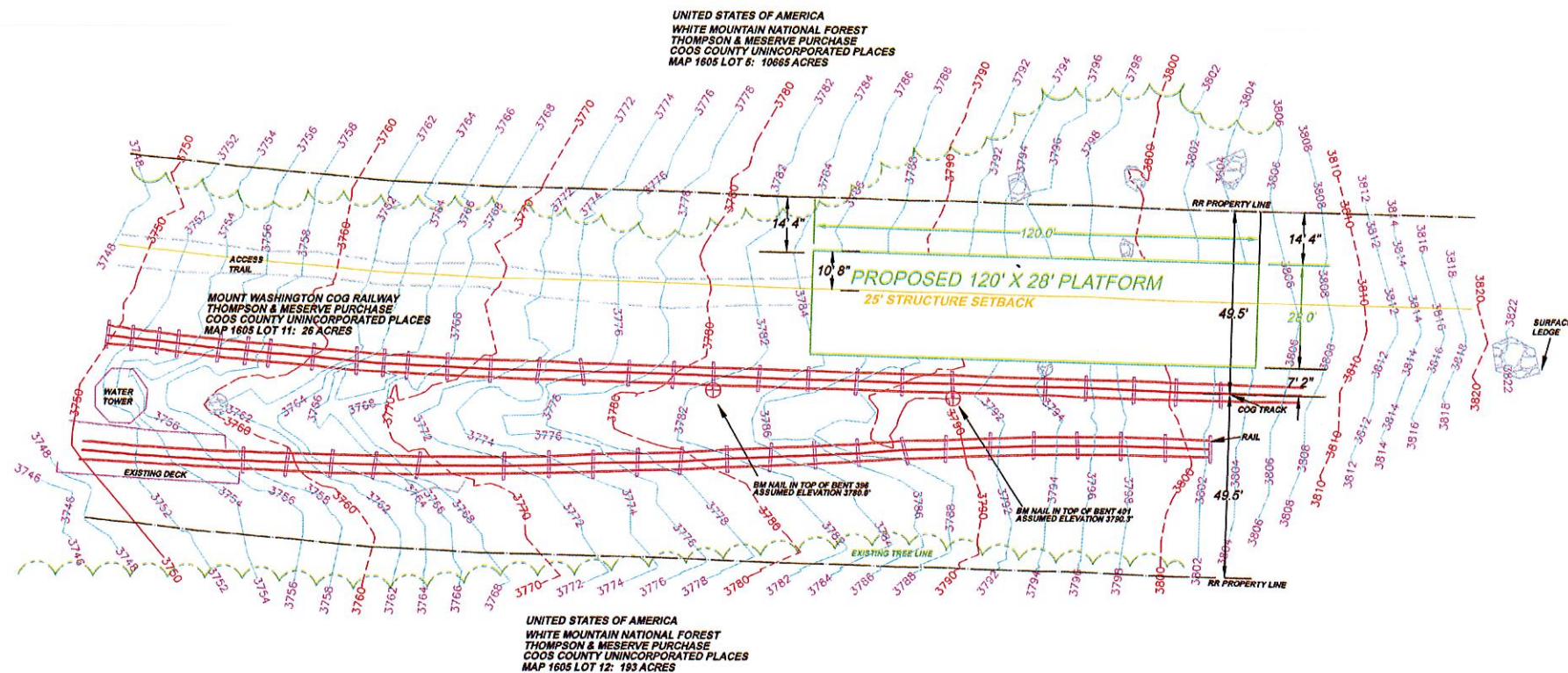
ADJOURNMENT

The meeting was adjourned at 7:31 p.m.

Respectfully submitted,
Tara Bamford

NOTES:

1. INFORMATION ON THIS PLAN TO BE USED ONLY FOR APPROVALS AND SITE CONSTRUCTION BY THE OWNER AND THEIR CONTRACTOR.
2. ALL DEMOLITION AND CONSTRUCTION ACTIVITIES SHALL BE IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL REQUIREMENTS AND APPROVED PLANS. CHANGES MAY REQUIRE AMENDED PLANS OR NEW APPLICATIONS, APPROVALS AND PERMITS.
3. CONDITIONS ON SITE MAY VARY FROM INFORMATION REPRESENTED ON THE PLANS. THE CONTRACTOR SHALL REVIEW SITE CONDITIONS PRIOR TO CONSTRUCTION AND OBTAIN ADDITIONAL INFORMATION NEEDED PRIOR TO CONSTRUCTION.
4. ALL WORK SHALL BE WITHIN THE PROPERTY OF, OR IN ACCORDANCE WITH AGREEMENTS, EASEMENTS OR RIGHTS OF WAY SECURED BY THE OWNER.
5. WORK SHALL BE IN ACCORDANCE WITH PERMITS AND CONDITIONS WHICH SHALL BE POSTED ON SITE.
6. PROPERTY INFORMATION FROM TAX MAPS, DEED INFORMATION AND BOUNDARY FLAGS AND MONUMENTS FOUND ON SITE - PROPERTY LINE IS 49.5' FROM CENTER OF COG RACK OF NORTHERN TRACK.
7. TOPOGRAPHIC SURVEY COMPLETED JULY 15, 2021, BY GREGORY RUSSELL, PRESBY CONSTRUCTION INC., USING A GEOMAX ZOOM 80 ROBOTIC TOTAL STATION.
8. PLAN IS FOR VARIANCE FROM COOS COUNTY UNINCORPORATED PLACES ZONING ORDINANCE SECTION 6.06 (a) 3 TO REDUCE SETBACK BETWEEN STRUCTURE AND SIDE LOT LINE FROM 25' TO 14' - 4".



PREPARED BY:
PRESBY CONSTRUCTION, INC.
SITE & HOUSE DESIGN & CONSTRUCTION
FOUNDATIONS, CUSTOM & MODULAR HOMES
244 MAIN STREET - FRANCONIA, NH 03580
(603) 823-5298, WWW.PRESBYCONSTRUCTION.COM

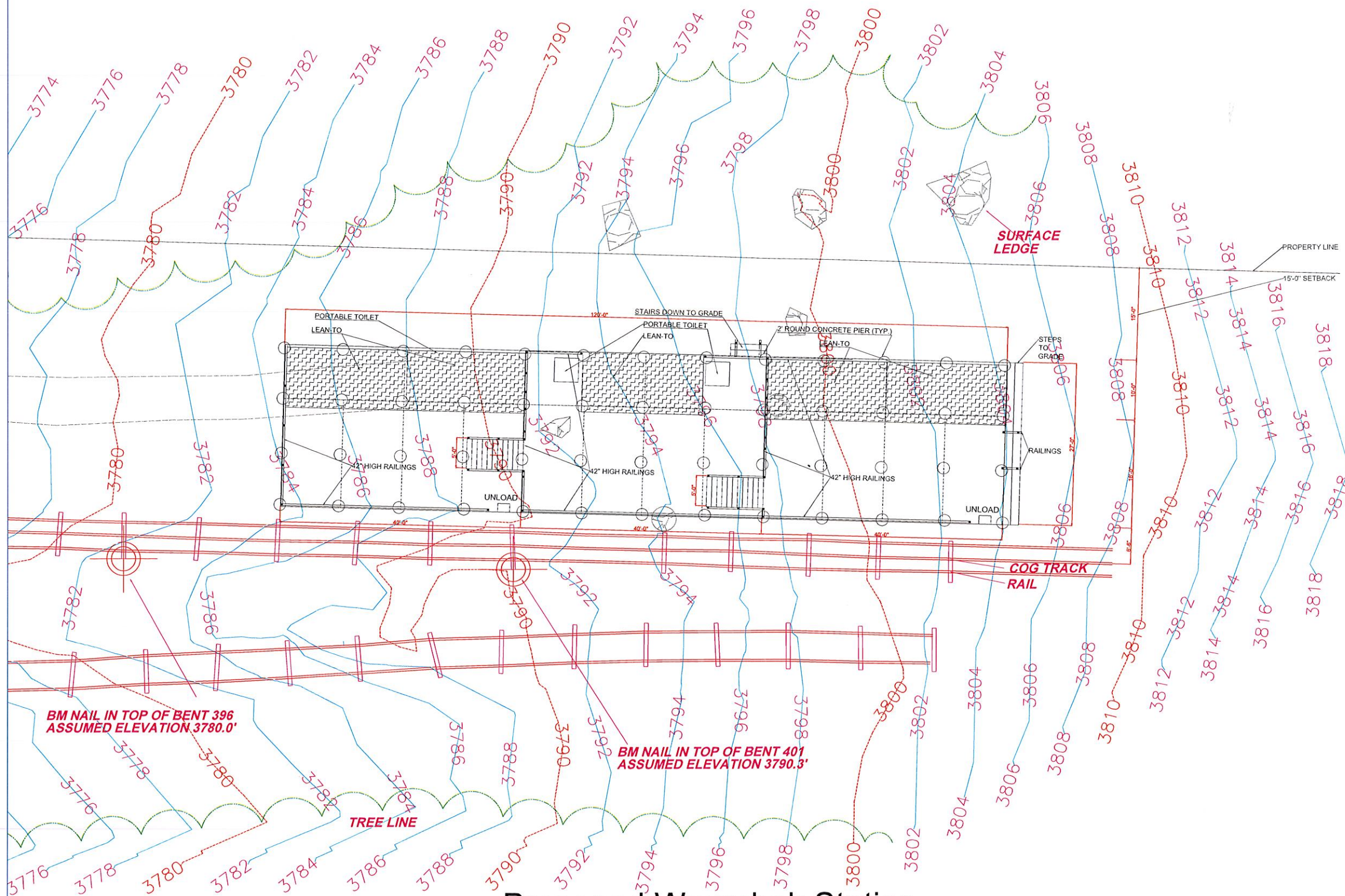
WAUMBEC WATER TOWER VARIANCE SITE PLAN
SHEET 1 OF 1
LANDOWNER:
MOUNT WASHINGTON COG RAILWAY
THOMPSON & MESERVE PURCHASE
COOS COUNTY UNINCORPORATED PLACES
MAP 1805 LOT 11: 26 ACRES

DATE: REVISED 6/6/2022 - REVISED 6/27/2022

DRAFTED BY: GREGORY RUSSELL

z:\whatotalstation\carlson survey\pciprojects\coog-2021\waumbec





Proposed Waumbek Station with Variance

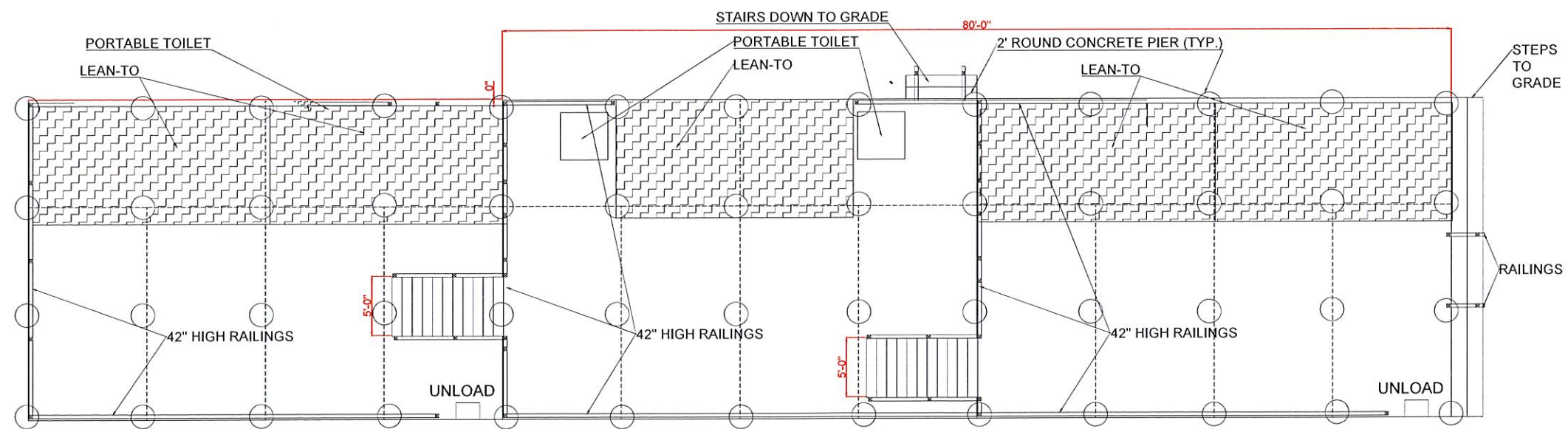
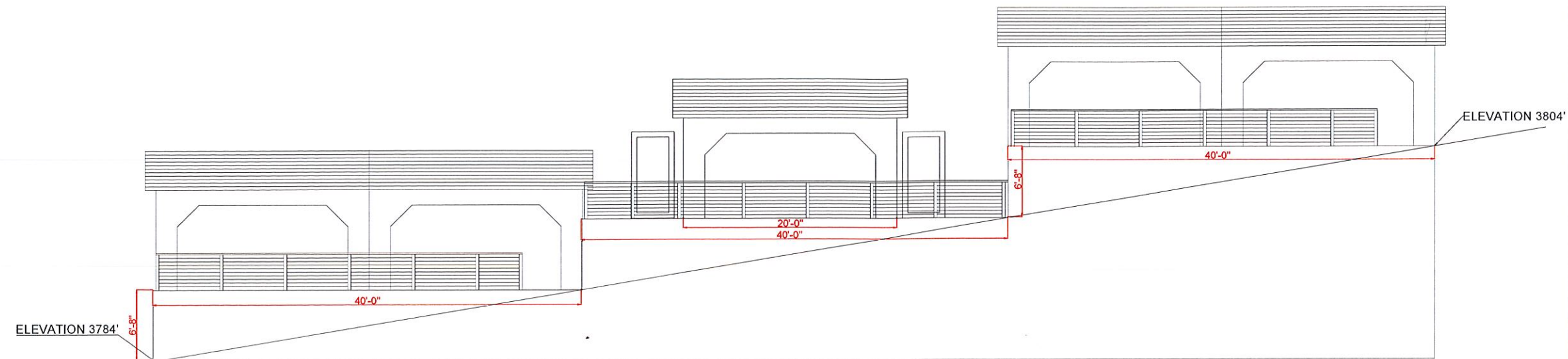
General Notes

No.	Revision/Issue	Date

Firm Name and Address
Presby Construction Inc.
 244 Main St.
 Franconia, NH 03580

Project Name and Address
Waumbek Station
 The Cog Railway
 Mt. Washington NH

Project	Sheet
Date 3/16/22	A2
Scale 3/16"=1'-0"	



Proposed Waumbek Station with Variance

General Notes

No.	Revision/Issue	Date

Firm Name and Address
Presby Construction Inc.
 244 Main St.
 Franconia, NH 03580

Project Name and Address
Waumbek Station
 The Cog Railway
 Mt. Washington NH

Project	Sheet
Date 3/16/22	A3
Scale 3/16"=1'-0"	

Table of Exhibits

<u>Exhibit</u>	<u>Description</u>
1	Deed Property Map 1605 – Coos County Unincorporated Places
2	Location Maps
3	Photos – Waumbek Station

IN WITNESS WHEREOF, the said Mount Washington Summit House, Inc. has caused this deed to be signed by its duly authorized officer and to be sealed with its corporate seal, this sixteenth day of November, 1962.

In the presence of:
Kenneth F. Graf

MOUNT WASHINGTON SUMMIT HOUSE, INC.
By Arthur S. Teague
President (Corp. Seal)

November 16, 1962

STATE OF NEW HAMPSHIRE, COOS, SS.

Before me, the undersigned officer, personally appeared Arthur S. Teague, who acknowledged himself to be the President of the Mount Washington Summit House, Inc., and that he, as such President, being authorized so 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, 11-06 AM 1962
Examined, ATTEST:-

Alan H. Rath Register.
(U.S. Stamps \$38.50)

Deed
Trustees of Dartmouth College
to
Marshfield, Inc.

KNOW ALL MEN BY THESE PRESENTS, that 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 following described real estate:

TRACT I

A certain tract or parcel of land, with the buildings thereon, situated in Thompson & Meserve Purchase, County of Coos, State of New Hampshire, bounded and described as follows:

Beginning at a point at the intersection of the center line of the Ammonoosuc River with the southerly line of the right of way of the Mount Washington Railway Company said point being forty-nine and five tenths (49.5) feet distant from the center line of said right of way; thence southerly by said center line of the Ammonoosuc River, two hundred sixty-three and thirty-four hundredths (263.34) feet to a point; thence S55°46'W from the True Meridian, three hundred fifty-three and seven tenths (353.7) feet to a spruce post set in stones at the southwesterly corner of the Laundry Lot, so-called; thence S34°14' W, four hundred eighty-seven and seven tenths (487.7) feet to a spruce post set in stones at the southeasterly corner of the Hotel Lot, so-called; thence S78°24' W along the southerly line of said Thompson & Meserve Purchase, eight hundred fifteen and seven tenths (815.7) feet to the southwesterly corner of said Hotel Lot; thence S78°43' W along said southerly line of said Purchase, one thousand eighty-two and four tenths (1082.4) feet to a spruce post set in stones; thence N11°49' W to the southerly line of said right of way, said southerly line being forty-nine and five tenths (49.5) feet distant from the center line of said right of way; thence in a general easterly and northeasterly direction along said southerly line of said right of way to the point of beginning, together with the land in said right of way on which the northerly end of the New Marshfield House rests including a strip four (4) feet in width adjacent to and on the westerly, northerly and

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. Meck
Treasurer (College Seal)

November 20, 1962

Before me, the undersigned officer, personally appeared John F. Meck, 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:-

Thomas A. Hill Registrar.
RIGHT OF WAY
(U.S. Stamps \$5.50)

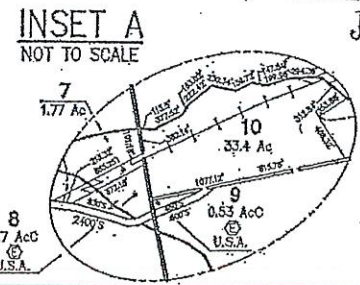
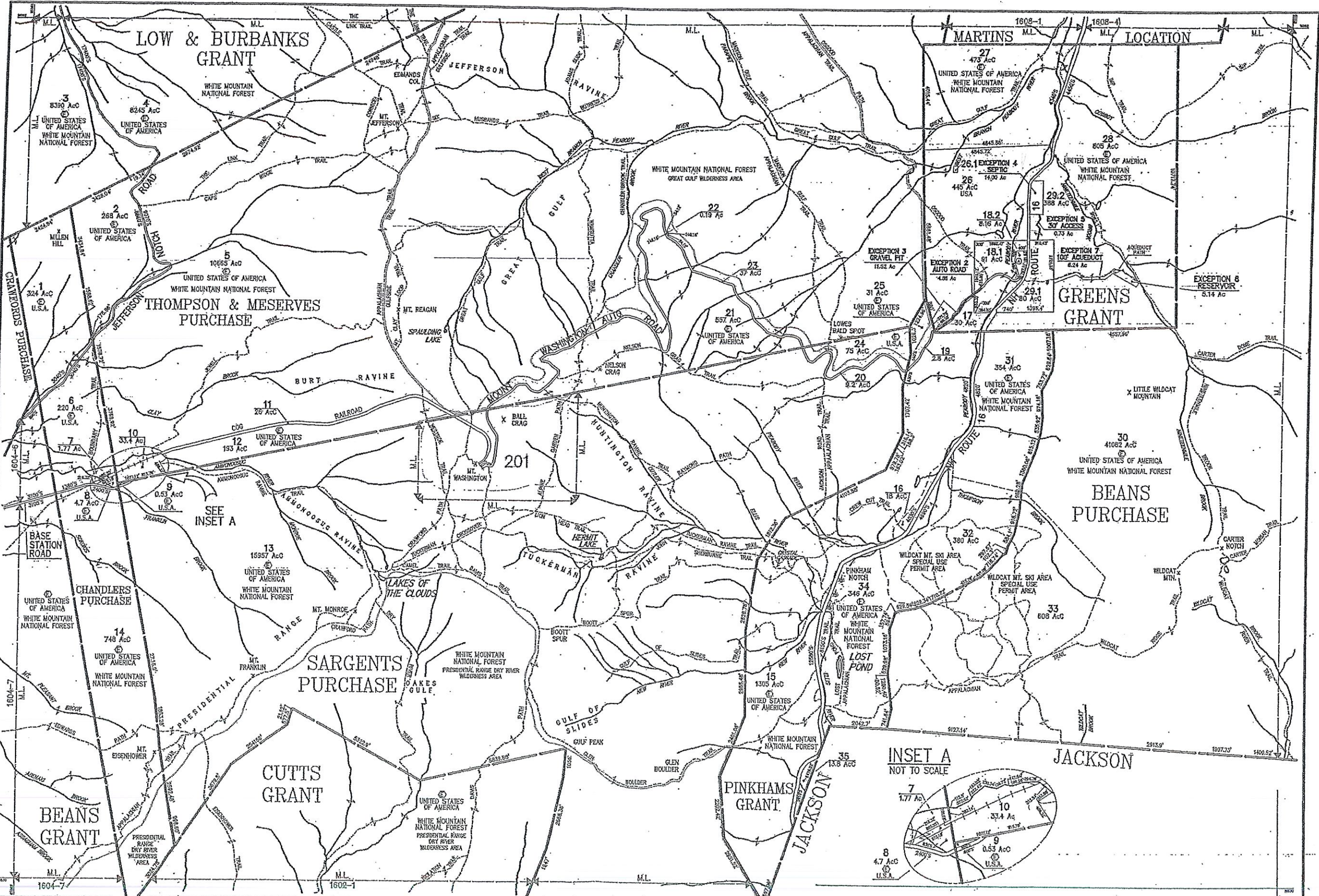
Right of Way
Trustees of Dartmouth College

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:

to
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.



THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.

THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM.

COMPLETION DATE: MAY 15, 1992

PRODUCED IN 1992 BY

CAI Technologies

31 PLEASANT STREET, LITTLETON, NH 03881
800.322.4640 - WWW.CAI-TECH.COM

LEGEND

PUBLIC ROAD	RECORD DIMENSION	TAX EXEMPT PROPERTY
PRIVATE ROAD (P.V.)	SCALED DIMENSION	SUBDIVISION LOT NO.
TRAIL OR UNIMPROVED ROAD	MATCH LINE	LEASE LAND
WILDERNESS AREA BOUNDARY	SURFACE WATER	RIGHT OF WAY
AREA SURVEYED	WETLANDS	RANGE/LOT
AREA CALCULATED		COMMON OWNERSHIP

SCALE 1" = 1600'

FEET: 0, 400, 800, 1200, 1600, 2000, 2400, 2800, 3200, 3600, 4000

METERS: 0, 400, 800, 1200

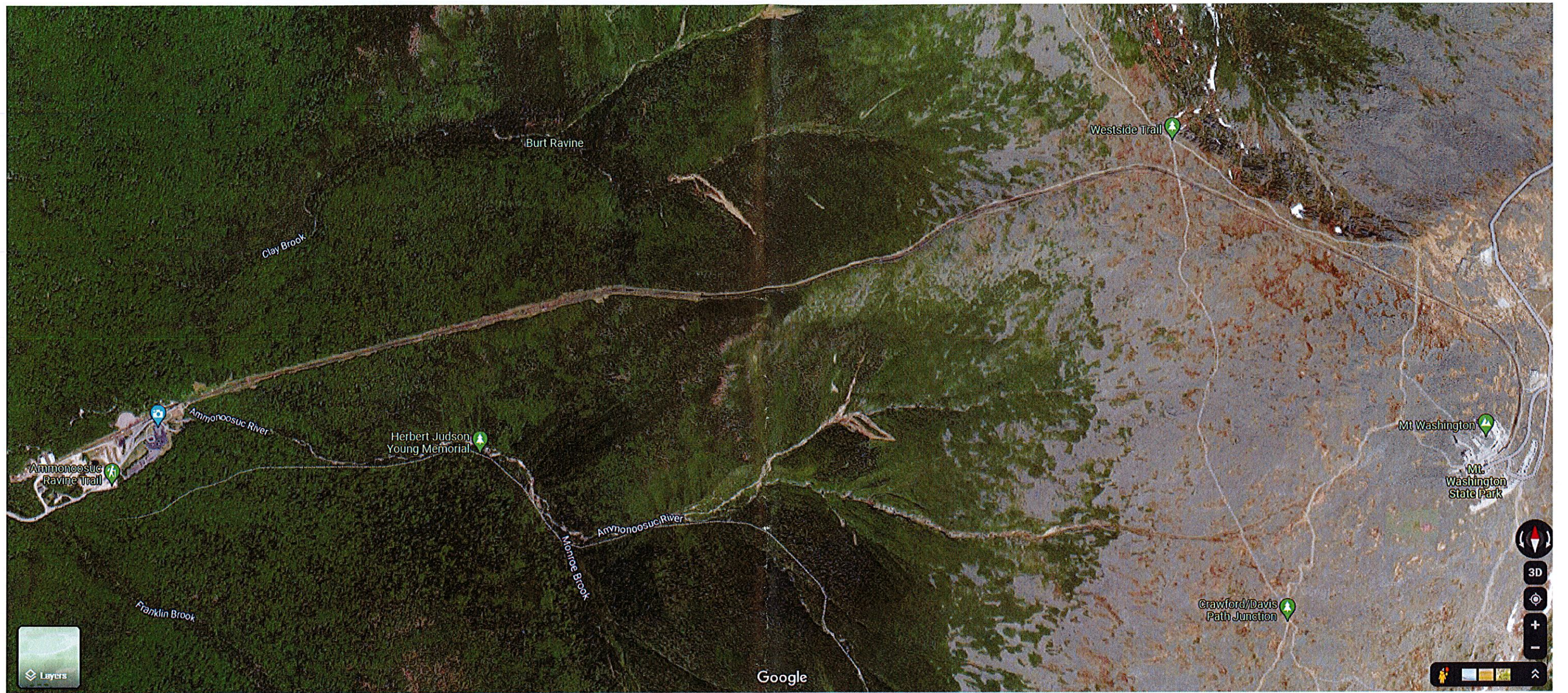
REVISED TO: APRIL 1, 2018

PROPERTY MAPS
COOS COUNTY
UNINCORPORATED PLACES
NEW HAMPSHIRE

INDEX DIAGRAM

MAP NO. **1605**

1603 1604 1605 1606 1607







Google

