

Earl W. Duval
Licensed in MA and NH
Email: eduval@dkl-legal.com
Mobile: (617) 676-7792

August 8, 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.

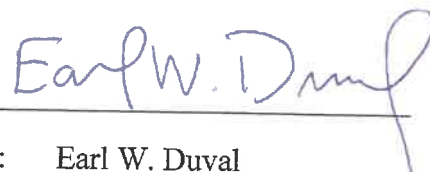
Included with the Application please find the following:

1. Application for a Variance;
2. List of Abutters;
3. Train Platform 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 one original and seven (7) 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

A handwritten signature in blue ink that reads "Earl W. Duval". The signature is written in a cursive style and is positioned above a horizontal line.

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' 8" 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 Wayne Presby, President Date 8/8/22
(signature)

Application For A Variance

Mount Washington Railway Company

INTRODUCTION:

The Mount Washington Railway Company (the "Cog") has been carrying tourists to the summit of Mount Washington since July 3, 1869.

The Cog owns a strip of land in fee that is 99' in width from the base of Mount Washington (Marshfield Station) to just below the summit of Mount Washington (Summit Circle). The Cog's property line is measured 49.5' on either side of the center track.

Waumbek Station is located at approximately 4000' and has a 2100' passing loop, 5 wooden lean-tos and a water tank with an existing small platform where steam engines stop briefly to top off the water level in their tenders.

The Cog's only abutter at Waumbek Station is the White Mountain National Forest which owns nearly 800,000 acres.

Throughout the winter months, and during times when the weather is too bad to climb to the summit, the Cog's trains terminate at Waumbek Station. Passengers disembark the train for about 25 minutes to enjoy hot refreshments, warming huts, a fire pit, and stunning views to the north and west. Currently, there are very small platforms used to disembark the train leaving passengers walking about and standing on the rocky, sometimes muddy, and most often snow- and ice-covered mountain. The new platform will be free of ice and snow and will provide guests with a safe venue to disembark and enjoy Waumbek Station. Guests will be required to remain on the new platform and/or land owned by the Cog while visiting Waumbek Station.

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

The additional platform is an accessory use to the existing station in an area that is only developed by the railroad and surrounded by thousands of acres of very dense forest on both sides of its tracks.

Granting the variance would not be contrary to the public interest because it does not alter the essential character of the neighborhood, nor does it threaten the health, safety, and general welfare of the public.

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

In general, it is understood that setbacks are established to promote the health, safety, or general welfare of the public. Setbacks do this by lessening congestion in the streets and prevent landowners from crowding the property of others; allow for the safe placement of utilities; securing safety from fires, panic, and other dangers; and for providing for adequate light and air.

If the variance was granted, the spirit of the ordinance would be observed because it would not threaten the health, safety, or general welfare of the public in that the legal purpose of the setback would not be violated.

As proposed, there would still be a substantial distance (14'4") from the edge of the platform to the property line and all guests visiting Waumbek Station will remain on the platform or on property owned by the Cog.

3. Granting the variance would do substantial justice because:

Granting the variance would do substantial justice because the general public would benefit significantly from having a safe platform, the platform as proposed is consistent with the present use of Waumbek Station and the development will create additional property taxes.

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

If the variance were granted, the values of the surrounding properties would not be diminished because the project as proposed is consistent with the present use and it would not alter the existing character of the area.

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:

Due to the unique size of the Cog's property the required 25' setback requirement makes it impossible to construct a platform that would safely accommodate Cog passengers at Waumbek Station.

The Cog's only abutter at Waumbek Station is the White Mountain National Forest (Map 1605, Lot 5 consisting of 10,665 acres). The entire property line at Waumbek Station consists of dense forest land.

Given the special conditions of the Cog's property, application of the required 25' setback would not advance the purposes of the required setback in any fair and substantial way.

ii. The proposed use is a reasonable one because:

Given the uniqueness of the property and the environment, the construction of the proposed platform is reasonable as it will provide a safe place for the Cog's passengers to disembark and enjoy a part of Mount Washington.

ABUTTERS LIST

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

71 White Mountain Drive
Campton, NH 03223

ATTN: Derek Ibarguen, Forest Supervisor
White Mountain National Forest

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

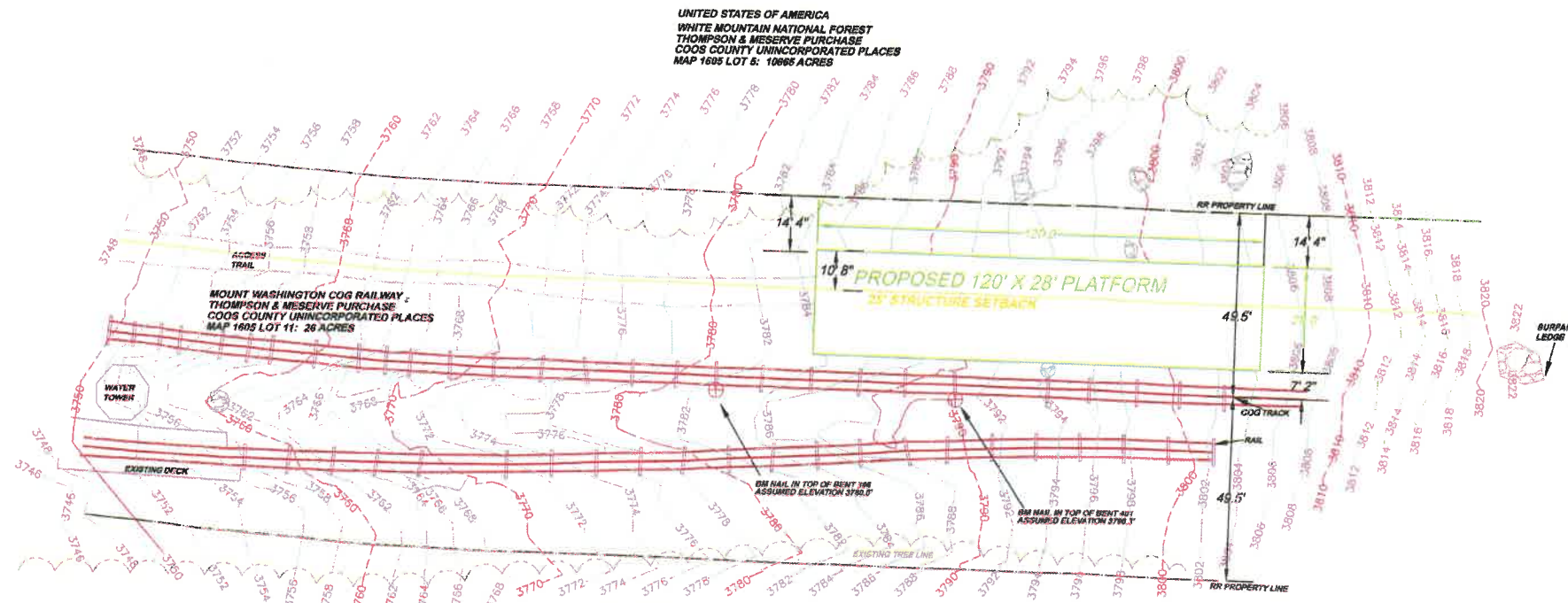
3. **Presby Construction, Inc.**
244 Main Street
Franconia, NH 03580

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

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".



UNITED STATES OF AMERICA
 WHITE MOUNTAIN NATIONAL FOREST
 THOMPSON & MESERVE PURCHASE
 COOS COUNTY UNINCORPORATED PLACES
 MAP 1808 LOT 6: 10665 ACRES

MOUNT WASHINGTON COG RAILWAY
 THOMPSON & MESERVE PURCHASE
 COOS COUNTY UNINCORPORATED PLACES
 MAP 1808 LOT 11: 26 ACRES

UNITED STATES OF AMERICA
 WHITE MOUNTAIN NATIONAL FOREST
 THOMPSON & MESERVE PURCHASE
 COOS COUNTY UNINCORPORATED PLACES
 MAP 1805 LOT 12: 193 ACRES



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

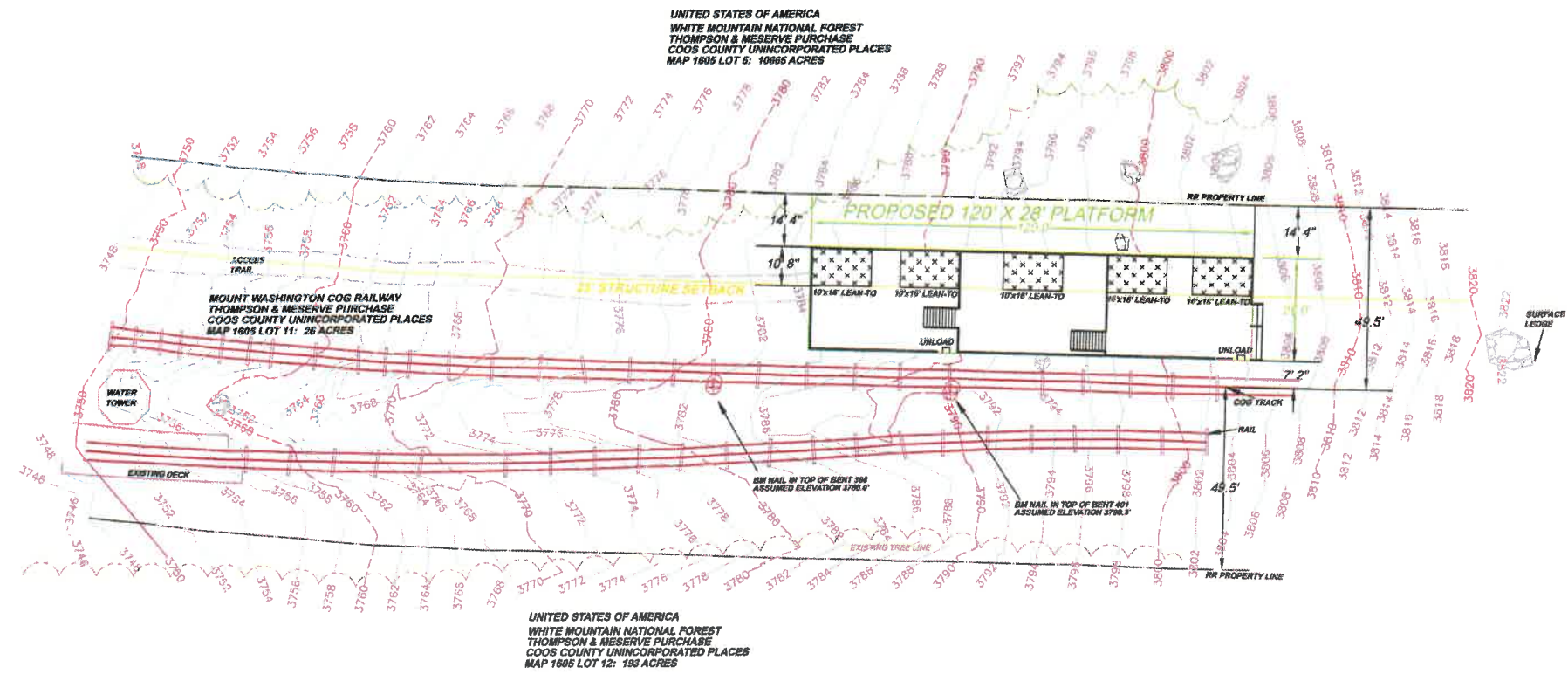
WAUMBEEK WATER TOWER VARIANCE SITE PLAN
 SHEET 1 OF 2
 LANDOWNER:
 MOUNT WASHINGTON COG RAILWAY
 THOMPSON & MESERVE PURCHASE
 COOS COUNTY UNINCORPORATED PLACES
 MAP 1808 LOT 11: 26 ACRES

DATE: REVISED 6/6/2022 - REVISED 6/27/2022
 DRAFTED BY: GREGORY RUSSELL

\\had\totalstation\carlson survey\pciprojects\coog-2021\waumbek

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UNITED STATES OF AMERICA
 WHITE MOUNTAIN NATIONAL FOREST
 THOMPSON & MESERVE PURCHASE
 COOS COUNTY UNINCORPORATED PLACES
 MAP 1605 LOT 12: 193 ACRES

0 5 10 20 40 60 75
 SITE PLAN SCALE: 1"=20'
 CONTOUR INTERVAL = 2'
 INDEX CONTOUR INTERVAL = 10'



PREPARED BY:
PRESBY CONSTRUCTION, INC.
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 244 MAIN STREET - FRANKONTA, NH 03580
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WAUMBEX WATER TOWER VARIANCE SITE PLAN
 SHEET 2 OF 2
 LANDOWNER:
 MOUNT WASHINGTON COG RAILWAY
 THOMPSON & MESERVE PURCHASE
 COOS COUNTY UNINCORPORATED PLACES
 MAP 1605 LOT 11: 26 ACRES

DATE: REVISED 6/6/2022 - REVISED 6/27/2022
 DRAFTED BY: *GREGORY RUSSELL*

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MAP NUMBER: 1605
LOT NUMBER: 011

PERMIT NUMBER: 2022-07 T&M Cog
DATE: 07/12/2022

**COÖS COUNTY UNINCORPORATED PLACES
DENIAL FOR A ZONING PERMIT**

Owner's Name: Mount Washington Railway Company
Property Address: 3168 Base Station road - Thompson & Meserve
Mailing Address: 3168 Base Station Road Bretton Woods NH 03575

Your application for a building permit was **DENIED** because of the following reason(s):

1. Not permitted in District.
2. Does not meet lot size requirements.
3. Does not meet set back requirements: front back right side left side
4. Does not meet height requirements.
5. Property located in Wetland.
6. Property located in Flood Plain.
7. Change of Use.
8. Other _____

ACTION WHICH MAY BE TAKEN:

- A. Request a Variance from Zoning Board, concerning
Article: VI Section: 6.06
- B. Request a Special Exception from the Zoning Board, concerning
Article: _____ Section: _____

RSA 676:5 APPEALS TO BOARD OF ADJUSTMENT

I.Appeals to the Board of Adjustment concerning any matter within the board's powers as set forth in RSA 674:33 may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, (30 days)" by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

8/8/2022
DATE


PLANNING BOARD CLERK

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 6'1½" 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 AVRDD 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

Table of Exhibits

Exhibit	Description
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

STATE OF NEW HAMPSHIRE, COOS, SS.

MOUNT WASHINGTON SUMMIT HOUSE, INC.

By Arthur S. Teague
President (Corp. Seal)

November 16, 1962

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-

John A. Smith Register.
(V.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

easterly sides of the northerly end of said New Marshfield House and also rights of way across other end of the Mount Washington Railway Company to the new toilet building and telescope or any replacements thereof located on the northerly side of said right of way.

Meaning and intending to describe tract (a) in an Indenture dated December 15, 1939 by and between Mount Washington Railway Company and Mount Washington Club, Inc., which deed is recorded in the Coos County Registry of Deeds in Volume 306, at Page 10. Being a portion of Exception #2 in a Petition for Condemnation filed in U.S.A. vs. Coosay Lumber Co., et als, dated October 18, 1915, and recorded in said Registry in Volume 176, at Page 87.

TRACT II

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

Beginning at a spruce post set in a mound of stones on the southerly side of the right of way of the Mount Washington Railway Company at the southeasterly corner of the within described premises; thence N11°49'N, three hundred eighty-two and one tenth (382.1) feet across said right of way to a spruce post set in a mound of stones on the South Bank of the Ammonoosuc River; thence N11°49'N, thirty-one (31) feet, more or less, to the center of said River; thence easterly, northeasterly and southeasterly by the center of said River to a point at the intersection of the southerly line of said right of way, which point is the northeast corner of Tract I described above; thence in a general westerly and southwesterly direction along said southerly line of said right of way to the point of beginning.

Being a portion of Exception #2 in said Petition for Condemnation referred to above.

TRACT III

A certain tract or parcel of land, with the buildings, railroad tracks, trestles, water tanks, and appurtenances thereon, bounded and described as follows:

A strip of land ninety-nine (99) feet in width extending from the easterly edge of the premises described above as Tracts I and II at the base of Mount Washington to the northerly edge of the grantor at the summit of Mount Washington, which tract is referred to as the "right of way" of the Cog Railway.

Meaning and intending to convey the same premises described in deed of David Fingree, et als to Mount Washington Railway Company dated April 30, 1894, and recorded in said Registry of Deeds in Volume 68 at Page 310, to which deed reference is made for a more particular description. Also conveying the right to use and occupy land adjacent to said "right of way" for the purposes of collecting water as conveyed in the aforesaid deed from David Fingree, et als. Being the same premises described as Exception #3 in said Petition for Condemnation.

All of the tracts described above are hereby conveyed subject to all restrictions, conditions, liens, reservations and encumbrances of record and subject to and with the benefit of all rights, privileges and easements inuring thereto.

Said tracts are conveyed to the grantees subject to all real estate taxes for the year 1962 which the grantees by acceptance of this deed assumes and agrees to pay.

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, ES.

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:-

Thomas A. Hill Register.

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

Right of Way

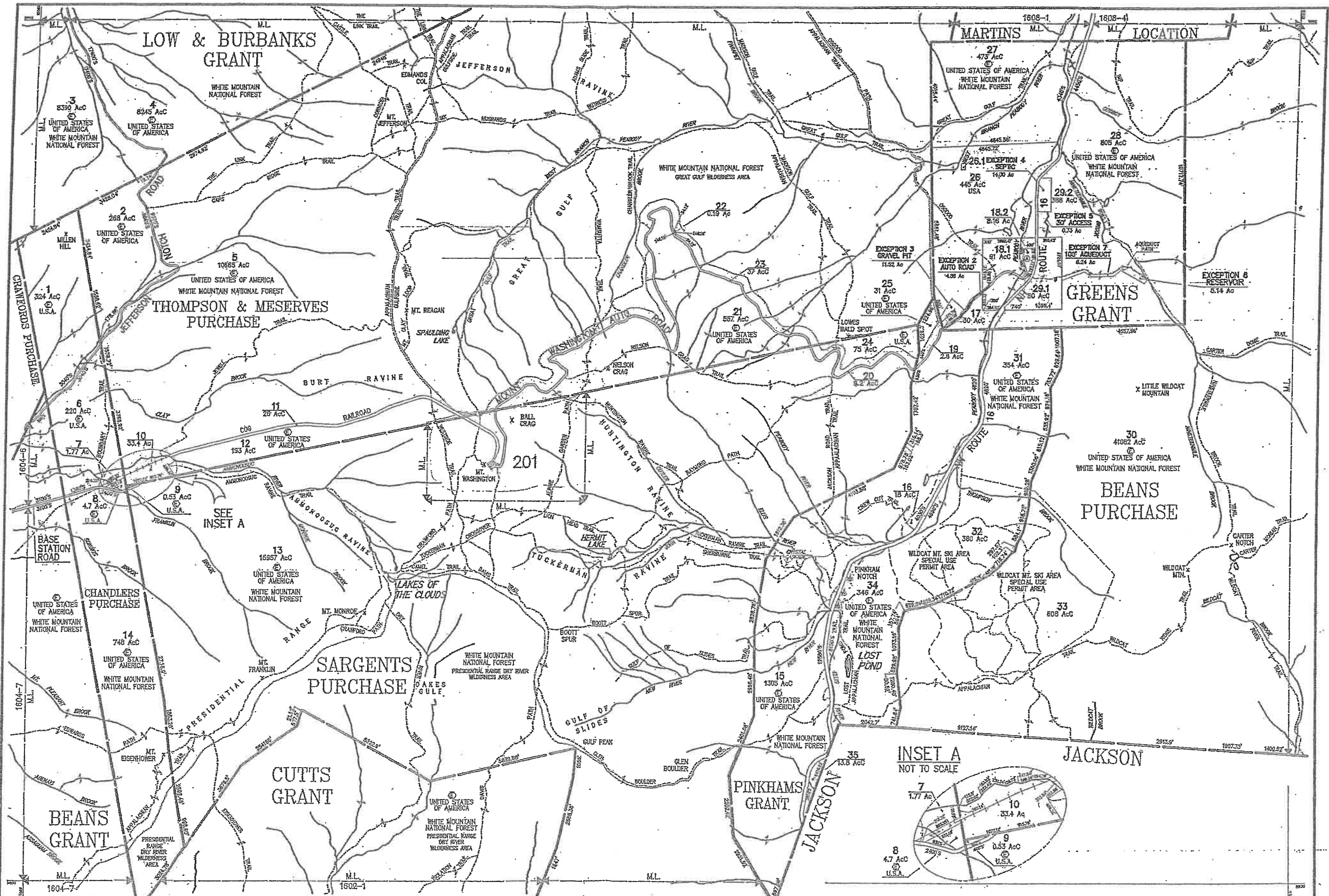
Trustees of Dartmouth College

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:

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

11 PLACENTIA STREET, LITTLETON, CO 80120
303.222.4200 - WWW.CAITECH.COM

LEGEND

PUBLIC ROAD: ————

PRIVATE ROAD (P.V.): - - - - -

TRAIL OR UNIMPROVED ROAD: - · - · -

WILDERNESS AREA BOUNDARY: ————

AREA SURVEYED:

AREA CALCULATED:

RECORD DIMENSION: ————

SCALED DIMENSION: ————

MATCH LINE: ————

SURFACE WATER: ————

WETLANDS: ————

JAX EXEMPT PROPERTY: ————

SUBDIVISION LOT NO.: ————

LEASE LIND: ————

RIGHT OF WAY: ————

RANGE/LOT: ————

COMMON OWNERSHIP: ————

SCALE 1" = 1600'

FEET: 0 200 400 800 1200 1600 2000 2400 2800 3200 3600 4000 4400 4800

METERS: 0 200 400 600 800 1000 1200 1400 1600 1800 2000

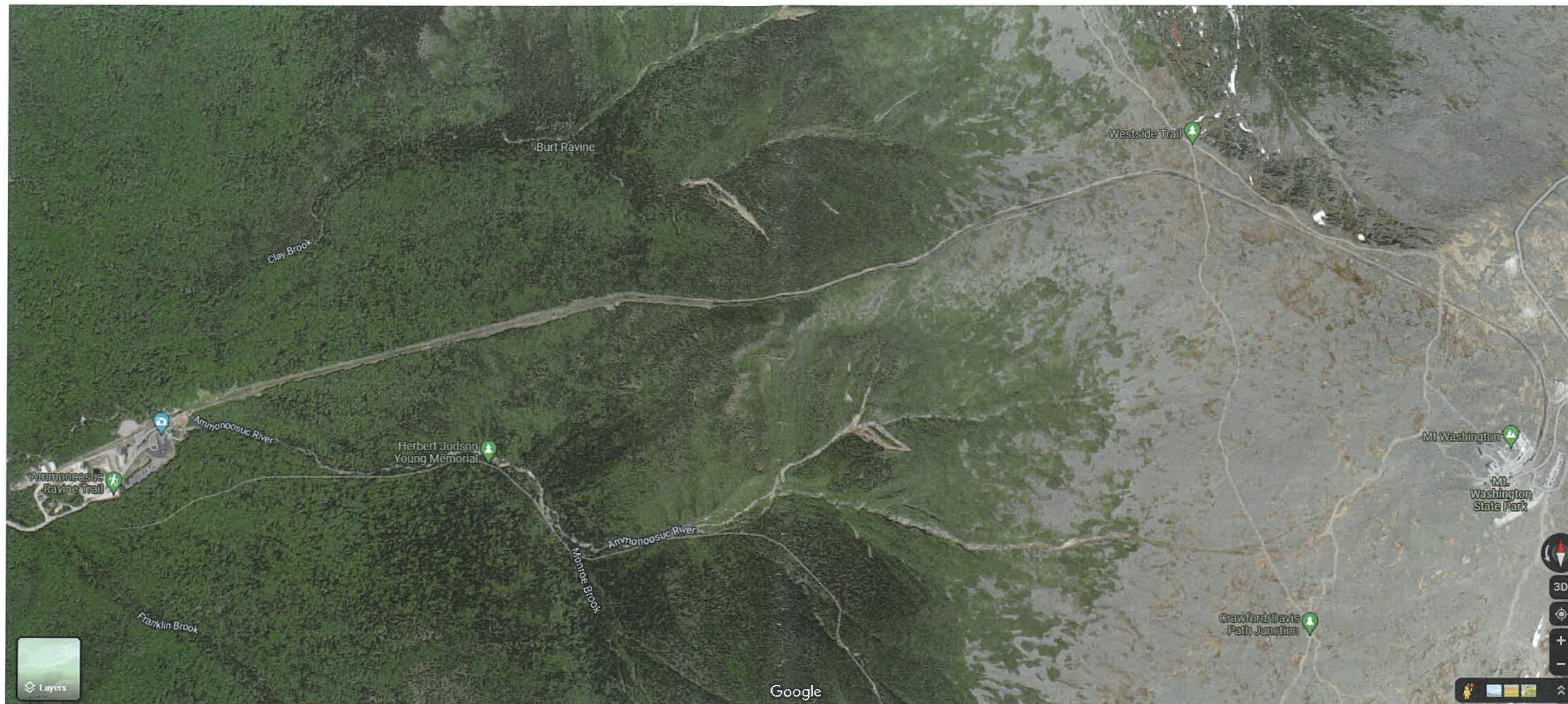
REVISED TO: APRIL 1, 2018

PROPERTY MAPS
COOS COUNTY
UNINCORPORATED PLACES
NEW HAMPSHIRE

INDEX DIAGRAM

1609 1606 1607
1604 1608
1603 1602

MAP NO. **1605**



Burt Ravine

Westside Trail

Clay Brook

Ammonosuc River

Ammonosuc Ravine Trail

Herbert Judson Young Memorial

MI Washington

MI Washington State Park

Ammonosuc River

Montrose Brook

Crawford/Davis Path Junction

Franklin Brook

Google

Layers







