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Editorial: State should say no thanks to Sunapee plan

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Sometime soon – soon being relative in a process that’s dragged on for years – Jeffrey Rose, commissioner of the Department of Resources and Economic Development, will issue his draft response to yet another proposal to expand the state-owned Mount Sunapee Ski area. That expansion, which would link publicly owned parkland to private land and become home to a major real estate development, is unprecedented in New Hampshire.

Get it wrong and a premier part of the state, and land left in trust to its people, could be forever altered. Rose’s response should be to withhold judgment pending more public hearings and answers to a host of questions. Should he ultimately recommend in favor of expanding the ski area, its fate will be up to the Executive Council and Gov. Maggie Hassan. If it comes to that, like her predecessor, governor John Lynch, Hassan should say, “No.”

The state leased the ski area and a portion of Mount Sunapee State Park to a private developer in 1998, and for the better part of a decade, it’s argued with the developer over the terms of that lease.

Did the lease, originally held by Tim and Diane Mueller, operators of Vermont’s Okemo Mountain resort among others, cover an area that included the existing state ski area or, as the Muellers contend, extend to the park’s western boundary with the town of Goshen, where the Muellers’ company purchased some 600 acres of abutting private land? Did it give them a right to expand the ski area or merely the right to ask permission to expand?

The answer, to us, is clear. Nearly a decade ago, this paper’s editors met with the leaseholder and his team, scrutinized documents and maps, and debated their meaning. We were unanimous in our decision that their interpretation of the maps and lease history was self-serving and wrong. The state’s intent was always to retain a buffer of public land between the ski area and the park’s boundaries, and no right to expand was ever granted.

Unfortunately, in a decision that mystified us, Merrimack County Superior Court Judge Larry Smuckler disagreed. While he found that the state was not liable for some \$12 million in damages the leaseholders claimed they suffered because they could not expand, he extended the bounds of the lease to allow a ski lift and trails to extend from private to public land. As a result, though Sunapee’s operators now say they no longer plan to build a condominium village on the private land, Smuckler’s decision paved the way for that to happen.

Smuckler was wrong, but the attorney general's office opted not to risk having to pay the \$12 million by appealing his ruling to the state Supreme Court. It was a fiscally sound decision, but one that could lead to further Disneyfication of what was wild and scenic public land in the heart of the state.

Today, the skiing and snowboarding are great for those who can afford it, but blaring rock music drowns out any bird that dares to sing. A publicly owned part of New Hampshire's great outdoors is now home to a miniature golf course, zip lines, disc golf, Segway tours and other entertainments. Should a condominium village spring up, as we assume one eventually would, development will spread. While that would create jobs, they would be seasonal and offer low pay.

Anyone who wants to get a sense of what the Sunapee area could become should visit Ludlow, Vt., home to the Okemo ski area and soon to yet another "village" of summer homes and condominiums. Is that what New Hampshire wants for its state parks?

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