



# PLANNING & ZONING DEPARTMENT

## PLANNING BOARD AGENDA

### PLANNING BOARD 2<sup>ND</sup> MONTHLY MEETING &

**WEDNESDAY**, January 25, 2023 – 6:00 PM

Planning Board Public Meeting

\*Lincoln Town Hall, 148 Main Street, Lincoln NH

\*Hybrid meeting available both in person with social distancing & masks & via Zoom Meeting Platform to allow for town wide participation. A quorum of the Planning Board member must be physically present at the meeting. Although there is space in the large conference room for 8-12 guests in addition to the Board members with social distancing, the public is encouraged to participate remotely using ZOOM.

#### Join Zoom Meeting

<https://us02web.zoom.us/j/81700766161?pwd=WUFKR2N1Zk9xSzI1bVFPRWVzbyt4UT09>

**Meeting ID: 817 0076 6161**

**Passcode: 179696**

Find your local number: <https://us02web.zoom.us/j/81700766161?pwd=WUFKR2N1Zk9xSzI1bVFPRWVzbyt4UT09>

**Or dial by your location 1-929-205-6099 US (New York)**

(See also town website [www.lincolnnh.org](http://www.lincolnnh.org) for same link, meeting ID and passcode.)

**I. CALL TO ORDER** by the Chairman of Planning Board (PB); announcement of excused absences, if any, and seating of alternates(s), if necessary.

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**II. CONSIDERATION** of meeting minutes from:

- **December 28, 2022 (Wednesday)**

- Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin (via Zoom), Alternate Mark Ehrman (via Zoom – excused).

- **January 4, 2023 (Wednesday)**

- Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin (via Zoom).

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**III. 6:00 PM CONTINUING AND OTHER BUSINESS** (Staff and Planning Board Member/Alternates).

- A. Planning Board held first public hearing on proposed amendments to the zoning ordinance (Land Use Plan Ordinance [LUPO] & proposed Site Plan Review Regulations Amendments on January 4, 2023. A second public hearing was scheduled for January 25, 2023, if needed. No changes were made based on public input at the first public hearing, so no second public hearing is needed. There will be no second public hearing.

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**IV. NEW BUSINESS**

**A. Request for Release of Bond => SITE PLAN REVIEW approval**

#SPR 2014-09 M114 L080 – New Jefferson Holdings, LLC, The Pines at Forest Ridge (12 duplexes)

#SPR 2020-11 M114 L080 – Mt. Coolidge Construction, LLC, The Pines [Detention] Ponds

#SPR 2022-22 M114 L080 – Mt. Coolidge Construction, LLC, Request for Release of Bonds

Notice is hereby given in accordance with RSA 676:4 & 676:7, Applicant has requested Town release cash bond based on Owner/Applicant's engineer's 2020 estimate of construction costs for project, including a 15% contingency. Bond posted in 2020 to cover the costs of all on-site improvements (i.e., the construction, drainage and associated site work) at "The Pines" at Forest Ridge. Applicant completed construction of the detention ponds. Engineer submitted "as-built plan" survey & Construction Control Affidavit. Town Engineer reviewed as-built plan survey. Upon hearing applicant possibly met conditions of approval, Planning Board will hold a public hearing to see if the conditions of approval have been met & whether cash bond may be released. Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

**Engineer:** Marc Burnell, P.E.  
Horizons Engineering, Inc.  
34 School Street  
Littleton, NH 03561

**Applicant/Property Owner:** Estate of Richard (Rick) Elliott &  
Jared Elliott &  
Jennifer Nye Elliott Amarnath d/b/a  
Mt. Coolidge Construction, LLC  
3 Amalia Drive  
Nashua, NH 03063  
  
Jennifer Elliott Nye Amarnath d/b/a  
Mt. Coolidge Construction, LLC  
Richard K Elliott Family, LLC  
32 Hartwell Brook Drive  
Nashua, NH 03060  
  
Jared R. Elliott d/b/a  
Mt. Coolidge Construction, LLC  
Richard K Elliott Family, LLC  
32 Hartwell Brook Drive  
Nashua, NH 03060

**Owner's Agent:** Heidi J. Barrett-Kitchen, Esq.  
Donahue, Tucker & Ciandella, PLLC  
Mt. Coolidge Construction, LLC  
Towle House, Unit 2  
164 NH Route 25  
Meredith, NH 03253

**Owner's Manager:** Jared R. Elliott  
365 Depot Street  
Belmont, NH 03220

**Applicant's Representative:** Michael Shepard, Esq.  
The Shepard Law Firm, P.C.  
Mt. Coolidge Construction, LLC  
160 Federal Street  
Boston, MA 02110

**Applicant's Representative:** David Yager  
57 Flanagan Drive  
Framingham, MA 01701

**The Pines Condo Assn:** The Pines at Forest Ridge Condominium Association, Inc.  
Kevin J. Barry, President  
1 Marsh Hen Cove  
St. Helena Island, SC 29902

**Property:** The Pines at Forest Ridge, (Map 114, Lot 080), Property is located in the Rural Residential (RR) District.

**Project:** In 2020, Mount Coolidge Construction LLC (Applicant) requested modification of Site Plan Review (**SPR**) approval for The Pines at Forest Ridge which included ponds associated with Stormwater Management to convert a micro-extended detention basin and infiltration basin (dry pond) into a wet pond near Building 1 on Lincoln Tax Map 114, Lot 080. Mount Coolidge Construction applied for and received (on April 24, 2020) an Alteration of Terrain (AoT) permit from New Hampshire Department of Environmental Services (NHDES) for the modification of the existing micro-extended detention pond (MPI) and infiltration basin (INF1) to a wet pond. The modifications did not propose any additional impervious area to the existing AoT 1445 (expired), and will disturb approximately 15,000 square feet.

**Approval With Conditions:** On July 22, 2020, the Planning Board granted the Application for Modification of the Site Plan Review approval for “The Pines at Forest Ridge” with the following conditions:

1. **The Owner/Applicant shall provide bonding** payable to Town for all on-site improvements (i.e., the construction, drainage & associated site work), in order to ensure that Owner/Applicant will complete all site work in accordance with the plans. In the event the bond is called by the Town, Planning Board shall schedule & hold a public hearing to consider revocation of the Site Plan Approval per RSA 676:4-a. No further work may proceed on site, & no further Land Use Authorization Permits shall issue without Planning Board approval in the event the bond is called & the above-referenced revocation proceedings are initiated. The amount of the bond shall be based on the Owner/Applicant’s engineer’s estimate of construction costs for the project including 15% contingency. Applicant can request release of the bond once all conditions have been met from the Planning Board. *The bond shall be released at the discretion of the Planning Board after a public hearing.*
2. **A maintenance bond of \$35,000 shall be provided.** Once the detention ponds have been constructed in accordance with the approved plans, the maintenance and operation of the ponds and associated stormwater management features shall be the responsibility of The Pines at Forest Ridge Condominium Association (“The Pines CA”). See letter from Richard K. Elliott, President of the Pines CA, to Carole Bont and the Lincoln Planning Board dated July 6, 2020. Maintenance and operations shall be in accordance with the approved Stormwater Inspection and Maintenance Manual for The Pines at Forest Ridge (“Inspection and Maintenance Manual”). In the event that The Pines CA lacks proper authority to take on the responsibility and exercise the power necessary to maintain and operate the ponds; then, unless and until such time as the Pines CA does have all necessary authority, the declarant (“MCC”), its successors or assigns shall be fully responsible for the maintenance and operation of the ponds. There shall be a bond so long as MCC is responsible for the maintenance and operation of the ponds.
3. **The project shall be completed by November 30, 2020.**

Between November 30, 2020, and 2023, the Planning Board met many times with representatives of Mount Coolidge Construction, LLC to discuss the detention ponds. The ponds have not been in compliance until possibly now, in 2023.

Put New Matters Here

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**V. PUBLIC PARTICIPATION AND OTHER BUSINESS:** Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

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**VI. ADJOURNMENT**