

PUBLIC NOTICE

TOWN OF LINCOLN PLANNING BOARD

WEDNESDAY, January 25, 2023 – 6:00PM

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=WUFKR2N1Zk9xSz11bVFPRWVzbyt4UT09>

Meeting ID: 817 0076 6161

Passcode: 179696

Find your local number: <https://us02web.zoom.us/u/kblNuPaMIG>

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

(See also town website www.lincolnnh.org for same link, meeting ID and passcode.)

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., of Horizons Engineering, Inc., 34 School Street, Littleton, NH 03561.

Applicant/Property Owner: Richard (Rick) Elliott (now deceased) and Jared Elliott d/b/a Mt. Coolidge Construction, LLC, 3 Amalia Drive, Nashua, NH 03063.

Owner's Agent: Heidi J. Barrett-Kitchen, Esq., Donahue, Tucker & Ciandella, PLLC, 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., 160 Federal Street, Boston, MA 02110.

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 (INFI) 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 ("MMC"), its successors or assigns shall be fully responsible for the maintenance and operation of the ponds. There shall be a bond so long as MCCC 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.