

**APPROVED**

**PLANNING BOARD**  
**PLANNING BOARD 1ST MONTHLY MEETING**  
Wednesday November 9, 2022 – 6:00 PM  
**\*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 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=WUFKR2NlZk9xSzI1bVFPRWVzbyt4UT09>

**Meeting ID: 817 0076 6161**

**Passcode: 179696**

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

**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:** Chairman James Spanos

**Members Present:** Chairman James Spanos, Vice Chairman Joe Chenard, Member Stephen Noseworthy

**Excused:** Selectmen's Representative O.J. Robinson, Member Paul Beaudin, and Alternate Mark Ehrman

**Staff Present:** Planner Carole Bont, Town Engineer Raymond Korber.

**Guests:**

- **Kevin J. Barry** (nonresident) of 1 Marsh Hen Cove, St. Helena Island, SC 29902, co-owner with Alicia M. Barry of 12 Forest Pine Spur #B (Map 114, Lot 080000-12-00015) a duplex unit in "The Pines at Forest Ridge" Homeowners Association (via Zoom).
- **Raymond (Ray) Berglund**, (nonresident) (ABUTTER TO PROPERTY ON 12 PLEASANT STREET, MAP 113, LOT 092 OWNED BY JAYNE SUE LUDWIG), London, England, US Address: c/o Kenneth & Grace Berglund, PO Box 1295, Lincoln, NH 03251-1295 and property owner of 11 School Street, Lincoln, NH 03251 (Map 113, Lot 098). (Via Zoom.) [His parents are Kenneth & Grace Berglund who live next door at 15 School Street (Map 113, Lot 099).]
- **"I-Phone"** – is an unidentified participant #1 who named their computer handle, "i-Phone" (via Zoom).

- **Jennifer Kierce-Cuddy** (nonresident) (ABUTTER) owner & operator of J.J. Kierce Build & Design (part of Cuddy Brothers. Incorporated, 17 Schoolhouse Road, Medford, MA 02155 (via Zoom), co-owner with Christopher Cuddy of 17 School Street (Map 113, Lot 100) (via Zoom). Contractor for Raymond Berglund to do work on 11 School Street (Map 113, Lot 098)
- **Jayne S. Ludwig**, (resident) of 12 Pleasant Street, Lincoln, NH 03251 and owner of 12 Pleasant Street (Map 113, Lot 092).
- **Stephen (Steve) Noseworthy** (resident) of 12 Pleasant Street, Lincoln, NH 03251, and Planning Board member.
- **David Yager**, nonresident, (via ZOOM) (**AGENT FOR APPLICANT & INVESTOR IN OWNER LLC/APPLICANT**) of 57 Flanagan Drive, Framingham, MA 01701, (VIA ZOOM) principal for DLNR Family Limited Partnership, 57 Flanagan Drive, Framingham, MA 01701, owner of 10 Hemlock Drive (Map 121 Lot 007) and

**AGENT for APPLICANT & Investor in Mount Coolidge Construction, LLC** that owns:

- a. Woodland Loop Land Only – Map 114, Lot 080 (Common Areas)
- b. 7 Forest Pine Spur #B (Map 114, Lot 080-000-10-00017)
- c. 7 Forest Pine Spur #A (Map 114, Lot 080-000-10-00018)
- d. 3 Forest Pine Spur #B (Map 114, Lot 080-000-08-00019)
- e. 3 Forest Pine Spur #A (Map 114, Lot 080-000-08-00020)

And (**INVESTOR IN ABUTTER LLC**) in **NEWCO, LLC** of 3 Amalia Drive, Nashua, NH 03063 that owns:

- a. Woodland Loop – Master Lot – Map 115, Lot 003-000-CL-00000
- b. 2 Forest Ridge #Parcel – Map 114, Lot 076-000-CL-00000
- c. 2 Forest Ridge #Parcel – Map 114, Lot 082-000-CL-00000
- d. Woodland Loop – Map 114, Lot 077-000-CL-00000
- e. Twin Tip Terrace (formerly Woodland Loop) – Map 114, Lot 078-000-CL-00000
- f. Parcel 2 Forest Ridge (13.52 Acres) – Map 114, Lot 079-000-CL-00000
- g. Woodland Loop – Map 114, Lot 081-000-CL-00000
- h. 123B Woodland Loop – Map 114, Lot 082-000-02-00041
- i. 111B Woodland Loop – Map 114, Lot 082-000-08-00053
- j. 111A Woodland Loop – Map 114, Lot 082-000-08-00054

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

- **October 26, 2022**
  - Chairman James Spanos, Selectmen's Representative O.J. Robinson, Stephen Noseworthy, Paul Beaudin

**Motion to skip item II and move on to item III (not enough members to vote on minutes as only two voting members are present) by Member Noseworthy**

**Second by Vice Chairman Chenard**

**All in favor**

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

**A. SMW => REVIEW OF DETENTION PONDS AT THE PINES AT FOREST RIDGE AS APPROVED IN SITE PLAN REVIEW APPROVAL**

On September 14, 2022, Mount Coolidge Construction, LLC, conceptually sought a waiver of a portion of the Stormwater Management Ordinance – a waiver of Article V Stormwater Management Requirements, Section B of the Stormwater Management Ordinance. Section B reads as follows. “Post-development peak runoff rate and volume shall not exceed pre-development levels for a 25 year, 24-hour storm event.” The request was denied by the Planning Board.

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

**Agent(s):** David Yager  
57 Flanagan Drive  
Framingham, MA 01701

**Engineer:** Marc Burnell, PE, Project Manager, Horizons Engineering, Inc.  
34 School Street  
Littleton, NH 03561

**Property:** Map 114, Lot 080 (Woodland Loop Land Only) (8.26 Acres) in the Rural Residential (RR) District

**Subject:** Status update re: detention ponds at The Pines at Forest Ridge. Follow up.

**Presentation:**

Mr. David Yager provides an update. He has found a contractor to start the work to change the height of the stone berm between the two pools at the detention pond and to raise the outflow to the proper height. Weather permitting, the work will start on Monday November 14, 2022. The work to correct the two (2) issues is estimated to take two to three (2-3) days to complete. The guard rail installation is scheduled for November 18, 2022 but if that date gets pushed out, then the date for installation will be the week after Thanksgiving (November 28, 2022). Once complete, Horizons Engineering will conduct a final as-built. He hopes to have Horizons Engineering at the site when the work at The Pines pond is started on Monday November 14, 2022.

**Discussion:**

Chairman Spanos asks if the deficiency of the pond was due to contractor error. Mr. Yager replies that he does not know if it was due to contractor error, engineering error, or surveyor error as he was not present on the site for every step in the pond construction.

Mr. Yager said the new contractor will raise the headwall up to the proper height and will get the headwall to where it needs to be per the approved design. Once the headwall is completed, the contractor will raise the berm up. Previously, during construction the contractor said that Horizons Engineering was present on site and said the elevation was correct and construction stopped. When the "As-Built" plan was prepared, however, it was determined the detention pond was not built correctly. Mr. Yeager is not sure why the detention pond was not built correctly, but he now knows what needs to be done to fix the problems.

Town Engineer, Ray Korber is asked to add his input. Town Engineer Korber explains that the detention pond failed to meet both criteria for capacity and so was not in compliance with the Stormwater Management Ordinance (SMO). There are two (2) criteria for capacity: (1) discharge and (2) volume. The ponds did not meet the volume criteria. Essentially, the fix is to put weirs in the outlets. There are two (2) culverts that discharge water from the detention ponds. The contractor will be installing the weirs in those culverts to achieve the proper elevation to meet the SMO criteria as it relates to volume. The other component that Mr. Yager indicated is going to be fixed is to raise the elevation of the embankment between the fore bay and the micro-pool about two feet (2'). They will raise the elevation of the spillway about two feet (2') as well.

**Performance Bond:**

Chairman Spanos discusses the performance bond in the amount of eighty-two thousand one hundred sixty-seven dollars (\$82,167). Chairman Spanos asks Town Engineer Korber his opinion as to whether the bond amount would be enough money in case the town needed to step in and fix the issues. Town Engineer Korber replies "yes."

**Responsibility:**

Chairman Spanos asks who is going to be taking responsibility for the design. Both Mr. Yager and Town Engineer Korber agree that Horizons Engineering is the engineer of record and Horizons Engineering is the same individual that will provide the "as-built" plans which should meet the approved design plans. Mr. Yager hopes to have the as-built done within two to three (2-3) weeks after the work is complete, then he will ask to have the bonds removed.

Chairman Spanos asks if this part of the project will be complete by the end of the year. Mr. Yager reminds him of the dates given and confirms that the plan is to be complete by the end of the year.

**Motion to open public comment by Vice Chairman Chenard**

**Second by Member Noseworthy**

**All in favor**

**Public Comments:**

Mr. Kevin Barry, of The Pines comments that he was interested in knowing the next steps and what the timeline will be. He appreciates the ability to participate and the updates given by Mr. Yager.

**Motion to close public comment by Vice Chairman Chenard**

**Second by Member Noseworthy**

**All in favor**

**Question:**

Member Noseworthy asks if David Yager is an engineer. Chairman Spanos and Mr. Yager explain that David Yager is not an engineer but is an agent for Mt. Coolidge Construction, LLC and is part of the bank group that funded the development of this section of Forest Ridge (i.e., “The Pines at Forest Ridge”).

**Guard Rail:**

Mr. Yager would like to add for the record that the guard rail per the plan that was submitted, many months ago, is a steel guard rail that goes from about the beginning of the pond on Woodland Loop Road and continues around into the development. The guardrail is comprised of about one hundred seventy-five feet (175’) of steel guard rail.

The Planning Board discusses whether they can recall if a chain link fence as shown on the plan was also required. After some discussion, the Planning Board determines that only the guard rail was required and approved. After speaking with Fire Chief Ron Beard, Planner Bont and Chief Beard recall that the rationale used regarding not requiring the fence, was that putting a chain link fence around the entire detention pond area would make it difficult to rescue someone from the pond. Apparently, on occasion children and young people have been seen skating on the pond during the winter months.

**Follow-up:**

Chairman Spanos notes that the Planning Board will hold another public hearing once the work has been completed and the Board receives the “As-Built” plans.

The Planning Board discusses how the next hearing will be conducted.

Mr. Yager informs the Planning Board that the developer has turned “The Pines at Forest Ridge” over to the condominium association called “The Pines at Forest Ridge Condominium Association, Inc.” because the development known as “The Pines at Forest Ridge” is “substantially complete.”

The bond is between the Town and the developer, not between the Town and the Homeowners Association.

Mr. Kevin J. Barry who is on the board of directors for the “The Pines at Forest Ridge Condominium Association, Inc.” joins the discussion. He has questions regarding the whether and when developer turned the development known as “The Pines at Forest Ridge” over to “The Pines Condominium Association, Inc.” as he was not aware of that

resolution. He will follow-up with [Dennis Droggitis] President of “The Pine sat Forest Ridge Condominium Association, Inc.” and the Board of Directors to investigate the matter.

Vice Chairman Chenard reminds all of those present at this meeting, that this meeting is not about Condominium Association issues but simply to get an update on the status of the detention ponds. Mr. Yager and Mr. Barry will be in contact with each other to discuss the issues of the Condominium Association.

**B. UPDATE RE: DRAINAGE PROBLEM BETWEEN RAYMOND BERGLUND, 11 SCHOOL STREET (MAP 113, LOT 098) AND JAYNE LUDWIG, 12 PLEASANT STREET (MAP 113, LOT 092) AND PLANS FOR SOLUTION FROM PLANNING BOARD MEETINGS OF JUNE 8, 2022 AND AUGUST 10, 2022.**

On June 8, 2022 and then August 10, 2022, Raymond (Ray) Berglund, owner of 11 School Street, (Map 113, Lot 098) updated the Planning Board on the drainage issues between his property and the property of Jayne Ludwig at 12 Pleasant Street (Map 113, Lot 092). Berglund planned to put a fence between 12 Pleasant Street and 11 School Street. His plan entailed creating a retaining wall in the rear of the 11 School Street property with an above ground drainage run off system to force water down to a dry well. He was going to add French drains as well. He was going to install fencing after the drainage problems are fixed and the fence would be seven (7) inches onto the property of 11 School Street which will still allow both properties to access their garages. He was to email the plans to Planner Bont. Mr. Berglund asked to have this matter put on the agenda for September, 2022. On October 26, 2022, at the last Planning Board meeting Jayne Ludwig asked the Planning Board to request a status update as nothing has been done to date.

**\*\*\*Member Noseworthy recused himself (due to personal involvement) from the following matter, therefore, there will NOT be a quorum as three (3) members of the Planning Board must be physically present. Chairman Spanos would like to continue this issue to Tuesday, November 22, 2022.\*\*\***

**WORK SESSION. NO PUBLIC PARTICIPATION.**

- a. **Continue to Review Sign Ordinance to recommend changes to comply with Clyde Reed et. al. v. Town of Gilbert Arizona, 576 U.S. 155 (2015), 135 S Ct 2218 (2015).**

**\*\*\*Chair Spanos tables this work session as there aren't enough members present. \*\*\***

**IV. NEW BUSINESS: *None***

**V. PUBLIC PARTICIPATION AND OTHER BUSINESS:**

Planner Bont discusses the upcoming November 22, 2022 meeting agenda and informs the Planning Board that there will be two (2) full Site Plan Review hearings and a Conceptual discussion plus the issue between Mr. Berglund and Ms. Ludwig.

Chairman Spanos asks if there is any public participation. There is NO public participation.

**VI. ADJOURNMENT**

**Motion to adjourn by Vice Chairman Chenard**

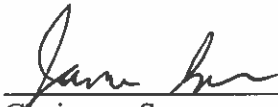
**Second by Member Noseworthy**

**All in favor**

Respectfully submitted,

*Judy Sherriff*  
Recording Secretary

Date Approved: December 14, 2022

  
Chairman Spanos

