

APPROVED

**Town of Lincoln, NH
Planning Board Meeting
Wednesday, April 28, 2021 – 6:00 PM
Lincoln Town Hall, 148 Main Street, Lincoln NH**

Due to the current COVID-19 situation, the Town Office is closed to the public. This meeting will be available only via the Zoom Meeting Platform to allow for town wide participation. The public is encouraged to participate remotely using ZOOM by going to:

Join Zoom Meeting

<https://us02web.zoom.us/j/82780964580?pwd=K1pwdE95Sm9aUEJEck5oRFdJZVBRUT09>

Meeting ID: 827 8096 4580

Passcode: 055689 Or dial by your location 1-929-205-6099 US (New York)

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

Present: Chairman James Spanos, Vice Chairman Joe Chenard, Board of Selectmen's Representative O.J. Robinson, Member Paul Beaudin and Alternate Mark Ehrman.

Excused: Member Steve Noseworthy

Staff Present: Town Planner Carole Bont, Fire Chief & Code Enforcement Officer/Health Officer/ZOOM Host & Moderator Ronald R. (Ron) Beard, and Town Manager Butch Burbank (for a portion of the meeting).

Consultants:

- **Town Engineer Raymond H. Korber P. E.**, KV Partners LLC, PO Box 7721, Gilford, NH 03249-7721 (via ZOOM)
- **Town Attorney Peter Malia**, Hastings Malia Law Office, P.A., 376 Main Street, PO Box 290, Fryeburg, ME 04037-0290 (via ZOOM)

Guests Present:

- **Attorney Mark Beaudoin**, (nonresident), (ATTORNEY FOR APPLICANTS), Nixon Peabody, LLP, City Hall Plaza, 900 Elm St, Manchester, NH 03101 - Outside Local NH Counsel for APPLICANT Remedy Medical Properties, LLC, an affiliate of which is the potential fee owner/developer;
- **Susanne (Susan) A. Chenard**, (resident) 11 Liberty Road, Lincoln NH 03251 (Map 107, Lot 061) and Realtor for Loon Reservation Service, 264 Main Street, Suite 12, PO Box 785, Lincoln, NH 03251-0785, and owner of 19 Maple Street (Map 118, Lot 069). Alternate member of the Zoning Board of Adjustment (via ZOOM).
- **Cathy Furttek Conway, P.E.**, (nonresident) (APPLICANTS' ENGINEER) Horizons Engineering, Inc., 34 School St., Littleton, NH 03561;

- **Robert Corson**, (nonresident) (APPLICANTS' ARCHITECT) Senior Architect, SMRT Inc., 75 Washington Avenue, Suite 3A, Portland, ME 04101.
- **Richard (Rick) Elliott**, nonresident, (APPLICANT/PROPERTY OWNER) Developer of Forest Ridge Resort, d/b/a Mount Coolidge Construction, LLC with Jared Elliott, and Manager of Mount Coolidge Construction, LLC of 3 Amalia Drive, Nashua, NH 03063 and owner of:

Woodland Loop Land Only – Map 114, Lot 080 (Common Areas)

and d/b/a (ABUTTER) NEWCO, LLC of 3 Amalia Drive, Nashua, NH 03063 and owner of:

Woodland Loop – Master Lot – Map 115, Lot 003-000-CL-00000

2 Forest Ridge #Parcel – Map 114, Lot 076-000-CL-00000

Woodland Loop – Map 114, Lot 077-000-CL-00000

Woodland Loop – Map 114, Lot 078-000-00-00000

Parcel 2 Forest Ridge (13.52 Acres) – Map 114, Lot 079-000-CL-00000

Woodland Loop – Map 114, Lot 081-000-CL-00000

2 Forest Ridge #Parcel – Map 114, Lot 082-000-CL-00000

123B Woodland Loop – Map 114, Lot 082-000-02-00041

123A Woodland Loop – Map 114, Lot 082-000-02-00042

121B Woodland Loop – Map 114, Lot 082-000-03-00043

121A Woodland Loop – Map 114, Lot 082-000-03-00044

119B Woodland Loop – Map 114, Lot 082-000-04-00045

119A Woodland Loop – Map 114, Lot 082-000-04-00046

111B Woodland Loop – Map 114, Lot 082-000-08-00053

111A Woodland Loop – Map 114, Lot 082-000-08-00054

- **David B. Martin**, (nonresident) (APPLICANT) (“**David’s I-Pad**”) Executive Vice President, Development for Remedy Medical Properties, Inc., 800 W Madison Street, Suite 400, Chicago, IL 60607;
- **Robert (Bob) F. Nutter**, (nonresident) (APPLICANT) President/CEO of Littleton Regional Hospital (which is the proposed main tenant of the new building to be constructed), Littleton Regional Healthcare, 600 St. Johnsbury Road, Littleton, NH 03561;
- **Attorney Barbara Peloquin**, (nonresident) (APPLICANT) Associate In-House Counsel for APPLICANT Remedy Medical Properties, LLC, Remedy Medical Properties, Inc., 800 W Madison Street, Suite 400, Chicago, IL 60607;
- **Darrell Philips**, (nonresident) (APPLICANT) Land Development Manager, Design & Construction, Remedy Medical Properties, Inc., 800 W Madison Street, Suite 400, Chicago, IL 60607;
- **Craig Piper**, (nonresident) (APPLICANTS' ARCHITECT) Senior Architect, SMRT Inc., 144 Fore Street, PO Box 618, Portland, ME 04104

- **Ryan St. Cyr**, (nonresident) (APPLICANT) **Director of Support Services, Littleton Regional Hospital**; Littleton Regional Healthcare, 600 St. Johnsbury Road, Littleton, NH 03561;
- **Jeff Woodward**, (nonresident) (APPLICANT) 38 Raven Lane, Franconia, NH 03580-0536, Vice Chair of the Board of Littleton Regional Healthcare, Littleton Regional Healthcare, 600 St. Johnsbury Road, Littleton, NH 03561.
- **David Yager**, nonresident, (**INVESTOR IN OWNER LLC - APPLICANT**) of 57 Flanagan Drive, Framingham, MA 01701, principal for DLNR Family Limited Partnership, 57 Flanagan Drive, Framingham, MA 01701, owner of 10 Hemlock Drive (Map 121 Lot 007) and

Investor in Mount Coolidge Construction, LLC that owns:

Woodland Loop Land Only – Map 114, Lot 080 (Common Areas)

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

Woodland Loop – Master Lot – Map 115, Lot 003-000-CL-00000

2 Forest Ridge #Parcel – Map 114, Lot 076-000-CL-00000

Woodland Loop – Map 114, Lot 077-000-CL-00000

Woodland Loop – Map 114, Lot 078-000-00-00000

Parcel 2 Forest Ridge (13.52 Acres) – Map 114, Lot 079-000-CL-00000

Woodland Loop – Map 114, Lot 081-000-CL-00000

2 Forest Ridge #Parcel – Map 114, Lot 082-000-CL-00000

123B Woodland Loop – Map 114, Lot 082-000-02-00041

123A Woodland Loop – Map 114, Lot 082-000-02-00042

121B Woodland Loop – Map 114, Lot 082-000-03-00043

121A Woodland Loop – Map 114, Lot 082-000-03-00044

119B Woodland Loop – Map 114, Lot 082-000-04-00045

119A Woodland Loop – Map 114, Lot 082-000-04-00046

111B Woodland Loop – Map 114, Lot 082-000-08-00053

111A Woodland Loop – Map 114, Lot 082-000-08-00054

(via Zoom).

- **(317)590-04371 (Person not identified)**

I. CALL TO ORDER by the Chairman of Planning Board (PB); announcement of excused absences, if any, and seating of alternates(s), if necessary. Alternate Ehrman is seated as Member Noseworthy was not present at the meeting.

II. CONSIDERATION OF THE MEETING MINUTES

“To approve the minutes of the March 24, 2021 meeting as presented.”

Motion: Member Robinson
Second: Member Beaudin
Motion carries with Member Ehrman abstaining

“To skip over consideration of the meeting minutes of April 14, 2021.”

Motion: Member Beaudin
Second: Vice Chair Chenard
Motion carries unanimously.

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

SPR 2021-01 M112 L018 Clark - Littleton Hospital SUBDIVISION & SITE PLAN REVIEW

Applicants:

Littleton Development Medical Properties, Inc.
800 W. Madison Street, Suite 400
Chicago, IL 60607

Littleton Hospital Association d/b/a Littleton Regional Hospital
600 St. Johnsbury Road
Littleton NH 03561

Property Owners:

Brenda Clark, Benjamin Clark, Jennifer Franz
PO Box 9
Lincoln, NH 03251-0009

Agent/Surveyor/Engineer:

Cathy Furtak Conway, P.E.
Horizons Engineering, Inc.
34 School Street
Littleton, NH 03561

Property: Railroad Street #LO (Map 112, Lot 018).
The property is located in the **General Use (GU) District.**

SUBDIVISION:

Proposal: Application for Subdivision proposes to divide 1 lot into 2 lots at the end of Railroad Street (50ft Private ROW). Lot is currently 5.51 acres. Applicant proposes to subdivide it into two (2) parcels:

- Lot 1: 33,867 SF (or 0.77 Ac); and
- Lot 2: 206,369 SF (or 4.74 Ac).

One new lot will be created. Improvements to these lots, extension of municipal water & sewer lines & extension of utilities will be required. The plan includes shared access easements to Lots 1 and 2.

SITE PLAN REVIEW:

Proposal:

- Lot 1 (above) 33,867 SF (or 0.77 Ac): Development of 4,000 SF Medical Office Building with associated parking on Lot 1; &
- Lot 2 (above) 206,369 SF (or 4.74 Ac): Development of 44,000 SF Medical Office Building with associated parking on Lot 2.

The first public hearing was held on March 24, 2021. The application was found to be complete. The Applicant's presentation and public hearing were started. The hearing was continued to Wednesday, April 28, 2021 at 6:00 PM.

Planning Board Determination of Whether Proposed Development is a Development of Potential Regional Impact (DRI).

APPLICATION FOR SUBDIVISION

Presentation/Review of Whether the Proposed Development is of Potential Regional Impact

Planner Bont and Attorney Malia informed the Board that per NH RSA 36:54, the Board should consider the criteria provided in the RSAs to determine whether or not this project has a regional impact on an abutting municipality as well as on the region as a whole. In addition, the Planning Board should consider "Developments of Regional Impact Review Guidelines for the North Country Per NH RSA 36:54-58 adopted October 28, 2010" ("Guidelines") adopted by members of the North Country Council Regional Planning Commission. (The Town of Lincoln was and is a Member of the North Country Regional Planning Commission.) Attorney Malia stated that if the Planning Board determines this to be the case, the Town of Woodstock and the North Country Council Regional Planning Commission should be invited to a meeting to give input. Planner Bont specifically pointed out that the Planning Board should consider how this project may or may not affect the neighboring municipality as well as whether the criteria outlined in the RSA and in the Guidelines regarding the potential for this project to generate additional vehicular traffic/trips.

Applicant's Engineer Cathy Conway presented on behalf of the applicant. She addressed Planner Bont and Attorney Malia's comments. She stated that she does not see how the project will affect the Town of Woodstock as the proposed project cannot be seen from the neighboring municipality. The land that supports the north and south bound entrance ramps for Interstate 93 lies between the proposed site and the property in the Town of Woodstock so the proposed development does not directly "abut" a municipal boundary with Woodstock. In regards to the trip generation criteria, she stated that although this project would exceed the threshold amount of one hundred (100) trips per day criteria, this particular traffic is not really "new" traffic as the drivers would be traveling to a medical appointment elsewhere if not in Lincoln.

Vice Chair Chenard stated that this project will bring more than one hundred (100) trips per day to Lincoln thus it does have an impact to the Town of Woodstock that should be considered.

“That the aforementioned project is not a project of regional impact.”

Motion: Member Beaudin

Second: Member Ehrman

All in favor

SUBDIVISION PRESENTATION:

Applicant’s Engineer Conway stated that there are no changes from their original submission for subdivision approval or from the last meeting. Applicants are subdividing a 5.1-acre lot into two (2) lots.

- Lot 1 is 33,867 SF (or 0.77 Ac) for the development of a 4,000 SF Urgent Care Facility and
- Lot 2 is 206,369 SF (or 4.74 Ac) for the development of a 44,000 SF Medical Office Building.

Lot Coverage:

- Lot 1 (above) 33,867 SF (or 0.77 Ac): Development of 4,000 SF Urgent Care Facility on Lot 1 and associated parking with **lot coverage of 59%**; and
- Lot 2 (above) 206,369 SF (or 4.74 Ac): Development of 44,000 SF Medical Office Building with associated parking on Lot 2 with **lot coverage of 52%**.

Applicant’s Engineer Conway directed the Planning Board to look at Sheet C3 of the Plan Set submitted, to the west of the medical office building where she shows a proposed boulder retaining wall. There is a little dashed triangular area. That triangular area has not been included in their calculations because there is some question about the ownership of that triangular piece. Until the ownership of that triangular piece gets settled, she left that piece out of their calculations to be certain they were meeting all of the requirements.

SITE PLAN REVIEW PRESENTATION:

Appearance of the Buildings:

Applicant’s Engineer Conway directed the Planning Board’s attention to the revised plans the Planning Board received earlier that week with some colored renderings that show what the proposed buildings would look like. The plans include an aerial view, a view of both the Medical Office Building and the Urgent Care Facility.

At the last meeting there was conversation about the last page with another rendering of the Urgent Care Facility. Applicant’s Engineer Conway asked the Planning Board if they had any questions about the design of the buildings what they are proposing the buildings will look like? Do these renderings address some of the Planning Board’s questions?

No one had any questions.

Signage:

Member Beaudin asked Applicant's Engineer Conway if everything was up to date and if all signs proposed were shown on the revised plans submitted, including the requested free standing and wall signs on the buildings. Applicant's Engineer Conway said yes, all proposed signs are shown on the plans submitted. The signs are on Sheet C5 of the revised plans submitted, including the off-site sign permitted by the ZBA's granting of a Special Exception.

Chair Spanos asked if the plan included the sign that was proposed to be sixty feet (60') high as well.

Applicant's Engineer Conway said the sign that is furthest to the north on the large parcel where it comes to a triangle as shown on Sheet C5 the Applicant would like to put in at seventy-five feet (75') high. She spoke with Shari King, Outdoor Advertising Control Supervisor at NH DOT "who is the sign person". Because that sign is on the subject parcel NH DOT has no regulations for that particular sign. She does understand that the Town's regulations allow for twenty-foot (20') signs so she suspects that the Applicant would need to go to the ZBA for a Special Exception for that additional height for their signage. Chair Spanos agreed.

Applicant's Engineer Conway said all of the other proposed signs meet the Town's Sign Ordinance portion of the Land Use Plan Ordinance.

Vice Chair Chenard said he understood that the signs within a certain number of feet from the federal instate were subject to US Federal Government Guidelines for the Highway Beautification Act.

Applicant's Engineer Conway said she can forward the correspondence she had with Shari King, Outdoor Advertising Control Supervisor at NH DOT to Planner Bont that applicant did not need any sign permits from NH DOT to share with the Planning Board. When speaking with NH DOT's Ms. King, Ms. Conway questioned that advice. Ms. Conway said she explained that the applicant's lot was adjacent to I-93. In response, Ms. King said the applicant still did not need any permit from NH DOT as long as the sign is on the subject parcel.

Applicant's Engineer Conway clarified the location of the sign. The seventy-five foot (75') tall free-standing on-premise sign is on the subject parcel; it is on the northernmost corner of Lot 2. The first off-premise sign (that was granted a Special Exception by the ZBA) is on the Clark lot located at the intersection of Railroad Street and Donovan Road (Map 112, Lot 019). The second off premise sign is located on the State Right-of-way for NH Route 112/Main Street in front of McDonald's Restaurant at 16 Main Street (Map 112, Lot 012). The applicant has already submitted an application for a State Sign Permit for that second free-standing off-premise sign. The other components of the second off premise sign meet the Town's Sign Ordinance requirements in terms of height; it is twenty feet (20') high.

Vice Chair Chenard asked about whether the tall sign needed to comply with the "Lady Bird Johnson" Act.

“Lady Bird Johnson” Act is referring to the “Highway Beautification Act (HBA) of 1965” nicknamed “Lady Bird’s Bill” that calls for control of outdoor advertising, including the removal of certain types of signs along the US Interstate Highway System and the existing federal-aid primary highway system. It also required certain junkyards along Interstate or primary highways to be removed or screened and encouraged scenic enhancement and roadside development. (Public Law 89-285-October 22, 1965).

Member Ehrman said he does not think the Town has the obligation to enforce federal legislation when the NH DOT has already declared it has no interest in such enforcement. He is in favor of a medical facility having clear signage as he deems it in the public interest.

Vice Chair Chenard said the proposed facility is distinguishable from a medical facility that provides 24 hour per day medical coverage for emergency services. People will be lured off the interstate thinking there is an around the clock care facility and there is not one.

Applicant and Vice Chair of the Board of Littleton Regional Healthcare Jeff Woodward said NH DOT ‘s level of concern about the proposed sign was consistent with his experience for his billboard sign for Alpine Adventures. Mr. Woodward said if you come up I-93 on the land “we” (OJ Robinson and Jeff Woodward d/b/a Alpine Adventures and d/b/a NLI, Inc.) own and operate Alpine Adventures (Map 112, Lots 052 - 41 Main Street - Alpine Adventures), Map 112, Lot 053 – 43 Main Street – House) and Map 112, Lot 054 – 45 Main Street) and we have a big sign that you can see from the I-93 interstate. “We did not need to get any permits for that.”

Member Ehrman said he thought that there were also economic reasons why the Planning Board should not look with disfavor on the proposed sign for a business with beneficial impact on the Town.

Nonconforming Signage to go to ZBA for Special Exception:

Member Beaudin suggested that as far as the Planning Board is concerned, the applicant should go the ZBA to request a Special Exception for the signage; it is a ZBA matter.

Drainage:

Applicant’s Engineer Conway pointed out another revision on Sheet C3 of the plan set submitted: the drainage calculations and sizing have been completed. The catch basins and culverts have been sized and the inverts are on the plan now.

According to Applicant’s Engineer Conway, it is a basic standard drainage design with all of the water draining towards to the southwest corner of the lot. There is only one (1) pre-development discharge point and one (1) post-development discharge point. The soil content has a very sandy rapid infiltration soil so she has designed a sediment forebay has been designed to treat the stormwater as well as an infiltration basin. At the bottom of the infiltration basin there will be about twenty-four inches (24”) of enhanced material to slow the infiltration rate down. Ms. Conway said she has spoken with NHDOT regarding this location and discharge point because NHDOT owns the property on the other side of the discharge point. As long as they do not increase the post development runoff of water from the lot compared to predevelopment runoff and as long as the stormwater gets to the NHDOT culvert across the I-93 northbound ramp

NHDOT should be “all set” with it. NHDOT will also review all of the calculations and the design plans.

Applicant’s Engineer Conway said the design is designed to meet both the State’s Alteration of Terrain (AoT) requirements and Town’s Stormwater Management Ordinance requirements for the twenty-five (25) year storm.

Applicant’s Engineer Conway has completed the calculations for the water recharge volume and she exceeds current groundwater recharge volumes.

Alteration of Terrain Permit:

Applicant’s Engineer Conway said she has submitted the AoT Permit Application to NH Department of Environmental Services (NHDES) for their review and approval of the plan.

Member Beaudin said that the plan for the infiltration pond for this project is similar to the plan submitted to the Town for the detention ponds up at Forest Ridge (by another engineer from Horizons Engineering, Inc.). The Town has some issues with the proper functioning of the Forest Ridge plan. Member Beaudin questioned what would happen if the drainage plan does not work properly or has issues and a lot more discharge was released onto the NHDOT property. He added that he has not seen any correspondence from NHDOT agreeing with her proposed plan.

Applicant’s Engineer Conway said this site is very different from the Forest Ridge site which is a very steep site on which they had to fit a detention pond on and the soils there are very different, subject to erosion. She suggested the Board look at the numbers in their drainage plan. For a 2-year storm, there is 0.0 runoff and 0.2 in the 10-year storm. If you walk the site, the site is fairly level with very good draining. As part of the NHDOT driveway permit they will be getting, NHDOT will review this drainage analysis and either ask us for additional information or approve it as is. While we do not have that approval tonight, we will be getting approval and hopefully get Planning Board approval based on receiving that AoT permit.

Town Engineer Ray Korber stated that he has not had a chance to review the drainage analysis or even the plans. He just received the revised plans this afternoon and has not yet had a chance to do a thorough review of the drainage analysis that was just received on Friday. He stated that a thorough Stormwater Management Analysis would be done. Based on what Applicant’s Engineer Conway said, it is possible that their drainage plan will meet the State and Town’s requirements, but the “devil is in the details”. He will get back to Applicant’s Engineer Conway with any comments.

Town Engineer Ray Korber laid out the process for the Planning Board.

1. Town Engineer reviews the Applicant’s drainage analysis to make sure that based on their review and in their opinion the drainage system was constructed correctly and what is shown on the plans is accurately reflected in the computer model the Applicant’s Engineer developed to do the analysis.

2. Town Engineer makes sure the analysis and assumptions Applicant's engineer made to do the analysis and the design criteria were correct. Once the Town Engineer is done there are several other steps that need to be taken.
3. Applicant's Engineer has to submit an "as-built plan" to the Town before final approval to ensure that what got designed actually got built.
4. Applicant's Engineer of record who designed the drainage system also need to show up while the drainage system is being built to verify that the system is being built in accordance with the plan.
5. After the system is built, the Engineer of Record has to sign a Construction Control Affidavit swearing that what got designed actually got built.

These steps in the process assures that ponds will ultimately be built the way they are supposed to be built.

Sewer Capacity Analysis:

Applicant's Engineer Conway reviewed the Sewer Capacity Analysis with the Planning Board. She submitted a couple of 8 ½"x11" sheets with the revised plans and an 11"x17" exhibit that showed how sewage from the property ran through the treatment plant. She used a combination of obtaining sewer manhole ties and sewer manhole inverts from an infield survey. She used the 2018 Hampton Inn Sewer Capacity Study. Study when she got across the street towards the treatment plant. She explained that using NH DES regulations, she determined:

- The flow from the property is estimated to be eight thousand two hundred gallons per day (8,200 gpd); and
- The peak factor, using a peak factor of six (6), their peak flow from the property is 0.076 cubic feet per second (0.076 CFS).

Applicant's Engineer Conway said the survey of the sewer along Railroad Street showed a combination of eight-inch (8") and twelve-inch (12") polyvinyl chloride (PVC) pipes. The last manhole near the intersection of Railroad Street and Main Street is where the municipal line begins and the private line ends. To determine existing flow into the sewer line she looked at all of the existing buildings that contribute to the sewer flow on Railroad Street including:

- The Hobo Railroad (Owners: Brenda Clark, Benjamin Clark & Jennifer Clark, 64 Railroad Street Train Station (Map 112, Lot 019);
- The subject parcel (Owners: Brenda Clark, Benjamin Clark & Jennifer Clark, Railroad Street #LO (Map 112, Lot 019);
- The Holiday Inn Express (Owner: AMBA Hotel, LLC, 21 Railroad Street Map 112, Lot 017);
- Hobo Hills Adventure Golf - Mini-Golf (Owner: Hobo Hills Adventure Golf, 50 Railroad Street (Map 112, Lot 021);
- Two residential homes (Owners: Raymond & Marie DeGrace 4 Donovan Drive (Map 112, Lot 015); and

- Rodgers Ski and Sport Shop (Owner: Great Stone Face Skier, LLC, 5 Railroad Street (Map 112, Lot 014).

Applicant's Engineer Conway said all of those properties contribute to the flow on Railroad Street. Then she crossed Main Street over to Recycle Road [from Sewer Manhole (SMH) #2080 to Sewer Manhole (SMH) #2060] to add in the existing flow from McDonald's Restaurant (Owner: Peter Napoli d/b/a The Napoli Group, LLC, 16 Main Street, (Map 112, Lot 012). Once she got down to Sewer Manhole (SMH) #2030 located at the intersection of Recycle Road and the State of NH Bureau of Rail and Transit railroad right-of-way (Owner: State of NH, Bureau of Rail and Transit – NHDOT, Main Street – Boston & ME, Map 112 Lot 010) based on the Department of Public Works plan, utilizing the data from DuBois & King where the flow from the rest of Main Street come, she added in the projected and existing flow from Railroad Street to make sure there was sewer adequate capacity. (See "Sewer Capacity Analysis Exhibit #1 Sheet 2 of 2.) She came across Main Street and down Recycle Road. Then she calculated the flow from the rest of Main Street where that additional flow comes into that Sewer Manhole (SMH) #2030 and then travels on into the Sewer Treatment Plant to Sewer Manhole (SMH) #1. She asked the Planning Board to look at Table 1. What she found was that the capacity of each segment from manhole to manhole far exceeds the peak flow, post development.

Take into Consideration Pre-Approved Developments:

Member Beaudin asked Applicant's Engineer Conway if her calculations took into account what the Town has already committed to by granting approvals for water and sewer demands. Some of those calculations might change as things are added in from places like South Peak Resort. He asked how that would work in a process like this.

Town Engineer Korber said they are doing a sewer capacity analysis to evaluate that question and have done so for the two (2) developments recently approved: the Hampton Inn and the Fairfield Inn. For those two developments the Town asked the hotel applicants' engineers to do a capacity analysis just like how Applicant's Engineer Conway laid out for this project. The Town has that information and will be applying that information to this project.

Applicant's Engineer Conway directed the Planning Board to look at her notes on Table 1. From the 2018 Study she took the current peak hourly flow and added some additional for "The Rapids" and "South Peak Resort" just as DuBois & King did for that hotel. Town Engineer Korber will get a chance to look at her analysis and see if he has any additional data that she needs to consider.

Town Engineer Korber said he has already taken a look at the 2020 data that he received from the Town. The data is very similar to the 2017 and 2018 data. He does not anticipate there will be anything substantially different for determining flows that are being estimated here. When he conducts the review of this project, he will be taking into consideration the ongoing sewer impact analysis currently being done for the Hampton Inn and Fairfield Inn.

Member Beaudin said Fire Chief/Health Officer/Code Compliance Officer Ron Beard had alerted the Town to the water issue for South Peak Resort (i.e., the amount of water usage and subsequently how that affects the sewer usage. The buildings over at South Peak Resort are bigger than were contemplated in the Design Plan. Consequently, the constructed houses are using more water due to increased capacity due to more bedrooms and more bathrooms than was

originally envisioned. He asked if this sewer capacity study took into consideration that type information.

Town Engineer Korber said that phenomenon was part of their recent capacity study. The Town's engineers have been working on that study and will be wrapping up that project soon, at the end of this week, maybe the end of next week so the Town should have that information updated. South Peak Resort discharges to the manhole just upstream of the headworks so it does not affect the sewer for this specific project.

Fire Flow Analysis:

Applicant's Engineer Conway stated that there have not been any changes or additions or alterations from the last presentation. In the package for the Planning Board for the March meeting, the fire flow tests were conducted and she found that there is:

- A fire flow of one thousand five hundred gallons per minute (1,500 GPM);
- Static pressure of 117 psi; and
- Residual pressure of 112 psi.

Applicant's Engineer Conway said she estimated that the required fire flow for the property would be one thousand gallons per minute (1,000 GPM) for two (2) hours. She had one thousand five hundred gallons per minute (1,500 GPM).

Applicant's Engineer Conway said she has not played with the hydraulic model because she has not seen anything from Weston & Sampson to put these numbers into the Town's existing model so she can do the capacity analysis within the next few weeks.

The requirements for the subject parcel:

- We can meet our required one thousand gallons per minute (1,000 GPM) need;
- Our daily flow was fifty gallons per minute (50 GPM).

Town's Ability to Provide Water for Fire Flow for Fire Protection:

The Planning Board discussed available fire flow in the Town in light of all of the pending projects, including The Landing, The Rapids, Forest Ridge, Coolidge Falls and South Peak Resort as well as the three approved hotels (Hampton Inn, Fairfield Inn and RiverWalk Phase II).

Town Engineer Korber said that when the Planning Board was reviewing the applications for the two (2) hotels, there was a report from a study done by an engineering consulting firm that concluded that with the Town's existing water system there was no available water for fire flow in the main pressure zone which is area of the Town's distribution system that the Planning Board is talking about for this project. Subsequent to that study and report, the Town retained another consulting firm (Weston & Sampson) to do further analysis and it looks like now there is adequate water for fire flow in the main pressure zone. So, the Town just received a report from Weston & Sampson as part of a tank siting study so additional work has been done on analyzing the town's water distribution system. So that new information will be taken into consideration during the peer review of this project.

Member Beaudin wants to be sure the Town has the available capacity for fire flow before giving the final approval to the large projects that are currently in the application process. He asked if

the Town had plenty of capacity for fire flow at all of the locations that were previously granted Site Plan Review approvals.

Town Engineer Korber said it is not as clear cut as that. There are some improvements that Weston & Sampson is recommending to provide sufficient fire suppression in the community. The Town will have to decide whether it wants to move forward and make some of those improvements. KVPartners is taking those into consideration as they move forward on the peer review for this project.

Member Beaudin asked if those improvements would have to be implemented prior to this project moving forward. Town Engineer Korber said not necessarily. However, at some point those improvements will have to be made as the community continues to develop and new projects come on line. At some point those capital improvements will have to be made.

Member Beaudin asked how the Planning Board was going to address the allocation of resources. The Planning Board has already approved three hotels to go forward. (1) Hampton Inn, (2) Fairfield Inn; and (3) Phase II of RiverWalk at Loon Resort. Do we just keep giving approvals until the capacity runs out?

Fire Chief Ron Beard said with applications like this the Town Engineer and Town staff recommend that the Applicant do a site-specific analysis with Weston & Sampson Engineers who will plug the applicant's numbers into the current model. That is what they did with Phase II of RiverWalk. So, if the Applicant has Weston & Sampson review the model and plug in their numbers then Weston & Sampson would tell the Applicant if the Applicant has the needed fire flow for that site based on current model.

Member Beaudin said this application is for two (2) buildings, not one, but only one (1) of the two (2) buildings will be constructed initially. If the Planning Board gives approval and then the second one begins to come on line and meanwhile, during the interim, the three previously approved hotels are constructed and come on line. What happens if the Town cannot provide adequate water for all of these new users and structures and the new improvements to the water system?

Fire Chief Beard said that the production of potable water is not in question, the available fire flow is. Applicant is designing Type 2A buildings which is the type of construction most fire resistant thus reducing needed fire flow. Based on what the applicant intends to build, and that they are working with Weston & Sampson to do a site-specific evaluation, the Town will get a report from Weston & Sampson indicating whether the applicant's design can meet the needed fire flow for each building those two (2) lots.

Town Engineer Korber explained that the concern for adequate water for fire suppression came to light back in 2017 or 2018 when the Town received information that raised concerns about the Town's ability to provide water capability of the distribution system for fire suppression. Since then, the Town has received new information that confirms that there is likely sufficient water fire flow protection in the downtown area. However, part of the Town's Site Plan Review process is to have applicants for proposed projects do a site-specific hydrology analysis now that the Town has developed a new water model. When that analysis gets run using the new water model, that information goes to the Applicant. The Applicant then hands that information to their fire suppression engineer. Then the fire suppression engineer designs the applicant's fire suppression system in the building around what the Town can actually offer for fire suppression

at the site. It is more of a collaborative effort to try to ensure that the correct fire protection is offered to the development. All of those changes have been together over the last eighteen (18) months to two (2) years.

For the Record, Eventually the Water Will Run Out and We Will Have to Say “No.”:

Town Manager Butch Burbank said “for the record” we are “dancing around the elephant in the room”. At some point, somebody is going to be told “no”. The Board of Selectmen made the policy determination that “first come, first served”. We are ticking off new proposed projects one at a time. Until there are improvements made to our municipal water system, somebody is going to get to the door with their proposed project and be told, “no”. It is a Planning Board issue and how the Planning Board deals with it is up to the Planning Board.

Member Beaudin agreed with Town Manager Butch Burbank.

He said that is why Towns have impact fees. The Town Land Use Plan Ordinance (LUPO) has Impact Fee Regulations and Requirements in it. That is something that should be considered at this time.

Town Engineer Korber will be the point of contact for Applicant’s Engineer Conway to get the information for the water model to Weston & Sampson to do the Hydraulic Analysis.

Drainage:

Vice Chair Chenard said that Applicant’s Engineer Conway is correct about the drainage: the subject lot is not like other lots the Planning Board has considered like Forest Ridge. There is no huge mountain nearby whose water drains off and onto this lot like up at Forest Ridge. The subject lot is flat ground whereas Forest Ridge is not.

Impact of South Peak Resort Development on Town Water System:

Vice Chair Chenard asked about the impact of South Mountain Resort on the Town’s Water System? Impact Fees? How is South Peak Resort going to impact the current water structure?

Could the Town Obtain Water from Loon Mountain Recreation Corporation’s Snow Making Line:

Vice Chair Chenard asked about getting water from the two-foot (2’) [snow making] pipe from Loon Mountain Recreation Corporation (Loon). According to Chenard, Loon said they could shut off one part of their snow making line and have the water line up and running in forty-five (45) minutes to increase the Town’s water supply in less than two (2) minutes.

Fire Chief Beard said the Fire Department did a test on that Loon snow making line once. It took between forty-five (45) minutes to an hour before Loon got the proper water flow of at least five hundred gallons per minute (500 GPM). The problem is the pump for the snowmaking is a high volume, low pressure pump. The pump cannot build up enough pressure to do a fire suppression job. The 24-inch water main is deep underground. In order to pressurize the water all of the way up to the hydrant Loon has to have enough pressure to push the water up and out of the hydrant to feed the fire truck. In order to do so, Loon had to shut the return to the East Branch Pemigewasset River (“Pemi”) by three quarters (3/4). When Loon shut the return to the Pemi, Loon was running the pump at around 3,000 gallons per minutes (3,000 GPM).

Fire Chief Beard said due to COVID-19 situation, the Fire Department has not done any more testing. They have to do more testing; there are still some things to work out. Trying to turn high volume pumps into high pressure pumps can create a lot of damage in a hurry; the pumps get overheated and damage the packings. To get water to that site the Fire Department would have to use 3,000 feet of four-inch (4") hose and shut down Main Street.

Vice Chair Chenard had a number of suggestions, but Fire Chief Beard said the Loon Mountain snowmaking line is not part of the Town's infrastructure to control. People from Loon Mountain would need to be available to turn the pumps on at all times. He thinks Applicant's Engineer is on the right path to work with Weston & Sampson and plug their numbers into the water model.

Alternate Ehrman said he thought that the Planning Board should look at impact fees. We brought it up before and it never is on the agenda. We should put impact fees on the agenda. Chair Spanos said the Town has impact fees and they have just been raised significantly. There is a bedroom impact fee. This is a different discussion. We should be discussing the Site Plan Review for this project.

Town Attorney Peter Malia reminded the Planning Board that back on March 24, 2021, the Planning Board approved a number of motions requiring several studies including:

- Water Capacity Study
- Hydraulic Study for Fire Protection;
- Sewer Capacity Study

When the Planning Board receives those studies their comfort level should increase with the site's ability to provide the Fire Department with what it needs for fire protection.

Town Attorney Peter Malia said there is a state statute that governs offsite improvements required in part by a development. (See NH RSA 674:21,V.) The statute does allow the Town to impose impact fees on a development. It is a very detailed cumbersome set of statutes. It is not often utilized, but it is used on occasion. He offered to provide the Planning Board prior to their next meeting with that statute and a brief summary of how that would work.

Water Capacity Analysis:

Applicant's Engineer Conway said a Water Capacity Study was prepared and submitted, but not reviewed by Town Engineer yet.

Domestic water needs amount to 7,200 gallons per day.

Water uses a peak factor of 10 so that put the applicant at 50 gallons per minute.

She calculated it two different ways and came up with fifty (50 GPM) and fifty-one gallons per minute (51 GPM) so she is confident about that number.

Road Access

Applicant's Engineer Conway stated that all except for the first couple of hundred feet of Railroad Street from the intersection of NH Route 112/Main Street and Railroad Street to Donovan Drive is a private road owned by the Clarks. The applicant is negotiating an agreement with the Clarks for access as well as utility connections.

Applicant's Engineer Conway stated there are some parking spaces (for the Hobo Railroad and the Hobo Hill Adventure Golf) that extend into the fifty-foot (50') right-of-way for Railroad Street. (See Sheet C-3.) The applicant is working on negotiating with the Clarks to work out an agreement about the right-of-way.

Applicant's Engineer Conway stated both a NHDOT driveway permit and a Town driveway permit will be needed. NHDOT requires the Town to get a NH DOT State driveway permit as the access to the proposed projects will directly affect the intersection of Railroad Street and NH Route 112/Main Street. Although the subject parcel does not directly access the State highway, the proposed project will have an impact on the Railroad Street/Main Street intersection; that is why NH DOT is involved.

When that situation occurs, the Town is required to be the applicant for the NHDOT driveway permit because the portion of Railroad Street that enters into the State Highway (NH Route 112/Main Street) is a Town Road. It is the Town, not the developer who has to get a State Driveway Permit to impact the State highway.

Applicant's Engineer Conway informed the Planning Board that last week the Applicant held a ZOOM scoping meeting with the about eight (8) different people including the Concord office as well as the local office of NH DOT. The Applicant hired as a consultant Traffic Engineer Steve Pernaw to complete the Traffic Analysis. As a result of the scoping meeting, they determined:

- Study area;
 - For NH DOT the Applicant will do the current traffic as well as the anticipated traffic for the two (2) facilities, looking from the intersection at I-93 up to Railroad Street as their study area.
- Trip generation numbers;
 - Daily traffic generated anticipated is as follows:
 - At the urgent care facility, they expect approximately forty-five (45) patients per day. That would equate to about four to five (4-5) employees.
 - At the medical office building, they expect approximately one hundred fifty (150) patients per day. That would equate to about thirty (30) employees.
- Calculations of the Institute of Transportation Engineers (ITE) numbers by number of employees and the square footage of the buildings;
- Site specific data based on Littleton Regional Hospital estimates;
- The level of traffic on Railroad Street. (Applicant's Engineer Conway said a lot of what they did is very similar to what was done for the RiverWalk at Loon Resort project in terms of classifying the road as a "Group 6" or "seasonal use highway". [Did she mean a Class VI road under RSA 229:5? Class VI roads include those that have been discontinued subject to gates and bars, as well as those that have "not been maintained and repaired by the town in suitable condition for travel" for five successive years or more.];
- 10-year analysis period
- Peak months are August and October

- Peak flows for both facilities are not going to coincide with peak flows for tourist attractions like the ski area or other tourist attractions.
- At this point in time, the Applicant does not anticipate utilizing Connector Road.
 - There are some items in the way of the right-of-way for Railroad Street. Applicant's preference for ease of access is to utilize Railroad Street and Main Street.

Applicant will be submitting an Application for a NH DOT Driveway Permit which will address any drainage onto NH DOT's property as well as any turning movements or turning lanes or whatever else NH DOT may require. For example, putting a stop sign in and striping Railroad Street to identify or clarify the flow of traffic.

Data collection will be done next week with a preliminary Traffic Study Report completed by the end of May and that report will be submitted with the NH DOT application.

Who Pays for the Enhancements Required by NH DOT for Driveway Permit?

Member Beaudin asked about a comment made at the scoping meeting that NH DOT along with the Town will set requirements for "managing risks" at the intersection of Railroad Street and NH Route 112/Main Street. He asked if NH DOT tells the Town to make enhancements at the intersection (i.e., a street light or cross walks or stop sign or widening the roadway) would that cost be borne by the applicant or the Town and how does that happen. Is that done as an amendment or is that something everyone takes for granted?

Applicant's Engineer Conway said typically in these situations, even though the Town has to be the applicant, it is up to the developer to pay for those enhancements because if it were not for his development those enhancements would not necessarily be required. Those enhancements will be a requirement of the NH DOT Driveway Permit. For example, if the applicant needs to put in a stop bar and a stop sign, that will be a requirement of that driveway permit. If we do not do it in a timely fashion, then there are consequences. She has never seen NH DOT issue a fine, but she has a project in Littleton where the developer has not done everything he was supposed to and NH DOT is continuing to follow up with the developer and at some point, she expects NH DOT to take steps to enforce it. Just like the Town requires an "as-built plan" after the detention ponds are complete to verify that the ponds are built correctly, NH DOT has similar requirements for their driveway permits to make sure the applicant installs what was required as part of the permit based on the traffic analysis.

Possible Condition of Approval:

Member Beaudin asked whether these should be a condition of future approvals. Chair Spanos said these can all be identified in the Notice of Decision. For example, the Applicant shall pay for any improvements required to the intersection of Railroad Street and NH Route 112/Main Street. Attorney Malia said that could be a possible condition of approval.

Traffic:

Member Beaudin said David Rodgers at Rodgers Ski and Sport owned by Great Stone Face Skier, LLC at 5 Railroad Street (Map 112, Lot 014) has a very busy ski and snowboard rental operation and has a lot of customer traffic related directly to the ski area that impacts that intersection. He thinks the added traffic for the proposed facilities may affect his business and his operation and asked the applicant to take that into consideration as well. Applicant's Engineer Conway assured him that the Traffic Study would look at the traffic to and from that business and the other businesses on Railroad Street and the potential impact on the intersection and whether it requires a right- or left-hand turning lane. Free flowing traffic is NH DOT's goal.

Possible Condition of Approval:

Member Beaudin asked if no traffic onto Connector Road should also be a condition of approval. Perhaps it could be written on the plan.

Applicant's Engineer Conway said at this point the applicant does not anticipate traffic using Connector Road because all of the signage is going to be directing traffic to the entrance from NH Route 112/Main Street. Will a driver who is familiar with the layout of the area from time to time go out on Connector Road? I am sure they will, but that is not their intent. Their intent is to have the main access to the facilities from Railroad Street off NH Route 112/Main Street.

Applicant and Vice Chair of the Board of Littleton Regional Healthcare Jeff Woodward stated that the second and larger medical building will not be open on weekends which is the peak time for Rodgers Ski and Sport and thus should not impact traffic flow and access to Rogers Ski and Sport.

Railroad Crossing:

Planner Bont brought up the railroad crossing that crosses Railroad Street as well as Main Street. Town Engineer Korber stated that the issue of the licensing of the railroad crossing near the intersection of Railroad Street and NH Route 112 was a Town issue that should be addressed by the Town with the NHDOT Railroad Bureau.

Alteration of Terrain Permit:

Applicant's Engineer Conway said the Alteration of Terrain Permit (AoT) Application was submitted today. An electronic copy was emailed to Planner Bont & Town Engineer Korber. A hardcopy was mailed to them as well. Planner Bont forwarded the email to members of the Planning Board with the link to access the drop box where the AoT was uploaded so members could download the AoT.

Applicant's Request for Approval:

Applicant's Engineer Conway requested that the Planning Board grant conditional approval for their application for Site Plan Review approval and Subdivision approval based on the Town Engineer Korber's review of Water, Sewer, Stormwater, as well as the AoT and NH DOT Driveway Permit state permits that will be issued.

Bonding

Member Beaudin asked about bonding for this project. Town Engineer Korber stated that what works best is for the Applicant's Engineer of record to develop a cost estimate and submit it to the Town Engineer for review and comment. That is the best way to come up with a cost estimate for the amount of a performance bond.

Applicant's Engineer Conway said her team of engineers can put a cost estimate together for Town Engineer Korber to review.

Selectmen's Representative Robinson asked for Town Engineer Korber's input about what aspects of the project should be bonded in order to protect the Town. Town Engineer Korber said the way to think about bonding is what would happen if the developer left the project and the project was partially complete. It is really about restoring the lot so it is not either a visual or a hazard or a nuisance to people in the community. It is more about restoring the lot so it is more related to earthwork rather than buildings. You want to be able to restore the site in the event that you have to and no one is available to pay for it. Selectmen's Representative Robinson asked whether performance bonding is more related to restoring the site to the way it is now, versus putting in the infrastructure like storm drains or water or sewer or buildings or foundations. Town Engineer Korber agreed it was more related to restoring the site.

Member Beaudin said what if they are in the middle of constructing the retention ponds, or installing a water or sewer main. If the trees have all been cut but no drainage has been installed, how the drainage is going to be handled depends on what point in the project they are when they stop.

Town Attorney Peter Malia said he agreed with Beaudin. If you look at the Town's Site Plan Review Regulations:

ARTICLE XIII **PERFORMANCE GUARANTY OR BOND**

- A.** As a condition precedent to approval of any site plan, in lieu of completion of on- or off-site improvements, the developer shall file with the Board and Board of Selectmen before approval of the site plan an irrevocable letter of credit, a certified check payable to the Town of Lincoln or a faithful performance bond running to the Town and issued by a surety company acceptable to the Selectmen, in an amount of money equal to the total of the cost of construction of all streets, utilities and improvements, as specified in the site plan or such other surety acceptable to the Selectmen.
- B.** A performance agreement between the developer and the Town will specify the manner in which the on- or off-site improvements will be completed and the specific manner in which the surety will be released.

Town Engineer Korber said if the Planning Board is talking about site restoration, the Town wants to be able to close out the site. For example, with respect to utilities, the Town is going to want to terminate the utilities. The Town does not necessarily need to connect the utilities, but

the Town should at least terminate the utilities so that the utilities are not connected to the Town's public infrastructure. If the Planning Board wants to apply a different standard it can; the Town could decide to build out all of the infrastructure off site and on site. Basically, what the Town is looking for is no open-ended impact to the Town and no expenditure of Town funds in order to close out the property in a form that is beneficial to the Town. There are a lot of places to cut off the performance bond, but utilities are part of it. That is what he meant by "site restoration"; it is not just grading.

Possible Condition of Approval:

Applicant's Engineer Conway said each Town does it differently. For example, if she was putting in a water main, the Town would want the water main bonded so the Town knows the water main is in correctly. In this case it is a little different. Town Engineer Korber and she can have a conversation and determine exactly what would be appropriate to be bonded. Town Engineer Korber agreed. The Planning Board agreed performance bonding would be a condition of approval.

Attorney Peter Malia read portions of the Town of Conway's policies on performance bonding:

- "The amount of the performance bond shall be 50% of the cost of all site work appropriate bonding to cover the full cost of all landscaping and shall also be posted."
- "The Planning Board may waive the requirement to post bond for infrastructure, but not for site stabilization and erosion control."

Public Comment

"To open the hearing to public comment."

Motion: Member Beaudin

Second: Member Robinson

All in favor

There were no comments from the public.

"To close the hearing to public comment."

Motion: Member Beaudin

Second: Vice Chair Chenard

All in favor

Remaining Issues

As there is quite a bit of information outstanding and several of the Board members and Town staff feel that they have not had adequate time to review the plans in depth, they discussed the possibility of continuing the hearing.

Applicant Littleton Development Medical Properties, Inc.'s in house counsel, Attorney Barbara Peloquin requested that the Board grant approval for the project with conditions so the project can move forward. She added that the Board's approval does affect the purchase and sale negotiations and a continuance in the approval will cause an added risk factor for the project.

Town Engineer Korber stated that Town Public Works Director Hadaway expressed concerns about the condition of the Town-owned portion of Railroad Street and the rehabilitation of this road should be considered as a possible condition. Planner Bont stated that the meeting does not have to be put off until the end of May but could be continued until the May 12th meeting.

Planner Bont and Chairman Spanos compiled the following list of information, procedures, or other requirements necessary for the application to be fully considered is as follows:

1. **Condition of Railroad Street:** Investigate the condition of Railroad Street with Lincoln Director of Public Works (DPW) Nate Hadaway and come to an agreement about the following:
 - a. Whether Railroad Street needs to be upgraded, repaired or rehabilitated. Obtain a letter from Public Works Director Nate Haynes, about the condition of Railroad Street and state what road issues need to be addressed to permit the proposed project.
 - b. Who pays to upgrade/repair Railroad Street?
2. **State NH DOT Driveway Permit:** According to the NH DOT at the scoping meeting, the Town (or the Applicant) has to get a Driveway Permit from NH DOT where Railroad Street intersects with NH Route 112/Main Street/Kancamagus Highway (the NH DOT says the Town does) due to the proposed change of use of the businesses that use the driveway. With Lincoln Director of Public Works (DPW) Nate Hadaway come to an agreement about the following;
 - a. Determine who prepares and submits the application for a Driveway Permit.
 - b. Determine who pays for the preparation and submittal of an application for a Driveway Permit.
 - c. Determine who pays for any improvements to the intersection required by NH DOT.
3. **Alternation of Terrain Permit (AoT):** An Application for an AoT Permit was submitted to NH DES on April 28, 2021. No AoT permit has been issued yet and the AoT application has not been reviewed by Town Engineer yet;
4. **Water Capacity Study:** A Water Capacity Study was prepared and submitted, but not reviewed by Town Engineer yet;
5. **Sewer Capacity Study:** A Sewer Capacity Study was prepared and submitted, but not reviewed by Town Engineer yet;
6. **Hydraulic Study for Fire Protection (a/k/a Site Specific Fire Flow Analysis or a/k/a Fire Flow Capacity Study):** A Hydraulic Study for Fire Protection needs to be prepared

and submitted. Such a study has not been prepared, submitted or reviewed by the Town Engineer yet;

7. **Stormwater Management Plan:** A Stormwater Management Plan was prepared and submitted, but has not been reviewed by the State or the Town Engineer yet – it is under review;
 - a. **The Town Planning Board requires the Applicant to submit a letter from NH DOT** to the Town saying it is permissible for the applicant to discharge the proposed water drainage from the subject site onto the adjacent State property.
8. **Bond Amount and What Components of the Project Would Be Covered by the Bond:** Applicant's Engineer and the Town Engineer Ray Korber will work out what the bond amount should be and what components of the project would be covered by the bond. The Planning Board needs an amount before the Planning Board can grant an approval;
9. **Noncompliant Signage:** Proposed Free Standing Signage along US Route 93 that does not comply with the maximum height requirement of the Lincoln Sign Ordinance in the Land Use Plan Ordinance (LUPO) shall be submitted to the ZBA for a Special Exception and the need to go to the ZBA for a Special Exception shall be indicated on the Site Plan submitted to the Planning Board.
10. **Connector Road:** Connector Road shall not be used for ingress or egress to the subject property. It should be shown clearly on the Site Plan that no through traffic from the subject site shall be permitted to ingress or egress from Connector Road;

"To continue the hearing until May 12, 2021"

Motion: Member Beaudin

Vice Chair Chenard questioned whether it would be a good idea to do a site visit as this is fairly significant project. Chairman Spanos stated that members are welcome to do so on their own time.

Second: Vice Chair Chenard

All in favor

B. SPR 2020-11 M114 L080 Mt Coolidge Cn LLC - The Pines Detention Ponds

Site Plan Review Status Update Applicant/Developer/Property Owner requesting a site visit to inspect the rebuilt detention area at the Pines. Applicant signed an escrow agreement.

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

Applicant/Property Owner:

Richard (Rick) Elliott d/b/a Mt. Coolidge Construction, LLC
3 Amalia Drive
Nashua, NH 03063

Applicant's Representative:

Michael Shepard, Esq.
The Shepard Law Firm, P.C.
160 Federal Street
Boston, MA 02110

Re: Application for Site Plan Review Approval

Property: The Pines at Forest Ridge

(Map 114, Lot 080)

Property is located in the Rural Residential (RR) District.

Project:

Modification of the Site Plan Review 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 (INF) to a wet pond. The modifications do not propose any additional impervious area to the existing AoT 1445 (expired), and will disturb approximately 15,000 square feet.

NOTICE OF DECISION

APPROVAL GRANTED 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:**

- **The Owner/Applicant shall provide bonding which is payable to the Town for all on-site improvements (i.e., the construction, drainage and associated site work), in order to ensure that the Owner/Applicant will complete all site work in accordance with the plans.** In the event the bond is called by the Town, the Planning Board shall schedule and hold a public hearing to consider revocation of the Site Plan Approval per RSA 676:4-a. No further work may proceed on site, and no further Land Use Authorization Permits shall issue without Planning Board approval in the event the bond is called and 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 which includes a 15% contingency, which equals a total of \$82,167.00. The 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.
- **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.

- **The project shall be completed by November 30, 2020.**

Although the deadline to complete the ponds was November 30th and the ponds were well under way on that date, the ponds and the ponds' landscaping were still not "substantially complete" as of December 9, 2020. Mr. Elliot stated his intention was to purchase and position sod now so that the sod will germinate in the early spring. Furthermore, riprap and sod will be installed "as appropriate" down to the waterline. Mr. Elliot stated substantial completion would be done by the end of the next week (December 18th). Town Manager was expressed concern about the steepness of the incline down to the ponds and was concerned for life safety. Mr. Elliot stated that additional sloping would be done to create less of an incline into the ponds.

The Board planned to conduct a site visit prior to the next hearing set for January 20, 2021.

Elliott d/b/a Mount Coolidge Construction requested an extension and a public hearing on December 9, 2021. The hearing was continued to January 20, 2021 at 6:00 PM. Due to COVID-19, individual members of the Planning Board will visit the site separately prior to the meeting. Members of the public are invited to do the same.

At the hearing on January 20, 2021, Applicant Elliot explained that the detention ponds were not complete. The two (2) 20-inch (20") outfalls have not been raised up three inches (3") yet per the plan because the area was not yet vegetated enough to keep the soils from running off into the stream during the spring rains. After the spring runoff Applicant Elliott will raise those two (2) culverts up three inches (3"). Applicant Elliot will not ask the Board for a site visit or a release of funds until the project is complete and the engineer can sign off on the plan. Elliot's plan was to install temporary stop blocks to the twin culverts until spring when he will reconstruct the culverts to the correct elevations to match the approved plans. When Elliot installs a sidewalk in the spring, he will add vegetation to act as a barrier around the pond to keep young children out of harm's way. The Board will revisit this at their site visit. Mr. Elliot planned to have the project completed after the spring rains. The Board continued the hearing until April 28, 2021.

Presentation:

Applicant Rick Elliot informed the Planning Board that the drainage system "has worked perfectly throughout the spring runoff period". "No silt left the site and the holding pond water is clear enough to see the bottom." According to Rick Elliott, the water in the ponds exits the site through the four-inch (4") pipe and never reached the two (2) larger culverts. All of the

culverts and stone are in place and the vegetation is growing. Mr. Elliot will be contacting Horizons Engineering, Inc. to have them do a final approval.

Mr. Elliott said he has yet to install the guardrail/fence and provide the Town with the landscaping plan. This should be done within the next month and at which time he will request the return of the bond.

Engineer Korber will do the final review of the As-Built Plan and the submitted Construction Control Affidavits from the contractor and engineer when the project is complete. The Planning Board asked that Town Engineer Korber conduct a final site visit. The Planning Board will put this matter on the agenda again for May 26th.

"To continue the meeting until May 26, 2021."

Motion: Member Robinson

Second: Member Beaudin

All in favor.

IV. ADJOURNMENT

"To adjourn the meeting at 8:00 pm."

Motion: Member Robinson

Second: Member Ehrman

Motion carries

Respectfully submitted,

Brook Rose

Recording Secretary

Date Approved: 6/7/2021


James Spanos, Chairman

