



TOWN OF LINCOLN, NH
Planning & Zoning Department
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NOTICE OF DECISION

Site Plan Review – (“The Pines at Forest Ridge”) SPR 2014-09

Decided: June 25, 2014

Clarified: July 9, 2014 and July 23, 2014

Notice of Decision Issued: August 18, 2014

Agent for Applicant: Marc L. Burnell, Project Engineer
Horizons Engineering, Inc.
34 School Street
Littleton, NH 03561

Applicant: Mount Coolidge Construction, LLC
(Principal signatory being Richard K. “Rick” Elliott)
32 Hartwell Brook Drive
Nashua, NH 0306

Owner of M114, L080: New Jefferson Holdings, LLC
David Yager, General Manager
Nine Triangle Park Drive
P.O. Box 2650
Concord, NH 03302-2650

Formerly known as:
New Jefferson Development, LLC
Nine Triangle Park Drive
P.O. Box 2650
Concord, NH 03302-2650

Formerly owned by:
JORI Properties, LLC
John D. Hauser, Manager
c/o Richard K. Elliott
3 Amalia Drive
Nashua, NH 03063

Property:

Tax Map 114, Lot 080 - L/O Woodland Loop; (Rural Residential District)

Proposal: Agent, Marc L. Burnell, Project Engineer for Horizons Engineering, Inc., filed the Site Plan Review Application on behalf of Applicant Mount Coolidge Construction, LLC, and Property Owner New Jefferson Holdings, LLC. Applicant requested Site Plan Review approval to develop 24 residential housing units (12 duplexes) to be constructed on a 8.26 acres of forested land (not yet subdivided) within the Forest Ridge Development to be called “The Pines At Forest Ridge” in accordance with a Forest Ridge Development Master Plan (not yet submitted) under Article IV of the Lincoln Site Plan Review Regulations and Article VI, Section B, Paragraph 2, Chart of Residential Uses, and

Section C, Cluster Development of the Land Use Plan Ordinance. The Application was SPR 2014-09. The proposed lot will be located just north of the southern portion of Woodland Loop (a portion of Tax Map 114, Lot 080) located in the Rural Residential (R.R.) District.

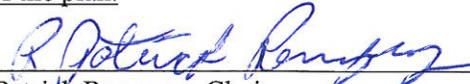
On June 25, 2014, after duly-noticed public hearing the Planning Board voted to **APPROVE WITH CONDITIONS** the Site Plan Review Application for "The Pines at Forest Ridge". (Condition #1 was clarified and revised slightly at the July 9, 2014, and July 23, 2014, meetings and is reflected in this approval.)

CONDITIONS OF APPROVAL:

- 1. The Applicant and/or Property Owner shall bond the "fixing" and repairing of the roads used for construction to the condition of the roads existing at the start of the project "The Pines At Forest Ridge".**
- 2. The Site Plan shall be subject to third party "peer" review by the town engineers. (In this case the Town will use the services of HEB Engineers, Inc.)**
- 3. The Applicant and/or Property Owner shall provide a new separate recycling center and make separate provisions for trash removal for "The Pines at Forest Ridge". The Pines at Forest Ridge shall not use the present recycling center for the Forest Ridge Development located on Tax Map 117, Lot 007 per the February 21, 2011, Planning Board decision.**
- 4. Prior to issuance of any Land Use Permit or Subdivision Approval or Site Plan Review Approval the applicant shall obtain all applicable state and federal permits and approvals and shall provide copies to the Town, including any permits obtained from NHDES and any documentation will be provided to the Town.**

Note: Conditional Site Plan Review approval was granted for two (2) years from the date of approval June 25, 2014, to an expiration date of June 24, 2016. If final approval has not been recorded one (1) year from this date the applicant must re-file for an extension for an additional six (6) month period, only if the plan is still in compliance with all town regulations in effect at that time. Before the final approval is extended, the Planning Board may require the applicant to appear before the Board to discuss the status of the project or any aspects of the plan.

Dated: August 18, 2014



R. Patrick Romprey, Chair
Planning Board Chair

Notice: This Notice of Decision has been placed on file and made available for public inspection in the records of the Planning Office on August 18, 2014. Any persons aggrieved by this decision of the Planning Board is referred to NH RSA 677:15, which sets forth the appeal procedure. Copies of this notice have been distributed on August 18, 2014, to:

Applicant's Agent: Marc L. Burnell, Project Engineer
Horizons Engineering, Inc.
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Littleton, NH 03561

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Board of Selectmen
Fire Chief
Town Clerk
Cartographic Associates, Inc.
Public Works Director
Tax Assessor

Posted at Town Offices on August 18, 2014

Posted at Post Office on August 18, 2014

677:15 Court Review

Last revised 1983

I. Any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the board voted to approve or disapprove the application; provided however, that if the petitioner shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 5 business days after the vote pursuant to RSA 676:3, II, the petitioner shall have the right to amend the petition within 30 days after the date on which the written decision was actually filed. This paragraph shall not apply to planning board decisions appealable to the board of adjustment pursuant to RSA 676:5, III. The 30-day time period shall be counted in calendar days beginning with the date following the date upon which the planning board voted to approve or disapprove the application, in accordance with RSA 21:35.

II. Upon presentation of such petition, the court may allow a certiorari order directed to the planning board to review such decision and shall prescribe therein the time within which return thereto shall be made and served upon the petitioner's attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the order shall stay proceedings upon the decision appealed from. The planning board shall not be required to return the original papers acted upon by it; but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof as may be called for by such order. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

III. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with the referee's findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

IV. The court shall give any hearing under this section priority on the court calendar.

V. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable. Costs shall not be allowed against the municipality unless it shall appear to the court that the planning board acted in bad faith or with malice in making the decision appealed from.

Revisions

1983, 447:1. 1991, 231:14. 1995, 243:7, 8. 2000, 144:4. 2005, 105:2, eff. Aug. 14, 2005. 2009, 266:4, eff. Sept. 14, 2009.