



TOWN OF LINCOLN, NH
Planning & Zoning Department
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September 6, 2013

NOTICE OF DECISION

SUBDIVISION (5 New Lots) AND LOT LINE ADJUSTMENT (3 Lots)

RE: **Property Owner:**
CVRI South Peak TRS, Inc. (formerly Southern Peaks Development)
c/o Ed Wendler
301 Congress Suite 500
Austin, TX 78701

Former owners:
MDR South Peak, LLC.
Centex Homes (dba Centex Destination Homes)

Applicant:
Ed Wendler, Development Manager
Cypress Real Estate Advisors
301 Congress Suite 500
Austin, TX 78701

Agent:
Michael Norman
Horizons Engineering
34 School Street
Littleton, NH 03561

Property: **Tax Map 118, Lot 039 – L/O South Peak Road**
Tax Map 121, Lot 71 (L/O South Peak Road)
Tax Map 121, Lot 73 (L/O South Peak Road)

On August 28, 2013, after duly-noticed public hearing, the Planning Board voted to **APPROVE** the Plan for a further **SUBDIVISION** of Tax Map 118, Lot 39 (presently 106.1 acres) to carve out five additional lots located near the East Branch Pemigewasset River. It will be called "Mountain Homes at South Peak, Phase II." Most of Tax Map 118, Lot 39, is located in the General Use (GU) Zone. A small portion is located in the Rural Residential (RR) Zone. All five proposed lots are located in the General Use Zone (GU). The size of the proposed subdivided lots will be as follows: Lot #1: 0.25 acres; Lot #2: 0.21 acres; Lot #3: 0.21 acres; Lot #4: 0.21 acres; Lot #5: 0.60 acres with the following **CONDITIONS**:

- 1) Raise the elevation of the site of Lot #1, Lot #2, Lot #3, and Lot #4 using fill so that the top of the slabs of the residences to be placed on the lots will be raised to an elevation of five (5) feet above the existing 100 Year Flood Hazard Elevation.

[The reason for this condition is for the safety of the future home owners who build or live on this site. The US Government by and through FEMA has indicated to the Town of Lincoln that it intends to raise the level of the "Special Flood Hazard Areas Inundated by 100-Year Flood" Zone AE higher than it is presently approved in the April 20, 2000 FIRM Flood Insurance Rate Map Panel 35 of 45 Community – Panel Number 330062 0035 D and the September 30, 2009 Preliminary FIRM Flood Insurance Rate Map Grafton County, Panel 445 of 1185, Map Number 33009C0444E.]

The raised elevation requirement does not apply to garages or the driveway.

The Planning Board also **APPROVED** a **LOT LINE ADJUSTMENT** of Tax Map 121, Lot 71 (L/O South Peak Road) and Tax Map 121, Lot 73 (L/O South Peak Road) and Tax Map 118, Lot 039 (L/O South Peak Road). Most of Tax Map 118, Lot 39, is located in the General Use (GU) Zone. A small portion is located in the Rural Residential (RR) Zone. Tax Map 121, Lot 71 and Tax Map 121, Lot 73 are located in the General Use Zone (GU). The size of the proposed subdivided lots will be as follows:

- Tax Map 121, Lot 71: will decrease from 0.50 Acres to 0.37 acres;
- Tax Map 121, Lot 73 will decrease from 0.67 Acres to 0.50 Acres; and
- Tax Map 118, Lot 039 will increase by 0.30 Acres.

(See May 25, 2011, Site Plan Review Approval Conditions for "MDR SouthPeak for Pemi Cabins")

Dated: September 6, 2013


R. Patrick Romprey
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 September 5, 2013. 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 September 6, 2011 to:

Owner
Applicant
Agent
Fire Chief
Board of Selectmen
Town Clerk
Tax Assessor
Cartographics Associates
Posted at Town Offices on September 6, 2013
Posted on the Town of Lincoln website, September 6, 2013

Attachment

NOTICE OF PLANNING BOARD APPROVAL
LINCOLN, NEW HAMPSHIRE

On May 25th, 2011, after a duly-noticed public hearing on May 11th, 2011 the Planning Board voted to **APPROVE** the plan for site plan review submitted to the Board on May 11, 2011 for property located at Tax Map 118, Lot 039, MDR SouthPeak. Any conditions to which the plan is subject to are listed below:

The following is an administrative condition precedent, to be met before signature and recording of the plat for the subdivision:

1. The applicant agrees to provide payment directly to H.E Bergeron Engineers for all cost for peer review associated with this application.

The following are the administrative conditions subsequent, to be met prior to issuance of a Building Permit:

1. The applicant agrees to adhere to the Town's Flood Plain District Regulations for any portion of the project which does, in fact, fall within the 100 year flood plain. Planning Board approval of the subdivision of land does not imply approval that the conceptual single-family homes indicated on the plans have met the Town's Flood Plain District Regulations. The applicant agrees to provide the Planning Board with a stamped plan from a licensed structural engineer that indicates that the proposed construction of any building located within the flood plain boundaries has been designed in accordance with the Town's Flood Plain District Regulations.
2. The applicant understands that building in a flood plain carries with it certain risks, costs, and liabilities, which are greater than building in a non flood plain area. The applicant agrees to assume those risks, costs and liabilities.
3. The applicant shall pay the current fees for new buildings in place at the time of building permit application.
4. The applicant shall obtain all applicable State and Federal permits and plan approvals and provide copies to the Town of Lincoln.
5. The applicant will honor applicable agreements contained within the Planning Board approved South Peak Resort Master Plan.
6. For each phase of the subdivision the applicant shall (i) complete water and sewer infrastructure and road construction (paved base course) to the satisfaction of the Town Manager, or (ii) supply a performance guarantee in the form of an irrevocable letter of credit in the amount of 100% of the cost of construction of water/sewer infrastructure and road improvements, as to be determined by the Town of Lincoln (the "surety"), prior to the sale of any lot within that phase. The three phases referred to in this condition of approval are recognized by the Town of Lincoln and MDR South Peak as follows:

Bonding Phase I – No surety need be posted for the completed water and sewer infrastructure and road construction serving Lots PR-1 through PR-8, Lot PR-35 and Lot PR-36 (from the east entrance of South Peak Road through ST 11+50).

Bonding Phase II - Lots PR-9 through PR-27 shall not be sold until the water and sewer infrastructure and road construction have been completed from ST 11+50 through ST 35+00 or the surety for any uncompleted portions of that work is in place.

Bonding Phase III - Lots PR-28 through PR-34 shall not be sold until the water and sewer infrastructure and road construction have been completed for the entire cul-de-sac (currently unnamed) access road or the surety for any uncompleted portions of that work is in place.

Applicant shall determine sequence in which Phases II and III will be completed.

7. The applicant accepts full responsibility for maintenance of roadways and infrastructure located on the subdivision property, in perpetuity.

/S/

Pat Romprey, Planning Board Chair

