



**TOWN OF LINCOLN, NH**  
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May 26, 2011

**NOTICE OF DECISION**

RE: MDR SouthPeak for Pemi Cabins Subdivision  
(Tax Map 118 Lot 039)

The application for Site Plan Review submitted by MDR SouthPeak was **APPROVED** by vote of the Lincoln Planning Board on May 25th, 2011 with the following conditions:

- 1) **See attached list of Conditions**

Dated: May 26, 2011

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Michele Alexander  
Planning Administrator

Notice: This Notice of Decision has been placed on file and made available for public inspection in the records of the Planning Office on May 26, 2011. 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 May 26, 2011 to:

Applicant: MDR SouthPeak  
Board of Selectmen  
Town Clerk  
Tax Assessor  
Posted at Town Offices on May 26, 2011  
Posted on the Town of Lincoln website, May 26, 2011

## **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.

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Pat Romprey, Planning Board Chair