**Summary of the Approvals for Wallis Road Properties Sea Glass Lane Development on Wallis Road, a Retirement Community Development (RCD)**

An Amendment to the Conditional Use Permit for this development is proposed by Wallis Road Properties for hearing at the July 8, 2014 Planning Board Meeting

**Amendment to the Conditional Use Permit issued by the Rye Planning Board on 3/7/2014 for the property owned by Wallis Properties, LLC ...to change conditions #6 to change from 12 units allowed to be 2,160 s.f to all of the units; and Amendment to the Major Site Development to change condition #7 to allow for finished basements and request an administrative decision by the board that 3-seaon unheated sunrooms or porches be allowed.**

The following article describes past approvals, waivers, and variances for the project.

References are made to the 2013 Rye Ordinance Section 401 Retirement Community Development (RCD) starting a page 40 <http://www.town.rye.nh.us/Pages/RyeNH_BComm/Planning/2013_Zoning_Ordinance.pdf>

Sections 401.4 (A)-(Q) Requirements for RCD’s

1. **The Land:** As stated by the applicant at different meetings, there are 90+ acres of land in total. The project is made up of three main parts.
	1. A lot line revision was done to put a large "back parcel" " into potential conservation; but there is still pending negotiations and approval to move forward.
	2. The second part is the Retirement Community Development (RCD) for twenty (20) homes in condominium ownership, which is made up of approximately 17 acres with approx. 11 acres remaining in conservation common space thus meeting the RCD requirement for overall (B) Parcel Size of more than 10 acres and that (P) that at least 50% (actual 64%) remain in common protected open space
	3. The third part is a separate 1 acre lot, which houses the existing barn with access across this lot granted via an easement to the RCD with a variance granted for lack of frontage by the Zoning Board of Adjustment as the RCD lot does not have the street frontage required by (C) Frontage.
2. **(L) Occupancy:** waived to allow up to 75 days occupancy per 12 month period by persons under 62.
3. **(M) Living Space and (P) Cluster Bonus for up to 20 units:**
	1. During Special Use Permitting the applicant stated that they would build units below the 1800 square foot maximum living space and were granted the cluster bonus of up to 20 units.
	2. Subsequently they requested a waiver to build 12 of the units to a maximum 2160 square feet of living space. The 1800 square foot maximum living space in the Ordinance was intended to encourage more affordable units as they are smaller. The applicant proposed zero units as a potential additional 2 unit bonus as classified by town standards as an “affordable housing unit” (elderly property tax exemption asset and income limits and overall if owned principal, interest, and HOA fees not to exceed 40%).
	3. At the 6/24/14 Planning Board Technical Review Committee and for the July 8, 2014 Planning Board meeting the applicant requested that all of 20 units be up to 2160 square feet, that permission be given to finish the basement (approximately 600 square feet), and that roof covered screen or 3 season decks/porches be permitted.
4. **(N) Parking:** The Ordinance calls for a one-car garage and one other space. The applicant proposed and was granted a 24 x 22 foot garage, a 2-car garage. Subsequently it was determined that this change is more than 20% and further not subject to a potential waiver and thus “not allowed” by the RCD Ordinance. The Planning Board made an “administrative determination” that a 2 car garage meets the requirements of Section 401.4 (N)
5. **401.8 Waivers:** The 2006 RCD Ordinance (amended to 2013) as written and approved by the voters only allows waivers that do not deviate from the requirements by more than 20% and only for (C) Frontage (E) Density (J) or (K) Buffer. Waivers or effectively waivers through administrative determination were granted for (L) Occupancy, (M) Living Space, (N) Parking. The Ordinance was subsequently amended and approved by the voters to correct what was termed a “typo” and now lists additional elements that could be waived.