


July 10, 2018

Tentatively Approved Except for Nos. 7, 19, 20, 21 & 30 (emboldened).

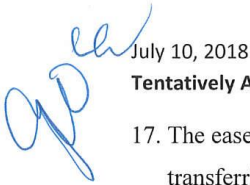
CONDITIONS OF APPROVAL
THE HOUSING PARTNERSHIP MAJOR SUBDIVISION/S.U.P. APPROVAL

1. All conditions of approval of the Conditional Use Permit required by the Aquifer and Wellhead Protection District shall apply to the subdivision/land development.
2. The plans shall be revised as follows:
 - a. Street names shall be submitted to the building department and approved by the building inspector and added to the plans.
 - b. Items Nos. 2 -6 of Attorney Donovan's 6/29/18 memorandum need to be added.
 - c. Add the fence to the legend on all applicable plan sheets.
 - d. Make the revision date on Sht. C3A current.
 - e. Show the stockade fence on the utility drawings.
3. A condominium association shall be created for the development. Town counsel shall review and approve the *Declaration, Bylaws and other condominium instruments* and any other legal instruments required to form the association.
4. A Drainage Easement from Rye Airfield RCD I, Inc. to the applicant over Lot 15-3 to benefit Lot 15-4 shall be reviewed and approved by town counsel.
5. A pedestrian easement from Rickert Investment Real Estate, LLC to the applicant over Lot 10/16 to benefit Lot 15-4 shall be reviewed and approved by town counsel.
6. The applicant shall grant the town an easement relative to maintenance and repair of the rain garden and forebay. The easement shall: (1) require the applicant/condominium association to be responsible for maintenance and repair of the drainage facilities; and (2) provide that, if the applicant or association fails to maintain or repair the facilities, the town, after notice, shall have the right, but not the obligation, to do so. In such case the association shall be responsible for reimbursing the town for its expenses. If the town has to commence a legal action to obtain payment, the town shall be entitled to its costs and reasonable attorney's fees. This easement shall be reviewed and approved by town counsel.

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7. **The mechanism for assuring compliance with the work force housing requirement shall be approved by town counsel and the TRC.**
8. The Stormwater Inspection and Maintenance Plan shall be approved by planning board engineer. The association shall be responsible for compliance with this plan. Said responsibility to be set forth in the *Declaration*. The plan should be revised to indicate that mowing takes place once a year at the minimum.
9. Surety in the amount of \$958,450 and in the form of a self-calling letter of credit and/or cash escrow shall be posted to guarantee the completion of all infrastructure, including the private drives, all drainage facilities, water lines, sidewalks, retaining walls and fences. Surety to be approved by town counsel.
10. Sufficient funds shall be placed in escrow with the planning board to pay final statements of planning board engineer, town counsel and Consultant Truslow.
11. Applicant shall sign an Escrow Agreement and post escrow for planning board engineer's monitoring of infrastructure improvements. Amount to be determined by planning board engineer.
12. DES approval of septic systems and an AoT permit shall be obtained.
13. Planning board chair may sign plans when foregoing conditions Nos. 2-12 are met.
14. Plan Sheets Nos. C2, C3a and C3b shall be recorded along with a Certification of Major Site Development Review Approval and the Boundary Line Adjustment Plan.
15. The condominium shall be registered by the Attorney General as required by the N.H. Condominium Act.
16. Any changes to the *Declaration, Bylaws and other condominium instruments* or to any other legal instruments required to form the association required by the Attorney General that do not affect the Town of Rye's land use approvals may be made by the developer after review by town counsel.

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17. The easements required by Conditions Nos. 4, 5 and 6 shall be recorded with the deed transferring the property to the developer. Copies shall be provided to the planning board and town counsel.
18. The *Declaration, Bylaws and other condominium instruments* and any other legal instruments required to form the association shall be recorded with the deed transferring the property to the developer. Copies shall be provided to the planning board and town counsel.
19. **Condition on ownership and maintenance responsibility for Airport Drive??**
20. **One (1) workforce housing unit shall be established for each group of five (5) dwelling units built. After the initial five (5) units have been permitted, building permits will not be issued for subsequent units unless 20% of all prior permitted units have been established and occupied as work force housing.**
21. **If workforce housing units are not marketable as owner-occupied units, they may be rented to tenant families who meet the workforce housing definition of RSA 674:58.**
22. The build out of the development shall comply with the Growth Management Ordinance.
23. The Fire Chief or the Police Chief may order windrows of snow along the drives to be removed if in his/her opinion piled snow inhibits access by emergency vehicles.
24. Water lines, hydrants and appurtenances thereto shall be constructed in accordance with Rye Water District requirements.
25. The number of bedrooms served by each septic system shall not exceed the maximum number of bedrooms set forth in the "Site Septic Loading Table" on Sht. SS1.
26. "Monumentation shall be installed as required by the *Land Development Regulations*. A certificate of Monumentation shall be provided to the Planning Board and Building Inspector prior to the first occupancy permit being issued. Grading of lots shall not disturb installed monumentation. If development disturbs or covers monuments, the monuments shall be reestablished by a surveyor and a new Certificate of Monumentation provided.
27. For the purposes of RSA 674:39 "Active and Substantial Development or Building" shall be commencement of excavation for construction of the drives.
28. As-built plans for roadway, drainage, sidewalks, septic systems and the retaining wall shall be submitted to the planning board (3 sets).