

August 14, 2018
As Approved

RYE PLANNING BOARD

10 Central Road Rye, NH 03870 (603) 964-9800

Notice of Decision

Applicant: The Housing Partnership

Owner: Rickert Inv Real Estate LLC

Property: 0 Airfield Drive, Tax Map 10, Lot 15-4
Commercial District

Case: Case #07-2017

Application: Major Subdivision, Lot Line Adjustment and Conditional Use Permit by the Housing Partnership for Property located 0 Airfield Drive, Tax Map 10, Lot 15-4 for construction of a residential development consisting of a mixture of multi-family dwellings with a portion being dedicated as Workforce Housing. Property is in the Commercial Zoning District and the Multi-Family Dwelling District Overlay and the Aquifer and Wellhead Protection District.

Date of Decision: Tuesday, August 14, 2018

Decision: X Conditionally Approved

402.4 The Planning Board unanimously voted on the record, that the multi-family development met the following standards:

- 1.All requirements of Section 402.4 have been met. (This may be a single vote on the record).**
- 2.The granting of the Special Use Permit will not be detrimental to adjacent property or the neighborhood.**
- 3.The granting of the Special Use Permit will not be detrimental to the public safety, health or welfare.**
- 4.The granting of the Special Use Permit will not be contrary to the public interest.**

The Planning Board voted to conditionally approve the Special Use Permit (S.U.P) for the development of workforce housing. See attached Conditions of Approval: The Housing Partnership Major Subdivision/S.U. P Approval.

8/16/18
Date



William Epperson, Chairman
Rye Planning Board

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**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. Compliance with the Stormwater Inspection and Maintenance Plan approved by planning board engineer shall be the responsibility of the Association. 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.
8. 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.
9. Sufficient funds shall be placed in escrow with the planning board to pay final statements of planning board engineer, town counsel and Consultant Truslow.
10. 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.
11. DES approval of septic systems and an AoT permit shall be obtained.
12. Planning board chair may sign plans when foregoing conditions Nos. 2-11 are met.
13. 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.
14. The condominium shall be registered by the Attorney General as required by the N.H. Condominium Act.
15. 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.
16. 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.

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17. The *Declaration, Bylaws and other condominium instruments* and any other legal instruments required to form the association shall be recorded prior to the issuance of the first building permit. Copies shall be provided to the planning board and town counsel. This condition supersedes Condition No. 11 of the CUP approval which requires recording upon transfer of the property to THP.
18. There shall be a Road and Utility Maintenance Agreement executed by Rickert Investment Real Estate, LLC and The Housing Partnership which allocates the responsibility for repair and maintenance of Airfield Drive and the utilities therein equally among the Rickert, THP and the Condominium Association. The agreement shall be approved by town counsel and recorded with the Declaration.
19. The Workforce Housing Subsidy Lien and Restrictive Covenant as revised and approved by the planning board on August 14, 2018 shall be signed by the planning board chair and THP and recorded with the plan sheets and Certification of Approval. (See Condition No. 13). Each subsequent owner of a workforce housing unit shall sign and record the lien and restrictive covenant upon purchase of a workforce housing unit.
20. THP shall designate at least one workforce housing unit for every five (5) units permitted until a total of eight (8) workforce housing units have been permitted. Eight (8) of the ten (10) dwellings shall have one (1) workforce housing unit. The workforce housing units shall be of the same quality as market units and shall be dispersed evenly throughout the development. THP will provide status reports to the planning board documenting that this condition is being met.
21. If workforce housing units are not marketable as owner-occupied units, they may be rented to tenant families who meet the workforce housing requirements of the Rye Zoning Ordinance. Workforce housing units shall remain on the sales market for at least 6 months beginning at the later of the date of the first permit issued by the building department and the date the unit is first listed for sale and actively marketed. THP shall notify the planning board of any workforce housing unit to be rented rather than sold.
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.

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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).
29. Per Section 303.7 of the *Land Development Regulations*, this conditional approval shall expire in 18 months if the chair has not signed the plan as the result of the applicant's failure to meet those conditions necessary to permit the chair to sign the plan.
30. Emblems marking the "No Cut Area" with language approved by the building inspector and spaced not less than 40 feet apart shall be installed prior to the issuance of the first building permit.
31. Construction and building activity shall be limited to 7 a.m. to 5 p.m. Monday to Friday.

8/16/18
Date



William Epperson, Chairman
Rye Planning Board